



School Complaints Procedure (Revised July 2024)

1. Purpose of the Complaints Procedure

This procedure aims to reassure parents and others with an interest in the school that:

- any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- the school recognises that a willingness to listen to comments and criticism and to respond positively can lead to improvements in school practices and provision for pupils.

2. Scope of the Procedure

2.1 The procedure takes account of the Best Practice Advice for School Complaints Procedures 2021 issued by the DfE in January 2021.

2.2 Complainants may be anyone with an interest in the work of the school e.g. parents, carers, guardians, grandparents, neighbours of the school. However, it is expected that it will be mainly parents or guardians who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term, but the procedure also applies in relation to any other type of complainant.

2.3 A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the school's work.

2.4 This procedure covers all complaints about the provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures:

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs and Disability (SEND) • School re-organisation proposals 	<p>Concerns should be raised directly with local authorities.</p> <p>Admissions - 01942 489013</p> <p>SEND 01942 486136</p> <p>School re-organisation – contact details will be stated in any re-organisation proposal consultation document</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). http://www.wigan.gov.uk/Services/HealthSocialCare/ChildProtection/WSCB/ProfessionalReferralForm.htm</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff Grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff Conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
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3. **General**

- 3.1 The school and/or parent may request advice or guidance from Wigan Council's People Directorate: Children and Families on the application of these procedures. However, it is the responsibility of the school to investigate the complaint and make any decisions on the outcomes.
- 3.2 Confidential records of all conversations and meetings with parents to resolve complaints should be kept. At a Trustees' Complaints Panel meeting, minutes will be taken. To help prevent recurring complaints, confidential copies of correspondence and notes will be kept on file in the school's records but be held separate from individual pupil records.
- 3.3 If at any stage in the procedure it becomes apparent that the complaint falls outside the remit of these procedures, parents will be informed.
- 3.4 Complaints should be made as soon as possible after an incident arises and usually within three months, however, exceptions may be granted in extenuating circumstances.
- 3.5 Extensions to timelines will be at the discretion of the Chair of the Trustees.

4. **Serial or Persistent Complaints**

- 4.1 If the complainant contacts the school repeatedly about the same matter, then such communications may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must not mark a complaint as 'serial' before the complainant has completed the procedure.
- 4.2 The decision to stop responding or to mark a complaint as persistent should never be taken lightly. The following will be considered:
 - The school has taken every reasonable step to address the complainant's needs.
 - The complainant has already been given a clear statement of the school's position and their options (if any); and the complainant is contacting the school repeatedly and / or making substantially the

- same points each time.
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.
 - Their letters/emails/telephone calls are often or always abusive or aggressive.
 - They make insulting personal comments, inaccurate comments about or threats towards staff
- 4.3 The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.
- 4.4 Where the Headteacher and/or Chair of Trustees judges a complaint to be serial or persistent they should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school.
- 4.5 The Headteacher or Chair of Trustees, as appropriate, should write to the complainant and explain this decision and the reasons for it and what action will follow, if applicable.
- 4.6 Where a complainant seeks to reopen a matter which is the same as, or similar to, a matter previously considered under the procedure, the Headteacher or Chair of Trustees has the right to inform him/her that the procedure has been exhausted and the matter is closed.
- 4.7 The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information requests, 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the FOI Act. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.
- More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

5. Banning from School Premises

- 5.1 Schools are private places; the public has no automatic right of entry. If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises.
- 5.2 In serious cases, the headteacher or the local authority can notify them in writing that their implied permission to be on school premises has been temporarily removed subject to a later review. If this decision is taken, schools are advised always to put it in writing and explain how the decision can be appealed. Schools should also give the individual the opportunity to formally express their views on the decision to ban in writing.
- 5.3 The decision should then be reviewed and either confirmed or lifted. If the decision is confirmed the individual should be notified in writing, explaining how long the ban will be in place.
- 5.4 Anyone wishing to complain about being banned can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about banning cannot be escalated to the Department for Education. Once the school procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

6. Withdrawal of Complaints

- 6.1 Complaints may be withdrawn at any stage by the complainant by giving notice in writing.

