

# Lowton West Primary School



## School Compliments and Complaints Policy

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Ratified by Governing Body:

Dr G Merrett (Chair of Governors)

Mrs J Westhead (Headteacher)

Review date: July 2024



## Lowton West Primary School

### School Compliments and Complaints Policy

*Aiming High Together*

#### School Vision

To Inspire, Achieve and Succeed, we will aim high and build dreams and futures together.

#### Mission Statement

**Providing the highest quality education, care and support for the whole school community.**

*Our mission statement is based on RESPECT:*

*R = Recognising the needs of the individual child*

*E = Ensuring a unique and engaging curriculum*

*S = Supporting each other to learn and achieve*

*P = Passionate about providing the highest quality education*

*E = Encouraging creativity, self – expression and imagination*

*C = Creating confident, resilient, life – long learners*

*T = The voice of everybody is heard*

All the above statements help us to understand how we can all make a positive contribution to the school and the wider community.

#### **We will do this through our core values:**

- Respect
- Resilience
- Kindness
- Confidence

We also, at Lowton West Primary School, strive to develop and uphold British Values. The five British values that the Government has identified for schools to focus on are:

- Democracy
- The Rule of Law
- Individual liberty and mutual respect and tolerance of those with different faiths and beliefs

- Developing personal and social responsibility
- Respect for British Institutions

There are more details on how our school demonstrates and develops these British Values in our British Values Policy and on our website.

## Introduction

This policy takes account of the Best Practice Advice for Schools Complaints Procedure 2020 issued by the DfE, last updated January 2021.

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

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

## The difference between a concern and a complaint

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Lowton West Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Complainants may be anyone with an interest in the work of the school, e.g. parents, carers, 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 as a generic term, but the procedure applies in relation to any other type of complainant.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Lowton West Primary School; other than complaints that are dealt with under other statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Exceptions	Who to contact
Admissions to school	Concerns should be raised with the local authority: Admissions: <u><a href="http://wigan.gov.uk">School admissions appeals (wigan.gov.uk)</a></u> School Organisation Team, 3 <sup>rd</sup> Floor, Waterside House, Waterside Drive, Wigan WN3 5AZ 01942 489013
Statutory assessments of Special Educational Needs	SEND <u><a href="http://wigan.gov.uk">SEND Information, Advice and Support (IAS) Service (wigan.gov.uk)</a></u>

School reorganisation proposals	School reorganisation – contact details will be stated in any reorganization proposal consultation document
Safeguarding	<p>Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>Further information on safeguarding referrals can be found at: Wigan Children’s Safeguarding Board.  <u><a href="http://wiganlscb.com">Report concerns about a child (wiganlscb.com)</a></u></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).  <u><a href="http://wiganlscb.com">Local Authority Designated Officer (LADO)(wiganlscb.com)</a></u></p>
Staff grievances	These matters are dealt with through the school’s internal disciplinary or grievance procedures
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>
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <u><a href="https://www.gov.uk/school-behaviour-exclusions/exclusions">https://www.gov.uk/school-behaviour-exclusions/exclusions</a></u>
Whistleblowing	<p>School have an internal whistle-blowing procedure for their employees and voluntary staff.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <u><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></u></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>
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about services. They should be contacted directly.
National Curriculum – content	Please contact the Department for Education at: <u><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></u>

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, school will refer you to another member of staff. Similarly, if the

member of staff directly involved feels unable to deal with a concern, a member of the Senior Leadership Team will refer you to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially are more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **How to raise a concern or make a complaint**

### **Stage 1**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

On occasion, a parent may raise a concern directly with school staff without 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, school will aim to resolve the concern at this point in a speedy or effective way.

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, Deputy Headteacher or Assistant Headteacher. In the case of a complaint against the Headteacher the complainant should, wherever possible, discuss their concerns with the Headteacher in the first instance. However, should the complainant be unable to do this, they may proceed directly to Stage 2 of the procedure by writing to the Chair of Governors, care of the school, marking the letter 'Private and Confidential'.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as 'Private and Confidential'.

If a parent raises a complaint with a governor the governor should refer the complainant to the Headteacher or appropriate member of staff. Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 or Stage 3 of the procedure.

The member of staff will discuss the issue with the parent and those involved in 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.

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.

## **Stage 2**

If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Headteacher or Chair of Governors, via the school, using the form attached in the appendix.

If you require help in completing the form, advice may be requested from the Wigan Council People Directorate, Children and Families Governor Services Team. You can also ask third party organisations like the Citizens Advice to help you.

The form should be submitted within **ten days** of receiving the written response at Stage 1. A copy of the form should be retained by the parent.

