Complaints Procedure

Roles within these Procedures	
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Approval Level	Review Cycle
Governing Body	
Individual Governor	Annual
Headteacher 20.3.24	Review due: Spring 2025

REVIEW SHEET

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Revision
1	Based on the 2019 DfE Model Complaints Procedure - Original procedures	November 2020
2	No legal or procedural changes but very significant updates throughout to clarify each stage of the complaint procedure with several new sections describing the different types of complaint and how each is handled in full and one to reflect updates to the Ofsted procedure and new web based 'Complain about a school' service.	September 2022
3	New section for boarding schools on complaints about boarding provision	October 2022
4	Revised to include complaints relating to the EYFS statutory framework (applies to schools with EYFS provision only).	February 2023
	Minor updates only to reflect new unitary authorities and amend links to KAHub and other external websites.	September 2023

Contents

1 Introduction 1

1.1 Who can make a complaint? 1

1.2 Anonymous complaints 1

1.3 Time scales 1

1.4 Complaints received outside of term time 1

2 How to raise a concern or make a complaint 2

2.1 The difference between a concern and a complaint 2

2.2 Our aims when resolving complaints 2

2.3 Our expectations when resolving complaints 2

2.4 Maintaining Governor impartiality 2

2.5 Withdrawal of a complaint 2

3 Step One: Informal complaints stage 3

4 Step Two: Formal complaints – Stage One 3

4.1 Complaints that are not about the Head teacher or Governing Body 3

4.2 Complaints about the Head teacher 4

4.3 Complaints about one of more members of the Governing Body: 5

5 Step Three: Formal complaints - Stage Two 6

5.1 Pre-meeting 6

5.2 Meeting 7

5.3 Meeting outcome 7

5.4 Complaints about one or more members of the Governing Body 7

6 Next steps 8

6.1 Complaining to the Department for Education 8

6.2 Complaining to Ofsted 8

7 Duplicate complaints 8

8 Unreasonable or persistent complaints 9

Appendix A - Complaints not handled under this complaint procedure

Appendix B – Complaint Form

Appendix C – Complaints Procedure Roles and Responsibilities

Appendix D – Example Meeting Format

1 Introduction

Every day, here at Holm Cultram Abbey Church of England Primary School, we (the school) make many decisions and we work hard to act in the best interests of all pupils. Your comments, whether positive or negative, help us to understand how we are doing and to plan for the future.

We know that sometimes our decisions may not be the outcomes that everyone wants. We also know that sometimes we will make mistakes. You may want to talk to us about a particular aspect of school life that affects you or your child, but not actually make a complaint – you may just want to get something 'off your chest'. If you are dissatisfied or have questions about the way you or your child is being treated, or any actions or lack of action by us, please do not hesitate to contact us using the contact details on the front of this document.

We aim to resolve all complaints at the earliest possible stage and when the complaint is from a parent or carer about their child's school life, we will be dedicated to continuing to provide the highest quality of education possible throughout the process.

If other bodies are investigating aspects of a complaint, for example the Police, Local Authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales in this procedure or may result in the procedure being suspended until those public bodies have completed their investigations.

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

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

1.1 Who can make a complaint?

This complaints procedure is not limited to the parents or carers of children that are registered at this school. Any person, including members of the public, can make a complaint to us about any of the facilities or services that we provide.

A person making a complaint is known as a complainant. Complaints can also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so. When these procedures refer to "you", we mean the complainant if we are dealing with a third party.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), or when school is not the appropriate organisation to complain to (such as when the complaint is against a group hiring our premises), we will use this complaints procedure.

To ensure your complaint is handled quickly and in the most appropriate way, please check Appendix A: *before* making it to see if what you want to complain about is listed under 'complaints *not* handled under this procedure'. It explains who to complain to instead.

1.2 Anonymous complaints

We will not normally investigate anonymous complaints.

1.3 Time scales

You must raise your complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

1.4 Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. Please see our term dates as published on our website.

2 How to raise a concern or make a complaint

2.1 The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

We encourage anyone with concerns or complaints to bring them to our attention directly and as soon as possible. We appreciate all feedback and suggestions to help us plan for the future and we welcome any opportunity to provide reassurance about what we do and why.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. We have a three-step complaints process to help us do this, starting with the Informal Stage and progressing to the two-stage Formal process.