7. Stage 1: Informal Stage

- 7.1 On occasion, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. Regardless of this, the school will aim to resolve the concern at this point in a speedy and effective way.
- 7.2 However, if the concern is not resolved immediately and the parent confirms they wish the matter to be dealt with as a complaint, the opportunity to discuss the matter with an appropriate member of staff will be given e.g., Headteacher, Key Stage Leader, Head of Faculty, Member of the Pastoral Team. In the case of a complaint against the Headteacher, the complainant should, whenever possible, discuss their concerns with the Headteacher in the first instance. However, should the complainant be unable to do this, then they may proceed directly to Stage 2 of the procedure by writing to the Chair of Trustees care of the school, marking the letter "Private and Confidential".

- 7.3 If a parent raises a complaint with a Trustee, then the Trustee should refer the complainant to the Headteacher or appropriate member of staff.
- 7.4 The member of staff will discuss the issue with the parent and those involved in the school, with the aim of resolving the complaint as soon as possible. The parent will be informed in writing of the outcome of the investigation and what action, if any, the school proposes to take.
- 7.5 It is anticipated that the majority of complaints will be resolved at this stage. However, if the informal process has been exhausted and no satisfactory solution has been found, the parent will be informed by the school of how to progress the matter to Stage 2 of the School Complaints Procedure.

8. Stage 2: Referral to the Chair of Trustees or Headteacher for further investigation

- 8.1 If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Headteacher or Chair of Trustees, via the school using the form attached at Appendix 2. The form should be submitted within **ten school days** of receiving the written response at Stage 1. A copy of the form should be retained by the parent. Advice on how to complete the form may be requested from Wigan Council's People Directorate: Children and Families Governor Services team. Before proceeding with Stage 2, the complainant should carefully review the Policy for Unreasonable Complaints (Appendix 1). If a complaint falls within any of these criteria, the complaint will not proceed to Stage 2.
- 8.2 Where the complaint was addressed by the Headteacher at Stage 1, Stage 2 will be undertaken by the Chair of Trustees. Where another staff member has addressed the complaint at stage one, this stage will be heard by the Headteacher.
- 8.3 The Chair of Trustees or Headteacher will acknowledge the written complaint within **five school days** of receipt and provide an opportunity to meet the parent to discuss the complaint within the following **ten school days**.
- 8.4 Following discussion with the parent, the Chair of Trustees or Headteacher will investigate the complaint and a written response will whenever possible be made within **twenty school days** of the meeting. Where the parent refuses the offer of such a meeting the Chair of Trustees or Headteacher will inform the parent of the outcome of their investigation within **twenty school days** of receipt of the written complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised date by which they will respond.
- 8.5 The written response, when appropriate, will include reasons for the conclusions reached by the Chair of Trustees or Headteacher and what action, if any, the school proposes to take to resolve the matter. The written response will also inform the parent how to progress the matter to Stage 3 of the School

Complaints Procedure if they believe that the matter has not been adequately resolved at Stage 2.

9. **Stage 3: Review by the Trustees' Complaints Panel**

- 9.1 If the parent remains dissatisfied, they will be advised that, in order to progress further to Stage 3, they must notify the Clerk to the Governing Body in writing within two school days of receipt of the written response at Stage 2, enclosing a copy of the original complaint form. Before proceeding with Stage 3, the complainant should carefully review the Policy for Unreasonable Complaints (Appendix 1). If a complaint falls within any of these criteria, the complaint will not proceed to Stage 3.
- 9.2 Except in exceptional circumstances, should the parent not inform the Secretary to Trustees of their intention to proceed to Stage 3 within **two school days** of receipt of the written response at Stage 2, the complaint will be considered closed.
- 9.3 Complaints only rarely reach Stage 3. However, when the need arises, the **The Trustees' Complaints Panel** will consider complaints at this stage. (The TCP will be convened in accordance with the guidance set out at Appendix 3).
- 9.4 A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the procedure will be sent to the parent by the Secretary to Trustees within **five school days**.
- 9.5 The letter will inform the parent that the complaint will be heard by the Trustees' Complaints Panel (TCP) within **twenty school days** of receiving the complaint. Any request, by either party, to extend this time limit must be put in writing to the Secretary to Trustees. The letter will also inform the parent of the right to submit any further documents other than the complaint form and that these must be made available to the Secretary within **five school days** of receipt of the acknowledgement letter. The right of the parent to be accompanied by a companion of their choice and the right to call witnesses to the meeting, subject to the approval of the Chair of the TCP, will also be explained in the letter. The Secretary to Trustees should be informed of the names of any witnesses being called and their relevance to the complaint.
- 9.6 The Secretary to Trustees will send a copy of the letter of acknowledgement to the complaint to the Chair of Trustees and/or Headteacher and will request that a copy of the written response made at Stage 2, and any other documents for consideration at the hearing be submitted within **five school days** of receipt of the letter. The right to call witnesses to the meeting, subject to the approval of the Chair of the TCP, will also be explained in the letter. The Secretary to Trustees should be informed of the names of any witnesses being called and their relevance to the complaint.

