

COMPLAINTS PROCEDURE



RECORD OF ISSUE

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Introduction

This procedure fulfils the requirements of The Education Act 2002 (Section 29) to:

- (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
- (b) publicise the procedures so established.

This procedure explains how to raise a concern; make a formal complaint; and appeal to the Management Committee. It also outlines the way the Pupil Referral Service (PRS) will respond. All of the information is published on the website www.southcumbriaap.org.uk

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

- Admissions
- Exclusions
- Education, Health and Care Plans for children with additional 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 PRS that relates to any of these matters, the PRS will refer to the local authority or Just People (HR provider) to ensure that the relevant statutory or local authority procedure is used.

The Management Committee 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.

Definition:

A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A 'complaint' may be generally defined as *'an expression of dissatisfaction however made, about actions taken or lack of action'*.

South Cumbria Pupil Referral Service (PRS) aim to resolve complaints as soon as possible.

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 PRS 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 Management Committee

At any point in the handling of your complaint, there is the possibility of a 'resolution' meeting. The PRS 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 Management Committee (Leeann Evans leeann.evans@cumbria.gov.uk).

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 Management Committee member, or a volunteer, you should make an arrangement through the PRS 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 the management committee who will arrange for it to be investigated by a nominated member of the Committee. If your complaint is about the chair of the management committee, you should contact the clerk to the management committee, 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 PRS will arrange for this for you. All letters should be sent to the PRS address which is Head Office, *South Cumbria PRS, Newbridge House, Ewan Close, Barrow-in-Furness, Cumbria, LA13 9HU* and should be marked 'Confidential: for immediate attention' – FAO The Clerk to the Management Committee.



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Please be aware that if your complaint alleges misconduct by a member of staff, any investigation by the PRS 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 Management Committee

If you remain dissatisfied with the outcome of the investigation into your complaint, you may appeal to the Management Committee. The chair of the Management Committee (or the clerk) will arrange for a panel of Management Committee members to consider your appeal and respond to you within a set timescale. For complaints about staff (except the headteacher) or volunteers who work in PRS, 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 Management Committee, and are dissatisfied with the nominated Committee member's response, you have a further right to appeal to a panel of Management Committee members (not including the nominated Management Committee member who first investigated your complaint).

The letter giving the member's decision following the investigation will tell you how to make an appeal; this is usually by writing to the clerk. The Management Committee will arrange for a panel of three management committee members to review your complaint. After this review the panel will notify you of their decision. This will include informing you that the PRU'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.

4. Unreasonably persistent, abusive or harassing complainants and vexatious complaints

South Cumbria PRS 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.

South Cumbria PRS 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 complaint's investigation process while still wanting their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of a complaint's 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

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Head teacher or Management Committee will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher or Management Committee will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

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 Head teacher 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 Head teacher or Chair of the Management Committee. 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.

Further Information

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

For any complaint about the following, contact the local authority on 0800 121 8800 for advice and information regarding:

- an appeal against a decision relating to the admission or exclusion of your child
- an appeal against a local authority decision about your child's special educational needs
- an allegation of a criminal offence