GDST
GIRLS' DAY SCHOOL TRUST

Birkenhead High School Academy Parental Complaints Procedure

1. **Introduction and purpose**

Both Birkenhead High School Academy (the "**Academy**") and The Girls' Day School Trust ("**GDST**") welcome feedback, suggestions and comments from parents. The Academy takes seriously concerns or complaints which parents may raise and wishes to work with them in the best interests of the young people in its care. As such, any complaint is expected to be made with the best interests of the child at heart.

The aim of this procedure (the "**Procedure**") is to achieve a fair, effective and timely resolution of parental complaints about the education and/or welfare of their child(ren) in the care of the Academy. Parents should be assured that all concerns and complaints will be taken seriously and treated confidentially, and that no pupil will ever be penalised for any complaint raised by a parent in good faith.

The Academy makes its Procedure available to all parents of pupils and prospective pupils on the Academy's website and in the Academy's office during the school day, and the Academy will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is available on its website. Parents of pupils and prospective pupils may request the number of complaints registered under the formal procedure during the preceding school year.

The Academy will also make available, on request, to Ofsted, or the Department for Education, details of the number of complaints registered under the formal part of this Procedure during the preceding school year.

2. **Who may complain?**

Although this Procedure is made available to parents of prospective pupils, it is

only available for use by parents of pupils who are currently on the Academy's roll.

Complaints made by parents of former pupils will only be dealt with under this Procedure if parents initially raised the complaint when the relevant pupil was still registered as a pupil at the Academy, and did so in accordance with the timeframes set out in this Procedure.

The expression "parent" is used for all those having parental responsibility for a child, or carers.

There is no formal procedure governing the making of a complaint to the Academy by any person who is not a parent. Any non-parent who wishes to make a complaint should do so by putting it in writing to the Academy's Principal, who will consider how best to respond.

3. What constitutes a complaint?

A complaint is an expression of dissatisfaction regarding an actual or perceived issue. Any matter relating to a current pupil's education and/or welfare that a parent is unhappy with and seeks action by the Academy is within the scope of the Procedure, subject to the conditions set out in part 4 and 5 of this Procedure.

4. Complaints which fall outside of the Procedure

The following complaints fall outside the scope of this Procedure:

- **Complaints relating to exclusions**. Such complaints will be dealt with in accordance with the Department for Education's statutory guidance on suspensions and permanent exclusions.

- **Requests for financial awards, such as claims for compensation or damages are beyond the scope of this Procedure.** If such a request is made, parents will be notified that this outcome cannot be addressed, considered, or awarded under the Procedure.

- **Complaints relating to data protection and Subject Access Requests (SAR)**. These types of requests should be sent to the Information Access Team via subjectaccess@uk.gdst.net. If parents wish to complain about the way their request or their personal data was handled, they should contact the GDST's Data Protection Officer (DPO) via dpo@uk.gdst.net in the first instance in an effort to reach a resolution. If parents are not satisfied with the DPO's response, they have the right to raise a concern with the Information Commissioner's Office (ICO): www.ico.org.uk. SAR deadlines will not impact the timeframes outlined in this Procedure.

- **Complaints raised by pupils**. These should be raised by a pupil with their form tutor or Progress Leader, and if a pupil is unhappy with the outcome, their parent(s) can raise a complaint in accordance with this Procedure.

- **Complaints against the decision of an external agency or third party**, including, but not limited to, decisions made by an examination board or higher education institution. In such cases, parents will be advised on the appropriate route for their complaint and, where possible, given information and advice about how to progress their complaint.

- **Complaints raised in an abusive or threatening manner or in a way that is unacceptably frequent, vexatious, and/or harassing**. Parents should ensure their tone is appropriate and reasonable, their complaint is focused and concise, and everything that is written is true and accurate. As a charitable organisation, the Academy and the GDST need to use resources appropriately and may stop responding to communications from parents until the investigation of the relevant stage of this Procedure has concluded, if the frequency, tone, or length of correspondence related to the complaint remains at an unreasonable level following warnings from Academy or GDST Trust Office staff.

- **Complaints which are on a matter (or very similar matter) that has already been fully considered under this Procedure and has therefore been exhausted**. Where repeated attempts are made by a parent to raise the same, or a very similar complaint after it has been considered at all three stages, this will be regarded by the Academy or the GDST as vexatious and

outside the scope of this Procedure.

- **Complaints about services provided by other providers who may use the Academy's premises or facilities**. Parents should follow the external provider's own complaints procedure, unless the incident was caused in part by the behaviour or actions of the Academy.

Parents should also be aware that:

- If several complaints are received on the same issue from multiple parents within the Academy, the Academy may decide to send a uniform response to all complaints or to publish a single response on the Academy's website.

- If a complaint relates to a safeguarding incident, this Procedure may be subject to the constraints of the Academy's Safeguarding Policy and Procedures.

- Where a complaint involves questioning the judgment of a member of the Academy's staff, the role of any person considering that complaint will be to determine whether that individual's judgment was exercised fairly and reasonably and according to the Academy's policies and procedures. There may be more than one fair and reasonable response to a situation and a decision-maker at any stage will not normally substitute their decision for the decision of the staff member concerned.

- If a complaint ostensibly raised on behalf of a parent is raised via a method of communication previously unseen by the Academy (i.e. an email address that has not been provided as a contact method), the Academy may contact the relevant parent via known contact details to confirm that the complaint is genuinely made.

- While the Academy and the GDST understand that it must adhere to applicable legislation, including the Equality Act 2010, it is not within the remit of the GDST, not being a court or tribunal, to make findings in respect of its own compliance with legislation. The Academy's policies and

procedures are drafted in accordance with applicable legislation, including the Equality Act 2010.

- Although the Academy and the GDST endeavour to manage complaints in an open and transparent manner, there may be circumstances which mean the Academy and/or the GDST are unable to share complete details about how a complaint has been handled by the Academy or the GDST, the evidence collated, steps taken in response or other related matters. This could be the case even when a complaint is upheld. This list is not exhaustive but, for example, this may be because:
    - such information constitutes sensitive third-party data (for example belonging to a staff member, pupil, or other parent). As such, if a complaint involves an allegation against a staff member or pupil, parents will not be entitled to details of any sanctions imposed on the staff member or pupil;
    - legal or regulatory requirements prohibit disclosure; and/or
    - withholding information is in accordance with specific instructions from a statutory agency.

- Where multiple related issues or allegations are included within a single complaint, the Academy or the GDST may consider them collectively rather than assessing each one separately.

5. **Timeframes**

Effective and fair resolution of concerns usually requires that they are brought to the Academy's attention promptly.

Formal complaints should be made to the Principal (or the Chief Executive where the complaint is specifically about the Principal) no later than two months from the relevant event(s) complained about. However, in exceptional circumstances, and at the absolute discretion of the Principal (or Chief Executive), this timeframe may be extended.

It may take longer to resolve a complaint where statutory agencies are involved (for example, a Local Authority or the Police), during periods of significant disruption

to school life, because of unavoidable staff absences, or under other exceptional circumstances. The timeframes for responding set out in this Procedure may therefore change depending on the circumstances of an individual case. Parents will be advised should timeframe revisions be necessary.

In this Procedure, "school day" means any day that is not a Saturday, Sunday or a Bank Holiday, and which falls within the Academy's term time as published on its website. In calculating the number of school days in any scenario, the day of receipt and the day of reply shall not be counted.

6. The Three-Stage Process

The Academy follows a three-stage process for dealing with complaints, which operates as follows:

Stage 1 – Informal Resolution – Academy Level

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- If parents have a complaint, they should normally contact their child's class teacher, form tutor, or Progress Leader, as appropriate, either verbally or in writing. In many cases the matter will be resolved straight away to the parent's(s') satisfaction. If the teacher cannot resolve the matter alone, it may be necessary for them to consult with other staff within the Academy.
- Written records, and details of any actions taken by the Academy, will be kept to the extent necessary and appropriate.
- Action taken by the Academy in response to a complaint at this stage may include reassurance and advice, reference to relevant policies and procedures, an apology for an oversight or mistake and/or a change in practice.
- Should the matter not be resolved within 10 school days of parents contacting the Academy about the complaint, or in the event that child's class teacher, form tutor, or Progress Leader and the parent(s) fail to reach a satisfactory resolution, then the parent(s) will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

Stage 2 – Formal Resolution – Academy Level

- If a complaint cannot be resolved on an informal basis at Stage 1, then the parent(s) should put their complaint in writing (by email is fine) to the Principal as soon as possible, but no later than two months from the relevant event(s) complained of. The parent(s) should set out the scope and nature of their concerns, as well as the resolution they are seeking and/or what action they would like the Academy to take. The Principal may request further information if such details are not initially provided. We ask parents to use the GDST's Complaint Form (GDST Parental Complaints Form) when raising a complaint under Stage 2 of the Procedure.
- The Principal will acknowledge receipt within five school days and will contact the parent(s) to arrange a meeting with the Academy to see if a resolution can be reached informally at this stage.
- If a resolution cannot be reached in this way, or if the parent(s) do not wish to meet, the Principal will confirm that the matter will be treated as a formal complaint. Any refusal to meet with the Principal will be notified to the Panel Chair (if the complaint were to proceed to a Stage 3 panel) and will be taken into consideration as part of the parent's genuine attempt to resolve a matter. The Principal will have sole discretion to determine who should carry out the investigation, which may be the Principal, a member of staff duly authorised by the Principal, or someone external to the Academy.
- Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, the Principal will make their decision and will ordinarily provide a written response to the parent(s), giving reasons for their decision, within 15 school days of meeting with the parent(s) (or following the provision of any further information about the complaint to the Principal, if so requested). If parent(s) do not wish to meet with the Academy, the Principal will provide a written response to the parent(s) within 15 school days of the parent(s) advising that they do not wish to meet.
- The Principal's response may outline context, identify lessons learned, explain whether or not a relevant policy or practice will be reviewed or amended in future or, where appropriate, offer an apology.
- Written records will be kept of all formal meetings and interviews held in

relation to the complaint. If a complaint is made to the Principal before it has been considered on an informal basis under Stage 1, the Principal may refer the matter back to the child's class teacher, form tutor, or Head of Year, as appropriate, to see if a resolution can be reached at this stage.

- Complaints specifically about the Principal of the Academy should be made directly to the Chief Executive of the GDST by email at complaints@wes.gdst.net or in writing to The Girls' Day School Trust, Asticus, 21 Palmer Street, London SW1H 0AD. The Chief Executive of the GDST will nominate someone to investigate and provide a written response to the complaint, ordinarily within 15 school days of the parent's(s') Stage 2 complaint.
- If the parent(s) are still not satisfied with the decision made by the Principal of the Academy or the individual nominated by the Chief Executive of the GDST (as applicable) at Stage 2, they may proceed to Stage 3 of this Procedure.

Stage 3 – Panel Hearing – Trust Level

Convening a panel

- If the parent(s) are dissatisfied with a Stage 2 response and wish to have their complaint considered at a complaints panel hearing they should write, within 10 school days of the Stage 2 response, to the Chair[1] of the Council of the GDST by email at complaints@wes.gdst.net or in writing to The Girls' Day School Trust, Asticus, 21 Palmer Street, London SW1H 0AD. This letter should set out the grounds for appealing the decision at Stage 2 and the action that the parent(s) would like the complaints panel (the "**Panel**") to take. Any supporting evidence which the parent(s) wish to rely on should also be provided with their letter requesting a hearing.
    - In the event that the parent(s) do not provide their complaint within the timeframe stipulated above, the Chair of the Council reserves the right to conclude the complaint process and not progress the matter to Stage 3.

[1] References to the Chair of the Council include references to Joint Chairs, as applicable.

- If a request for a Panel is made without the matter having previously been investigated at Stage 1 or Stage 2, then the matter will be referred back for investigation and response at Stage 1 or Stage 2, as appropriate.
- The Chair of the Council will appoint a clerk to the Panel (the "**Clerk**"). The Clerk, who will normally be a member of the GDST's Legal and Risk Assurance Team, will deal with administrative issues prior to the panel hearing.
- The Clerk will then convene the Panel. The Panel will consist of at least three persons not directly involved in the matters detailed in the complaint, at least one of whom shall be independent of the management and running of the GDST and its schools. Each of the Panel members shall be appointed by the Chair of the Council. All appointed members will have had no previous involvement with the matter complained of. The Chair of the Council will appoint one of the three Panel members to act as the chair of the Panel (the "**Panel Chair**"). The Panel Chair may or may not also be the Chair of the Council.
- The Panel Chair will consider whether any particular perspective or expertise will be helpful amongst Panel members and will, to the extent practically possible, take this into account when appointing Panel members. If the parent(s) feel that a particular perspective or expertise would be beneficial, they should raise this in their initial request for a panel hearing, although this will not guarantee any particular outcome.
- The Panel Chair will consider whether it is appropriate for the Panel to hear the Principal account and the parent(s) account in a split hearing. This will depend on the particular circumstances of the case. For example, a split hearing may be convened if a joint hearing would impede the Principal's ability to answer questions openly and honestly regarding sensitive matters involving third parties, or if the relationship of trust and confidence between the Academy and the parent(s) has been called into question. A separate hearing might also be appropriate where legal or regulatory requirements prohibit disclosure of information to the parent(s), or where the decision maker has been instructed by a statutory agency not to share information with the parent(s). This list is not exhaustive.
- A hearing (or separate hearings) will be scheduled to take place as soon as practical and normally within 25 school days of receipt of the parent's(s')

