




Temple Sowerby CE Primary School

COMPLAINTS PROCEDURE

2023-2024

| Approved by ¹ | |
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| Position: | Headteacher |
| Signed: |  |
| Date: | 11/12/2023 |
| Review date: | 11/12/2024 |

This procedure fulfils the requirements of The Education Act 2002 (Section 29) for “all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.”

Following this page there is an information sheet for parents and others, giving them clear advice on how to raise a concern; make a formal complaint; and appeal to the governing body. It also outlines the way the school will respond. The school will provide a copy of the information sheet on request, and include it (or a summary of it) in the school prospectus and on our website.

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions
- Exclusions
- Statementing for children with special educational needs

Similarly, it should not be used for dealing with complaints relating to

- Child protection
- Staff discipline, capability or grievance

If a concern is brought to the attention of the school that relates to any of these matters, the school will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. They have their own complaints procedures.

Who can raise a concern or make a complaint?

Anyone who has dealings with the school can use this procedure, whether a pupil, a parent or carer, a visitor, a neighbour, or a provider of a service to the school. If you wish to raise a concern or complain on someone else's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves. If this is the case, we may be able to direct you to or obtain support from a local advocacy service, such as People First.

How will my concern or complaint be handled?

Our procedure has three stages:

1. Responding to concerns
2. Investigating complaints
3. Appeal to the governing body

At any point in the handling of your complaint, there is the possibility of a 'resolution' meeting. The school will try to deal with your complaint as quickly as possible. If you have concerns about the time being taken, you should raise this with the Clerk to the governing body.

1. Responding to concerns

If your concern is about something that a person has or has not done, for example the headteacher, another member of staff, a governor, or a volunteer, you should make an arrangement through the school office to speak to that person or their manager (and not approach them while they are 'on duty'). If your concern is about an aspect of school practice or policy, you should contact the headteacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. We can reassure you that most concerns are usually resolved at this stage.

2. Investigating complaints

If you remain dissatisfied by our response to your concern, then you should make a complaint to the headteacher. The headteacher will arrange for the complaint to be investigated and respond to you within a reasonable time.

If your complaint is about the headteacher, you should contact the chair of governors who will arrange for it to be investigated by a nominated member of the governing body. If your complaint is about the chair of governors, you should contact the clerk to the governing body, who will make the arrangement. In all cases,

- state that you are making a complaint
- give specific details
- say what you want the school to do to put things right

If you need help to set out your complaint in writing, the school will arrange for this for you. All letters should be sent to the school address, marked 'Confidential: for immediate attention'.

Please be aware that if your complaint alleges misconduct by a member of staff, any investigation by the school and subsequent formal action is protected by confidentiality. You will not know the outcome and the right of appeal will not apply.

3. Appeal to the Governing Body

If you remain dissatisfied with the outcome of the investigation into your complaint, you may appeal to the governing body. The chair of governors (or the clerk) will arrange for a panel of governors to consider your appeal and respond to you within a set timescale. For complaints about staff (except the headteacher) or volunteers who work in school, this is the final stage of the complaints procedure and the panel's decision is final. If you are complaining about either the headteacher or a member of the governing body, and are dissatisfied with the nominated governor's response, you have a further right to appeal to a panel of governors (not including the nominated governor who first investigated your complaint).

The letter giving the school's decision following the investigation will tell you how to make an appeal; this is usually by writing to the clerk. The governing body will arrange for a panel of three governors to hear your appeal in person or review your complaint. After this hearing/review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision.

Unreasonably persistent, abusive or harassing complainants and vexatious complainants

The school expects anyone who wishes to raise problems with the school to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to your concern;

Whilst we recognise that some concerns may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action as appropriate to ensure that the school can continue its work safely and securely.

Further Information

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. They have their own complaints procedures. However, the school will liaise with such providers as appropriate.

Next steps

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 \(www.gov.uk\)](http://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](http://www.gov.uk), 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

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.

Appendix A - Complaints not handled under this complaint procedure

The Complaints Procedures outlined in this document 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 Westmorland and Furness Council and you want to appeal the decision, you need to submit an appeal form to the Local Authority. If you want to know more about the Local Authority School Admissions Appeal process go to the [School Appeals](#) page of their website.

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 the [Westmorland and Furness SEND IAS Service](#) for help.

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.

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 (Safeguarding Hub - <https://scformwmf.cumbria.gov.uk/>) 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. Complaints about the application of our Behaviour Policy *can* be made through the school complaints procedure. More information can be found at www.gov.uk/school-discipline-exclusions/exclusions.

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.