In accordance with equity law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Where the request has been addressed by the Headteacher at Stage 1, Stage 2 will be undertaken by the Chair of Governors. Where another staff member has addressed the complaint at Stage One, the stage will be heard by the Headteacher.

The Chair of Governors 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**.

Following discussion with the parent, the Chair of Governors or Headteacher will investigate the complaint and a written response will, whenever possible, be made within **fifteen school days** of the meeting. Where the parent refuses the offer of such a meeting, the Chair of Governors or the Headteacher will inform the parent of the outcome of their investigation within **fifteen 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.

The written response will include full reasons for the conclusions reached by the Chair of Governors or the 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.

## **Stage 3: Review by the Governors' Complaints Panel**

If the parent remains dissatisfied, they will be advised that, in order to progress the complaint further to Stage 3, they must notify the Clerk to the Governing Body in writing **within ten school days** of receipt of the written response at Stage 2, enclosing a copy of the original complaint form.



Except in exceptional circumstances, should the parent not inform the Clerk to the Governing Body of their intention to proceed to Stage 3 within **ten school days** of receipt of the written response at Stage 2, the complaint will be considered closed.

Complaints only rarely reach Stage 3. However, when need arises, the **Governors' Complaints Panel** will consider complaints at this stage (see appendix).

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 Clerk to the Governing Body within **five school days**.

The letter will inform the parent that the complaint will be heard by the Governors' Complaints Panel (GCP) 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 Clerk to the Governing Body. The letter will also inform the parent of the right to submit further documents other than the complaint form, and that these must be made available to the Clerk within **five school days** of receipt of the acknowledgement letter.

The parent has a right to be accompanied to the meeting by a companion of their choice. This can be a relative or a friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by a union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not allowed to attend.

The parent has the right to call witnesses to the meeting, subject to the approval of the Chair of the GCP; this will be explained in the letter. The Clerk to the Governing Body should be informed of the names of any witnesses being called and their relevance to the complaint.

The Clerk to the Governing Body will send a copy of the letter of acknowledgement of the complaint to the Chair of Governors and/or the 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 GCP, will also be explained in the letter. The Clerk to the Governing Body should be informed of the names of any witnesses being called and of their relevance to the complaint.

The Clerk to the Governing Body will then convene a GCP 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.

All relevant documents provided by both parties will be forwarded by the Clerk of the GCP to: the parent, the Chair of Governors and/or the Headteacher, and each panel member. These will be provided as soon as possible and, in any event, at last **five school days** prior to the meeting.

The meeting will be held following the procedures for hearing a complaint, detailed in Appendix 3.

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 GCP.

The parent has the right to request that their complaint is heard by an independent panel if they believe that there is likely to be bias in the proceedings. Governing Bodies should consider the request but the final decision is theirs.

A written decision will be sent to the parent and the Chair of Governors and/or Headteacher by the Chair of the GCP within **ten school days** of the hearing.

The letter will give details of the decision of the GCP, and confirm that the decision of the panel is final.

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 Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The Secretary of State's powers, in respect of LA maintained schools in England, are delegated to the School Complaints Unit (SCU). The SCU will examine if the complaint policy and any other relevant statutory policies were followed in accordance with the provisions they set out. The SCU also examines policies to determine if they adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU 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 the SCU finds that the school has acted unlawfully or unreasonably, the school may be required to re-consider the complaint.

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 the 'Exceptions/Who To Contact' table included earlier in this policy).

### **Anonymous Complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time Scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Resolving Complaints**

At each stage in the procedure, Lowton West Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again, and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **General**

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 (see Stage 2).

Records of all conversations and meetings with parents to resolve complaints should be kept. At a Governors' Complaints Panel meeting, minutes will be taken. To help prevent recurring complaints, copies of correspondence and notes will be kept on file in the school's records, but be held separate from the school's pupil records.

If at any stage in the procedure it becomes apparent that the complaint falls outside the remit of these procedures, parents will be informed.

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.

Extensions to time-lines will be at the discretion of the Chair of the Governing Body.

### **Complaints Concerning a Governor**

In the case of a complaint made against a Governor, the Chair of Governors will investigate the matter and then decide on any appropriate action. Where appropriate, this could include making a recommendation to the Governing Body about possible suspension. Where the complaint is against the Chair of Governors, the Chair or Vice-Chair will write to the complainant giving the details of their decision within **fifteen school days** of receipt of the complaint.

### **Serial or Persistent Complaints**

If the complainant contacts the school repeatedly about the same matter, then 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.

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all the following:

- the school has taken every reasonable step to address the complainant's needs;
- the complainant has been given a clear statement of the school's position and their options (if any); and
- the complainant is contacting the school repeatedly, but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- the school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience;
- their letters, emails, or telephone calls are often or always abusive or aggressive;
- they make insulting personal comments about or threats towards staff.

