

# Salendine Nook High School (Academy)

## Complaints Policy

Statutory for academies to be reviewed every 2 years and can be approved by committee or an individual Governor

<b>Date procedure written:</b>	<b>July 2021</b>
<b>Produced by:</b>	<b>Mr M Mitchell</b>
<b>Approved by Governing Body:</b>	<b>FGB 15.7.21</b>
<b>Review date:</b>	<b>July 2023</b>

## Introduction

In line with our Mission Statement, Salendine Nook High School (Academy) is an inclusive community school, which places great emphasis on relationships and wellbeing. We provide a first-class education to our students, so that all can achieve their potential. We do so in an open and transparent environment and welcome any feedback that we receive from parents, students and third parties, we also accept that not all feedback will be positive. Where concerns are raised the school intends for them to be dealt with:

- fairly
- openly
- promptly
- without prejudice

In order to do so, the Governing Body of Salendine Nook High School (Academy) has approved this policy which explains what you should do if you wish to make a complaint about the school. The policy is reviewed every two years to ensure it is accurate and fit for purpose. This policy will be shared with all members of staff and Governors, who can be available to assist you if required. It has been drawn up combining best practice advice from the Department for Education (DfE), the National Governors' Association (NGA) and Kirklees Council.

The policy is divided into three parts, Principles of the Procedure, Formal Stages of the Complaints Procedure and Annex of Documents Relating to the Procedure. **As relevant information is in all three parts, please read the full document before raising a concern or making a complaint.**

## Part 1 Principles of the Procedure

### Relevant Legislation and Guidance

- the Human Rights Act 1998
- the Equality Act 2010
- the Freedom of Information Act 2000
- the Data Protection Act (DPA) 2018
- the General Data Protection Regulations (GDPR)
- the Education Act 2002

### Decision Making

All decisions made will be mindful of The 7 Nolan Principles of Public Life and will be:

- lawful
- reasonable
- fair
- proportionate

## **Complaints Outside of this Policy**

Complaints about staff conduct will not generally be handled under this complaint's 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. Other matters fall outside this policy and a full list can be found in Part 3 Annexe Document 1

## **Timeliness**

In fairness to all parties involved, complaints need to be considered and resolved as quickly as possible. In order to do so time limits are applied in this policy however the school reserves the right to extend them should circumstances or length of the investigation require this to be done. If time limits are extended or are likely to be, this will be communicated to the complainant at the earliest opportunity.

## **Legal Representation**

At no stage are complaints a form of legal proceedings and neither the school nor the complainant should bring legal representation into any stage of the procedure. The aim is reconciliation, to put things right that may have gone wrong and to prevent reoccurrence. We do however recognise that there may be occasions where legal representation may be appropriate, for example, if a school employee is a witness in a complaint they may be entitled to union or legal representation.

If a complainant commences legal action against the school in relation to their complaint consideration will be given as to whether to suspend the complaints procedure until the legal proceedings have concluded.

## **The Difference Between a Concern and a Complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction about actions taken or a lack of action'*.

It is in the interest of everyone involved that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally (concerns), without the need to use the formal stages of this policy. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If a complainant has any difficulty discussing a concern with a particular member of staff, we will respect their views. In these cases, the teacher, Head of Department or member of the Senior Leadership Team will refer the complainant to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we 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.

We understand however, that there are occasions when people would like to raise their concerns formally as a complaint. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints policy.

## **Publications to Assist Complainants**

There are a number of publications that may help complainants with raising their concern or complaint with the school. Below are three that may be particularly helpful;

- Kirklees Council have issued a document entitled, *Dealing with Concerns and Complaints About Schools. A practical toolkit for Head Teachers and Governors*
- the DfE have published an online article titled Best Practice Guidance for School Complaints Procedures 2019
- the Education Funding Agency (EFA) have published a document entitled, Procedure for Dealing with Complaints about Academies

These three documents are freely available online, however should a complainant have difficulty finding or obtaining them, the school will provide them.

## **Timescales for Making a Complaint**

In order for us to deal with a complaint as effectively as possible, notification of a complaint should be made to school as soon as possible after the issue that led to the complaint has occurred and after all informal attempts to find a resolution have proved unsuccessful. Complaints submitted more than 3 months after the issue that led to the complaint occurred will not be considered under this policy unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the Principal or Chair of Governors, as appropriate, will review the circumstances and if necessary seek advice and determine whether the complaint should be considered under this policy.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **Who Can Make a Complaint?**

This complaint policy 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 school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, we will use this Complaints Policy. (See Part 3 Annexe Document 1 for details of complaints that fall outside this policy.) We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors will determine whether the complaint warrants an investigation.

## **Raising a Concern/Complaint**

In the first instance, concerns should be raised with either the class teacher or Head of Department. If the issue remains unresolved, it should be raised with the Principal. If the concern still remains unresolved then a formal complaint should be made. At

this stage, the Principal will decide whether it is appropriate to investigate the issue further as a formal complaint or to direct another senior staff member (Complaint Investigator) to do so.

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 being involved at a later point.

The school will normally request that all formal complaints are made on our Complaint Form (Part 3 Annex Document 2) which is available from the school office in hard copy or electronically or in writing however, we do appreciate that complainants may have other communication preferences due to disability, learning difficulties or difficulties using English. If this is the case, a complaint can be made in person, by telephone or by a third party acting on behalf of the complainant. Should the latter be used we will seek consent, in writing where possible, from the complainant before disclosing information to a third party.

Completed complaints forms should be addressed to the Principal and sent via the school office. Please mark the envelope Private and Confidential.

Complaints that involve or are about the Principal or an individual Governor should also be made on our complaints form but addressed to the Chair of Governors via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors or the whole Governing Body should be addressed to the Principal's Personal Assistant via the school office. Again please mark as Private and Confidential. Alternatively, such complaints can be sent to the Academy's Governor Clerking Service, (details of current provider can be obtained from the school office).

If you require help in completing the complaint form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

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, by providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Taking Notes of Meetings and Telephone Calls**

To prevent any later challenge or disagreement over conversations, our staff will take notes of meetings and telephone calls during all stages of the procedure. Complainants should note that this is also good practise for them. All notes will be kept securely and encrypted where appropriate. All written notes will be added to the complaint record.

## **Covert Audio or Video Recording**

Complainants must ensure that they obtain informed consent from all parties before recording conversations or meetings including telephone conversations. The school

reserves the right not to allow in evidence any audio or visual recording of a telephone call or meeting unless informed consent has been obtained and recorded. **Stages of the Procedure**

There are 3 distinct stages to the procedure:

- Stage 1 – Informal dealing with a concern - this can be dealt with by a class teacher, Head of Department or member of the Senior Leadership Team. One or all of these people may be involved in the resolution of the concern. Should the concern not be resolved at this stage it will proceed to the formal stage, Stage 2. Should a complainant feel it necessary the process can start at Stage 2 by making a formal complaint.
- Stage 2 – Formal complaint - this will normally be dealt with by the Principal or a senior member of staff unless the complaint is about the Principal when it will be dealt with by the Chair of Governors or another Governor.
- Stage 3 Formal Complaint Appeal - this will normally be dealt with by a committee made up of 2 Governors and an independent person with no connection to the management of the school. This is most likely to be a Governor of another school.

If after following the above stages a complainant is still not satisfied with the way the school has handled their complaint, they can take the complaint to the Education Funding Agency. (See Part 3 Annex Document 7)

This policy provides information as to how to make a complaint against the Principal, a single Governor or the Full Governing Body and how such complaints will be investigated.

## **Maintaining Confidentiality**

Informal concerns and formal complaints will be dealt with confidentially at all stages including the conclusion of the procedure. Confidentiality should be maintained at all times by everyone involved and we request that complaints are not discussed publically, including via social media.

Actions taken in relation to school staff that arise as a result of a concern or complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the concern / complaints procedure, including correspondence, notes of meetings, telephone calls etc. will be kept securely and in accordance with the principles of the Data Protection Act 2018.

## **Safeguarding**

Wherever a concern or complaint indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy. This policy is available on our website or on request to the school office.

## Resolution

At each stage in the procedure, our aim is to resolve the concern or complaint. It would be useful if complainants state when raising a concern or complaint what actions they feel might resolve the problem.

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;
- 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.

Please note that **none** of the resolutions above would constitute an admission of liability or negligence.