letter. If, despite the best efforts of Clerk and the Panel Chair, a hearing cannot be arranged within this time period, the Clerk will write to the parent(s) before the expiry of the 25 school day period setting out the likely timeframe for the hearing. Please note that it is often very difficult to find a date where all attendees are available. As such, the Panel Chair may only be able to offer one or two options to parents for a hearing date. If parents are unable to attend, efforts will be made to secure an alternative hearing date, but this cannot always be guaranteed.

- If all attendees, including parents, have confirmed availability at the scheduled hearing, and parent(s) subsequently state that they are no longer able to attend the hearing date arranged, the Panel Chair will only offer them one further hearing date. If parents are not able to attend this date, the hearing will go ahead in the parents' absence.
- The Panel Chair will decide on the hearing location. A hearing will normally take place at the GDST's Trust Office in London. The Panel Chair may alternatively decide for the hearing to be held at a premises near the Academy, at the Academy itself, or online by video conference. If parents have reasons to require a particular location or format for the hearing, they should state this in their letter requesting a hearing.
- The Clerk will circulate the panel hearing bundle to all parties at least five school days before the hearing. The hearing bundle will include the documents the Principal wishes to rely on, as well as the documents the parent(s) wish to rely on.
- In situations where separate hearings are conducted as a result of a Stage 2 complaint or as a result of an investigation uncovering sensitive third-party information, information restricted from parental disclosure by legal or regulatory requirements, or pursuant to specific instructions from a statutory agency, the Principal may propose sharing certain information with the Panel only in a separate bundle.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied by the parent(s) or the Principal in advance of the hearing. Copies of such particulars shall be supplied to the Clerk not less than three school days prior to the hearing, for circulation to all parties (unless certain information is to be shared with the Panel only in accordance with the above).

Conduct of the Panel

- The Panel Chair will determine the format of the hearing, including the order of proceedings and any procedural matters that arise with a view to ensuring a fair and effective hearing is conducted.
- The Panel's role is to review the evidence before it and decide whether to uphold the parent's(s) grounds of appeal in full or in part. The Panel will consider whether the Academy has acted fairly and reasonably, and in accordance with its policies and procedures.
- The Panel may make recommendations to the Academy to consider, which may include issuing an apology, identifying any lessons learned and/or reviewing updating, or adopting new polices, procedures, or practices). Parents should note that the Panel cannot obligate the Academy to take particular steps.
- **The Panel shall not have the power to consider or make any financial awards, such as claims for compensation or damages.**
- The Panel shall not have the power to impose sanctions on pupils or staff.
- The Panel will not normally consider issues raised by the parent(s) at Stage 3 that were not raised during the earlier stages of this Procedure, unless the Panel Chair, in their absolute discretion, considers that it would be appropriate to do so.
- All attendees at the hearing are expected to show courtesy and respect. If, after due warning by the Panel Chair, a person behaves in a manner inconsistent with this, the hearing may be adjourned or terminated at the discretion of the Panel Chair.
- If having requested a panel hearing, the parent(s) then withdraw their request, the hearing will ordinarily still proceed in the parent's(s') absence in order that the Panel can consider it and make findings on its substance. A record will be kept of all withdrawn complaints to support the Academy in keeping under review any emerging patterns arising from complaints.
- The parent(s) may be accompanied to the hearing by one other person aged over 18. This may be a relative, companion or friend and their name (and the capacity in which they will be attending) should be notified to the Clerk at least three school days prior to the hearing. The companion should not

attend in order to offer legal representation and must undertake to accept the confidentiality of this Procedure.

