




Complaints Policy and Procedure 2025-2027

Roles within these Procedures	
Complaints Coordinator:	Lynn Dobinson
Head teacher:	Lynn Dobinson
Chair of Governors:	Claire Thomson
Clerk to the Governors:	Rachael McMann

Approved by ¹			
Name:	Claire Thomson		
Position:	Chair of Governors		
Signed:			
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1 Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at Culgaith CE School. Any person, including members of the public, may make a complaint to us about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures – see Section 7 below (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2 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'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

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

3 How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. 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.

Concerns should be raised with either the class teacher or Head teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Head teacher) should be made in the first instance, to the Head teacher Lynn Dobinson via the school office. Please mark them as Private and Confidential. Complaints that involve or are about the Head teacher should be addressed to the chair of Governors, Claire Thomson, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body Rachael McMann via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in 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.

4 Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5 Time scales

You must raise the 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 time frame if exceptional circumstances apply.

6 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 the Culgaith CE School website.

7 Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Culgaith CE School, other than complaints that are dealt with under other statutory procedures, or where school is not the appropriate organisation to complain to. The following types of complaint are not covered by this procedure.

WESTMORLAND AND FURNESS Exceptions and who to contact instead

Admissions to school

If your child was not offered the place you requested in the school admissions process administered by Westmorland and Furness and you want to appeal the decision, they sent you a letter explaining how. Please follow the procedure they gave you. To find out more about the School Admissions Appeal process in WAF go to: [Admission process and appeal a decision | Westmorland and Furness Council](#)

Statutory assessments of Special Educational Needs

If you have concerns about an Education, Health and Care (EHC) plan or about a WAF decision to not issue an EHC plan, you can ask one of the WAF to help. Find out more about the process at: [Families Information | EHC Needs Assessments and EHCPs - Resources for Schools and Settings](#).

If the issue requires mediation, WAF has appointed [KIDS](#) to help them resolve disputes. 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. Find out more about the SEND National Trial here: [Families Information | What is the SEND Local Offer?](#) .

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>, or contact them via:

First-tier Tribunal (Special Educational Needs and Disability) General enquiries
1st Floor, Darlington Magistrates Court
Parkgate

<p>Darlington DL1 1RU Email: send@justice.gov.uk Telephone: 01325 289 350 Fax: 0870 739 4017</p>
<p>School re-organisation proposals</p> <p>If your complaint is about school re-organisation proposals, please raise it with Westmorland and Furness Children's Services through their complaints procedure detailed at: Make a complaint Westmorland and Furness Council</p>
<p>Matters likely to require a Child Protection Investigation</p> <p>Complaints about child protection matters are handled under our Child Protection Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns about 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 adults whether employees, volunteers, casual, agency or other worker, or anyone working in a self-employed capacity. To find out more go to: Allegations Against Staff (LADO) Cumbria Safeguarding Children Partnership.</p> <p>To report a concern to the LADO please use the Allegations Against Staff (LADO) Cumbria Safeguarding Children Partnership and LADO allegation form.</p> <p>Send completed forms to the Safeguarding Hub</p> <ul style="list-style-type: none"> ● Westmorland & Furness LADO lado@westmorlandandfurness.gov.uk 0300 303 3897 <p>Please note, if you are worried that a child is in an emergency situation, call the Police immediately on 999. If you are worried that a child is at risk of immediate harm please contact the Cumbria Safeguarding Hub on 0333 240 1727 or see Report a concern about a child Cumbria Safeguarding Children Partnership</p>
<p>Exclusion of children from school *</p> <p>Exclusion can result from the application of our Behaviour Policy. Raising concerns about exclusion is explained in and handled under our Exclusion Procedures and more information can be found at www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>* Complaints about the application of our Behaviour Policy <i>can</i> be made through the school complaints procedure.</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 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. Volunteers or staff who have concerns about the school should complain through our school complaints procedure. You may also be able to complain direct to Cumbria County Council or the Department for Education (see links above), depending on the substance of your complaint.</p>
<p>Staff grievances</p> <p>Complaints from staff will be dealt with under our school's internal grievance procedures.</p>
<p>Staff conduct</p> <p>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.</p>
<p>Complaints about others who may use school premises or facilities to provide services</p> <p>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.</p>
<p>National Curriculum content</p> <p>Please contact the Department for Education at: www.education.gov.uk/contactus.</p>

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

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

8 Resolving complaints

At each stage in the procedure, Culgaith CE School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

8.1 Face-to-face meetings

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 another way e.g. remotely. There may also be local or national public health or other emergency restrictions or reasons why people cannot meet face-to-face.

We have put procedures in place to govern such meetings when they are about Exclusions from school, and where it is vital that a meeting take place to resolve a complaint, we will follow the remote meeting guidelines and safeguards that we have developed for Exclusions as detailed in our 'Addendum to the Exclusion Policy' a copy of which is available from the school office or via our website.

9 Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

10 Complaints Stage 1

Formal complaints must be made to the Head teacher (unless they are about the Head teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

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 3 school days.

In their response, the Head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant 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 within 10 school days of the date of receipt of the complaint.

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

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

The Head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Head teacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body or Diocese if appropriate. At the conclusion of their investigation, the independent investigator will provide a formal written response.

11 Complaints Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – 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 complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 3 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 3 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Culgaith CE School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may 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 procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
- 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 3 school days before the date of the meeting. 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 must be dealt with from Stage 1 of the procedure. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. 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.

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 the complainant and Culgaith CE School with a full explanation of their decision and the reason(s) for it, in writing, within 3 school days.

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

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

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 Culgaith CE School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

12 Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Culgaith CE School. They will consider whether Culgaith CE 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

13 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.

14 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 Culgaith CE School.

Complaint Form

Please complete and return to the school office in a sealed envelope marked "Private and Confidential" addressed to the Head teacher Lynn Dobinson, Chair of Governors Linette Hall, or the Clerk to the Governing Body Rachael McMann 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:

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 Procedures 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.

Aims

The school aims to establish and promote a close relationship with all parents in the interests of their children. It also seeks to provide a first class service to all stakeholders. We recognise that children feel more secure when they receive consistent messages from both home and school. The school is interested to hear the views of all members of the immediate and broader school community. Parents' views about the school are welcomed, at the same time the school undertakes to inform parents as soon as possible about any issues of concern to the school so there can be mutual co-operation in resolving them.

Legal context

From September 2003 governing bodies of all maintained schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the governing body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

Our policy is based on the procedures advised by Cumbria County Council Education Department.

INTRODUCTION

This procedure deals with complaints about schools covering areas where there is no statutory avenue of Complaint or Appeal. There are already arrangements in place covering the following:-

- Admissions
- Exclusions
- Curriculum
- Special Educational Needs Assessments
- Child Protection
- Criminal offences
- Staff Disciplinary/Capability/Grievance
- Collective Worship and Religious Education
- Health and Safety

Details are available from the school/LEA.

The majority of decisions about the day to day operation of schools are the responsibility of the head teacher and ultimately the governing body, to whom the head is accountable. These notes are concerned with complaints in this area.

The school's governing body has an overall responsibility to be satisfied that concerns and complaints are properly examined. In making a complaint or expressing a concern, the first contact should be with the person who is the subject of the complaint or the concern. It is important that those responsible for considering a complaint at each stage of the procedure should not have had any prior involvement. Parents will harm the fair hearing of their complaint if they write to all members of the governing body.

WHAT IS A COMPLAINT?

Staff and governors at the school need to be clear about the difference between a concern and a complaint. Issues should be regarded as concerns initially, and taking these concerns seriously, by staff at the school, at the earliest stage will reduce the numbers that develop into formal complaints. The appropriate way to deal with concerns is through the school staff, and all governors should be aware that if they enter into discussions at an early stage it may compromise this policy or quickly escalate the concern into a complaint. Therefore governors must direct those with concerns to the head teacher or other appropriate member of staff.

Briefly a complaint is an expression of dissatisfaction or concern about any aspect of a school's work, where the complainant is not happy with what the school has done, has failed to do or has done in an unacceptable way. Concerns and complaints may be communicated in writing, by telephone or in person and can be about any aspect of a school's work. All complaints will be recorded in the school's complaints book and the action taken by the school in order to deal with the complaint.

They may be expressed by parents, guardians, volunteers or members of the community with an interest in the working of the school, on matters for which the school is directly responsible.

The majority of concerns/complaints will be dealt with satisfactorily by school staff on an informal basis.

This guidance on procedure is produced to help staff and governors to address concerns and complaints the school may receive. There is an informal procedure which should be followed at first. If this does not lead to a conclusion, there is a more formal process which can be followed. These stages are now explained in more detail.

INFORMAL STAGE

It is important that complaints are raised at the earliest opportunity and not allowed to develop into major issues. In the vast majority of cases, schools and complainants achieve this. A member of school staff is available to listen to concerns before and after school every day. These discussions are recorded in summary. This stage involves only the complainant and staff. Governors will not be involved in this stage of the process.

