



## **COMPLAINTS PROCEDURE**

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Person responsible for policy: Co-Headteachers

## 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 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. Droitwich Spa High School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

It is often advantageous for the Deputy Headteacher (or another member of the leadership team) to pick up a concern from a parent. This is because they directly line manage the person or the team involved and can take their wider understanding of the individual, team/department or situation into account and can also commit more readily to monitoring any follow up actions to ensure they have been successful.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Co-headteachers will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Co-Headteachers will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

## Introduction to Complaints Procedure

The School prides itself on the quality of the teaching and pastoral care provided to its students. However, if parents do have a complaint, they can expect it to be treated by the School in accordance with this Procedure. The procedure is summarised in a flow chart in Appendix 3.

If the complaint is not from a parent with a child attending the School, then the matter will still be dealt with in accordance with this Procedure. The complainant should contact the Co-Headteachers at Stage 1 for an informal discussion. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions, see Appendix 1 for full list), we will use this Complaints Procedure.

Complainants can be assured that all concerns and complaints will be treated seriously and with an appropriate degree of courtesy and confidentiality. The school, in its turn, expects that concerns and complaints will be presented with courtesy and in a calm manner. If complainants are aggressive or verbally rude this will be considered as unreasonable behaviour. The School will notify the complainant in writing that their behaviour is not acceptable and either request that it is changed or that communication takes place via a representative appointed by the School, or in severe cases the School may cease to explore the complaint any further. Publishing complaints on social media may also lead to complaints being considered unreasonable.

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, 'a working day' is defined as a weekday during term time, when the school is open. Every attempt will be made to adhere to time limits but these may, in exceptional circumstances, be exceeded. A complaint will usually be considered as 'out-of-time' if it is raised more than three months after the matter is known to the complainant.

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or carry out its own review to test whether there is any evidence to commence a formal investigation.

Occasionally, a complainant may remain dissatisfied, even though this procedure has been followed through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

In accordance with equality law, the School will make 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. We ask complainants to make us aware of their needs so that we can do this.

### Resolving complaints

At each stage in the procedure, Droitwich Spa High School wants to resolve the complaint. The complainant will be asked what actions have already been taken to resolve the matter and what they would like to see happen in order to resolve it. 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.

### Stage 1 – Informal Resolution

It is hoped that most complaints and concerns will be resolved quickly and informally.

If parents have a concern they should normally contact their child's tutor. In many cases, the matter will be resolved in this way and without delay. If the tutor cannot resolve the matter, it may be necessary to involve a senior member of staff.

If the complaint cannot be satisfactorily resolved informally then parents may proceed with their complaint in accordance with Stage 2 of this Procedure.

### Stage 2 – Formal Resolution

Formal complaints must be made to the Co-Headteachers (unless they are about the Co-Headteachers), via the school office. This may be done in person or in writing. You may find it useful to use the form in Appendix 2 to ensure all of the information is provided.

A written record will be kept of all formal complaints, and of whether they are resolved at the Stage 2 or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

If the complaint is about the Co-Headteachers, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Co-Headteachers or member of the governing body must be made to Tracy McRoy, Head of Governance via the school office.

If the complaint is jointly about the Chair and Vice Chair; or the entire governing body; or the majority of the governing body then Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

For complaints not about the governing body, the Co-Headteachers will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Co-Headteachers will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Co-Headteachers can consider whether a face to face meeting is the most appropriate way of doing this. The Co-Headteachers will not review any new complaints at this stage or consider evidence unrelated to the initial complaint, new complaints must be dealt with from Stage 1 of the procedure. If a face to face meeting is arranged it will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. In these cases, prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

*Note: The Co- Headteachers may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Co-Headteachers (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Co-Headteachers will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Co-Headteachers are unable to meet this deadline, due to the complexities of the case or exceptional

circumstances, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Droitwich Spa High School will take to resolve the complaint. Should the School receive campaign complaints (a large volume of complaints based on the same subject) the School will send a consistent response to all complainants or publish a single response on the school website.

The Co-Headteachers will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

### Stage 3 – Panel Hearing

If the complainant wishes to invoke Stage 3 they should address their complaint in writing to the Head of Governance, within 10 school days of receipt of the Stage 2 response. The Head of Governance will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The matter will then be considered by the Complaints Panel. The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. In complex cases it may be deemed reasonable by the Panel to appoint an independent Chairperson who is not a Panel member. If this is the case the complainant will be notified in advance of the hearing. The Head of Governance will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, due to the complexities of the case or exceptional circumstances, the Head of Governance will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates without good reason, the Head of Governance will decide when to hold the meeting. It will proceed in the complainant's absence on the basis of written submissions from both parties.

The Panel may ask for further information about the complaint or any related matter. Copies of this shall be supplied to all parties prior to the hearing. Any papers to be presented at the hearing, either by the complainant or the Panel, must be provided to the Head of Governance at least 5 working days before the hearing.

The complainant may be accompanied at the hearing by one other person. This may be a relative, teacher or friend and the Head of Governance should be notified in advance. 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 example, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel 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.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. In these cases, prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

If possible, the Panel will resolve the complaint without the need for further investigation. The Panel will endeavour to reach a unanimous decision but if this is not possible then a majority decision will be permitted.

Where further investigation is required, the Panel will decide how it should be carried out. When all the relevant facts are available the Panel will reach its conclusions and may make recommendations. This shall be done as soon as is reasonably practicable after the Hearing. If, as a result of the complaint or subsequent investigations, there are concerns about staff behaviour, these will be dealt with by the school in the appropriate way and actions and outcomes regarding individual staff members will not be shared.

The Panel will consider the complaint and all the evidence presented. The Panel 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 Panel will:

- decide on the 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 Chair of the Committee will provide the complainant and Droitwich Spa High School with a full explanation of their decision and reason(s) for it, in writing within 10 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Droitwich Spa High School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **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 via <https://www.gov.uk/complain-to-dfe> after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made Droitwich Spa High School. They will consider whether Droitwich Spa High School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: <https://www.gov.uk/complain-to-dfe> or by writing to:

Ministerial and Public Communication Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **Appendix 1**

### **Scope of this complaints procedure**

This procedure covers all complaints about any provision of community facilities or services by Droitwich Spa High School other than complaints that are dealt with under other statutory procedures, including those listed below.

| <b>Exceptions</b>  | <b>Who to contact</b>  |
|--|--|
| Admissions to schools                                      | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.  |
| Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.<br><br>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). MASH – 01905 768054 or 01905 843189 as there isn't a direct number.<br>The LADO:<br><b>Contact Details</b><br><b>Email:</b> <a href="mailto:LADO@worcschildrenfirst.org.uk">mailto:LADO@worcschildrenfirst.org.uk</a><br><b>Contact telephone number</b> - 01905 846221 |
| Exclusion of children from school*                         | Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .<br><br><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure in the School Policies section on the website</i><br><a href="https://website.droitwichspahigh.worcs.sch.uk">https://website.droitwichspahigh.worcs.sch.uk</a>  |
| Whistleblowing   | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.<br><br>The Secretary of State for Education is the prescribed person for  |



|                  |  |
|------------------|--|
|                  | <p>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:</p> <p><a href="mailto:customer.complaints@education.gov.uk">customer.complaints@education.gov.uk</a>.</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> |
| Staff grievances | Complaints from staff will be dealt with under the school’s internal 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>   |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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. If this happens, we will inform you of a proposed new timescale.

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

## **Appendix 2**

Complaint Form- please complete and return to the Headteacher

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|--|
| <b>Your name:</b>                                    |
| <b>Pupil’s name (if relevant):</b>                   |
| <b>Your relationship to the pupil (if relevant):</b> |
| <b>Address:</b>                                      |
| <b>Postcode:</b>                                     |
| <b>Day time telephone number:</b>                    |
| <b>Evening telephone number:</b>                     |
| <b>Email address:</b>                                |



**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 who:**

**Complaint referred to:**

**Action taken:**

**Date:**

**Appendix 3** Flow Chart of Complaint Process and Timings

