

Greater Manchester Education Trust

COMPLAINTS POLICY

V1.1

Approval History

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Revision History

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12.23	10.22	Additions to section 7.0 and definitions of unreasonable complaints and response	
		Administrative updates for academy contacts	

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1.0 OUR APPROACH

We believe that our academies provide an excellent education and that the Headteacher and academy personnel work very hard to build positive relationships. There are in place clear lines of communication with all parents and others. In this way complaints should be kept to a minimum. We believe this policy should be a working document that is fit for purpose, represents the ethos of the Trust and enables consistency and quality across our academies.

We are aware that we must have in place clear procedures to deal with any complaint made against the academy/Trust or individuals connected with them. A flowchart and summary of the complaints procedure can be found at Appendix A to this document. We take all complaints seriously and will deal with them professionally following set procedures.

We believe that complaints should be resolved as quickly as possible, however in some cases we must establish whether the issue brought to our attention is a complaint or a concern. In most cases issues will be resolved informally without the need to invoke formal procedures.

A concern is “an expression of worry or doubt over an issue considered to be important, for which reassurances are sought”. A complaint is best defined as “an expression of dissatisfaction however made, about actions taken or, indeed, a lack of action”. In making the distinction between a concern and a complaint, the number of formal complaints should be kept to a minimum. This procedure does not apply to concerns and complaints relating to the matters listed in Appendix B.

In addition to parents/carers of children who are registered at an academy any member of the general public is able to make a complaint about any provision of facilities or services that we provide at the academy.

We have a duty to inform parents and the general public who may wish to make a complaint against an organisation using academy facilities that they must lodge their complaint with that organisation and not the academy.

We understand that a complaint may be made in writing, by telephone or in person, however, we will endeavour to accommodate those complainants who may be disabled or have learning difficulties by having in place alternative methods to register a complaint.

This policy identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this policy.

The timeframes referred to in this policy are our usual timeframes and the academy will seek to adhere to these timeframes where possible. If it becomes necessary to alter the time limits and deadlines set out within this procedure, the complainant will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on the school’s ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

Concerns or complaints should be brought to the academy's attention as soon as possible. Any matter raised more than 12 months after the incident (or, where a series of associated incidents have occurred, within 12 months of the last of these incidents) will not be considered unless the Headteacher accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

In this policy:

- 'meeting' means an in person or virtual meeting (i.e. telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so.

'School days' excludes weekends and school holidays and periods of partial or total school closure

2.0 AIMS

- To define a process by which complaints are heard in our Trust.
- To deal with any complaint against an academy or any individual connected with it by following the correct procedures.
- To deal with all complaints thoroughly and in an open, honest and fair manner.
- To ensure compliance with all relevant legislation connected to this policy.
- To share good practice in order to improve this policy.
- To differentiate between a concern and a complaint.

3.0 RESPONSIBILITY FOR THE POLICY AND PROCEDURE

Role of the Local Academy Committee

The Local Academy Committee will:

- Have in place a complaints procedure
- Ensure that the complaints procedure complies with their obligation under the Equality Act 2010
- Delegate powers and responsibilities to the Headteacher to ensure all school personnel and users of the academy are aware of and comply with this policy
- Deal with any complaint made against the Headteacher. The Chair of the Local Academy Committee will inform the Chief Executive Officer of any complaint made against the Headteacher of an academy
- Not share detail of complaints with the whole Local Academy Committee in case a Complaints Panel has to convene. (The Board of Trustees will arrange for a completely independent panel to hear a complaint if the whole governing body have full knowledge of the complaint.)
- Review annually the concerns/complaints log with the Headteacher

- Have in place a self-evaluation process to monitor the way complaints are dealt with and to consider what improvements can be made to the complaints procedures
- Consider any local or national decisions affecting the complaints process, and propose any modifications necessary to this policy
- Ensure that the complaints procedure is published on the academy website, is available in hard copy on request and is concise, simple to understand and impartial
- Nominate a designated Governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy
- Ensure funding is in place to support this policy
- Ensure this policy is maintained and updated regularly
- Make effective use of relevant information to improve this policy

Role of the Headteacher

The Headteacher will

- Manage all complaints impartially
- Keep the complainant updated at all stages of the complaints procedure
- Not share third party information
- Seek an interpreter where the need arises
- Refer any complaint made against him/herself to the Chair of the Local Academy Committee
- Ensure full and fair investigations are undertaken
- Ensure confidentiality
- Ensure all complaints are resolved as quickly as possible within realistic time limits
- Review the complaints log each year with the Local Academy Committee
- Monitor and review complaints to see how they can contribute to school improvement
- Ensure all academy personnel, pupils and parents are aware of and comply with this policy
- Provide guidance, support and training to all staff
- Monitor the effectiveness of this policy by speaking with academy personnel, parents and governors
- Annually report to the Local Academy Committee on the instances of use and the development of this policy

