



Long Mountain CE Primary School and Pre School

COMPLAINTS POLICY AND PROCEDURE

At Long Mountain CE Primary School and Pre School, each policy reflects the Christian ethos and values which are at our core. We are an inclusive Church of England school community where each child knows they are loved and valued for who they are and can grow to their full potential.

“let your light shine before others, that they may see your good deeds and glorify your Father in heaven.” Matthew 5: 15-16

This policy was written/reviewed in:	November 2021
This policy was adopted by governors on:	17 th November 2021
This policy is due for review in:	November 2024 (at latest)
Signed by the headteacher:	
Signed by the Chair of Governors:	

Introduction

The DfE's best Practice Advice for Schools Complaints Procedures 2020 defines a complaint as 'an expression of dissatisfaction however made, about actions taken or a lack of action.' The same document defines a 'concern' as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'

Many issues will be resolved informally without the need to use formal procedures. Our school takes informal concerns seriously and tries to resolve them as quickly as possible. We encourage our parents to raise concerns with their child's class teacher; they are welcome to come in, to phone or to use the online learning platform (Seesaw) to share a concern. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will either get involved or refer you to another staff member. The ability to consider the concern objectively and impartially is very important.

However, there will be occasions when someone wants to raise a complaint formally. In these cases, we will follow this complaint policy and the procedures within it.

Who can make a complaint?

Anyone may make a complaint about the school, not just parents or carers of children registered at the school.

What is the scope of this policy?

Some complaints fall outside the scope of this policy, as there are separate statutory procedures. The table below indicates where to go if your complaint does not fall within the scope of this policy:

Admissions to schools	A complaint about admissions should go to the Local Authority.
Statutory assessment of Special Educational Needs	A complaint about the statutory assessment of special educational needs should go to the Local Authority.
School re-organisation proposals	A complaint about school re-organisation proposals should go to the Local Authority and the Diocese of Hereford.
Matters likely to require a Child Protection investigation	Complaints regarding child protection and safeguarding will be considered through the school's child protection policy. They may be referred to the LADO (Local Authority Designated Officer) and the SSCP (Shropshire Safeguarding Children Partnership).
Exclusion of children from school	Complaints about the application of the school's behaviour policy can be made. More information about exclusion can be found on the DfE site .
Whistleblowing	The school has an internal whistleblowing policy for all staff members.

	Volunteers may make a complaint via the complaint policy and procedure or by directly approaching the LA.
Staff grievances and disciplinary procedures	These complaints are dealt with through the school's internal grievance procedures.
Staff conduct complaints	Complaints about staff are dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, complainants will be notified that the matter is being addressed.
The national curriculum	Complaints about the content of the National Curriculum should be made directly to the DfE via this form . Complaints about the delivery of the curriculum can be raised with the school directly, via this policy.
Collective worship	Complainants who are unhappy with the content or delivery of collective worship will be referred to the Local Authority and the SACRE (Standing Advisory Committee for Religious Education).
Withdrawal from the RE curriculum and daily act of collective worship.	Parents and carers can withdraw their child from any aspect of RE, including collective worship. They do not have to explain why. If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, they should follow this complaints procedure. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as PSHE, RSE, history or citizenship.

Pre-formal complaint stage: concern raised informally

We hope to resolve concerns at this stage. We encourage anybody with a concern about school to make contact swiftly with the school (01743 891320) and to speak to the relevant class teacher or, on most occasions, the headteacher.

All staff will maintain respect the person raising the concern and will seek support to provide appropriate reassurance, making changes to improve our practice where appropriate and possible.

Stage One: Complaint Heard by Headteacher

A complaint may be made in person, by telephone or in writing. All staff understand that brief notes of telephone call, or conversations must be taken and passed to the headteacher as soon as possible. Staff must respect the confidentiality of the complainant.

Complainants will be encouraged to use the complaint form (appendix 1).

The headteacher will acknowledge receipt of the complaint, in writing, as soon as possible and will complete any investigations necessary and respond to the complaint in full within 10 school days.

As part of stage one, the headteacher will discuss what the complainant thinks will resolve the issue. This discussion may take place in person or may be conducted on the telephone or via email. The school's normal preference is for a face-to-face meeting. However, Covid restrictions and personal circumstances may make this impractical. Notes will be made of the meeting and discussion. These will be held securely by the headteacher.

Where the complaint concerns the headteacher, they or the person receiving the complaint can refer the complainant directly to the chair of governors.

The headteacher may seek advice from their professional union. Similarly, if the headteacher feels too compromised to deal with a complaint they may consider referring the complainant directly to the chair of governors.

The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a governor, the next step would be to refer the complainant to the headteacher and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.

Delegation to another member of staff

In exceptional circumstances, the head may delegate the investigation to another member of staff. However, the decision and final response will remain the headteacher's responsibility.

Withdrawal of Complaint

It may be the case that a complainant wishes to withdraw their complaint and end the formal process. If this happens, we will ask the complainant to notify us of this decision in writing.

What will happen if the complaint is about the headteacher and/or the chair or vice chair of governors?

If the complaint is about the headteacher, 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 headteacher 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 Local Authority. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage One: Response and Resolution

At each stage in the procedure, the 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

A formal written response to the initial complaint will be completed within 10 days of the initial complaint being raised. If there is any delay to this timescale (for example, due to ill health or a need for longer time to investigate), the headteacher will inform the complainant of the reason for the delay and be clear about the revised timescale. The response will include details of what to do if the complainant remains unsatisfied (eg how to escalate the complaint to Stage 2 of this policy). The headteacher will have due regard to the Best practice guidance for school complaints procedures 2020.

Stage Two: Complaint Heard by the Governing Body Complaints Committee

If the complainant feels that their complaint still hasn't been resolved, and there is need to review the process they should write to the chair of the governors' complaints committee giving details of the complaint. The chair would acknowledge receipt of the letter within a 10 day period and would ask the clerk to convene a governing body complaints committee meeting. This meeting should, wherever possible, take place within 15 school days, unless a longer period (perhaps to arrange suitable dates or collate information) is necessary in which case the chair must inform the complainant of the reason for the delay. The governors' complaints committee is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. This committee will have due regard to the Best practice guidance for school complaints procedures 2020.

Individual complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The committee will not deal with any new issues or concerns introduced at this stage, either verbally or in writing, by the complainant.

The Complaints Committee

The governing body will appoint a committee consisting of three or five members (preferably with reserves) with delegated powers to hear complaints at this stage in the complaint process, and set out its terms of reference.

These will include:

- drawing up its procedures;
- hearing individual complaints;
- making recommendations on policy as a result of complaints.

The full governing body appoint a chair and a clerk to this committee at the start of each academic year. It would not be appropriate to appoint anyone who works at the school to sit on this committee.

The complainant and the person who is the subject of the complaint (if appropriate) should be permitted to bring a supporter (friend, spouse, union representative, etc) should they so chose.

The Remit of the Complaints Committee

The committee can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems, procedures or policies to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints committee needs to remember:

a) It is important that the committee is independent and impartial and that it is seen to be so. No governor may be a member of the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender, sexuality, physical disability, mental disability and religious affiliation.

b) The aim of the meeting, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c) An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents may feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend. It would not normally be appropriate for the child to be present throughout the meeting.

e) The governors sitting on the committee need to be aware of the complaints procedure.

f) The governing body will review the complaints procedure at least every three years (more often if significant updated guidance is received).

Roles and Responsibilities

The Role of the Clerk

It is important that any complaints committee meeting which is considering complaints should be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the meeting;
- meet and welcome the parties as they arrive at the meeting;
- record the proceedings;
- notify all parties of the committee's decision.

It is important that the clerk does not influence in any way the decision taken by the committee and must be seen to be impartial at all times.

The Role of the Chair of the Committee

The chair of the committee has a key role, ensuring that:

- Introductions are made;
- the remit of the committee is explained to the parties (including what happens after the meeting) and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- the meeting is effectively conducted;

- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the meeting is conducted in an informal manner with each party treating the other with respect and courtesy;
- the committee is open minded and acting independently;
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties;
- The complaint, as originally registered, is the focus of attention.

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the decision, in writing, with the committee's response; within seven days of the meeting.

The letter needs to explain that the complainant can contact the Secretary of State for Education at the Department for Education if they remain dissatisfied. (0370 000 2288) www.education.gov.uk/help/contactus or Department for Education, Schools Complaints Unit, 2nd Floor, Piccadily Gate, Store Street, Manchester, M1 2WD

Cut off timeframe for raising and/or escalating a complaint

We will endeavour to respond to any complaint swiftly. Stage one will be completed within 10 days of receipt of the complaint. If exceptional circumstances lead to a delay to this timeframe, this will be fully explained to the complainant and a new timeframe shared.

Complainants are expected to raise their complaint within 3 months of the incident that raised their concern. The decision to escalate a complaint beyond Stage one of this policy should be made no later than 3 months after receiving the written response from the headteacher.

However, the school will endeavour to be reasonable and, in exceptional circumstances, will address complaints raised outside of this timeframe.

Unreasonable Complaints

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Our school defines 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 taken into account 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 headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact 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 our school.

Complaint campaigns

If the school receives a large volume of complaints about the same subject and from complainants unrelated to the school, the school may choose to send a template response to all complainants or publish a single response on the school's website.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix 1 - Complaint Form

Please complete and return to the School Office at Long Mountain CE Primary School marked Private and Confidential for the Headteacher or Chair of Governors, who 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:
Postcode:
Day time telephone number:
Evening telephone number:
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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to: