



St Lawrence Primary School

Complaints Policy and Procedure

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Complaints Policy & Procedure

Whenever someone is worried or concerned about an issue, we always seek to resolve the matter through informal conversations and agreed changes, before moving onto the formal process. This formal process begins when someone is sure that a complaint is necessary.

N.B. Complaints will rarely be investigated, if reasonable attempts to resolve the matter informally have not been made. Before any formal complaint is investigated, there is an expectation that the Headteacher, Deputy Headteacher or another member of the school's Senior Leadership Team will have been spoken to.

N.B. The voice of the child will be regarded as important at all stages of the process and complainants should not request that children are not spoken to by members of staff. When children are asked for their views, this will be carried out with sensitivity. Similarly, whenever a complaint concerns a child or children the parent/s will always be spoken to and informed of the complaint's nature and details.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. However, complaints cannot be made on someone else's behalf or by a group. Complaints to the school must be made by named individuals (or both parents representing their child/children). Complaints which are made anonymously or refer to others with similar concerns are very difficult to investigate and may be considered to be vexatious.

Complainants who do not abide by this policy or who are clearly seeking to cause distress or disruption, rather than a positive outcome are likely to be considered as acting inappropriately. In these circumstances the process would cease and the complainant recommended to take their complaint to the Local Authority or Ofsted. A persistent complainant will most likely be considered as acting vexatiously. The DfE lists the following descriptors for an unreasonable complainant:

- ***raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales;***
- ***refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;***
- ***seeks an unrealistic outcome;***
- ***makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;***
- ***publishes unacceptable information on social media or other public forums.***

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*'. We take all concerns seriously and will make every effort to resolve the matter as quickly as possible. If a concern can be dealt with robustly and to the satisfaction of all parties, then this is nearly always the best way forward.

A complaint may be defined as '*an expression of dissatisfaction, about actions taken or a lack of action which cannot be resolved informally*'. We acknowledge that sometimes the serious nature of an issue will warrant the complaints' procedure being activated.

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.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Office Manager will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Office Manager will refer you to another staff member. The member of staff may be more senior, but does not have to be. The ability to consider the concern objectively and impartially is more important. The Headteacher will always be willing to meet with anyone who has a concern that needs to be shared.

As a Church of England school, we have priest (rector) on our governing body. The priest always has a role to play in supporting others pastorally and will therefore be available to listen and support at any stage of this process.

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

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. You may also raise a concern via a third party acting on your behalf, having given consent to do so.

Concerns can be raised with any member of staff but are best brought to the attention of the Office Manager who can then involve the most relevant members of staff to address matters. If after raising a concern with members of staff including the Headteacher, 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 Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as 'Private and Confidential'.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, 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' 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. Using the form and keeping the complaint clear and concise does aid the process – further details (but not new concerns) can be unpicked and discussed at a later stage.

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.

Anonymous complaints

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

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 timeframe if exceptional circumstances apply.

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.

Scope of the complaints procedure

This procedure covers all complaints about any provision of community facilities or services delivered by St Lawrence C of E Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Shropshire Local Authority.

<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>N.B. Complaints about the application of the Behaviour Policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for 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.</p> <p>Volunteers who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about their services. Please contact them directly.</p>

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| <ul style="list-style-type: none">• National Curriculum - content | Please contact the Department for Education at: www.education.gov.uk/contactus |
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If other bodies are investigating aspects of the complaint, for example the police or Local Authority (LA) safeguarding teams or Ofsted, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

Resolving complaints

At each stage in the procedure, we will want to resolve the complaint. We will acknowledge that the complaint is upheld in whole, partly upheld or not upheld at each stage. 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 about 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.

Withdrawal of a Complaint

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

Stage 1

Formal complaints must be made to the Headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form – see Page 8), by email or by telephone.

The Headteacher 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.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not any decisions that need to be taken.

During the investigation, the Headteacher (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.

N.B. The voice of any child involved must be heard and complainants must not request that pupils are not spoken to – their views are very important. When pupils are spoken to, two members of staff will be present, with parents only involved if the investigator believes this would be helpful. At least one member of staff present, will be well known to the child.

At the conclusion of his/her investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher 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 we will take to resolve the complaint.

The Headteacher 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 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 to the Governors, via the school office.

If the complaint is jointly about the Chair and Vice Chair, 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 Shropshire L.A. At the conclusion of the investigation, the independent investigator will provide a formal written response.

N.B. If the Headteacher is absent from school for a period of time, the deputy headteacher or anyone assuming the role of acting Headteacher will deal with Stage 1 complaints.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, he/she can escalate the complaint to Stage 2, which will involve members of the governing body's Complaints Committee: formed of three, impartial, governors who have no personal connection to any of the individual complainants or members of staff named in the complaint. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk to the Governors, via the school office, within 10 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 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk to Governors must re-establish at the start of Stage 2, the nature of the complaint, what is unresolved from Stage 1 and what outcome the complainant is hoping for.

The Clerk will write to the complainant to inform him/her of the date of the meeting. The Clerk will aim to convene a meeting within 15 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 on the basis of written submissions from both parties.

The Complaints Committee will consist of 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 available, the Clerk will source any additional, independent governors through another local school or through the L.A.'s Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2. It is essential that those who are on the Complaints Committee have the skills and also the time to carry out their duties.

N.B. The local rector who serves as a Foundation Governor appointed by Hereford Diocese, will not be involved in investigating complaints, so that he can always be available to support involved parties in pastoral capacity.

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 and also the well-being of those that the complaint is directed towards.

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, he/she may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

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.

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 5 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 via 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.

Before the committee meets, all of the evidence gathered at Stage 1 must be read in full and the complaint understood in its entirety. The committee members should speak with those who were involved at Stage 1 and in the informal preliminary process before commencing Stage 2 investigations. The committee will then consider the complainant's concerns about Stage 1 and all the evidence presented which pertains to all aspects of the complaint – nothing should be held back from the Stage 2 panel. The Stage 2 panel must not recommence any investigations that have already been carried out. 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 the school with a full explanation of their decision and the reason(s) for it, in writing, within 5 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.

Before a letter is sent to the complainant it is essential that this document is proof-read and checked for any factual inaccuracies by the Headteacher or another senior member of staff if the Headteacher has a previously declared interest in the outcome.

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 the actions that were undertaken to investigate the complaint and provide a full explanation of the decision/s made and the reason/s for it/them. Where appropriate, it will include details of actions St Lawrence Primary School will take to resolve the complaint fully and ensure that practice or procedures are improved/addressed.

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

Next Steps

If the complainant believes the school did not handle the complaint in accordance with the published complaints procedure or the school acted unlawfully or unreasonably in the exercise of its 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 a school. It will consider whether a 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.



Complaint Form

It is essential that your complaint is concise, with a clear statement explaining why you do not think the issue/s can be resolved informally. Please provide details of events in chronological order (ideally with dates) and include any background information that will help us to assess what has happened.

Please complete and return the form to the Headteacher, who will acknowledge receipt within 5 school days and he/she will then be in touch to explain the process.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Email address:
I have read the school's Complaints Policy and Procedure. Yes/No
Why do you believe that your concerns cannot be resolved informally as set out in the school's Complaints Policy and Procedure?

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 whom:

Outcome:

Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if he/she:

- explains the complaint in full as early as possible.
- co-operates with the school in seeking a solution to the complaint.
- responds promptly to requests for information or meetings or in agreeing the details of the complaint.
- asks for assistance as needed.
- treats all those involved in the complaint with respect.
- refrains from publicising the details of their complaint on social media and respects 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold,

partly uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with staff members, headteacher, Chair of Governors, Clerk and L.A. (if appropriate) to ensure the smooth running of the complaints procedure.
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person.
- keep records.

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, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- 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 (and complaints co-ordinator, if the school has one).

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.
- members of staff take great pride in their work and if a complaint is upheld or partly upheld then the outcome needs to be communicated and explained with sensitivity. This might best be done face to face rather than by email or letter.