Role of the complainant

We ask the complainant to:

- Cooperate with the academy to find a solution to the complaint as quickly as possible
- Provide full information in relation to the complaint
- Be respectful to everyone involved in the complaints procedure

4.0 RECORDS OF COMPLAINTS

A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld. Where the complainant is a parent, a record of the academy's decision will be kept for one year after the pupil leaves the academy. Correspondence, statements and records relating to individual complaints will be kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- an individual has a legal right to access their own personal data contained within such documentation; or
- under other legal authority.

The academy will make the findings and recommendations of the complaints panel available for inspection by the academy, the Headteacher and the Trust Board.

5.0 COMPLAINT PROCEDURES

Stage 1 – Informal Resolution

- It is hoped that most complaints and concerns will be resolved quickly and informally.
- The complainant, if a parent of a child at the academy, should normally contact their child's teacher or Form Teacher, or the person with direct responsibility in the area of complaint. In many cases, the matter will be resolved straight away by this means to the parent's satisfaction. If the recipient of the complaint cannot resolve the matter alone, it may be necessary for him/her to consult a Deputy Headteacher or the Headteacher.
- Complaints made directly to a Deputy Headteacher or the Headteacher will usually be referred to the relevant staff member or Faculty Leader unless the Deputy Headteacher or Headteacher deems it appropriate for him/her to deal with the matter personally.
- If the complainant is not a parent of the school, he/she should make the complaint directly to the Headteacher in writing.
- The academy will endeavour to resolve any informal complaints within 15 school days of them being raised.
- Should the matter not be resolved as referred to above, or in the event that the member of staff concerned and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.
- Where the complaint is about the Headteacher, this should be addressed to the Chair of Governors, care of the Clerk to the Governing Body.

Stage 2 – Formal Resolution

- If the complaint cannot be resolved on an informal basis (as set out above) then the complaint should be made in writing to the Headteacher (c/o the Headteacher's assistant) within 10 school days of the outcome of Stage One. The complainant should also identify how he/she wishes the complaint to be resolved (See Appendix C).
- The Headteacher will delegate responsibility for undertaking investigation of the complaint to a Deputy Headteacher unless he/she deems it appropriate for him/her to deal with the matter personally.
- The Headteacher will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Headteacher will meet or speak with the complainant to discuss the matter. If possible, a resolution will be reached at this stage.
- The Headteacher will endeavour to speak to or meet with the complainant within 15 school days of the formal complaint being received. In this instance the Headteacher will use reasonable endeavours to speak or meet with the complainant as soon as possible after the commencement of the new term.
- Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. The complainant will be informed of this decision and the reasons for it in writing. The written decision should be provided no later than 10 school days after speaking or meeting with the complainant to discuss the matter. The Headteacher may also arrange to meet with the complainant to explain the decision.
- Where the complainant is dissatisfied with the outcome of the response to their formal complaint, he/she has the opportunity to have their complaint considered by a Complaints Panel.

Stage 3 – Formal Stage

- The complainant writes formally to the Clerk to the Complaints Panel within 10 school days of the outcome of stage 2 to request a panel hearing. In the request the complainant should, outline the reasons why he/she is not happy with the outcomes of the Headteacher's investigations and remedies sought (See Appendix 3).
- Once an appeal has been received by the clerk, he/she will acknowledge the appeal in writing within 5 school days, and inform the complainant of the steps involved in this complaint's procedure.
- A clerk will be appointed to support the panel hearing.
- Every effort will be made to enable the hearing to take place within 20 school days of the receipt of the request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, the complainant will be sent written notification of the date, time and place of the hearing, together with brief details of

the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The complainant will also be informed of the name of the person who will be presenting the case on behalf of the academy. This would usually be Headteacher but may also include the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 or another person with sufficient knowledge of the matter.

- If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the clerk may determine that the hearing proceeds on the basis of written submissions from both parties.

The clerk will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents. There should be at least 5 school days' notice of the Complaints Panel hearing date and every effort should be made to support all parties to attend the hearing. Any supporting documentation relevant to the complaint must be submitted to the Complaints Panel by both parties at least 5 school days before the Complaints Panel hearing. The Complaints Panel reserves the right not to consider any documentation presented by either party less than 5 school days prior to the hearing. The Complaints Panel may hear oral evidence from witnesses and/or may take written statements into account.

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

- The complainant will be entitled to be accompanied to the Complaints Panel hearing and should notify the clerk in advance if he/she intends to bring anyone to the hearing.
- The following are entitled to attend a hearing, submit written representations and address the Panel:
 - The complainant(s) (or, if aged over 18, the pupil) and/or one representative;
 - The Headteacher of the academy and/or one representative; and
 - Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making
- The Complaints Panel will be made up of a minimum of three representatives, two from the Local Academy Committee/Trust Board with no prior involvement in the matter and one person who is completely independent from the management and running of the academy.
- The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.
- The panel will give careful consideration to how the complainant can be made to feel most comfortable presenting to the panel.
- The panel will hear the appeal(s), consider all the views expressed and decide the outcome in private.

- The panel will can make findings and recommendations in relation to the complaint.
- The panel will provide such findings to the complainant and, where relevant, the person complained about.

Complaints Panel procedure

The procedure for an appeal is usually as follows:

- The complainant and Headteacher will enter the hearing together.
- The chair will introduce the panel members and outline the process.
- The complainant will explain the complaint.
- The Headteacher and panel will ask questions of the complainant.
- The Headteacher will explain the academy's actions.
- The complainant and panel will ask questions of the Headteacher.
- The complainant will sum up his/her complaint.
- The Headteacher will sum up the academy's actions.
- The chair will explain that both parties will hear from the panel within 5 school days.
- Both parties will leave together while the panel reaches a decision.
- The clerk will stay to assist the panel with the decision-making process.

The clerk and or Complaints Panel reserve the right to modify the above procedure at their sole discretion, for example requiring the parent and the Headteacher to present their complaint/actions separately to the Complaints Panel in the absence of the other party.

The chair of the panel/clerk to the panel will notify the complainant and the Headteacher of the panel's decision in writing within 5 school days of the Complaints Panel hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the academy, Local Academy Committee or Trust Board.

The Complaints Panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to systems or procedures as a preventative step against similar occurrences in the future

The panel's decision is final.

Stage 4: Referral of complaint to Education and Skills Funding Agency (ESFA)

If a complainant is dissatisfied with the decision of the Complaints Panel, they are entitled to refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will only investigate whether the complaint was handled properly and in accordance with education legislation and any statutory policies connected with the complaint.

At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at:

6.0 COMPLAINT CAMPAIGNS

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school which are all based on the same subject).

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the academy's website (as applicable)

7.0 UNREASONABLE COMPLAINTS

Greater Manchester Education Trust, is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to complainants. We will not normally limit the contact complainants have with an academy or the Trust, however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour. This includes behaviour which is abusive, offensive or threatening.

Greater Manchester Education Trust defines unreasonable complainants as “those which, because of their frequency or the nature of contact by the complainant with the organisation, hinder the consideration of that complaint or other complaints”. This may be characterised by behaviour where the complainant acts in a manner that any reasonable person would consider to be unsuitable or inappropriate in the circumstances and considering the nature of the complaint. This may include examples where

- Refuses to articulate his/her 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 investigations process while still wishing his/her complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented upon, or raises large numbers of detailed but unimportant questions, insisting they are fully answered, often 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 has been addressed).
- Refuses to accept the findings of the investigation into that complaint where

the complaints procedure has been fully and properly implemented and completed including referral to the Department of Education.

- Seeks an unrealistic outcome.
- Uses Freedom of Information or Subject Access requests excessively or unreasonably.
- Makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with.

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

- Maliciously
- Aggressively
- Using unsubstantiated defamatory accusations, threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local Academy Committee will discuss any concerns with the complainant informally before applying an “unreasonable” marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to cease such behaviour. Where further correspondence is received on the same matter, the organisation will be under no obligation to respond to it.

For complainants who excessively contact the organisation causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

If the behaviour of the complainant is not modified the Trust will take some or all of the following actions as necessary, having regard to the nature of the complainant’s behaviour and the effect of this on the academy community:

- a. inform the complainant in writing that his/her behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- b. inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties

- c. inform the complainant that, except in emergencies, all routine communication with the complainant to the academy should be by letter and posted or emailed to admin email address on the academy website.
- d. (in the case of physical, or verbal aggression) take advice from the police, HR / Legal Services (services purchased by the Trust Board) and consider warning the complainant about being banned from the academy site or proceed straight to a temporary ban;
- e. consider taking advice from the legal department on pursuing a case under Anti-Harassment legislation;
- f. consider taking advice from the HR / Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the governing body, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.