The application of a 'serial' or 'persistent' marking should be against the subject of the complaint itself, rather than the complainant.

Where the Headteacher and/or the Chair of Governors 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.

The Headteacher and/or Chair of Governors, as appropriate, should write to the complainant and explain this decision and the reasons for it, and what action will follow, if applicable.

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 Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could be potentially inflammatory; however, it is a recognised term. In the context of Freedom of Information (FOI) requests, 'vexatious' could be defined as '...manifestly unjustified, inappropriate or improper use of a formal procedure'. An example therefore exists in Section 14(1) of the FOI Act. However, this exemption can only be applied to requests themselves, and not to the individuals who submit them.

More information about dealing with vexatious requests for information is available on the Information Commissioner's (ICO) website.

The Policy for Unreasonable Complaints has been published as an addendum to this policy (Appendix 1).

### **Banning from School Premises**

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.

In serious cases the Headteacher or 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 to always 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.

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.

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 of 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.

## **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 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Lowton West Primary School. They will consider whether Lowton West Primary 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](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of the complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - consideration of records and other relevant information;
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint, and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator**

This could be the Headteacher/designated complaints governor or other staff member providing administrative support. The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure;

- be aware of issues regarding:
  - sharing third party information;
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, The Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; Stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the committee is explained to the complainant;
- written material is seen by everyone on attendance, provided it does not breach confidentiality or anyone's individual right to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;



- they liaise with the Clerk (and complaints co-ordinator, of the school has one).

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so.  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.

We recognize that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations;

- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child's/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child's/young person's best interests.

- the welfare of the child/young person is paramount.

## Appendix 1 - Policy for Unreasonable Complaints

Lowton West Primary 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 behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Lowton West Primary 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 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;
- 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 that 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 the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;

- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers 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 Governors 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 Lowton West Primary 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 six 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 Lowton West Primary School.



**Appendix 2 – Form to Notify Formal School Complaint (Stage 2 and/or Stage 3)**

**Your name:**

**Pupil's name:**  
(if applicable)

**Your relationship to the pupil:**  
(if applicable)

**Your 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 attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

FOR SCHOOL USE:

Date acknowledgement sent:

By whom:

Complainant referred to:

Date:

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

## **Appendix 3    Governors Complaints Panel**

### **Role**

The panel has the power to make decisions on behalf of the Governing Body and may

- dismiss the complaint in whole or part;
- 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, to the next meeting of the full Governing Body, changes to the school's system or procedures to ensure that problems of a similar nature do not recur.

### **Membership**

A pool of governors will be named for this purpose from which three governors will be appointed.

Where it is not possible to appoint three governors with no prior involvement of the case the Governing Body 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 General Complaints Panel should have had prior involvement with the complaint or complainant.

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

The Headteacher will not be a member of the General Complaints Panel. If the chair of the Governing Body has been involved at an earlier stage in the procedure they also should not be a member of the General 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.

## **Appendix 3a    Governors 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 GCP will ensure that the meeting is properly managed and minuted.

Although the meeting will follow the structured order below, the Chair will endeavor 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 Chair welcomes the parent and his/her companion and introduces the GCP.
2. 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.
3. The parent/companion explains the complaint, calling in witnesses if appropriate.
4. The GCP may ask questions of the parent/companion and any witnesses.
5. The parent and companion leave the meeting.
6. The Chair welcomes the Headteacher and the Chair of Governors (where the complaint has been addressed by the Chair of Governors at Stage 2).
7. 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.
8. The Headteacher/Chair of Governors 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.
9. The GCP may ask questions of the Headteacher/Chair of Governors.
10. The Headteacher and Chair of Governors leave the meeting.
11. The parent, together with his/her companion, is invited back into the room to make a final statement, then leaves the meeting.
12. The Headteacher, together with the Chair of Governors, where applicable, is invited back into the room to make a final statement, and then leaves the meeting.
13. In exceptional circumstances the panel may decide at any stage to adjourn the hearing pending further investigation.
14. 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 governors' deliberations will not be minuted.
15. The GCP will consider the complaint and must reach a majority decision. The GCP will also decide what action (if any) to take to resolve the complaint and, if appropriate,



recommend to the full governing body changes to ensure similar complaints are not made in future.

16. When a decision has been made, the Chair first recalls the parent, then the Headteacher/Chair of Governors and each is informed of the outcome and any recommended action to be taken.
17. The Clerk will confirm all outcomes in writing to both parties, in accordance with paragraphs 9.12 of the Complaints Procedure.

Contact list:

Wigan Council  
Governors Services Team  
2nd Floor, Civic Centre  
Millgate  
Wigan  
WN1 1AZ

Tel: 01942 486090

Appeals should be directed to:

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