2.2 Our aims when resolving complaints

At every stage in our procedures, we want to resolve the complaint. We aim to handle it:

- politely, and with honesty and professionalism,
- in complete confidence,
- transparently, fairly, and thoroughly, and
- more quickly if it is urgent.

Following our investigation, we may not uphold your complaint, or we may uphold it wholly or only partly. We will offer you one or more of the following as an outcome:

- an explanation of why we did or did not uphold all or part of your complaint,
- an apology if we have made mistakes,
- an explanation of the steps that have been or will be taken to help ensure that what you complained about 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.

2.3 Our expectations when resolving complaints

Every concern or complaint raised must be:

- genuine, reasonable, and not vexatious (unreasonable or repeated), and
- drawn to our attention politely and in a reasonable way without using offensive, abusive, or threatening language or behaviour

Please see Section 8 for how we handle complaints which do not meet these expectations.

2.4 Maintaining Governor impartiality

Except as directed below (where your complaint is about the Head teacher or a member of the Governing Body **or** where your complaint has already been escalated to the Formal Complaints - Stage One) you should not raise your concern or complaint with individual Governors.

If your first contact about your complaint is with a Governor, he or she will ask you not to explain and will instead refer you to an appropriate member of staff or the Head teacher. They are not unwilling to help nor are they dismissing your concerns. A Governor has no power to act alone and will need to remain impartial because they may be required to sit in a meeting to formally hear your complaint if you take Step Three and progress it to the Formal Complaints - Stage Two.

2.5 Withdrawal of a complaint

If you want to withdraw your complaint, we will ask you to confirm this in writing.

3 Step One: Informal complaints stage

Many issues can be resolved informally by us listening to you and either putting matters right or giving you an explanation, without the need to use the formal stages of our complaints procedure. We take concerns seriously and will make every effort to resolve matters as quickly as possible.

If you have a concern about anything we do, or you want to make a complaint, you can take Step One and do this by telephone, in person or in writing (by letter or email).

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 teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about Special Needs.

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.

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 Head teacher.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will listen to your concerns. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will step in, or offer to refer you to another member of staff. The ability to consider the concern objectively and impartially is more important.

When making or resolving a complaint might involve a face-to-face meeting at any stage, we understand there may be personal circumstances we must consider under the Equality Act 2010 which means we have to conduct the meeting or hearing in an adapted or another way e.g., accessibly, or remotely. There may also be local or national reasons why people cannot meet face-to-face. We will follow the same meeting guidelines and safeguards described in our 'Suspension and Exclusion Policy' (copy available from the school office).

We aim to deal with the majority of concerns or complaints here at the Informal Stage. If, at the end of Step One, you are dissatisfied with the outcome of the Informal Stage, you can take Step Two and escalate the complaint to Formal Complaints - Stage One (outlined below). You should do this within 5 school days of receiving notice of the outcome of the Informal Stage.

4 Step Two: Formal complaints – Stage One

A formal complaint can be made in person, in writing or by telephone as for Step One at the Informal Complaints Stage.

A Complaint Form is included at the end of this procedure. It was designed to help you tell us everything we need to know about your complaint so we can handle it as quickly as possible, so we recommend using it. If you need help completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making 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 or with assistive technology.

4.1 Complaints that are not about the Head teacher or Governing Body

A formal complaint must be addressed to the Head teacher and be made via the school office (unless it is about the Head teacher or one or more members of the Governing Body), preferably on the Complaint Form at the end of these procedures. Please mark any written complaint as Private and Confidential.

The Head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within school days.

In their response, the Head teacher will seek to clarify:

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

The Head teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Head teacher 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 Head teacher (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 Head teacher will provide a formal written response about the outcome within 10 school days of the date of receipt of the complaint. When we receive a complaint in writing about our fulfilment of the EYFS statutory framework requirements, the framework requires us to investigate and provide a written response **within 28 days** of receiving it.

If the Head teacher is unable to meet this deadline, they will provide an update and a revised response date.