8.0 RAISING AWARENESS OF THIS POLICY

We will raise awareness of this policy via:

- The Academy's Handbook/Prospectus
- The academy website
- The Staff Handbook
- Meetings with parents such as introductory, transition, parent- teacher consultations and periodic curriculum workshops
- Academy events
- Meetings with academy personnel
- Communications with home such as weekly newsletters
- Reports such as annual reports to parents and Headteacher reports to the Local Academy Committee

All personnel should receive periodic training regarding the handling and management of complaints along with equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

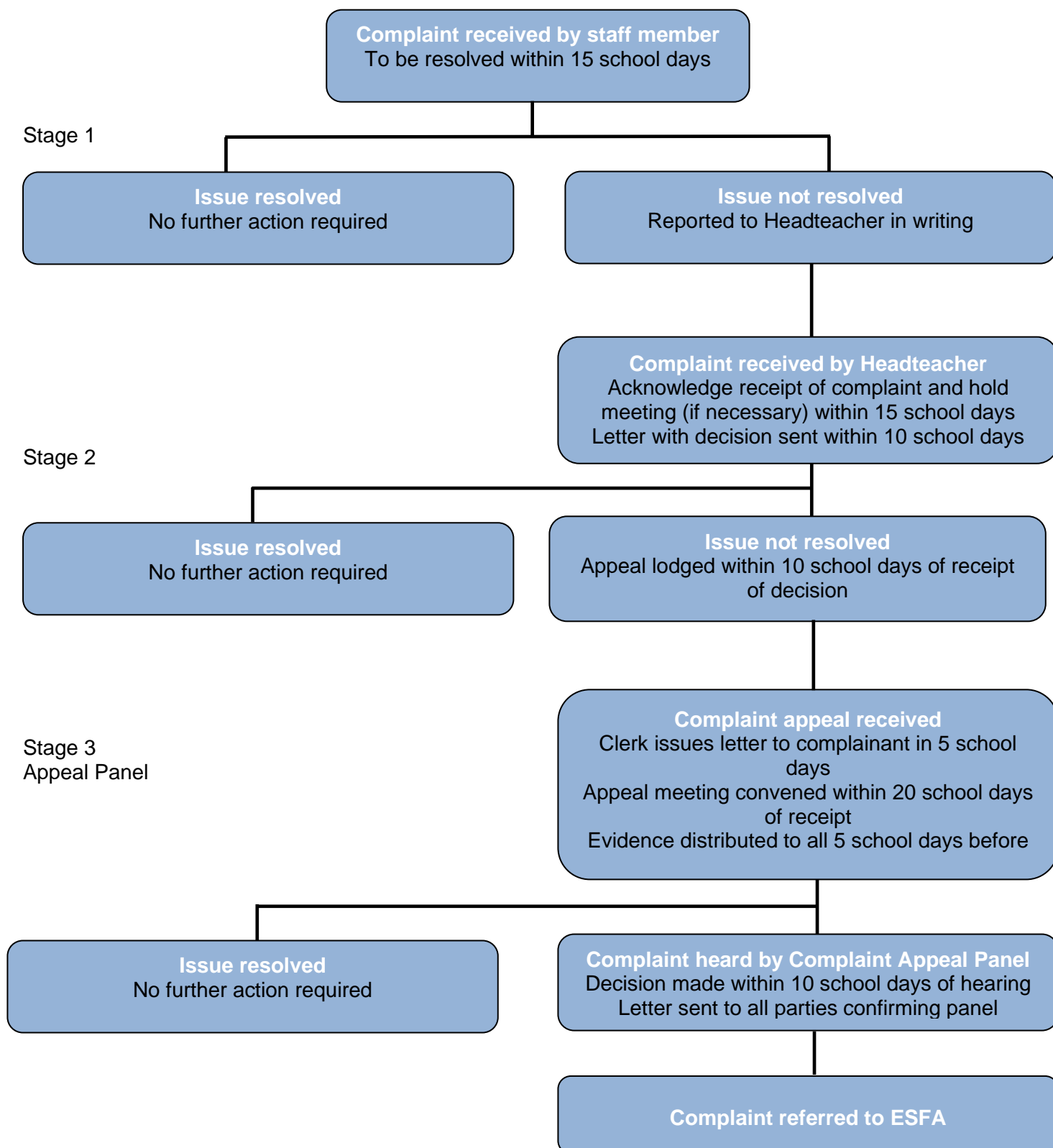
The Trust will review this policy regularly and update it as considered necessary to ensure that all complaints are dealt with in a prompt and equitable manner.

9.0 EQUALITY IMPACT STATEMENT

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, does not prioritise or disadvantage any pupil and helps to promote equality at the school.

Complaints Flowchart



Complaints Procedure (Summary)

We hope that most complaints can be dealt with quickly on an informal basis. However, should you wish to raise a formal complaint you can be assured that it will be treated seriously and confidentially.

The outline procedure for making a formal complaint is shown below -

Stage 1 (For parents of the school)

Contact your child's teacher or Form Tutor and raise your concerns. They should be able to answer your concerns. If they cannot, they may consult with a Deputy Headteacher or Headteacher. You will receive a response within 15 school days.

For complainants other than parents, write to the Headteacher outlining your complaint. You should expect to receive a response within 15 school days.

Stage 2

Parents: If your issue has not been resolved to your satisfaction you may take your concerns to the Headteacher.

You should write to him/her outlining your complaint and stating what action you feel needs to be taken to solve the problem.

Within 15 school days the Headteacher will decide upon what needs to be done. Very often he/she will arrange to meet with you to discuss your concerns and resolve them. It may be that a nominated senior leader investigates the complaint initially.

Stage 3

If you feel that the Headteacher has not resolved your concerns you may appeal to a Complaints Panel which will be set up specially to hear your appeal.

To make an appeal you should write to the designated complaints manager (See Appendix D) stating your reasons. You will receive written confirmation of your request within 5 school days and the Complaints Panel will hear your appeal within 20 school days from the receipt of your complaint.

A decision will be made within 10 school days of the Complaints Panel meeting and you will be informed in writing of the outcome.

Matters excluded from the scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. 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). <i>Please refer to related policies</i>
Exclusions	The process for challenging exclusions decisions is set out in the DfE’s statutory guidance and information can be found at https://www.gov.uk/school-discipline-exclusions/challenging-exclusions
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
Academy re-organisation proposals	Where concerns are not adequately addressed by the trust, complaints can be raised directly with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about services. Please contact them directly.
Staff grievances	Complaints from staff will be dealt with under the academy’s internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the academy’s internal

	<p>disciplinary procedures, if appropriate, or referred to other agencies.</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>
<p>Statutory assessments of Special Educational Needs (SEN)</p>	<p>Concerns about statutory assessments of special educational needs should be raised directly with the local authority.</p>
<p>Whistleblowing</p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at:</p> <p>www.education.gov.uk/contactus.</p> <p>Volunteer staff and other individuals who have concerns should complain through the Whistleblowing procedure. You may also be able to complain directly to the Department for Education (see link above), depending on the substance of the concern.</p>

Complaints Form

Please complete and return to the complaints co-ordinator for your school/academy (see Appendix D for contact details), who will acknowledge receipt and explain what action will be taken.

Your Name	
Student's Name	
Your Relationship to the Student	

Address:	
Postcode:	
Daytime Telephone Number	
Evening Telephone Number	

Please give details of your Complaint

What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?

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

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Signature		Date	
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**OFFICE USE
ONLY**

Date Acknowledgement Sent	
By Who	
Complaint Referred to	
Date	

Contacts

Whalley Range 11-18 High School

Wilbraham Road, Whalley Range

Manchester

M16 8GW

Telephone: 0161 861 9727

Email: head@whalleyrange.manchester.sch.uk

Complaints Co-ordinator: Academy Headteacher's Personal Assistant

Academy Headteacher: Mrs. J. Fahey

Chair of Governors: Ms. E. Ferneley

Levenshulme High School

Crossley Road

Manchester

M19 1FS

Telephone: 0161 224 4625

Email: head@levenshulmehigh.co.uk

Complaints Co-ordinator: Academy Co-Headteachers' Personal Assistant

Academy Co-Headteachers: Ms D. Johnson and Mr. N. Johnson

Chair of Governors: Ms. E. Antrobus

The East Manchester Academy

60 Grey Mare Lane East

Manchester

M11 3DS

Telephone: 0161 230 8039

Email: head@temac.co.uk

Complaints Co-ordinator: Admin team lead

Academy Headteacher: Ms. J Bowen

Chair of Governors: Ms. F. O'Sullivan

Parrs Wood High School

Wilmslow Road

East Didsbury

Manchester

M20 5PG

Telephone: 0161 446 8640

Email: admin@parrswoodhighschool.manchester.sch.uk

Complaints Co-ordinator: Admin team lead

Academy Headteacher: Mr M McElwee

Chair of Governors: Ms. E. McLaren

Trust Contacts

Chief Executive Officer: Mr D. Owen

Chair of Trust Board: Ms S Reeves

Clerk to Trust Board: Ms J Douglas

Email: bgallagher@levenshulmehigh.co.uk