- The Principal may be accompanied by another appropriate member of staff at the Academy or member of the LGB. The role of the relevant staff member or member of the LGB will be to act as a companion to the Principal and they will have no decision-making role in the panel hearing.
- Legal representation on a formal or informal basis will not be appropriate and will only be permitted by the Panel Chair in exceptional circumstances. Once the hearing has closed and, after due consideration of all relevant facts, the Panel will reach a decision and may make recommendations.
- The Panel will write to the parent(s) normally within 15 school days of the panel hearing informing them of its decision and the reasons for it. The Panel's findings, and recommendations (if any) will also be sent in writing to the Principal, the Chief Executive of the GDST, the Chair of the Council and, where relevant, the person(s) against whom the complaint was made. The Panel's decision will be final.
- The Panel will make its decisions by majority vote and by applying the civil standard of proof (i.e. the balance of probabilities).
- No party is permitted to make a recording of a panel hearing. A note-taker (who may be the Clerk) will attend the hearing to take a note. This will not be a verbatim note but an accurate reflection of what was discussed. Notes of the hearing will be shared with attendees as soon as practicable after the hearing. To the extent there is any disagreement about the content of those notes or further comments from the parties, these will be considered by and, where possible, resolved by the Panel Chair. A copy of any comments on the notes will be appended to the notes.

7. **External support**

At any stage of the process, it may be helpful to consider engaging external support to assist in resolving particularly difficult or sensitive issues as constructively as possible. This could include mediation or a facilitated discussion by an experienced mediator or engaging support from external providers with a particular perspective or expertise.

8. Complaints Concerning GDST Trust Office Staff

If parents wish to make a complaint about a member of staff at the GDST's Trust Office, having been unable to resolve it satisfactorily with the person concerned or their line manager, the parent(s) should put their complaint in writing to the Chief Executive of the GDST by post at The Girls' Day School Trust, Asticus, 21 Palmer St, London SW1H 0AD or via email to complaints@wes.gdst.net. The Chief Executive will consider how best to respond or what action to take based on the nature of the complaint.

If the complaint is about the Chief Executive of the GDST, the parent(s) should write to the Chair of the Council of the GDST by post at The Girls' Day School Trust, Asticus, 21 Palmer St, London SW1H 0AD or via email to complaints@wes.gdst.net. The Chair of the Council will decide how best to respond or what action to take based on the nature of the complaint.

9. Legal proceedings

Where legal proceedings exist between the GDST and a parent/pupil in relation to any matter that is the subject of a complaint, this Procedure may be subject to the constraints of the legal process.

10. Record-keeping, use of personal data, and confidentiality

A written record of all formal Stage 2 and Stage 3 complaints (which may include notes of meetings, correspondence, interviews and statements) will be kept and will include details of whether individual complaints were resolved at Stage 2 or proceeded to Stage 3. The record will include details of any action taken by the Academy as a result of a complaint, regardless of whether or not it is upheld.

Records will be kept and managed in accordance with the Academy's policies on the retention and destruction of records and, in accordance with data protection principles, details of individual complaints will only be kept for as long as is considered reasonably necessary in the circumstances. Any complaints that have a safeguarding element will be retained in accordance with current government guidance.

When dealing with complaints, the Academy and the GDST (including Panel members appointed under Stage 3) may process a range of personal data, potentially including special category personal data. This data will be processed in accordance with the GDST's privacy notice, available at: https://www.gdst.net/privacy-notice/

Please note that the GDST requires independent Panel members appointed at a Stage 3 panel hearing to keep information shared with them about a pupil confidential, and requires that any information shared is destroyed on completion of the panel hearing process.

Records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under s109 of the Education and Skills Act, such as Ofsted, requests access to them or where any other legal obligation prevails.

11. **Further Action**

Parents of children should follow the three stages of this Procedure. If parents remain dissatisfied, then parents may take their complaint to the Department for Education or Ofsted.

If a parent believes the Academy or the GDST did not handle their complaint in accordance with the published the Procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the GDST or the Academy. They will consider whether the GDST or the Academy 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 parent can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to: Ministerial and Public Communication Division, Department for Education

Piccadilly Gate Store Street, Manchester, M1 2WD.

12. **Review and monitoring**

The Academy will keep a record of all complaints received at Stage 2 and will share this with the GDST. The Principal will review all complaints received annually to consider any school-wide issues arising that may require action. The GDST's Head of Legal will review complaints received across the GDST and will submit an annual report to the GDST's Audit Committee highlighting the number of formal complaints received across the GDST and any systemic or institutional issues arising with a view to considering further action.

13. **References**

- Best practice guidance for academies complaints procedure, March 2021
- Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7

Policy owner: Legal

Date of last review: October 2026
Date of next review: September 2027