- 9.7 The Secretary to Trustees will then convene a TCP meeting, having consulted with all parties on convenient times. The date, time and venue for the meeting will then be confirmed at least **ten school days** in advance.
- 9.8 All relevant documents provided by both parties will be forwarded by the Clerk of the TCP to the parent, the Chair of Trustees and/or Headteacher; and each panel member. These will be provided as soon as possible and, in any event, at least **five school days** prior to the meeting.
- 9.9 The meeting will be held following the procedures for hearing a complaint detailed in Appendix 3.
- 9.10 Failure by the parent to attend the hearing without reasonable cause could result in the hearing going ahead and a decision being made in their absence. The decision to proceed with the hearing without the presence of the parent will be at the discretion of the TCP.
- 9.11 The parent has the right to request that their complaint is heard by an independent panel if they believe there is likely to be bias in the proceedings. Trustees should consider the request, but the final decision is theirs.
- 9.12 A written decision will be sent to the parent and the Chair of Trustees and/or Headteacher by the Chair of the TCP within **ten school days** of the hearing.
- 9.13 The letter will give details of the decision of the TCP and confirm that the decision of the panel is final.
- 9.14 If a complaint procedure has been exhausted and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised, however will only act where the Board of Trustees has acted unlawfully or unreasonably and where it is expedient or practical to do so.
- 9.15 The Secretary of State's powers are delegated to the Education and Skills Funding Agency. The Agency (ESFA) will examine if the complaint policy and any other relevant statutory policies were followed in accordance with the provisions they set out. ESFA also examines policies to determine if they adhere to education legislation. However, ESFA will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.
- 9.16 ESFA will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If ESFA finds that the school has not handled a complaint in accordance with its procedure, the school may be required to re-consider the complaint.
- 9.17 The Local Authority has no role in reviewing the application by the school of its

complaints procedures or in investigating the outcome of complaints (other than those detailed in section 2).

10. Complaints concerning a Trustee

10.1 Complaints concerning a Trustee or the Chair of Trustees

In the case of a complaint made against a Trustee, the Chair of Trustees will investigate the matter and then decide on any appropriate action. Where appropriate this could include making a recommendation to the Board of Trustees about possible suspension. Where the complaint is against the Chair of Trustees the Vice –Chair will undertake the investigation and reach a decision. The Chair or Vice-Chair will write to the complainant giving details of their decision within **fifteen school days** of receipt of the complaint.

The complainant can appeal against the decision of the Chair or Vice-Chair within a maximum of **ten school days** of receipt of the decision letter. The Board of Trustees can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint three other Trustees to form a complaints panel to investigate and make a recommendation by majority decision to the Board of Trustees.

Where it is not possible to appoint three Trustees with no prior involvement of the case The School Governance (Collaboration) (England) Regulations 2003 may be utilised to enable the Board of Trustees to arrange for this function to be discharged jointly with other schools.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Fred Longworth High School. They will consider whether Fred Longworth High School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester

Appendix 1 Policy for Unreasonable Complainants

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable or unreasonable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints.*'

A complaint may be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information, misinformed or one-sided opinions of unresolved matters in a variety of media such as social media websites, closed parent groups on What's App or similar applications, and newspapers.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- rejects reasonable explanations or solutions that have already been put forward by the school in dealing with the matter;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or

responses concluding that the complaint is groundless or has been addressed);

- refuses to accept the findings of an investigation;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff in person, in writing, by email and by telephone.
- Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
- Whenever possible, the Headteacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking;
- If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

Your name:

Pupil's name:

(if applicable)

Your relationship to the pupil:

(if applicable)

Address:

Postcode:

Daytime telephone

number: Evening

telephone number:

Please give details of your complaint. (Continue on a separate sheet if necessary)

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel would resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

FOR SCHOOL USE:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Please complete and return to..... (Headteacher/Chair of Trustees c/o the school) who will acknowledge receipt and explain what action will be taken.

Role

The panel has the power to make decisions on behalf of the Board of Trustees and may

- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint if the complaint is upheld
- where appropriate recommend, at the next meeting of the full Board of Trustees, changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Membership

A pool of Trustees will be named for this purpose.

Where it is not possible to appoint Trustees with no prior involvement of the case the Board of Trustees may choose to utilise The School Governance (Collaboration) (England) Regulations 2003 to arrange for this function to be discharged jointly or wholly by governors from other schools.

No member of the Trustees' Complaints Panel should have had prior involvement with the complaint or complainant.

The Chair of the Trustees' Complaints Panel will be agreed prior to the meeting.

The Headteacher will not be a member of the Trustees' Complaints Panel. If the Chair of the Board of Trustees has been involved at an earlier stage in the procedure, they also should not be a member of the Trustees' Complaints Panel. Their role would be to attend the panel hearing to give evidence of what had been done to address the complaint in earlier stages.

The academy must ensure at least one member of the panel is independent of the management and running of the academy. The panel cannot be made up solely of Board of Trustee members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

Appendix 3a Trustees' Complaints Panel Procedures for Hearing a Complaint at Stage 3

Introduction

The aim of the meeting is to resolve the complaint and achieve a satisfactory outcome for the parent and the school.

The Chair of the TCP will ensure that the meeting is properly managed and minuted.

Although the meeting will follow the structured order below, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease, given potential sensitivities and anxieties.

If new information or witnesses are introduced at the meeting which had not previously been notified to the Clerk, the panel may adjourn the meeting so that everyone has time to consider and respond to the new information.

Order of Meeting

1. The parent/companion explains the complaint, calling in witnesses if appropriate.
2. The TCP may ask questions of the parent/companion and any witnesses.
3. The parent and companion leave the meeting.
4. The Chair welcomes the Headteacher and the Chair of Trustees (where the complaint has been addressed by the Chair of Trustees at Stage 2).
5. The Chair explains the purpose of the meeting, the procedure, and asks for confirmation that all written evidence has been made available to all parties.
6. The Headteacher/Chair of Trustees present a response to the complaint, including describing the action taken to address the complaint at Stages 1 and 2 of the procedure and calling witnesses, if appropriate.
7. The TCP may ask questions of the Headteacher/Chair of Trustees.
8. The Headteacher and Chair of Trustees leave the meeting.
9. The parent, together with his/her companion, is invited back into the room to make a final statement, then leaves the meeting.

10. The Headteacher, together with the Chair of Trustees, where applicable, is invited back into the room to make a final statement, and then leaves the meeting.
11. In exceptional circumstances the panel may decide at any stage to adjourn the hearing pending further investigation.
12. The panel will then consider the information that has been presented. The Clerk will remain for this part of the meeting in order to clarify anything, if necessary, but the Trustees' deliberations will not be minuted.
13. The TCP will consider the complaint and must reach a majority decision. The TCP will also decide what action (if any) to take to resolve the complaint and, if appropriate, recommend to the full Board of Trustees changes to ensure similar complaints are not made in future.
14. When a decision has been made, the Chair first recalls the parent, then the Headteacher/Chair of Trustees and each is informed of the outcome and any recommended action to be taken.
15. The Clerk will confirm all outcomes in writing to all parties, in accordance with paragraphs 9.12 of the Complaints Procedure. A copy of the panel hearing findings and recommendations will be kept on school premises and made available for inspection.

Appeals should be directed to:

Secretary of State for Education
School Complaints Unit
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2W