At the conclusion of Stage 2 and 3, the person investigating the concern / complaint will complete the Complaints Outcome Log. (See Annex Document 3).

## Withdrawal of a Complaint

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

## Closure of Complaints

Very occasionally we may feel that it is necessary to close a concern or complaint where the complainant is still dissatisfied. We will do all we can to ensure we resolve all concerns and complaints, but sometimes it is not possible to meet all of a complainant's wishes and it may be necessary to simply agree to disagree and move on. If, however a complainant continues to make representations to the school or attempts to re-open the same issue, the Chair of Governors will inform them, in writing, that the procedures have been followed and all reasonable action has been taken to try and resolve the issue and that the matter is now closed.

## Duplicate Complaints

If after closing a complaint at the end of the procedure, a duplicate complaint about the same subject is received from a:

- spouse
- partner
- grandparent

- child

The new complainant will be informed that the complaint has already been considered and the process is now complete.

## **Communicating the Outcome**

At the conclusion of a formal complaint we will inform the complainant of:

- the conclusion and reasons for any decisions in writing
- any further rights of appeal

Copies of minutes will be issued to complainants on request. Please note that copies of minutes provided to complainants may have confidential sections redacted.

## **Unreasonable Complaints and Behaviour**

We value good home / school relations and will therefore do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly and to the satisfaction of all concerned. We will treat all concerns and complaints seriously and all our staff will be courteous throughout the procedure. In return, we expect parents and other complainants to behave respectfully towards all members of our school community. We also ask, in particular, that any disagreement with the school should not be expressed inappropriately or in front of students.

We will not tolerate any unacceptable behaviour which may be abusive, threatening or offensive directed towards any of our school community. If such behaviour is used, consideration will be given to reporting it to the Police and the person responsible being asked to leave our premises. On rare occasions the behaviour of a complainant may pose an ongoing threat to the school community. If this occurs, consideration will be given to sending a letter to the complainant threatening a ban on entering the school grounds or premises. In extreme cases, we will consider imposing an actual ban on the complainant and a referral to the Police. Our staff will not meet complainants alone if there is a risk of abuse of any kind. (See Part 3 Annexe Document 6 for our full procedure around unreasonable complaints).

## **Threats to Involve the Media, MP or to Take Legal Action**

As we will always endeavour to resolve concerns and complaints promptly and fairly any threat to involve the media, a MP or to take legal action will not influence the way a concern or complaint is progressed. If, however, it becomes evident that a legal challenge is likely then it may not be appropriate for us to progress the concern or complaint until details of the legal challenge are clear. **Police Investigations**

Should a concern or complaint be referred to the Police either by the school, the complainant, the Local Authority or a third party the school will take legal advice as to whether its investigation should be suspended pending the outcome of the Police investigation.



## Part 2 Formal Stages of the Complaints Procedure

It should be possible to deal with the majority of concerns at Stage 1 without resorting to the formal stages of this policy. If you need to raise a concern then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

There are **two** formal stages of the complaint's procedure.

### **Stage 2 – Formal Investigation by the Principal**

A request for a formal investigation of a complaint by the Principal should normally be made in writing by completing our formal complaints form, a copy of which is included in Part 3 Annex Document 2. If the complaint is regarding the Principal, then the same form should be completed but addressed to the Chair of Governors via the school office. Again it should be marked Private and Confidential (for full details see Part 1 Raising a Complaint).

The Principal (Chair of Governors) as appropriate will acknowledge the request in writing as soon as possible after receiving it and within 5 school days at the latest.

Within the acknowledgment, the Principal (Chair of Governors) will seek to clarify the nature of the complaint, ask what remains unresolved from any attempted resolution of a concern, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation. If the Principal (Chair of Governors) believes that it may be beneficial in either resolving the complaint or gathering further

information, they may consider requesting an early face to face meeting. For the purposes of any meetings held within this procedure, the complainant may be accompanied by someone to help in the explanation of the complaint or simply to provide support. This should however not be a legal representative. The Principal (Chair of Governors) may also be accompanied by a suitable person if they wish. We will also enclose a copy of this policy with the acknowledgement.

Once the Principal (Chair of Governors) is happy that they have the full details of the complaint they may delegate the investigation to another member of the school's Senior Leadership Team (the Complaint Investigator) but if this is the case, the Principal will still make the decision regarding any resolution / action to be taken having read the case papers. For complaints against the Principal, the Chair of Governors may seek advice from the Local Authority, once this advice has been received, they will decide whether to investigate the complaint or to commission a third party, which may be the Local Authority if appropriate, to do so. If they decides to investigate the complaint, another Governor may be asked to assist. It should be noted that if advice is sought from the Local Authority or a third party are commissioned to investigate this may extend the time required to come to a conclusion.

A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

The Principal (Chair of Governors, Investigating Officer) will consider all relevant evidence. This **may** include, but is not limited to:

- obtaining statements from the complainant and those involved with the complaint;
- a further meeting with the complainant and those involved in the complaint;
- reviewing correspondence and other document relating to the complaint;
- interview and taking statements from witnesses; • an interview with a person complained about;
- review CCTV images.

If the complaint is regarding a student or a student is a witness and it is necessary to interview and take a statement, this will normally be done with a parent or carer present. In extremely rare cases, it may be necessary to obtain a verbal account or statement from a student without a parent or carer present. This will only be done in situations where a delay in waiting for a parent or carer would in the opinion of the Principal seriously hinder the investigation of a serious or urgent complaint. If this was the case we will ensure that a member of staff the student feels comfortable with is present. A suitable staff member will also be present in cases where a student specifically requests that he or she would prefer that a parent or carer is not involved. If this is the case, this will be recorded in writing by the person investigating the complaint and signed by the student.

When interviewing witnesses, the Principal (Chair of Governors, Complaint Investigator) will explain their role clearly and confirm that the witness understands the complaints procedure and their role within it. They will use open, not leading questions

and will be careful not to express opinions in words or actions or to lead the witness. Whilst conducting the investigation they will try to separate hearsay evidence from fact by asking witnesses how they know a particular fact and will always seek corroborative evidence where possible. Witnesses and interviewees will always be asked to check statements and notes of interview for accuracy and will be invited to sign to confirm that the statement is their own words or that the notes of an interview are an accurate record of what was said.

During the investigation the Complaint Investigator will keep a written record of all meetings, interviews, statements and other related document for review at Stage 3 if necessary.

After considering the available evidence, the Principal (Chair of Governors) can decide to:

- uphold the complaint and direct that certain action be taken to resolve it;
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint);
- direct for certain action to be taken, or
- dismiss the complaint entirely.

The Principal (Chair of Governors) will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint (some actions may be confidential). This will be within 25 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint. If it has not been possible to complete a thorough investigation within this timeframe, the Principal (Chair of Governors, Complaint Investigator) will provide the complainant with an update and a revised completion date. The complainant may be invited to a meeting to fully discuss the investigation and/or the decision made as part of our commitment to build and maintain good relations.

The written notification will also advise the complainant of their right to escalate the complaint to Stage 3 of the formal complaint's procedure (Annex Document 4).

## **Stage 3 – Review by Governors' Appeal Panel**

A complainant can request a Stage 3 review if:

- they are unhappy with the decision made to resolve the complaint;
- they believe that the investigation was flawed;
- they believe that the correct stage 2 procedure was followed.

When a request a Stage 3 review is made, it should normally be made in writing where possible to the Chair of Governors via the school office and marked Private and Confidential. This request must be made no later than 14 days after the written notification of the decision taken at Stage 2 was received by the complainant. When

making the request for a Stage 3 review, it would assist the process if the complainant could provide details of the part of Stage 2 they are unhappy about and the outcome they are seeking.

Stage 3 is the final in school part of the procedure and involves the investigation of the complaint being reviewed by a panel of two school Governors and a third panel member who will be totally independent of the management of the school. This is most likely to be a Governor of another school. The people on the panel will have no prior knowledge of the complaint or the investigation. The purpose of this panel is to review the decision made and/or the way the investigation was conducted, ultimately it will wish to gather facts and make recommendations which should reassure a complainant that we have taken their complaint seriously. It is **NOT** the role of this panel to reinvestigate the complaint.

