

WEST KIRBY EDUCATIONAL TRUST

A charity changing children's lives

Complaints Policy and Procedures

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NB This policy should be considered alongside the GDPR policy. It is key that any information shared by pupils and staff is not made available under the auspices of the legal requirements of GDPR.

Who can make a complaint?

The following persons may make a complaint:

- Current registered pupils
- Parents/carers of current registered pupils
- Parent / carers of pupils who have been granted a place by the school
- Staff, including supply staff

This is to the schools or Central Services of West Kirby Educational Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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, 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 complaint procedure. WKET takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your considerations. In such a case, the Headteacher will refer you to another staff member. Similarly, if any member of staff directly involved feels unable to deal with your concern, the Headteacher may refer you to another staff member. The ability to consider the concern objectively and impartially is important.

How to log a concern

A concern can be made in person, in writing, by email or by telephone. Concerns should be raised with either the class teacher or middle manager. If the issue remains unresolved, the next step is to make representation to the Senior Leadership Team.

The Senior Leadership Team will address your concern.

This could be either through an email, a phone call or meeting. Often, they will contact you initially and then will need to take some time to review information and talk to pupils and staff in School before they can respond to you.

How to make a complaint

A complaint can be made in person, in writing or by telephone.

- Complaints against school staff (excluding the Headteacher) should be made to the Headteacher.
- Complaints about the Headteacher should be addressed to the CEO.
- Complaints about the CEO should be addressed to the Chair of the Board of Trustees.
- Complaints any individual governor/trustee, should be addressed to the Chair of the Board of Trustees.
- Complaints about the Chair of the Board of Trustees should be made to the Clerk of the Board.

The person receiving the complaint holds the responsibility for it.

Equality

For ease of use, a template complaint form is included at the end of this. If you require help completing the form, please contact the school office. You can also ask organisations like the Citizens Advice to help you. We will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, assisting complainants in raising a complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, CEO or Chair, as 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 may consider complaints made outside of this time frame in exceptional circumstances.

Complaints received outside of term time

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

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by WKET other than complaints that are dealt with under other statutory procedures, including those listed on the following page.

Exceptions	Who to contact
Admissions Assessments of SEND School re-organisation	Concerns about: -Admissions - the Admissions Officer or headteacher. -Assessments of Special Educational Needs - the SENCo -School re-organisation - the headteacher
Safeguarding, beyond the school's procedures	The Headteacher or CEO in the first instance. For safeguarding concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding Contact the Authority where the child concerned resides. Or Wirral: The Multi-Agency Safeguarding Hub (MASH) Sefton: The Children's Help and Advice Team (CHAT)
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: https://assets.publishing.service.gov.uk/media/5a7ff8aeed915d74e622bb59/NMSS-Advice-Final-19-08-15.pdf The Head Teacher The Local Authority
Whistleblowing	The head teacher or CEO in the first instance. 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 .
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	The headteacher or CEO Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
Complaints about other providers who school facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Headteacher in the first instance.

	Following that, the Department for Education at: www.education.gov.uk/contactus
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If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or a tribunal, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. Your complaint may be placed 'on hold' or may be considered as outside the remit of the School or Board.

If a complainant commences legal action against WKET in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, schools of West Kirby Educational Trust want 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 of School / Charity processes
- an explanation of the steps that have been or will be taken
- a referral to policies or an undertaking to review policies in light of the complaint
- 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 apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we ask them to confirm this in writing, by email or letter.

Complaints must start at Stage 1:

Informal Complaints: Stage 1

1. The Headteacher, CEO or clerk to the Board will acknowledge receipt of the complaint in writing (letter or email) within 10 school days. (List also with School Office).

Within this response, the Headteacher/CEO/delegated person will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher/CEO/delegated person can consider whether a telephone / face-to-face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but will not delegate the decision to be taken. Equally, the CEO/Chair/Clerk may delegate to an independent professional to investigate. Again, the decision taken will not be delegated.

2. During the investigation, the Headteacher/CEO/ Investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Read any related documents
- Prepare a letter / record of any meetings/ interviews in relation to their investigation, as appropriate and necessary (see below)

3. At the conclusion of their investigation, the Headteacher/CEO will provide a formal written response within 30 school days of the date of receipt of the complaint. If the complaint relates to a child in Early Years, the complaint process maximum length is 28 days.

If the Headteacher/ CEO / Trustee is unable to meet this deadline, they will provide the complainant with a revised date.

4. The response will list actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include referrals to WKET policy and/ or actions WKET will take to resolve the complaint.

In the letter the Headteacher/CEO / Trustee will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

This is the end of Stage 1.

The complainant should make careful consideration of the outcome at stage 1. If they understand that the School has NOT done all it reasonably can to address the complaint, they should decide whether they believe the matter is substantial enough to take further. If they firmly believe there is a potential different outcome, they can escalate the complaint to Stage 2.

Stage 2

A request to escalate to Stage 2 must be made to:

- If previously addressed to the Headteacher, address to the CEO.
- If previously addressed to the CEO, address to the Chair of the Board of Trustees
- If previously addressed to the Chair of the Board of Trustees, address to the Clerk

This should be done in writing within **7 school days** of receipt of the Stage 1 response.

The complainant's response at Stage 2 MUST outline **what different or additional outcome they reasonably believe is achievable**, following the investigation process at Stage 1. You may feel dissatisfied with the result, because you do not agree with the School's / Charity's stance. However, **a difference of opinion does not constitute grounds for Stage 2.**

The following will NOT be considered suitable grounds for progressing to stage 2:

- Request for any HR related action to be taken against the member of staff (e.g., disciplinary, dismissal, personal action), this is not privy to a complainant
- Any request to accelerate a complaint which arises as a result of the School /Charity following regulatory requirements, e.g., following the School's Attendance Policy, following the National Curriculum, following the Ofsted framework, following the School's Behaviour Policy, following the School's Anti-bullying Policy, following regulatory GDPR.

The School/Charity is duty bound to follow regulatory requirements.

- **Any Stage 2 request which is the same as stage 1**, where the investigation has been undertaken and the response addresses the points raised
- Any complaint which directly mirrors or draws on any other previous complaint
- Any complaint which arises as a result of a difference of opinion between the complainant and the School/Charity. If the complaint is addressed and no additional reasonable outcome is identified by the complainant, the School / Charity reserves the right to recognise a difference of opinion.

In case of any of the above, the person managing the Stage 2 complaint must seek verification of the conditions above from either:

- a. In the case of the Headteacher – the CEO
- b. In case of the CEO – a trustee from the Board of Trustees
- c. In the case of the Charity/trustee – a governor of another school / independent person

EITHER:

Once this has been reviewed and verification gained, the person managing the complaint should either respond in writing, or meet the complainant to explain that the complaint will cease, without further investigation or action. To be addressed within 15 school days.

OR:

If the complaint meets the requirements of Stage 2, the Head Teacher / CEO / HR Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email). To be addressed within 15 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. This is the final stage of the complaint procedure.

In case of progress to Stage 2:

1. At Stage 2, the person managing the complaint will (within 7 school days) engage a committee of 2-3 persons (can include the lead). The complaints committee will consist of people with no prior involvement of the complaint.

a. In the case of the School – trustees from the Board of trustees

b. In the case of the Charity – Governors from another school / trustees from another charity / independent representatives.

2. The Committee will decide whether a meeting is necessary, based on the steps around suitable grounds and the outcome of previous investigations. If one is arranged, a (minuted) meeting will be take place between the complainant and the lead or lead and committee, (within 15 school days, unless entirely unfeasible) **to listen to:**

- The initial complaint and stage 1 outcome
- The different/ additional outcome the complainant reasonably believes is achievable
- The Board's next steps will usually be shared during this meeting

3. The Committee will decide whether one or more of the following is required, (within 15 school days):

- A full or partial second investigation (ONLY if the first is deemed invalid)
- An additional referral to policy or regulatory requirements
- An independent advisor

Whilst the lead does everything within their power to convene the meeting within the timeframe, this can be affected by availability of trustees/ people, so there may be changes to the timeframe as a result. The lead will keep the complainant informed.

4. The next steps will be undertaken (as per points above). Usually within 20 School days, if possible.

It is incumbent on the Committee to fully understand all the circumstances and facts from the complainant *and* the School/ Charity / person(s) being complained about. Depending on the availability of committee members and the depth of information to be found, the time frame may be extended. Time frames and processes will be shared with the complainant and the School / Charity / Persons involved.

If the complainant is invited to attend a meeting, they may bring someone along to provide moral support. This can be a relative or friend. The role of this person is to emotionally

support the complainant, not to speak for them. Representatives from the media are not permitted to attend. Meetings cannot be recorded.

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

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

5. The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee may:

- suggest appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The lead will provide the complainant and School / Charity / Persons involved with a full explanation of their decision and the reason(s) for it, in writing, aiming to reply within 30 school days. Where appropriate, it will include details of actions the schools and Central Services of WKET will take to resolve the complaint.

Next Steps

In case of any Early Years Issues, the complainant is able to contact The Office for Standards in Education, Children's Services and Skills

Managing serial and unreasonable complaints

Note:

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

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, threatening or which is unfounded.

The schools and Central Services of West Kirby Educational Trust define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which 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 or to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues
- seeks to have staff 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
- seeks an unrealistic outcome
- focusses repetitively on one staff member, following the resolution of another complaint
- focusses repetitively on one child, following the resolution of another complaint
- 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums
- Repetitively makes complaints without seeking to address concerns through this

policy first

Whenever possible, the headteacher or CEO 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 ask them to change it.

Appendix 1: **Complaint Form**

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official use

Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

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 physical or academic assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

- 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 or support the preparation of a comprehensive report for the lead that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Lead

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with all to ensure the smooth running of the complaint procedure
- be aware of issues regarding:
- sharing third party information/ GDPR
- 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

All Must:

- 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)