



Complaints Policy

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1. Definitions and aims

1.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”

A complaint is defined as “an expression or statement of dissatisfaction however made, about actions taken or a lack of action”

In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

1.2 Aims

Our school aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the school, and others, in relation to the provision of facilities or services at the school

When responding to complaints, we aim to:

Be impartial and non-adversarial

Facilitate a full and fair investigation by an independent person or panel, where necessary

Address all the points at issue and provide an effective and prompt response

Respect complainants' desire for confidentiality

Treat complainants with respect and courtesy

Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law

Keep complainants informed of the progress of the complaints process

Consider how the complaint can feed into school improvement evaluation processes
We try to resolve concerns by informal means wherever possible. Where this is not possible, the formal complaints procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a written procedure to deal with complaints from parents/carers of children at the school

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedures for complaints and for managing serial and unreasonable complaints.

3. Scope

Westacre Middle intends to resolve complaints informally where possible, at the earliest possible stage.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Curriculum

Please see our separate policies for procedures relating to these types of complaint.
Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Explain the complaint in full as early as possible
- Co-operate with the school throughout the process, in seeking a solution to the complaint, responding to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not approach individual governors about the complaint
- Refrain from publicising details about their complaint on social media and respect confidentiality

4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts.

They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

4.3 The complaints coordinator

The complaints coordinator can be:

- The headteacher
- The designated complaints governor
- Any other staff member providing administrative support

The complaints coordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority (LA)
- Be aware of issues relating to:
- Sharing third-party information
- Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the governing board

The clerk will:

Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings

Arrange the complaints hearing

Record and circulate the minutes and outcome of the hearing

4.5 Committee chair

The committee chair will:

Chair the meeting, ensuring that everyone is treated with respect throughout

Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

What has happened

Who was involved

What the complainant feels would put things right

5.1 Timescales

Where the complaint relates to a child who is still on roll at Westacre, the complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

If the complaint relates to a child who has left the school, the complainant must raise the complaint within two weeks of the student's last day at Westacre.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay.

Stages of Complaint (not complaints against the Headteacher or Governors)

Stage 1: Informal

The school will take all complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff, ideally in writing. If the member of staff feels uncomfortable or unable to deal with the matter directly, they should involve a more senior colleague, for example and in the first instance, the Year leader.

If the complainant is unclear who to contact or how to contact them, they should contact the school office by phone – 01905 772795 or email office@westacre.worcs.sch.uk

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage.)

The school will acknowledge informal complaints within three school days and investigate and provide a response within fifteen school days.

The informal stage may involve a meeting between the complainant and the appropriate member of staff. If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Headteacher and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint by completing a Westacre Middle School Complaint Form (Appendix 1).

The school will acknowledge receipt of the complaint within 3 school days and will commence its formal investigation upon receipt of the completed complaints form. If complainants need assistance raising a formal complaint, they can contact the school

office by phone – 01905 772795 or email office@westacre.worcs.sch.uk.

The Headteacher (or other person appointed by the Headteacher for this purpose) may call a meeting to clarify concerns and seek a resolution.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. Under normal circumstances, this process will be completed within 15 school days of receipt of the Complaint Form. The written conclusion of this investigation will be sent to the complainant within 5 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Governance Professional in writing within 5 school days.

Stage 3: Review Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the school and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of Governing Body members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. Under normal circumstances, this will be convened within 15 school days. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. (See Appendix 2)

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

In making their decision, the panel will review the decisions that have been taken by the school by considering the information presented to them in the documentation submitted prior to this hearing, and the statements made during the panel hearing

The decision to either uphold or dismiss the complaint(s) will be based upon:

- Whether the correct complaints procedure has been followed
- Whether, on the balance of probability, the complaints are valid
- The school will inform those involved of the decision in writing within 5 school days.

Complaints Against the Headteacher, a Governor or the Governing Body

Complaints made against the Headteacher should be directed to the Chair of Governors in writing via the Governance Professional. The Chair of Governors will assume the responsibilities of the Headteacher as laid out in section 6 of this policy.

Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the Clerk to Governors in the first instance. If the complaint is against a Governor, the Chair of Governors will assume the responsibilities of the Headteacher (in liaison with the Headteacher), as laid out in section 6 of this policy. If the complaint is against the Chair of Governors or the whole Governing Body, the Headteacher will liaise with the school's HR legal adviser in order for them to facilitate an independent review of the complaint.

9. Referring to complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions
- If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:
www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainants.

10. Unreasonable and persistent complaints

10.1 Unreasonable complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- 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 complaint's investigation process
- Refuses to accept that certain issues are not within the scope of the complaint's procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- Introduces trivial or irrelevant information that they expect to be taken into account and commented on
- 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 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Use threats to intimidate
- Use abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the 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.

Steps we will take

We will take every reasonable step to address the complainants' comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

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, refer them to this policy and remind them to act in accordance with it.

For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

10.2 Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

We have taken every reasonable step to address the complainant's concerns

The complainant has been given a clear statement of our position and their options

The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

The complainant's communications are often or always abusive or aggressive

The complainant makes insulting personal comments about or threats towards staff
We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience.

Where we decide to stop responding, we will inform the individual that we intend to do so
We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

10.3 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete

Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

10.4 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

Publishing a single response on the school website

Sending a template response to all the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

11. Record keeping and confidentiality

Our school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and **[records management policy/record retention schedule]**.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is

likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

12. Learning lessons

The [governing board/name of committee/role of governor] will review any underlying issues raised by complaints with the [headteacher/senior leadership team/job title of appropriate staff member], where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

13. Monitoring arrangements

The [governing board/name of committee/name or role of individual governor] will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The [governing board/name of committee/name or role of individual governor] will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by Charly Hoult, School Business Manager. This policy will be reviewed by the FGB an annual basis. At each review, the policy will be approved by [the full governing board/name of committee/name or role of individual governor/the headteacher].

14. Links with other policies

Policies dealing with other forms of complaints include:
Child protection and safeguarding policy and procedures
Admissions policy
Suspension and permanent exclusion policy
Staff grievance procedures
Staff disciplinary procedures
SEND policy and information report
Privacy notices

APPENDIX 1: COMPLAINT FORM

Please complete and return this form to Mrs Charly Hoult School Business and Office Manager at the school or via email – office @westacre.worcs.sch.uk

The DfE guidance explains the difference between a concern and a complaint:

A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible

A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

Please detail your dissatisfaction about actions taken or a lack of action

NAME:
Child's name(if parent/carer):
Your relationship to the child
Address (including postcode):
Daytime contact number:
Evening contact number:
Mobile contact number:
Email address:
Please provide details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to / liaise with and what was the response?

Desired outcome: What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please could you attach and detail below the reason for the attachment(s).

Signature

Date

APPENDIX 2: PROCEDURE FOR COMPLAINT REVIEW HEARING

Chair makes introductions. Confirm order of procedure as set out below.

The Complainant presents their complaint

The Headteacher outlines the school's response to the complaint

All parties may then ask questions

The Complainant will summarise their position

The Headteacher will summarise the school's position

The Headteacher & Complainant leave the room to allow the Panel to deliberate

The Clerk to the Panel will write to all parties with the outcome of the hearing as soon as possible.