

Lanercost C of E Primary School



Complaints Policy & Procedure

'Care Believe Achieve'

Live life in all its fullness – John 10:10

ADOPTED AT A MEETING OF THE FULL GOVERNING BODY

SIGNED: Karen Reid

A handwritten signature in black ink that reads "K. Reid". The signature is written in a cursive style.

Chair of Governors

DATE: 7th September 2021

Part A: Background

1. Introduction

1.1 Lanercost CE Primary School (**the School**) aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the process. This Complaints Procedure (the "Procedure") has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services (other than complaints covered by statutory procedures as outlined in Appendix 1). Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. The Procedure outlines the steps to be followed by the complainant and school at each stage.

1.2 Please be aware that 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.

1.3 If a complainant commences legal action against the School in relation to their complaint, we will suspend the Procedure in relation to their complaint until those legal proceedings have concluded.

1.4 Once a complaint has been made, it can be resolved or withdrawn at any stage.

2. The difference between a concern and a complaint

2.1 A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. We encourage anyone with questions or concerns to bring these to our attention. We appreciate all feedback and suggestions to help future planning and welcome an opportunity to be able to reassure you about any concerns.

2.2 A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*. This Procedure will help you to understand how any complaint you make will be handled.

2.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage and mistakes are put right.

3. Anonymous complaints

3.1 We will not investigate anonymous complaints under this Procedure.

4. Our Aims

4.1 In keeping with our school vision, we care about the wellbeing of any party involved in a complaint under this Procedure and we undertake to complete all steps under this Procedure in a caring and Christian way. In particular:

4.2 Your concern or complaint will be dealt with honestly, politely and in confidence.

4.3 Your concern or complaint will be looked into thoroughly and fairly.

4.4 If your concern or complaint is urgent, we will deal with it more quickly.

4.5 We will keep you up to date with progress at each stage.

4.6 You will get an explanation and an apology if we have made a mistake.

4.7 You will be told what we are going to do to put things right if something needs to change.

4.8 You will get a full and clear written reply to formal complaints (see First and Second Formal Stages below) as soon as possible and within 15 school school days (3 weeks) of the conclusion of any investigation at the First Formal Stage and within 10 school school days (2 weeks) of the conclusion of any investigation at the Second Formal Stage.

5. Confidentiality

5.1 Every attempt will be made to ensure that both the Complainant and the School maintain confidentiality, except in exceptional circumstances. Sometimes, the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality (with each complaint judged on its own merit). In such circumstance, the situation will be explained to the Complainant.

6. Our Expectations

6.1 We expect that any concerns and/or complaints raised will be genuine, reasonable and handled politely.

6.2 School staff should not have to tolerate behaviour which is offensive, abusive, threatening or vexatious.

We will follow the policy outlined in Appendix 3 to respond to any behaviour from complainants which does not meet our expectations.

Part B: How to make a Complaint

7. Maintaining Governor Impartiality

7.1 Except as directed below (where your complaint is about the Headteacher or a member of the governing body **or** where your complaint has been escalated to the Second Formal Stage) you should not raise your concern or complaint with individual governors. If your first contact is with a governor, he or she will refer you to an appropriate member of staff or the Headteacher. It is important that governors remain impartial as they may be required to sit on a panel in the event of a formal hearing under the Second Formal Stage.

8. Informal Stage

8.1 If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most concerns or complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation or an apology where we have got things wrong. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about Special Needs.

8.2 We know that it can feel uncomfortable to question or challenge something, but if you don't tell us what is worrying you, we cannot explain what we are doing or try to put it right.

8.3 If the member of staff you speak to in the first instance is unable to attempt to resolve the matter, you should make an appointment with the Headteacher.

8.4 We aim to deal with the majority of concerns or complaints at the Informal Stage.

8.5 We aim to resolve informal concerns quickly; keep matters low key; enable mediation between the Complainant and the individual to whom the complaint has been referred.

