



Complaints Policy and Procedures

Date written: February 2021

Written by: Head teacher Director of Cairn Education

Date of reviews: November 2024, January 2024, January 2025

Date of next review: January 2026

Version: 5

This policy will be reviewed at least annually and/or following any updates to national and local guidance and procedures.

Key Contacts

	Name	Cairn Education contact information
Director of Cairn Education Head Teacher	Rachael Thompson	Rachaelthompson@cairneducation.co.uk
Business Manager Alternative Director	Natasha Colahan	NatashaColahan@cairneducation.co.uk

Contents

Contents.....	2
Who can make a complaint?	3
The difference between a concern and a complaint	3
Complaints relating to examinations.....	3
How to raise a concern or make a complaint?	5
Anonymous complaints	6
Time scales.....	6
Complaints received outside of term time	6
Scope of this complaints procedure	7
Resolving complaints	8
Withdrawal of a Complaint.....	8
Complaints procedure	8
APPENDIX A.....	12
Appendix B - Roles and Responsibilities	14

Who can make a complaint?

1. 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 to Cairn Education 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.

The difference between a concern and a complaint

2. A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
3. A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.
4. 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. Cairn Education takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
5. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the head teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head teacher 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.
6. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Cairn Education will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Complaints relating to examinations

7. The purpose of this section of the policy is to confirm compliance with JCQ's **General Regulations for Approved Centres** (sections 5.3, 5.8) in drawing to the attention of candidates and their parents/carers its written complaints procedure which covers general complaints regarding the centre's delivery or administration of a qualification.
8. **Grounds for complaint** - a candidate (or his/her/parent/carer) at Cairn Education may make a complaint on the grounds below (This is not an exhaustive list).

9. Teaching and Learning

- a. Non-subject specialist teacher without adequate training/subject matter expertise utilised on a long-term basis
- b. Teacher lacking knowledge of new specification/incorrect core content studied/taught
- c. Core content not adequately covered
- d. Inadequate feedback for a candidate following assessment(s)
- e. Pre-release/advance material/set task issued by the awarding body not provided on time to an exam candidate
- f. The taking of an assessment, which contributes to the final grade of the qualification, not conducted according to the JCQ/awarding body instructions

10. Centre assessed marking

- a. The marking of an internal assessment, which contributes to the final grade of the qualification, not undertaken according to the requirements of the awarding body (complainant should refer to the school's Centre Assessed Marking Policy)
- b. Candidate not informed of his/her centre assessed marks prior to marks being submitted to the awarding body
- c. Candidate not informed of his/her centre assessed marks in sufficient time to request/appeal a review of marking prior to marks being submitted to the awarding body
- d. Candidate not given sufficient time to review materials to make a decision whether to request a review of centre assessed marks

11. Access arrangements

- a. Candidate not assessed by the centre's appointed assessor
- b. Candidate not involved in decisions made regarding his/her access arrangements
- c. Candidate did not consent to personal data being shared electronically (by the non-acquisition of a signed Data Protection Notice)
- d. Candidate not informed/adequately informed of the arrangements in place and the subjects or components of subjects where the arrangements would not apply
- e. Exam information not appropriately adapted for a disabled candidate to access it
- f. Adapted equipment put in place failed during exam/assessment
- g. Approved access arrangement(s) not put in place at the time of an exam/assessment
- h. Appropriate arrangements not put in place at the time of an exam/assessment as a consequence of a temporary injury or impairment

12. Entries

- a. Candidate not entered for a required exam/assessment
- b. Candidate entered for a wrong exam/assessment
- c. Candidate entered for a wrong tier of entry

13. Conducting examinations

- a. Failure to adequately brief candidate on exam timetable/exam regulations prior to exam/assessment taking place

- b. Room in which exam held did not provide candidate with appropriate conditions for taking the exam
- c. Inadequate invigilation in exam room
- d. Failure to conduct exam according to the regulations
- e. Online or IT system failed during online/word processed exam/assessment
- f. Disruption during exam/assessment
- g. Alleged, suspected or actual malpractice incident not investigated/reported
- h. Eligible application for special consideration for a candidate not submitted/not submitted to timescale
- i. Failure to inform/update candidate on the outcome of a special consideration application

14. Results and Post-results

- a. Before exams, candidate not made aware of the arrangements for post-results services and the accessibility of senior members of centre staff after the publication of results
- b. Candidate not having access to a member of senior staff after the publication of results to discuss/make decision on the submission of an enquiry
- c. Candidate request for return of work after moderation and work not available/disposed of earlier than allowed in the regulations
- d. Candidate (or parent/carer) unhappy with a result (complainant to refer via exams officer to awarding body post-results services)
- e. Candidate (or parent/carer) unhappy with a centre decision not to support a clerical check, a review of marking, a review of moderation or an appeal - the complainant should refer to the centre's internal appeals procedure)
- f. Centre applied for the wrong post-results service/for the wrong exam paper for a candidate
- g. Centre missed awarding body deadline to apply for a post-results service
- h. Centre applied for a post-results service for candidate without gaining required candidate consent/permission

How to raise a concern or make a complaint?

- 15. A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 16. Concerns can be raised with any staff member. If the issue remains unresolved, the next step is to make a formal complaint.
- 17. 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.
- 18. Complaints against Cairn Education staff should be made in the first instance, to the director of Cairn Education via rachaelthompson@cairneducation.co.uk or in person. Please mark any e-mails or written complaints as Private and Confidential.

19. For ease of use, a template complaint form is included in Appendix A or can be requested from info@cairneducation.co.uk. If you require help in completing the form, please contact rachaelthompson@cairneducation.co.uk or you can also ask third party organisations like the Citizens Advice to help you.
20. Complaints that involve the head teacher should be sent to the Local Authority - SEND@westmorlandandfurness.gov.uk or call 01229 407 403.
21. 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

22. We will not normally investigate anonymous complaints. However, the directors will determine whether the complaint warrants an investigation.

Time scales

23. 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 time frame if exceptional circumstances apply.

Complaints received outside of term time

24. Where appropriate, the director who is on-call will consider complaints made outside of term time. If it is not appropriate, the complaint will be actioned on the first day after the holiday period.

Scope of this complaints procedure

25. This procedure covers all complaints about any provision of services by Cairn Education, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions are handled under our admissions policy which is available on request from info@cairneducation.co.uk .
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 which is available on request from info@cairneducation.co.uk.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding What to do if you have concerns about a child : Cumbria County Council (cumbriasa- feeguardingchildren.co.uk) or the police Contact the police Police.uk (www.police.uk).</p>
Exclusion of service users*	<p>Further information about raising concerns about exclusion can be found in our exclusions policy which can be requested from info@cairneducation.co.uk or at www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure which can be requested from info@cairneducation.co.uk.</i></p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. You can request a copy of our whistleblowing policy at info@cairneducation.co.uk.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers 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>Volunteer staff who have concerns about Cairn Education should complain through Cairn Education'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>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under Cairn Education'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, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers.	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct or we can make a complaint to a service provider on your behalf
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

26. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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.
27. If a complainant commences legal action against Cairn Education in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

28. At each stage in the procedure, Cairn Education 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
 - an apology.

Withdrawal of a Complaint

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

Complaints procedure

30. Roles and responsibilities of each person in this procedure can be found in Appendix B of this policy.

Stage 1

31. Formal complaints must be made to the head teacher (unless they are about the head teacher), this may be done in person, in writing (preferably on the Complaint Form), or by telephone.
32. The Head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.
33. Within this response, the Head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head teacher can consider whether a face-to-face meeting is the most appropriate way of doing this. *Note: The Head teacher may delegate the investigation to another member of Cairn Education's senior leadership team but not the decision to be taken.*
34. During the investigation, the Head teacher (or investigator) will:
 - if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish by an independent representative.
 - keep a written record of any meetings/interviews in relation to their investigation.
35. At the conclusion of their investigation, the Head teacher will provide a formal written response within 7 school days of the date of receipt of the complaint. If the Head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
36. 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 Cairn Education will take to resolve the complaint.
37. The Head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
38. If the complaint is about the Head teacher, Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

39. If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.
40. A request to escalate to Stage 2 must be made to the governors, via governors@cairneducation.co.uk within 10 school days of receipt of the Stage 1 response.
41. The governors 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.

42. The governors will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the governors will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the governors 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.
43. The complaints committee will consist of at least 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 from Cairn Education available, the Chair will source any additional, independent governors through another local school or through their LA'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.
44. 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.
45. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend or independent representative. 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 Cairn Education employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. *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.*
46. Representatives from the media are not permitted to attend.
47. At least 7 school days before the meeting, the governors 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.
48. Any written material will be circulated to all parties at least 2 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.
49. 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 from Stage 1 of the procedure.
50. 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.

51. 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.
52. The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part.
53. 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.
54. The governors will provide the complainant and Cairn Education with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.
55. 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 by Cairn Education.
56. If the complaint is about:
- the entire governing body or
 - the majority of the governing body
 - the directors
- Stage 2 will be heard by a committee of independent governors.

57. 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 Cairn Education will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

58. If the complainant believes Cairn Education did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.
59. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Cairn Education. They will consider whether Cairn Education has adhered to education legislation and any statutory policies connected with the complaint.
60. 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:
- a. Department for Education
Piccadilly Gate
Store Street
Manchester
 - b. M1 2WD.

APPENDIX A

Complaint Form

Please complete and return to the Head teacher rachaelthompson@cairneducation.co.uk who will acknowledge receipt and explain what action will be taken. Please mark as private and confidential.

Please return this form to the

Your name:
Service user's name (if relevant):
Your relationship to the service user (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 Cairn Education about it.

What actions do you feel might resolve the problem at this stage?

<p>Are you attaching any paperwork? If so, please give details.</p>
<p>Signature:</p>
<p>Date:</p>
<p>Official use</p>
<p>Date acknowledgement sent:</p>
<p>By who:</p>
<p>Complaint referred to:</p>
<p>Date:</p>

Appendix B - Roles and Responsibilities

Complainant

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

- explain the complaint in full as early as possible
- co-operate with Cairn Education 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
- refrain from publicising the details of their complaint on social media and respect 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 Head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

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, Chair and LAs (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.

Chair to the Governing Body

The Chair 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, provision 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 Chair) 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 Cairn Education 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 Chair

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.