We will acknowledge the written request for the complaint to be reviewed no later than 10 working days (not including the school holidays) after receiving it. The review meeting will then take place within 25 working days (excluding those which fall in the school holidays) of the written acknowledgement being sent to the complainant by the school. Once convened the panel will decide whether to deal with the complaint by inviting parties to a hearing or through written representations, but in making their decision they will be sensitive to the complainant's needs and/or wishes. If a hearing is decided upon, when arranging the date, the school will contact the complainant and ask:

- for their available dates, and we respectfully request that complainants be as flexible as possible so that a mutually convenient time and date can be arranged. If the complainant rejects the offer of three proposed dates, without good reason, we 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;
- that complainants notify the school regarding any access problems due to disability etc.
- if any support is needed by the complainant for them to be able to present information;
- if they have any further information that they wish to submit (once the information packs for the hearing have been sent out, any further submissions of information will only be accepted at the discretion of panel Chair);
- whether they wish to be accompanied by a friend or relative to speak on their behalf or to help present their case. Legal representatives are not permitted.

A complainant has the right to request a totally independent panel if they believe there is likely to be bias in the proceedings. If this is the case, the complainant should write to the Chair of Governors explaining their reason for this belief. It is ultimately for the Governors to decide whether to grant such a request.

Prior to the hearing, the panel will review the documentation provided by the Principal (Chair of Governors, Complaint Investigator) and may request any additional information they deem necessary. They will also ensure that any witnesses they

require to be present are requested to attend. Normally the panel will request that the following attend the hearing:

- the complainant;
- the Principal (Chair of Governors, as appropriate) and Complaint Investigator if different;
- relevant persons involved in the complaint, i.e. the person complained about and witnesses;
- persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at Stage 3.

Once the time and date for the review hearing has been set, we will notify the complainant in writing at least 5 working days in advance of the hearing. This letter will explain what will happen at the review meeting and who will be present. We will also send all the relevant documentation required for the review with this letter. We respectfully request that complainants confirm that they are intending to attend. The hearing will normally take place in school, however alternative premises could be used if the complainant feels that this would be less intimidating.

As well as the complainant, the Principal, (Chair of Governors, Complaint Investigator) and other relevant persons involved in the complaint are entitled to be accompanied by a family member/friend/representative, as appropriate, but legal representatives are not permitted.

The panel will appoint its own Chair. This will normally be the Chair of Governors or Vice Chair of Governors, provided that they have not been involved in any of the earlier stages of the complaint.

We recognise that people attending the hearing and in particular the complainant and students may find the circumstances intimidating. The Chair of the panel will do their best to put everyone at ease. Where the relevant persons involved in the complaint include students at the school and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Students must also be accompanied by their parent / carer or another responsible adult. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing. The Chair will confirm the above prior to the start.

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 to be included. New concerns or complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs

require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in the minutes.

The conduct of the meeting will be at the discretion of the Chair however the following format is likely to be followed:

- the Chair will introduce the parties present and explain what will happen;
- the complainant will put forward why they are dissatisfied with the Stage 2 investigation;
- the Principal (Chair of Governors, Complaint Investigator) at Stage 2 will go through the process of the investigation that led to their conclusions or if appropriate the Principal, if not the Investigating Officer, will explain their decision having read the Investigating Officer's report (this will depend on which part of the process the complainant is not happy about, the investigation, the decision or both);
- starting with the complainant, parties to the hearing can ask questions when invited to do so by the Chair;
- members of the panel will then ask any questions;
- other relevant persons including the complainant may then be asked to give their accounts and be questioned in the same format as above;
- prior to the conclusion of the hearing both the Investigating Officer and the complainant will be invited to make a final statement to the panel.

Once all the evidence has been heard, the Chair will conclude the hearing and all parties except for the panel members and the clerk will leave and the panel will then consider its decision. This may not be communicated to the complainant on the same day as the hearing, but every attempt will be made to communicate on the same day. The complainant, the Principal (Chair of Governors, Complaint Investigator) and where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place. This response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions we will take to resolve the complaint. (Annex Document 5).

After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:

- Stage 3 review agrees with the stage 2 review, i.e. conclusion and outcomes are the same;
- uphold the complaint and direct that certain action be taken to resolve it;
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken;
- recommend, where appropriate, changes to the school's systems or procedures to the Governing Body to ensure similar problems do not happen again;
- dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

The panel may consider that the initial investigation at Stage 2 is incomplete and that this throws doubt over the final decision. If this is the case, it can direct additional or re-investigation of the areas it feels are incomplete. In this case, the proceedings will be suspended to enable the complaint investigator to properly complete the Stage 2 investigation. Once complete, the panel will reconvene at the earliest opportunity to reopen the hearing, hear the new evidence / conclusion of the reinvestigation and end the proceedings.