The written response detailing the outcome will include:

- any actions taken to investigate the complaint
- a full explanation of the decision made and the reason(s) for it,
- where appropriate, details of actions this school will take to resolve the complaint, and
- how to take Step Three and escalate your complaint to Formal Complaints - Stage Two should you remain dissatisfied with the outcome of Stage One (usually to the Chair of Governors but may be another Governor if the Chair has been involved at the Informal Stage or Formal Complaints - Stage One or is the subject of the complaint).

You must take Step Three within 5 school days of receipt of your Stage One written outcome. In keeping with our commitment to resolving complaints as quickly as possible, we will only consider requests for a Formal Stage Two investigation received outside this time period in exceptional circumstances.

4.2 Complaints about the Head teacher

A formal complaint about the Head teacher must be addressed to the Chair of Governors and made via the Clerk to the Governing Body through the school office, preferably on the Complaint Form at the end of these procedures. Please mark any written complaint as Private and Confidential.

The Chair of Governors 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.

In their response, the Chair of Governors will seek to clarify:

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

The Chair of Governors can consider whether a face-to-face meeting is the most appropriate way of doing this.

The Chair of Governors (or another suitably skilled impartial Governor) will conduct an investigation and at the conclusion, will provide a formal written response about the outcome within 10 school days of the date of receipt of the complaint. When the substance of a complaint about the Head teacher is regarding their fulfilment of the EYFS statutory framework requirements, the framework requires us to investigate and provide a written response **within 28 days** of receiving it.

If the Chair of Governors is unable to meet this deadline, they will provide an update and a revised response date.

The response will detail the outcome including:

- any actions taken to investigate the complaint
- a full explanation of the decision made and the reason(s) for it,
- where appropriate, any actions which have been or will be recommended to the school to address your complaint, and
- how to take Step Three and escalate your complaint to Formal Complaints - Stage Two should you remain dissatisfied with the outcome of Stage One (usually another impartial Governor who has not been involved at either the Informal Stage or Formal Complaints – Stage One).

You must take Step Three within 5 school days of receipt of your Stage One written outcome. In keeping with our commitment to resolving complaints as quickly as possible, we will only consider requests for a Formal Stage Two investigation received outside this time period in exceptional circumstances.

4.3 Complaints about one of more members of the Governing Body:

A formal complaint about the Chair of Governors, any individual Governor, or the whole Governing Body should be addressed to the Clerk to the Governing Body and made via school office, preferably on the Complaint Form at the end of these procedures. Please mark any written complaint as Private and Confidential.

The Clerk 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.

The Clerk will determine who is an appropriate person to investigate your complaint at Stage One (the investigator). This person might be the Chair of Governors, another impartial Governor, or an independent Governor from another school. An independent investigator will be appointed by the Governing Body if the complaint is:

- jointly about the Chair and Vice Chair, or
- the entire Governing Body, or
- the majority of the Governing Body.

In their response, the Clerk will tell you who the investigator is and seek to clarify:

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

The investigator can consider whether a face-to-face meeting is the most appropriate way of doing this.

At the end of the investigation, the Clerk will provide you with the investigator's formal written response about the outcome within 15 school days of the date of receipt of the complaint. When the substance of a complaint about one of more members of the Governing Body is regarding their fulfilment of the EYFS statutory framework requirements, the framework requires us to investigate and provide a written response **within 28 days** of receiving it.

If the investigator is unable to meet this deadline, the Clerk will provide an update and a revised response date.

The response will detail the outcome including:

- any actions taken to investigate the complaint;
- a full explanation of the decision made and the reason(s) for it;
- where appropriate, any actions which have been or will be recommended to the school to address your complaint; and
- how to take Step Three and escalate your complaint to Formal Complaints - Stage Two should you remain dissatisfied with the outcome of Stage One (usually another impartial Governor or independent investigator who has not been involved at either the Informal Stage or the Formal Complaints – Stage One).

You must take Step Three within 5 school days of receipt of your Stage One written outcome. In keeping with our commitment to resolving complaints as quickly as possible, we will only consider requests for a Formal Stage Two investigation received outside this time period in exceptional circumstances.

5 Step Three: Formal complaints - Stage Two

If you are dissatisfied with the outcome at Formal complaints Stage One and want to take the matter further, you can take Step Three and escalate the complaint to Formal Complaints - Stage Two – a meeting with members of the Governing Body's Complaints Committee, which will be formed of the first three, impartial, Governors available. This is the final stage of the school complaints procedure.

A request to escalate a Formal complaint to Stage Two must be made to the Clerk, via the school office, preferably on a new Complaint Form at the end of these procedures within 5 school days of receipt of the Stage One response.

When completing a new Complaint Form for Stage Two please:

- Make it clear whether you are asking the Formal Stage Two investigation to consider the original complaint or how it was handled at the Informal Stage or Formal Complaint - Stage One.
- Ensure you include as much information as possible with copies of any supporting evidence.
- Remember the Complaints Committee has no prior knowledge of your complaint and may not be involved with this school at all so be clear about the roles of people you name, dates, times, and facts.
- Include as much detail as clearly as you can because the less clarification and/or investigation needed the more quickly your complaint can be resolved.

The Clerk will record the date the Stage Two request is received and acknowledge receipt of the complaint escalation 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 acknowledgement will also explain that a Complaints Committee will be formed to handle the complaint and it will first decide whether to deal with it by inviting parties to a meeting or through written representations. They will be sensitive to the needs of all parties in making their decision.

The Complaints Committee will consist of at least three Governors with no prior involvement or knowledge of the complaint. If there are fewer than three Governors from this school available, the Clerk will source any additional, independent Governors through another local school or through our LA's Governor Services team, to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage Two. Before meeting, the Complaints Committee will decide amongst themselves who will act as the Chair.

5.1 Pre-meeting

The Complaints Committee will first agree if the information submitted in the request to escalate the complaint to Stage Two needs clarification or investigation before a meeting. The amount of clarification or investigation required will affect the timing of the meeting. It may involve gathering information and interviewing people.

Once the Committee has determined the nature of any investigation needed, they will be able to agree a timetable for undertaking that investigation and a date for the meeting.

The Clerk, or a meeting 'convener' we appoint will write to you to inform you of the date of the meeting. They will aim to convene this meeting within 10 school days of receipt of the Stage Two request. Where the complaint is complex and/or external parties are involved and this is not possible, the 'convener' will provide an anticipated date and keep you informed.

If you are invited to attend the meeting and you reject the offer of three proposed dates, without good reason, the 'convener' will decide when to hold the meeting. It will then proceed in your absence and be based on written submissions from both parties.

5.2 Meeting

If you are invited to attend the meeting about your complaint, you can bring someone along to provide support. This can be a relative or friend. 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 instance, 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.

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

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk or 'convener' will:

- notify you of the date, time, and venue of the meeting, ensuring that dates are convenient to all parties and that the venue and proceedings are accessible;
- provide an outline of the meeting format (see Appendix D for an example) and the names and meeting role e.g., Chair, complainant, teacher, friend, union official etc., of everyone who will be attending, including any witnesses,
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

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

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints should be dealt with under Step One: the Informal Stage and new Formal complaints must be dealt with under Step Two: Formal Complaint - Stage One 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. 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.

5.3 Meeting outcome

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

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

If the complaint is upheld in whole or in part, the committee 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 you and the school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. Your copy of the letter will include details of how to contact the Department for Education and/or Ofsted if you are dissatisfied with the way your complaint has been handled.

5.4 Complaints about one or more members of the Governing Body

A Formal Complaint – Stage Two will be heard by a committee of independent Governors if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

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 this school will take to resolve the complaint.

The response will also advise you how to escalate your complaint should you remain dissatisfied.

6 Next steps

6.1 Complaining to the Department for Education

If you believe the school did not handle your complaint in accordance with the published complaints procedure or we acted unlawfully or unreasonably in the exercise of our duties under education law, you can contact the Department for Education after we have completed Stage Two.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by a school. They will consider whether we have adhered to education legislation and any statutory policies connected with the complaint. For more information visit Complain about a school: State schools - GOV.UK (www.gov.uk).

You can refer your complaint to the Department for Education online at: Contact the Department for Education - Contact type - DFE Online Forms, by telephone on: 0370 000 2288 or by writing to:

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

6.2 Complaining to Ofsted

The only role Ofsted have in considering a complaint about a school, is solely to determine if there is a need to inspect. Ofsted cannot seek to resolve or establish cause for any individual complaint.

If your concern affects the school as a whole and you have followed the school complaints procedure right to the end, Ofsted have powers to consider some complaints made in writing about schools. They provide an online form for this.

These complaints may come from registered parents or carers of pupils at the school that the complaint is about and complaints from other people. This includes the parents and carers of pupils who may be off sick or temporarily excluded. Examples could include:

- the school is not providing a good enough education
- the pupils are not achieving as much as they should, or their different needs are not being met
- the school is not well led and managed, or is inappropriately managing finances as a group, the pupils' personal development and well-being are being neglected (as stated above, Ofsted cannot look at individual cases).

Please visit Complaints to Ofsted about schools - GOV.UK (www.gov.uk) for more information about the process.

7 Duplicate complaints

After closing a complaint at the end of the complaints procedure, we might receive a duplicate complaint from:

- a spouse;
- a partner;

- a grandparent;
- a child.

If the complaint is about the same subject, we will first check that we have not overlooked any new aspects to the complaint that we may not have previously considered.

If we find something that we should consider further, we will address the new but related or similar complaint to the full extent of the complaints procedure.

If we find the complaint is a duplicate without new aspects, we will inform the new complainant that the school has already considered that complaint and the local process is complete. We will then advise the new complainant to contact the Department for Education if they are dissatisfied with our handling of the original complaint.

8 Unreasonable or persistent complaints

We are 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 the school. However, we do not expect our staff to tolerate unacceptable behaviour and we will take action to protect them from behaviour we feel is abusive, offensive, or threatening.

We define unreasonable complainants as "those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints".

A complaint may be regarded as unreasonable when the person making the complaint: -

- 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 while still wishing their 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 adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or 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, complicated, and stressful 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.

Complainants should limit the numbers of communications with a 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 Head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact this 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 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. This may include banning an individual from Holm Cultram Abbey CE Primary School.

Complaints not handled under this complaint procedure

The Complaints Procedure of Holm Cultram Abbey Church of England Primary School covers all complaints about the provision of any services or community facilities by us, except for complaints that are dealt with under other statutory procedures, or where school is not the appropriate organisation to complain to. Please note who to complain to instead as follows:

Admissions to school

If your child was not offered the place you requested in the school admissions process administered by Cumberland Council and you want to appeal the decision, you need to submit an appeal form to the Local Authority. They sent you a letter explaining how. Please follow the procedure they gave you.

If you cannot find your letter or want to know more about the Local Authority School Admissions Appeal process go to School admissions - apply for a school place | Cumberland Council].

Statutory assessments of Special Educational Needs

If you have concerns about an Education, Health and Care (EHC) plan or a Local Authority decision to not issue an EHC plan, you can ask your Local Authority SEND IAS Service Coordinator for help here Special Educational Needs and Disabilities Information, Advice and Support Service (SENDIASS) | Cumberland Council

Find out more about the process through, About Cumbria SENDIASS].

If the issue requires mediation, the Local Authority procedure is explained here Dispute Resolution, Mediation and Tribunal (cumbria.gov.uk)].

If after mediation you are still unhappy, you can go to the First-tier Tribunal (Special Educational Needs and Disability) within 2 months of the plan being issued or within 1 month of the date of a mediation certificate to ask for these concerns to be addressed. For the appropriate forms or to find out more about the Tribunal process, go to: First-tier Tribunal (Special Educational Needs and Disability) - GOV.UK (www.gov.uk), or contact them via:

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

School re-organisation proposals

If your complaint is about school re-organisation proposals, please raise it with your Local Authority using their standard Local Authority complaints procedure Make a complaint | Cumberland Council or ask the school office for a printed copy of the Local Authority Compliments, Comments, and Complaints leaflet.

Matters likely to require a Child Protection Investigation

Complaints about child safeguarding or protection matters are handled under our Child Protection Policy and in accordance with relevant statutory guidance.

If you are worried that a child is in immediate danger, call the Police immediately on **999**.

If you are worried that a child is at risk of immediate harm please contact the Local Authority the child lives in Are you concerned about a child? | Cumberland Council or call 0333 240 1727 24hrs]

If you have immediate safeguarding concerns about an adult who works (paid or unpaid) with children, then report them to the Local Authority Designated Officer (LADO) by going to the Local Authority Safeguarding Children Partnership (CSP) website and following the instructions or contact the Local Authority Safeguarding Hub.

Exclusion of children from school *

Suspension or permanent exclusion can result from the application of our Behaviour Policy. Raising concerns about suspension and exclusion is explained in and handled under our Suspension and Exclusion Policy and procedures and more information can be found at www.gov.uk/school-discipline-

exclusions/exclusions.

* Complaints about the application of our Behaviour Policy *can* be made through the school complaints procedure.

Whistleblowing

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 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: www.education.gov.uk/contactus.

Volunteers or staff with concerns about this school should complain through our school complaints procedure or Whistleblowing procedure. You may also be able to complain direct to our Local Authority or to the Department for Education (see links above), depending on the substance of your complaint. Staff and volunteers may also wish to contact Protect (Speak up, stop harm) – Free, confidential whistleblowing advice. Tel No: 020 3117 2520.

Staff grievances

Complaints from staff will be dealt with under our school's internal grievance procedures.

Staff conduct

Complaints about staff will be dealt with under our school's internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.

Complaints about others who may use school premises or facilities to provide services

Other individuals or organisations that use our premises or facilities to provide services should have their own complaints procedure to deal with complaints about them. Please contact them direct.

National Curriculum content

Please contact the Department for Education at: www.education.gov.uk/contactus.

Complaint Form

Please complete this form and return it to the school office in a sealed envelope marked "Private and Confidential" addressed to the Head teacher, Mrs. A. Worthington, the Chair of Governors Mr. P. Jackson, or the Clerk to the Governing Body, Mrs S. Harrison depending on who or what the complaint is about.

They will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address including postcode:	**Daytime tel. no.:**
	Evening tel. no:
Your email address:	

Please give details of your complaint, including whether you have spoken to anybody at the school about it and what happened:

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

Are you attaching any paperwork? If so, please give details.

Signature: **Date:**

For official use only:

Acknowledgement sent by whom:

Method e.g., email: Date:

Complaint referred to: Date:

Action taken:

Action Date:

Complaints Procedure Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent, and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - consideration of records and other relevant information;
  - analysing information;
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Head teacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Head teacher or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, and the Data Protection Act (DPA) 2018;
- set the date, time, and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school, and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the committee is explained to the complainant;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR;
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Clerk

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

  No Governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

  We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting

  Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

  Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

  The committee should respect the views of the child/young person and give them equal consideration to those of adults.

  If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

  However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

Example Meeting Format

Section	What will happen	Who
Welcome	**Introductions** including clarification of roles e.g. *Complainant* being the person making the complaint, *Respondent* being the person who responded to the complaint at Stage One, C*hair* being the chairperson of the Complaints Committee meeting and the person who will direct it etc. **Clarification of meeting purpose and complaint lodged** **Meeting expectations:** to be as informal and relaxed as possible, non-confrontational, request breaks if needed etc. **Whether everyone has had sight of and is happy with the running order**	Chair of Committee
Presentations	Complainant presents a summary of their complaint highlighting the points made in their Complaint Form and referencing their supporting evidence. Witnesses are called into the meeting and leave as and when required to support or evidence the Complainant's summary. The Committee may question the complainant or witnesses at any time to clarify the points they make if necessary.	Complainant
	Respondent presents the facts as s/he perceives them, highlighting points made in the written response to the Stage One complaint and other supporting evidence. Witnesses are called into the meeting and leave as and when required to support or evidence the Respondent's summary. The Committee may question the Respondent or witnesses at any time to clarify the points they make if necessary.	Respondent
Summaries	Complainant summarises their case highlighting evidence including anything that has emerged in the questioning.	Complainant
	Respondent summarises the case for the school highlighting evidence including the school's response and actions in relation to the complaint before the meeting and anything that has emerged in the questioning.	Respondent
Close	Meeting Chair thanks the Complainant and Respondent for attending and explains what will happen next. Complainant and Respondent leave the meeting.	Chair of Committee
Decision	Committee considers all the evidence and comes to its conclusion.	Committee

Witnesses will only attend the part of the meeting in which they give their evidence.

The Committee may ask questions at any point or adjourn the meeting.