Many concerns/complaints can be resolved by giving the complainant the opportunity to discuss his/her concerns with the member of staff concerned, who may be the head teacher. The vast majority of complaints should be resolved at this stage. The school considers it good practice to have the key points of such meetings recorded in writing. Following a more detailed discussion a written report of the concern, including the key points, will be signed by the complainant and returned to the school within ten days. The copy should be held on file in the school, as a record of the conclusion, in case similar issues occur in the future.

All staff know the procedures to be followed, and there is a common practice for recording the outcomes.

If the informal process has been exhausted and no satisfactory solution found the complainant should be advised by the member of staff dealing with the issue that if he/she wishes the complaint can be considered formally.

FORMAL PROCEDURE

Introduction

In the best interests of the school and the complainant, it is important that there are clear and open procedures which allow complaints to be investigated and hopefully resolved. To help achieve these purposes, the consideration of complaints will move into a formal stage.

There can be three stages to the formal procedure, ie, (i) investigation; (ii) resolution; and (iii) appeal.

Referral to the head teacher for investigation, the head teacher will make arrangements for the investigation to be carried out. In the case of a complaint about the head teacher the referral, in these cases, should be to the chairperson of the appropriate governor committee. The responsibility for investigation will rest with this governor, nominated by the governing body, to carry out the investigation. (From now on the person responsible for the investigation will be referred to as “the investigator”).

It must be clear to all concerned what the actual complaint is (see Annex C, Harassment and persistent complaints)

At the end of the investigation, the investigator can offer the complainant the opportunity of a meeting with all parties to clear the air and determine whether an agreed resolution is possible.

If not satisfied:

The complainant can request a committee of the governing body to consider an appeal against the outcome of the investigation and/or the procedure which had been followed. The appeal request should be made within ten school days of receiving the investigation report or following a resolution meeting, if one takes place. If a governor has been involved in the complaint in any way, other than as investigator, he/she will be disqualified from being a member of this committee.

Stages in the formal procedures

Referral to the investigator (who may be the head teacher, chairperson or nominated governor). In the event of the complaint being about a member of staff who is related to any of the above, the complaint should not be investigated by the relative, eg a complaint against a member of staff who is related to the head teacher should be investigated by the chair of governors or designated governor.

The complainant should put his/her complaint in writing, or make arrangements for it to be recorded in writing.

The letter should be acknowledged within five school days by the investigator. This person should provide an opportunity to meet the complainant to discuss the complaint within ten school days and agree what will be investigated. This should be confirmed in writing with the complainant and signed by the complainant and investigator.

The complaint is investigated and a written response is made within ten school days of the confirmation of the complaint to be investigated. This investigation will involve interviewing the member of staff against whom the complaint has been made and any witnesses they may identify.

If this is not possible a letter should be sent explaining the reason for the delay and providing a revised target date.

The written response should explain whether the investigation confirms a complaint was upheld or not. If it was, what action the school proposes to take to resolve the complaint or, if the complaint is not accepted, a full explanation as to why. The complainant should also be advised that if he/she is still not satisfied the next stage is an appeal to the committee of governing body which should be made in writing to the clerk to the governing body. The subject of the complaint will also receive a copy of the written response. The appeal request should be made within ten school days of receiving the investigation report or following a resolution meeting, if one takes place.

Resolution stage

Following the investigation of the complaint and prior to an appeal, the investigator can offer the complainant the opportunity of a meeting with all parties involved in the complaint.

The purpose of this meeting would be to give the opportunity for the air to be cleared and consider whether or not there are lessons to be learned by all parties.

Matters raised in this informal meeting would be confidential to that meeting with the only minutes being agreed outcomes. The meeting could be chaired or conducted by a third party external to the school. The LEA cannot take on this role, as matters may ultimately be referred to the Director of Education for review.

Should this process not produce a resolution, then the complainant can still appeal to a committee of the governing body against the outcome of the investigation and/or the procedure which has been followed. This request must be made within ten school days after the meeting.

Appeal to a committee of the governing body

It is recommended that a minimum of three governors, appointed by the governing body, hear the appeal. Governors who have detailed prior knowledge of the complaint, or are involved in some other way, cannot be on this committee. Governors who are involved in the appeal will not be able to be involved in any matters arising from the appeal.

A written acknowledgement of the appeal should be sent to the complainant, within five school days by the clerk to the governing body.

This letter should inform the complainant of the date that his/her complaint will be heard by a committee of governors which will be within 20 school days of receiving the appeal request.

The letter should include the complainant's right to be accompanied by a friend/adviser or representative of their choice. It will also inform the complainant of his/her right to submit any further documents relevant to the complaint and the format of the appeal hearing and the date. Any written materials should be produced ten days before the date of the appeal.

The investigator should also be invited to prepare a written report for the committee in response to the complaint and be informed of the format of the Appeal hearing and the date. This information should include the right to be accompanied by a friend/adviser or representative of their choice. Any submissions should be produced ten days before the date of the hearing.

In the exceptional circumstances of the complainant or the investigator being legally represented, the chairperson of the Appeal Committee must be informed at least five school days before the appeal is heard.

All relevant correspondence, including additional material from the complainant and the written report from the investigator should be given to each person who will be present at the hearing, at least five school days prior to the appeal. Any written material must not divulge confidential information relating to individual employees or children other than the complainants. The chairperson of the Appeals Committee will confirm to the complainant, the investigator and members of the panel at least five school days in advance of the date, time and venue of the meeting.

Witnesses may be called to the appeal by either party subject to the approval of the chairperson at least five school days before the hearing.

The appeal will be held following the procedures attached in annex B.

The complainant, the investigator of the complaint and the member of staff involved will be notified of the decision in writing as quickly as possible after the hearing by the chairperson of the Appeals Committee.

Referral to the Director of Education for review

If the complainant remains dissatisfied with the outcome of the appeal, the complainant can request the review of the case by the Director of Education. The Director of Education, whilst not having the power to overrule the decision of the Appeal Committee, has a right to make recommendations to the governing body on the matter. The review will consider whether the school's procedure was appropriately followed or not; and/or the complaint was fully considered. The Director of Education, as a result of the review, will make recommendations, as appropriate. It will be for the governing body to consider the recommendations.

The Director will acknowledge the letter within five working days.

The Director of Education will nominate a representative to review the case, who will write to the complainant and invite the school to submit any relevant documents.

The Director of Education's representative will review through consideration of the materials submitted and communication with complainant and school.

The complainant will receive a formal response within 28 working days, subject to all relevant information being available to the reviewer. This will comprise of the result of the review, the reasons for that, and any subsequent recommendations. A copy of the response will be sent to the chair of the governing body.

A GOVERNORS' COMPLAINTS COMMITTEE TO CONSIDER AN APPEAL AGAINST AN INVESTIGATION OF A COMPLAINT

CONDUCT OF APPEAL HEARING

GENERAL PRINCIPLES

The aim of the hearing should be to resolve the complaint and achieve reconciliation between the School and the complainant.

It is the responsibility of the chairperson of the committee to ensure that arrangements are made for the hearing to be properly minuted, by a clerk for the meeting.

The complainants may be unused to dealing with groups of people in formal situations. Complainants will have been informed of their right to be accompanied. It is recommended that the chairperson ensures that the procedures are as informal as possible.

The committee, the complainant, the investigator and the member of staff who is the subject of the complaint, should all have access to the same information at least five days before the hearing. In the interests of natural justice the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The chairperson of the committee, at least five days before the hearing, will let all parties know of the witnesses who are eligible to be called.

Any witnesses who appear at the hearing will be called into the meeting to give evidence, at the appropriate time.

ORDER OF HEARING

- Welcome and introduction by chairperson of the committee.
- Confirmation of the procedure to be followed.
- Complainant, or their accompanying person, presents the appeal.
- Questions to complainant may be asked by the members of the committee and the investigator.
- The witnesses for the complainant are then called. Questions may be asked of any witnesses, as they appear, by governors and the investigator.
- The investigator responds to the complaint.
- Questions to the investigator may be asked by complainant and governors. Questions may be asked of any witnesses, as they appear, by governors and the complainant.
- Witnesses may be called by the investigator and questioned by governors and the complainant.
- At the end of these stages, no further evidence can be offered.
- Summing up by the investigator of the evidence presented.
- Summing up by the complainant of the evidence presented.

- Concluding remarks by the chairperson of the appeals committee. Explanation of what happens next by the chairperson of the committee.
- The complainant and the investigator are asked to leave.
- The complainant, the investigator and the member of staff involved will be notified of the decision in writing as quickly as possible after the hearing.

THE DECISION

The committee can:

- uphold the complaint in full and inform the complainant of the grounds for its decision and if appropriate recommend a remedy;
- uphold it in part and give reasons why;
- dismiss it and inform of the reasons why it did not uphold the complaint;

The complainant will be informed in writing within five school days of the hearing and notified of the opportunity to request the Director of Education to review the case. The investigator will receive a copy of the letter.

The Appeal Committee will inform the governing body of the outcome and recommendations can be part of this information.