The hearing will be fully minuted by a clerk. When a complainant receives the written outcome, it will contain details of the investigation, the rationale for the decision made and details of action (Annex Document 5) taken or to be taken by the school, however a complainant may request a copy of the full minutes. It should be noted that minutes may name individuals and therefore are understandably of a sensitive nature and therefore confidential. We therefore reserve the right to provide minutes with all confidential parts redacted.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied in that they believe the school did not handle their complaint in accordance with this policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education Funding Agency after Stage 3 has been completed. The EFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether we have adhered to education legislation and any statutory policies connected with the complaint (see Part 3 Annex Document 7 for more details on the role of the EFA).

## **Complaints Against Governors**

If the complaint is regarding the Chair of Governors, the school complaints form should be completed in writing where possible and sent to the Vice Chair of Governors via the Principal's Personal Assistant at the school officer marked Private and Confidential. The Vice Chair will then carry out the Stage 2 investigation. If the complaint proceeds to stage 3 it will follow the procedure outlined above.

If the complaint is regarding an individual Governor other than the Chair, the school complaints form should be completed in writing where possible and sent to the Chair of Governors via the Principal's Personal Assistant at the school office marked Private and Confidential. The Chair of Governors will then carry out the Stage 2 investigation. If the complaint proceeds to stage 3 it will follow the procedure described in Stage 3.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

The school's complaints form should be completed where possible and sent to the Principal's Personal Assistant at the school office. Alternatively, such complaints can be sent to the Academy's Governor Clerking Service, (details of the current provider can be obtained from the school office) and should be marked Private and

Confidential.

Stage 2 will be considered by an independent investigator (Complaint Investigator) appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response. Should the complaint proceed to Stage 3 it will be heard by a panel totally independent of the school. Where an independent panel is required, timescales may be affected while the school sources appropriate individuals for the review.

The procedures outlined in this policy will not be used in circumstances where one Governor makes a complaint about another Governor/s. The procedures outlined within the Governors' Code of Conduct document will always be used to resolve such complaints.



## Part 3 Annexe of Documents Relating to the Procedure

### Annexe Document 1 Complaints that Fall Outside the Scope of this Complaints Policy

This policy covers all complaints about any provision of community facilities or services by our school, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <a href="#">Kirklees Council</a></p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. N.b.. please also see the school's Behaviour Policy, which is available on the school website or from the school office.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p>

	Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above) depending on the substance of your complaint.
• 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 the school'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 who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum – content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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.

**Annexe Document 2 Salendine Nook High School (Academy)  
School Complaints Recording Form.**



The school will normally request that all formal complaints are made on this form which is available from the school office in hard copy, electronically or in writing however we do appreciate the complainants may have other communication preferences due to disability, learning difficulties or difficulties using English. If this is the case a complaint can be made in person, by telephone or by a third party acting on behalf of the complainant. Should the latter be used we will seek consent, in writing where possible, from the complainant before disclosing information to a third party.

**You are advised to read our Complaints Policy Document before completing this form.**

**Complainant's Details**

Name.....

Address .....

Post Code.....

Telephone Number(s).....

Email Address.....

If applicable, name and Year of child / Children in school.....

Your relationship to the school e.g. parent, carer, neighbour, member of the public, student  
.....

**Full details of your complaint:**

**What actions, if any, have you already taken to try and resolve you concern before making a formal complaint? Please include who you have spoken to and what the response was and why your concern was not resolved:**

**What actions do you feel might resolve your complaint at Stage 2 of the Complaints Procedure?**

Signature.....Date.....

**Official Use**

Date of Receipt.....

Date of acknowledgement (within 5 working days of receipt).....

By whom acknowledged.....

Name Investigating Officer.....

Date referred to Investigating Officer.....

Due date for completion of Stage 2 Investigation (within working 25 days of date of acknowledgement).....

Date complainant notified of outcome.....

**Annexe Document 3 Salendine Nook High School (Academy)  
Formal Complaint Log**



All written documents should be retained with this log

Name of Complainant.....

Address.....

Post Code.....

Telephone Number.....

Email address.....

Name of child (ren) in school.....

Relationship to school i.e. parent, member of the public.....

Date complaint received.....

Date acknowledge (within 5 working days of receipt) .....

**Details of the complaint:**

**Details of any attempts at Informal Resolution (Stage 1):**

- 1. by whom.....
- 2. by whom.....
- 3. by whom.....

**Details of what action has been taken by the school during the informal stage:**

**Formal Stage 2**

Investigating Officer.....

Date allocated the investigation.....

Date investigation completed (within 25 working days of acknowledgement) .....

Date complainant notified of outcome.....

If above date exceeds 25 working days brief details of the delay:

**Brief details of the investigation:**

**Details of decision taken by the Principal following the investigation:**

**Details of final outcome:**

**Has the complainant accepted that the complaint is now resolved? YES / NO**

Date accepted as resolved.....

Has the complainant requested a Stage 3 Governors' appeal panel      **YES / NO**

Date of request for Stage 3 (this should be received in school within 14 days of the written notification being sent regarding the outcome of the Stage 2 investigation)  
.....

Date of acknowledgement of Stage 3 request (within 10 working days of the request being received in school)  
.....

Date of Stage 3 hearing (within 25 working days of the date of acknowledgement)  
.....

Date complainant notified of Stage 3 hearing (more 5 working days prior to the hearing)  
.....

**Details of Governors on the panel:**

1. Chair.....
2. ....
3. Independent person.....

**Details of panel findings:**

Date panel finding notified in writing (within 10 working days of the date the hearing was concluded).....

Complainant satisfied                      **YES / NO**

**Annexe Document 4 Advice Regarding the content of the Letter to the Complainant Following Conclusion of Stage 2 Investigation**

Unless there has been a delay in the Stage 2 investigation which the complainant has already been notified about, the letter informing the complainant of the conclusion of the investigation should be sent within 25 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint.

The letter will normally be sent by the Principal (Chair of Governors) and will normally contain the following:

- a summary of the complaint;
- if there have been any attempts at informal resolution, a brief summary of the action the school have taken at this stage;
- a summary of the investigation;
- a response to the complaint as a result of the investigation including any decisions taken and the grounds for the decision;
- details of any remedial actions proposed to prevent a repeat etc.

- a request that the complainant confirms whether they are satisfied or not with the investigation, the decision and remedial action;
- information regarding what the complainant should do if they are not satisfied.

When informing the complainant regarding Stage 3, the following information should be included:

1. Stage 3 of the procedure is a Governors' appeal panel;
2. the panel will comprise two of our school Governors and a third person totally independent of the management of the school;
3. the panel's role is not to reinvestigate the complaint but to review the investigation and the decision(s) arising from the investigation;
4. if the complainant does wish to take the matter to a Governors' appeal panel they should make the request in writing addressed to the Chair of Governors and marked Private and Confidential via the school office no later than 14 days after they received the Stage 2 conclusion letter. They should be asked to include in their request information as to why they are still dissatisfied and an indication of the resolution they are seeking;
5. they should be advised to read this procedure before making the Stage 3 request and a copy of the procedure enclosed

## **Annexe Document 5 Advice Regarding the Content of the Letter to the Complainant Following Conclusion of Stage 3 Governors' Appeal Panel**

This letter will normally be sent to the complainant by the Chair of the Governors' Appeal Panel no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place. Either copies or similar letters should be sent to the Principal (Chair of Governors, Investigating Officer) and where relevant, the person complained about.

The letter should contain the following:

- a summary of the initial complaint;
- if there have been any attempts at informal resolution, a brief summary of the action the school have taken at this stage;
- a summary of the legal or administrative background;
- details of the Stage 2 investigation setting out the key facts about the complaint, the findings and decisions / conclusions;
- a summary of why the complainant was dissatisfied with the outcome at Stage 2;
- Conclusions arrived at by the panel;
- details of the panels' decision and details of any recommendations made;
- information on the complainants further right of appeal to the EFA.



## Annexe Document 6 Procedure for Dealing with Unreasonable Complaints

At Salendine Nook High School Academy we fully understand that complaints will arise and in our drive for continued improvement, we are open to listening to and dealing with the issues raised. We are therefore committed to dealing with all complaints fairly and impartially. We do however expect all complainants to maintain reasonable and acceptable levels of behaviour at all times as we do not expect our staff or the person investigating a complaint to tolerate any kind of unacceptable behaviour and will take action to protect our staff if necessary. This may include refusing to investigate or to curtail the investigation of a complaint. We also reserve the right to not investigate or to curtail the investigation of a complaint if either the complainant or the complaint is deemed unreasonable during the Stage 2 investigation.

A complainant may be regarded to be unreasonable in the following examples (the list is not exhaustive):

- they demonstrate any kind of threatening, abusive or insulting words or behaviour;
- the frequency or nature of their contact with the school / Complaint Investigator hinders the consideration of their complaint;
- they refuse to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- they refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- they refuse to accept that certain issues are not within the scope of a complaints procedure;
- they insist on the complaint being dealt with in ways which are incompatible with this policy or with good practice;
- they introduce trivial or irrelevant information which they expect 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;
- they make unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- they changes the basis of the complaint as the investigation proceeds;
- they repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- they refuse to accept the findings of the investigation into their complaint where the school's complaint policy has been fully and properly implemented and completed including referral to the Department for Education;
- they seek an unrealistic outcome;
- they make excessive demands on school time and resources by frequent, lengthy, complicated and stressful contact with staff or the Complaint Investigator regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with.

- The Stage 2 investigation concludes the complaint is malicious and a distraction from the complainant's own behaviour and attitude towards school.

A complaint may also be considered unreasonable if it is regarded as being:

- malicious;
- vexatious;
- aggressive;
- threatening, intimidating or threatens violence;
- abusive, offensive or contains discriminatory language; Or the complainant

makes the complaint:

- knowing it to be false; • using falsified information.

Or the complainant breaches confidentiality by

- publishing information about the complaint via social media, websites or the press etc.

Complainants should limit the number 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. The person investigating the complaint reserves the right to not accept any further correspondence submitted following a complaint being made.

Prior to either a complainant or complaint being deemed unreasonable and not investigated or an investigation curtailed, a panel, made up of two Governors and a third person independent of the school, will be convened and the person investigating the complaint will explain the reason why the complaint should not be investigated / be curtailed at Stage 2. The panel may either agree or insist that the matter be investigated. Should the decision be taken not to investigate or to curtail an investigation the person investigating the complaint will inform the complainant in writing within five working days of the decision being made. If the decision is taken to investigate the complaint, they may write to the complainant explaining what aspect of their behaviour is believed to be unreasonable and ask them to change it.

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 and its grounds.

## **Annexe Document 7 the Role of the Education Funding Agency in Investigating Complaints Against Academies**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Education Funding Agency (EFA). Complainants are advised to refer to the EFA document Procedure for dealing with complaints about academies which is freely available online.

### **What the EFA will investigate**

The EFA will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure;
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State;
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

### **What the EFA will not investigate**

The EFA will not investigate complaints that are:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted;
- about discrimination. These should be raised with the Equality Advisory Support Service;
- about data protection. These should be raised with the Information Commissioner's Office;
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body;
- about criminal behaviour. These should be raised with the police;
- about any matter which is, or has been, subject to legal action;
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal;
- about child protection. These should be taken up with the relevant Local Authority Designated Officer (LADO) and/or the Director of Children's Services;
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST).

The EFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was

unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The EFA also reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance);
- use obscenities, racist or homophobic language;
- contain personally offensive remarks about members of our staff;
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

## **Outcomes from EFA investigations**

The EFA cannot change any decision an academy has made about your complaint. Their role is to look at whether the academy considered the complaint properly, by following a procedure that is in line with legal requirements.

If they uphold a complaint, then we may do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage;
- ask the academy to change its complaints procedure so that it complies with legal requirements.

## **Complaining to the EFA about an academy**

Where possible, a complaint to the EFA should be in writing. If a complainant has difficulty in providing details in writing, they will discuss with the complainants, alternative ways of receiving the information.

Complaints about academies should be sent:

- via the Department for Education's schools' complaints form;
- by post to Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD