Rook’s Nest Academy

‘Caring for Children: Striving for Excellence’

COMPLAINTS *PROCEDURE*

What is a Complaint?

A complaint is an expression of dissatisfaction, whether made orally or in writing. This policy addresses general complaints. Complaints about the curriculum, collective worship, racist incidents or provision for children with special educational needs are dealt with under separate procedures.

Procedures for dealing with complaints

The majority of concerns from parents, carers and others are handled under the following general procedures.
The procedure is divided into three stages;

The Informal stage aims to resolve the concern through informal contact. Please contact the Academy office.

Stage two is the first formal stage at which written complaints are considered by the Headteacher or the designated governor. Please complete Appendix 1 To move to stage 2

Stage three is the next stage once stage two has been worked through. It involves a complaints hearing panel comprising of at least three people one of whom will be independent of the management and running of the school.

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

How each of these stages operates is explained below:

Informal stage – your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form teacher.
2. Once your concern is made known to us, we will seek to contact you as soon as possible.
3. Any actions or monitoring of the situation that has been agreed, will be communicated.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within ten working days.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage. (in accordance with part 7 Education (Independent Schools Standards) Regulations 2014).

Stage two - formal consideration of your complaint (see appendix 1)

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.
Using appendix 1, you must include clear points around the complaint and anticipated actions that you feel the school to take to resolve your concern. Do not expand the form or include additional pages.

Without completion of form appendix 1 your complaint cannot proceed.

1. Normally, your written complaint (appendix 1) should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the Academy marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days (please note this does not apply during Academy non-teaching days).
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within 15 working days but if this is not possible (e.g. during Academy closure periods) we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may (or may not) invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
   (At this stage advice may be obtained from outside agencies such as the school's solicitors Leeds LA Legal Services, WMDC and Teaching Unions).
6. The Headteacher, or Chair of Governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher, investigating officer or Chair of Governors will, where necessary, talk to witnesses and take statements from others involved.
8. We will normally talk to pupils and in such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present. In certain situations the parent or carer may be present, if this will not delay investigation.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Headteacher or Chair of Governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the Headteacher's or Chair of Governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage three, as described below.

Stage three - consideration by a governors appeal panel

If the complaint has already been through stage two and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to an Appeal Hearing Panel. This is a formal process, with a panel of at least three people set up by the academy, one of whom must be independent of the management and running of the school. This is the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your arguments in front of a panel who have no prior knowledge of the details of the case and who can,therefore, consider it without prejudice.

However, the aim of a panel is not to rehear the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

In order to proceed to stage 3 you must complete appendix 2 and send to the chair of governors via the academy office.

The governors appeal panel operates according to the following formal procedures:

1. The governing body will convene a panel of three people and will aim to arrange for the panel meeting to take place within **20 working days.**
2. You will be asked whether you wish to provide any further written documentation in support of your appeal. Please note due to time constraints this must focus on why you believe that your complaint was not dealt with fully at stage 2 and must not include information already submitted as part of the stage 2 investigation.
3. The Headteacher or complaint investigator will be asked to prepare a written report for the panel. The panel can request additional information from other sources if necessary.
4. You will be informed, at least **five working days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.
5. The letter inviting you to the hearing will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
6. If it is necessary in the interests of ratifying the investigative process, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
7. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.

As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

8. The chair of the panel will ensure that the meeting is properly minuted. **Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the governing body.** Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
9. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require.
10. During the meeting, you can expect there to be opportunities for:
    - The panel to hear you explain your case and your argument for why it should be heard at stage 3;
    - The panel to hear the complaint investigator's case in response;
    - you to raise questions via the chair;
    - you to be questioned by the complaint investigator through the chair;
    - the panel members to be able to question you and the complaint investigator;
    - You and the headteacher/investigation officer to make a final statement.
    - In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the headteacher/investigating officer **within three school days**. All participants other than the panel and the clerk will then leave.
    - The panel will then consider the complaint and all the evidence presented in order to:
        1. **reach a unanimous, or at least a majority, decision on the case;**
        2. **decide on the appropriate action to be taken, if necessary;**
        3. **recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.**

    - The clerk will send you and the headteacher/investigating officer a letter outlining the decision of the panel. If not satisfied with the outcome: any further correspondence must be through the ESFA. Where relevant, the findings and recommendations will be sent to the person being complained about.
    - We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records. The findings and recommendations from the panel hearing will be available for inspection on the Academy premises.

Closure of complaints

Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

At Rook's Nest Academy we will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the Academy – to the Headteacher, designated governor, chair of governors or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. The ESFA will support us in this position: especially where the complainant's action is causing distress to staff and/or pupils.

In exceptional circumstances, closure may occur before a complaint has reached stage three of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a complaints review panel would not help to move things forward.

This does not, of course, prevent you from referring your complaint to the ESFA for a review of the way it has been handled.

Vexatious Complaints

The ESFA advice says that where schools have followed all stages of the procedure in response to a complaint, the chair of governors can inform the complainant that the matter is closed. Complaints seen as vexatious or repetitious will not be considered under this policy.

Actions that may be taken against a persistent complainant, including:

- Verbally informing the complainant that his/her behaviour is becoming unreasonable/unacceptable
- Informing the complainant in writing that his/her behaviour is now considered to be unreasonable/unacceptable
- Informing the complainant that, except in emergencies, all communication with the school should be by letter only
- Taking advice from legal representatives on pursuing a case under anti-harassment legislation

Review by LA

Rook's Nest Academy is a self governing Academy therefore the LA do not usually have any involvement in the Complaint's Procedure

Review By Education & Skills Funding Agency.

The Education & Skills Funding Agency handles complaints about Academies from parents and other interested parties. This derides from the ESFA's responsibility to ensure academies comply to their funding arrangements. Complaints will be considered about academies if they fall into any of the following three areas.

- **Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.**
- **Where the academy is in breech of its funding agreement with the secretary of state.**
- **Where an academy has failed to comply with any other legal obligation.**

Complaints about Academies should be sent:

Via the EFSA: https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy

Or by writing to

Education & Skills Funding Agency
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please enclose with your letter to the ESFA a copy of the review outcome. This will save time in that the ESFA will not need to ask for our view of what has happened.

We would advise parents that, unless the school has shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the Secretary of State.

Other sources of information and advice

If your concern is about an aspect of **special educational needs provision**, which might include information about relevant voluntary organisations and support groups in Wakefield please contact

SENART

Tel: 01924 302465
Email: SENART@wakefield.gov.uk

Rook’s Nest Academy Complaints Procedure
Monitoring and Review

The Policy has been written in agreement with Staff and Pupils, Parent Representatives and a member of the Governing Body. The Policy will be updated annually.

Written October 2020

Review October 2026

Rook's Nest Academy Stage 2 complaints form (Appendix 1)

Complaints / Feedback form

Personal Details ……
Name ……...
Address ……...
……
Postcode …….
Daytime telephone number ……..
Evening telephone number ……..
If applicable, name of child(ren) and year at school
……
Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:
…….

Please give clear details of your complaint

Rook's Nest Academy Complaints Procedure

What action, if any, have you already taken to try to resolve your complaint?
Who did you speak to, when and what was the response?

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

Signature …….
Date ……
Official Use:
Date of acknowledgment ……
By whom ……
Complaint referred to ……
Date ……

Rook's Nest Academy Stage 3 Complaints form (Appendix 2)

Consideration by a Governors appeal panel

Personal Details ……
Name ……...
Address ……...
……
Postcode …….
Daytime telephone number ……..
Evening telephone number ……..
If applicable, name of child(ren) and year at school
……

Please provide details explaining why you are not satisfied with the way the complaint has been handled:

Please indicate if you have further written documentation to support your appeal (this must not include information already submitted as part of the Stage 2 investigation):

Signature …….
Date ……
Official Use:
Date of acknowledgment ……
By whom ……
Referred to ……
Date ……

Complaint closure letter – stage 2 (Appendix 3)

CLOSURE LETTER FOR FORMAL STAGE 2 – HEADTEACHER

Dear Mr and Mrs …….

FORMAL STAGE 2 COMPLAINT ABOUT …….. AND ROOK'S NEST ACADEMY

Thank you for your letter dated…. From your letter(s) it is clear that you are still unhappy with the situation. As a result I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that :

summary of complaint to be stated. State each point separately.

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that ….
2. Concerning your complaint that ….

It is important that you are clear about what action the school has taken at each stage of the process so far:

Informal stage

State what action was taken in response and the outcome of this.

Formal stage one

State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.

I hope this response answers your concerns. Please let me know if you wish me to clarify any points.

In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will not, however, rehear the whole case.

To go to the next formal stage two, you should write to the chair of governors within ten days of the receipt of this letter, giving your reasons why you wish to take your complaint further. If you are still not satisfied with the results of the formal stage two panel of governors, you can complain to the local education authority who will carry out an investigation into the way in which your complaint has been handled.

Yours sincerely,

Rook's Nest Academy Complaints Procedure
Complaint closure letter – stage 3 (Appendix 4)

MODEL CLOSURE LETTER FOR FORMAL STAGE three - GOVERNORS APPEAL PANEL

Dear Mrs and Mrs

FORMAL STAGE 3 COMPLAINT ABOUT …… AND ROOK'S NEST ACADEMY

The panel met on …date…to hear your appeal regarding your complaint which can be summarised as follows:
That so and so/the school did/said/did not,…
Legal or administrative background
State any legal or administrative background to the case, including any legislation relevant to the investigation.
The investigation
Set out the key facts about the complaint, the findings and conclusions from the Formal stage 2 investigation, and any continuing concerns.
Conclusion
Set out the findings of the panel
Panel decision
Outcome of the decision

Please let me know if you wish me to clarify any points for you.
In the meantime, if you remain dissatisfied with the way in which your complaint has been dealt with, there is another stage of the complaints procedure that you can write to the local education authority to examine the process that we have followed. The local education authority will appoint a review officer who will check that:
• reasonable procedures have been followed;
• that you have been treated fairly; and
• that there has been no breach of statutory regulations.
I must remind you that the decision of the panel is final. The local education authority / ESFA does not have the power to set aside the decision of the panel. It may only comment on the fairness of the process. To follow this stage, please contact:

Education & Skills Funding Agency
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please enclose with your letter to the ESFA a copy of the review outcome. This will save time in that the ESFA will not need to ask for our view of what has happened.

Yours sincerely

Appendix 5

Complaints which are subject to statutory procedures

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with. These include;

- admissions
- child protection
- drugs
- equal opportunities
- exclusions
- health and safety
- National curriculum
- religious education and collective worship
- sex education
- special educational needs
- staff capability
- staff discipline
- staff grievance
- racist incidents *

The Headteacher will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the LEA on any such issues

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint the complaints procedure should be suspended until the statutory procedure has been concluded.

* although racist incidents are subject to a statutory procedure, the Race Relations Amendment Act 2000, this does not necessitate the complaints procedure being suspended. However, there is a duty for local authorities to monitor racist incidents and so schools must complete the racial harassment monitoring form (RH1), as part of the procedure for any complaint regarding a racist incident. See Part IV Further Guidance, section 13.

PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS

STAGE ONE: INFORMAL

Expression of concern to member of staff

↓

Satisfactory outcome reached?

↓ No

↓ Yes → **No further action**

STAGE TWO: HEADTEACHER'S/CHAIR OF GOVERNORS' INVESTIGATION

Complainant makes verbal/written complaint to Headteacher (or Chair of Governors if complaint is about Headteacher).

↓

Investigation conducted and outcome reported to complainant.

↓

Satisfactory outcome reached?

↓ No

↓ Yes → **No further action**

STAGE THREE: GOVERNORS' APPEAL PANEL

Complainant refers matter to governors' appeal panel.

↓

Investigation by complaints panel of governors. Complaints panel hears complaint.

↓

Satisfactory outcome reached?

↓ No

↓ Yes → **No further action**

STAGE FOUR:

There is no further right of appeal, but if the complainant considers that the *process* followed by the Governors' Complaints Committee has been unfair, he/she may refer the case to the ESFA.