8.6 An informal approach is appropriate when it can be achieved. However, if after attempting to resolve your complaint/concern via the Informal Stage, you remain dissatisfied, you can escalate your complaint to the First Formal Stage (below).

First Formal Stage

9. Complaints which are not about the Headteacher:

9.1 At any time within 20 school days (4 weeks) following your discussion with staff members at the Informal Stage, you can contact the school office to arrange a **Formal Stage** meeting with the Headteacher to explain:

- the nature your complaint (if the Headteacher was not involved at the Informal Stage);
- why you were dissatisfied with the action taken at the Informal Stage; and
- what outcome you would like to see.

9.2 The Headteacher will investigate your complaint and inform you in writing of the outcome within 15 school school days (3 weeks) of the date of the meeting.

9.3 The written outcome will include:

- The steps taken to investigate your complaint.
- The reasons why the outcome has been reached.
- Where appropriate, any actions which have been or will be taken in school to address your complaint.
- Details of the appropriate person to contact to escalate your complaint to the Second Formal Stage if you are still dissatisfied (this will usually be the Chair of Governors but may be another governor if the Chair of Governors has been involved at either the Informal Stage or the First Formal Stage or is the subject of the complaint).

10. Complaints about the Headteacher:

10.1 At any time within 20 school days (4 weeks) following your discussion with the Headteacher at the Informal Stage, you can contact the school office to arrange a **Formal Stage** meeting with the Chair of Governors to explain:

- the nature your complaint;
- why you were dissatisfied with the action taken at the Informal Stage; and
- what outcome you would like to see.

10.2 The Chair of Governors (or if necessary, another impartial governor) will investigate your complaint and inform you in writing of the outcome within 15 school school days (3 weeks) of the date of the meeting.

The written outcome will include:

- The steps taken to investigate your complaint.
- The reasons why the outcome has been reached.
- Where appropriate, any actions which have been or will be recommended to the school to address your complaint.
- Details of the appropriate person to contact to escalate your complaint to the Second Formal Stage if you are still dissatisfied (usually another impartial governor who has not been involved at either the Informal Stage or the First Formal Stage).

11. Complaints about one of more members of the Governing Body:

11.1 A complaint about a member of the governing body can be addressed to the Clerk of the Governing body, via the school office, at any time within 20 school days (4 weeks) of the occasion which has given rise the Complaint.

11.2 The Clerk will determine who is the appropriate person to meet with you to hear your complaint. This may be the Chair of Governors (if he or she is not the subject of the complaint); another governor from this school or another school; or an independent investigator.

11.3 The Clerk will keep you updated about your complaint and expected timescales (which can vary and may be out of the school's control e.g. where an external investigator is appointed).

11.4 You will be informed in writing of the outcome.

11.5 The written outcome will include:

- The steps taken to investigate your complaint.
- The reasons why the outcome has been reached.
- Where appropriate, any actions which have been or will be recommended to the school to address your complaint.

11.6 Details of the appropriate person to contact to escalate your complaint to the Second Formal Stage if you are still dissatisfied.

Second Formal Stage

12 At any time within 10 school days (2 weeks) of receipt of your First Formal Stage written outcome, you can request a Second Formal Stage investigation by completing the Complaint Form set out in Appendix 2 and submitting it to the person named in your First Formal Stage outcome. (the "Convener").

12.1 Please be aware that, in keeping with our desire to resolve complaints as quickly as possible, requests for a Second Formal Stage investigation received outside this time period cannot be considered.

13. Guidance for completing a Complaint Form

- Make it clear in your Complaint Form whether you are asking the Second Formal Stage investigation to consider the original complaint **or** how it has been handled at the Informal or First Formal Stage.
- Ensure you include as much information (and supporting documentation or evidence as possible).

- Remember the Convener has no prior knowledge of your complaint and may not be involved with the school at all so make sure you are clear about the roles of people you name, dates, times and facts.
- The more detailed and clear your form is, the less clarification and/or investigation is likely to be needed and, as such, your complaint is likely to be resolved more quickly.

14. The Complaints Panel's Preliminary Investigation

14.1 The Convener will arrange for a panel of three impartial governors to consider your complaint (the "Panel"). This may mean involving a governor or governors from another school to ensure impartiality and no prior knowledge of the complaint.

14.2 The Panel will meet to agree whether any clarification or investigation is needed prior to a hearing or whether the documentation submitted to them is sufficient. The amount of investigation required will affect the timing of the hearing. The investigation could involve: seeking clarification from or an informal meeting with you or one or members of school staff, documents may need to be requested or witnesses interviewed.

14.3 Once the Panel have determined the nature of any investigation needed, they will be able to agree a timetable for undertaking that investigation and the date for the hearing.

14.4 You will be notified of the suggested hearing date will usually be within 20 school school days (4 weeks) of receipt of your Complaint Form.

14.5 Where the complaint is complex and/or external parties involved are required, it could take longer to convene a hearing.

14.6 The Convener will keep you updated with progress and timings.

14.7 The Convener will take into account any stated unavailability detailed in your Complaint Form. If you are unable to make the suggested hearing date **for exceptional reasons**, you should notify the Convener immediately. The Convener will take this into account and may be prepared to offer an alternative date, subject to Panel members' availability.

15. The Hearing

15.1 At least 5 school days (one week) before the date of the Hearing, the Convener will circulate the following papers:

- Names and status (e.g. friend, union official) of everyone who will be attending, including any witnesses.
- An outline of the format of the hearing (which will usually be similar to that set out in Appendix 4).
- Any documentary evidence which will be referred to at the hearing (redacted if necessary to remove any third-party information).

16. The Outcome

16.1 The Panel can:

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

16.2 If the complaint is upheld in whole or in part, the Panel will:

- suggest appropriate action to be taken to resolve the complaint; and

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

16.3 The Chair of the Panel (usually the Convener) will inform you in writing of the outcome within 10 school days (2 weeks) of the date of the hearing.

16.4 The written outcome will include a full explanation of the Panel's decision and the reason(s) for it.

17. Next Steps

17.1 If, following receipt of your Second Formal Stage written outcome, you believe that the school did not handle your complaint in accordance with this Procedure or we acted unlawfully or unreasonably in the exercise of our duties under education law, you can contact the Department for Education.

17.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether Lanercost C of E Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant 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:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Appendix 1: Complaints outside the scope of this Procedure

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Cumbria County Council.</p> <p>To find out more about the School Admissions Appeal process in Cumbria go to: https://www.cumbria.gov.uk/childrensservices/schoolsandlearning/lss/applyforasecondaryschoolplace2015/admissionappeals.asp</p>
<ul style="list-style-type: none"> Statutory assessments of Special Educational Needs 	<p>If you have concerns about the education sections of an Education, Health and Care (EHC) plan or about a Cumbria County Council decision to not issue an EHC plan, you can go to the First-tier Tribunal (Special Educational Needs and Disability) and ask for these concerns to be addressed. For these cases, you will now also be able to ask the tribunal to look at the health and social care sections of the EHC plan as long as the local authority decision happened on or after 3 April 2018 or the plan was issued or amended from 3 April 2018. Find out more about the SEND National Trial here: https://localoffer.cumbria.gov.uk/kb5/cumbria/fsd/advice.page?id=eUC2-iAcZ5E</p> <p>For the appropriate forms and to find out more about the Tribunal process, go to: https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability</p> <p>First-tier Tribunal (Special Educational Needs and Disability) General enquiries 1st Floor, Darlington Magistrates Court Parkgate Darlington DL1 1RU Email: send@justice.gov.uk Telephone: 01325 289 350 Fax: 0870 739 4017</p>
<ul style="list-style-type: none"> School re-organisation proposals 	<p>If your complaint is about school re-organisation proposals, please raise it with Cumbria County Council Children's Services through their complaints procedure detailed at: https://www.cumbria.gov.uk/councildemocracy/accesstoinformation/internalreviewscomplaints.asp?row=1</p> <p>or ask the school office for a printed copy of their Compliments, Comments and Complaints leaflet (available for download from: http://www.cumbria.gov.uk/eLibrary/view.asp?ID=90636).</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns regarding an adult who works with a child then this should be reported to the Local Authority Designated Officer (LADO) within one working day. This applies to all paid, unpaid, volunteers, casual, agency employees or anyone working in a self-employed capacity. To find out more go to: https://www.cumbria.gov.uk/childrensservices/childrenandfamilies/concernedaboutachild/lado.asp.</p> <p>To report a concern to the LADO please use the LADO - Allegation Notification Form.</p>

	<p>Send completed forms to the Cumbria Safeguarding Hub, using any of the following methods: (please note: if sending by email we advise that the document should be password protected)</p> <p>Post: LADO, Cumbria Safeguarding Hub, Skirsgill Depot, Penrith, Cumbria, CA10 2BQ Fax: 01768 812090 Email: lado@cumbria.gov.uk.</p> <p>Please note if you are worried that a child is at risk of immediate harm please contact the Cumbria Safeguarding Children Partnership on 0333 240 1727 or see How to refer a child.</p>
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>*complaints about the application of the Whole School Behaviour Policy can be made through the school's complaints procedure.</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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.</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>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> 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>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

Appendix 2: Complaint Form

Please complete and return this Complaint Form to the person named in your First Formal Stage written outcome.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please outline the nature of your complaint (either your original complaint or the way it has been handled at either the Informal Stage or the First Formal Stage).

Please outline what outcome you are hoping for and/or what actions you feel might resolve the your concern

Please list all supporting paperwork attached.

Please indicate any dates or times at which you cannot be available to attend a hearing (e.g. because you have already booked a holiday or the nature of your work precludes you from being able to take time off etc.)

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 3:

Policy for managing serial and unreasonable complaints

Lanercost C of E Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, 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 or threatening.

Lanercost C of E Primary School defines 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 and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

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

- Maliciously
- Aggressively
- Using 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 or other

public forums.

Complainants should limit the number of communications with the school 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 Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Lanercost C of E Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Lanercost C of E Primary School.

Appendix 4: Example Format of Hearing

Section	What will happen	Who
Welcome	<p>Introductions including clarification of roles</p> <p>Clarification of complaint lodged</p> <p>Expectations: as informal and relaxed as possible, non-confrontational, request breaks if needed etc</p> <p>Has everyone had sight of and happy with this running order</p>	Chair of Panel
Presentations	<p>Complainant to present summary of complaint highlighting points made in their Complaint Form and supporting documentation. Witnesses are called as and when required. Panel questions Parents to clarify the points they make.</p>	Complainant
	<p>Respondent presents the facts as s/he perceives them - highlighting points made in the written response and other documentation. Witnesses are called as and when required. Panel questions respondent to clarify the points s/he has made.</p>	Respondent
Summaries	<p>Complainant to summarise their case highlighting evidence including anything that has emerged in the questioning.</p>	Complainant
	<p>Respondent summarises the case for the school highlighting evidence. This should include the school's response and actions in relation to the complaint before the hearing and anything that has emerged in the questioning.</p>	Respondent
Close	<p>Panel Chair thanks Complainant and Respondent for attending and explains what will happen next.</p> <p>Complainant and Respondent leave.</p>	Chair of Panel
Decision	<p>Panel considers all the evidence and comes to its conclusion.</p>	Panel

- Witnesses should only be required to attend for the part of the hearing in which they give their evidence.
- The Panel may ask questions at any point or adjourn the meeting.