



**St Erme with Trispen Community Primary  
School**

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# **Complaints Policy**

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## Contents

### Complaints Procedure

1. Aims: Page 3
  2. Legislation and guidance: Page 4
  3. Definitions and scope: Page 4
  4. Principles for investigation and resolution: Page 5
  5. Stages of complaint (not complaints against the headteacher or governors): Page 7
  6. Complaints against the headteacher, a governor or the governing board: Page 11
  7. Referring complaints on completion of the school's procedure: Page 12
  8. Persistent and unreasonable complaints: Page 13
  9. Record keeping: Page 15
  10. Learning lessons: Page 16
  11. Monitoring arrangements: Page 16
  12. Links with other policies: Page 16
- Appendix 1: Roles and responsibilities: Page 17
- Appendix 2: Complaint Form: Page 21

## **1. Aims**

Our school aims to meet its statutory obligations when responding to complaints from parents or carers of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect and courtesy.
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## **2. Legislation and guidance**

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available, a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## **3. Definitions and scope**

### **3.1 Definitions:**

The DfE guidance explains the difference between a concern and a complaint:

o A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought"

o A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

### **3.2 Scope:**

The school intends to resolve concerns and complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- School re-organisation proposals
- Curriculum
- Collective worship

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on the school's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

## **4. Principles for investigation and resolution**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

### **4.1 Time scales:**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **4.2 Complaints about our fulfilment of Early Years requirements:**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

#### **4.3 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.

#### **4.4 Resolving complaints:**

At each stage in the procedure, we want 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

#### **4.5 Withdrawal of a complaint:**

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

## **5. Stages of complaint (not complaints against the headteacher or governors)**

### **5.1 Stage 1: informal:**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

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 a later stage of the procedure.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the Headteacher and / or the subject of the complaint, as appropriate. If the complainant has difficulty in discussing a concern with a particular member of staff, the headteacher will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer the complainant 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.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

### **5.2 Stage 2: formal:**

Formal complaints can be raised via the School office:

- By letter or email ([secretary@st-erme.cornwall.sch.uk](mailto:secretary@st-erme.cornwall.sch.uk))
- Over the phone (01872 279539)
- In person
- By a third party acting on behalf of the complainant

All correspondence should be marked as Private and Confidential.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

For ease of use, a template complaint form is included as Appendix 2 to this procedure.

If complainants need assistance raising a formal complaint, they can contact the school office.

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. The headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken. The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment. The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

#### **How to escalate a complaint:**

If the complainant wishes to proceed to the next stage of the procedure (Stage 3), they should inform the clerk to the governing board within 5 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk to the governing board can be contacted:

- By letter (via the school office) or email ([clerk@st-erme.cornwall.sch.uk](mailto:clerk@st-erme.cornwall.sch.uk))
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above (Stage 2), as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will record the date the request is received and acknowledge receipt (either by letter or email) within 5 school days.



### **5.3 Stage 3: submit the complaint to the review panel:**

#### Convening the panel

The review panel consists of the first 3 impartial members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 9). The governors will select a panel chair from among themselves. If there are not enough impartial governors available, we will seek panel members from other schools or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to convene the panel and set a date within 10 school days of the request, where possible. The meeting will take place within 20 school days of the request.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set the date. The hearing will go ahead using written submissions from both parties. Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 2 of the procedure.

#### **At the meeting:**

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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion, such as a relative or friend, if they wish. We do not encourage either party to bring legal representation, but we will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union. Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence. The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they, and any companions, will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case.

**The outcome:**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The panel chair will provide the complainant and, where relevant, the subject of the complaint, with a full explanation of the decision, including the panel's findings and recommendations, within 5 school days. A copy will also be made available for inspection by the headteacher. Copies of the minutes of the hearing will be made available to the complainant on request.

The school's complaints procedure ends at this point.

The letter to the complainant will include details of how to contact the Department for Education should they be dissatisfied with the way their complaint has been handled by the school (set out in section 7 below).

## **6. Complaints against the headteacher, a governor or the governing board**

### **6.1 Stage 1: informal:**

Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 5 above).

### **6.2 Stage 2: formal:**

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

An independent investigator will carry out the steps in stage 2 (set out in section 5 above). They will be appointed by the governing board, and will write a formal response at the end of their investigation.

### **6.3 Stage 3: review panel:**

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire governing board or
- The majority of the governing board

A panel of independent governors will hear the complaint. They will be sourced from local schools, the local authority or diocese and will carry out the steps at stage 3 (set out in section 5 above).

## **7. Referring complaints on completion of the school's procedure**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure, or it acted unlawfully or unreasonably in the exercise of its duties under education law, they can contact the DfE after they have completed Stage 3 of the complaint's procedure. The DfE will not re-investigate the matter of the complaint or overturn any decisions made by the school. It will consider whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## **8. Persistent and unreasonable complaints**

### **8.1 Unreasonable complaints:**

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, or impacts their mental health. Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Repeatedly makes the same complaint, despite previous investigations and/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
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, specify the grounds of a complaint or the outcomes sought by raising the complaint; refuses to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out; refuses to co-operate with the complaint's investigation process
- Changes the basis of the complaint as the investigation proceeds
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time, e.g., by making frequent contact with staff while the complaint is being dealt with, raising large numbers of detailed but unimportant questions or introducing trivial or irrelevant information and expecting a response within their own timescales
- Uses threats to intimidate and/or abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

We will endeavour to discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

## Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible. If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place.

We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

## Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## **8.2 Duplicate complaints:**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **8.3 Complaint campaigns:**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **9. Record keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

## **10. Learning lessons**

The governing board will review any underlying issues raised by complaints with the headteacher / senior leadership team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **11. Monitoring arrangements**

The governing board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the full governing board every year.

At each review, the policy will be approved by the full governing board.

## **12. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Whistleblowing



## **Appendix 1: Roles and responsibilities**

### **A1.1 Complainant:**

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

- follow the complaints procedure
- explain the complaint in full as early as possible, and state the desired outcomes
- 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
- do not publicise the details of their complaint on social media and respect confidentiality.

### **A1.2 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:

- o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved

- o sensitive and thorough interviewing of staff and children/young people and other people relevant to the complaint

- o consideration of records, written evidence and other relevant information

- o 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 panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **A1.3 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 LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - o sharing third party information
  - o additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- keep records.

### **A1.4 Clerk to the Governing Body:**

The Clerk is the contact point for the complainant and the complaints panel 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 circulate it to the parties in advance of the meeting within an agreed timescale
- record and circulate the minutes of the meeting
- notify all parties of the complaint panel's decision.

#### **A1.5 Panel Chair:**

The panel'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 panel 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 panel is open-minded and acts independently
- no member of the panel 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).

### **A1.6 Panel Member:**

Panel 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 panel 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 panel 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 panel 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 panel 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 panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.



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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Official use**

Date of acknowledgement sent:

By who?:

Complaint referred to:

Date: