



Complaints Procedure

'Learning for Life'

Reviewed by: The Board

Date of Policy: September 2021

To be reviewed: September 2022

Who can make a complaint?

This complaints procedure is not limited to parents/carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Cockburn School 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

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 however made, about actions taken or a lack of action'*.

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 complaint's procedure. Cockburn School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Cockburn School will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

How to raise a concern or make a complaint

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.

Complaints against school staff (except the Head of School) should be made in the first instance, to Mr R Dixon via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head of School should be addressed to Mr P Nuttall (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Mrs Burns, COO for the Trust via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Peter Nuttall, Chair of Trustees, via Cockburn School, Gypsy Lane, Leeds, LS11 5TT. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example 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, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head of School or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Complaints received outside of term time

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

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Cockburn 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"> • Admissions to schools 	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.
<ul style="list-style-type: none"> • Exclusion of children from school* 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> • Whistleblowing 	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
<ul style="list-style-type: none"> • Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> • 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.

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. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Cockburn School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Withdrawal of a complaint

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

Cockburn School 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;

- **Stage 1** aims to resolve the concern through informal contact at the appropriate level in the academy.
- **Stage 2** is the first formal stage at which written complaints are considered by the Executive Headteacher, Head of School or the designated governor (if the complaint is regarding the Executive Headteacher or Head of School), who has special responsibility for dealing with complaints.
- **Stage 3** is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

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 Tutor.
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
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 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
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.

Stage one – formal consideration of your complaint

This stage in our procedure deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the Head of School or Executive Headteacher. If, however, your complaint concerns the Head of School or Executive 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.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within 15 school days but if this is not possible 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 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.
6. The Head of School or Executive Headteacher, or designated governor may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Head of School or Executive Headteacher, investigating officer or designated governor will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to students with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a student has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the student feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the academy's internal confidential procedures, as required by law.
10. The designated governor 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 Head of School's or Executive Headteacher's or designated governor's 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. Please see the next page for further information about this process.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below.

Stage two - consideration by a governor's appeal panel

- If the complaint has already been through stage one 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 a governor's appeal panel. This is a formal process, and the ultimate recourse at academy level.
- The purpose of this arrangement is to give you the chance to present your arguments in front of a panel of governors 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.

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

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within 20 school days.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
3. The Head of School or Executive 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 school days in advance, of the date, time and place of the meeting.
5. With the letter, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel.
6. The letter 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 academy. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. If it is necessary in the interests of the 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.
8. 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.
9. 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.
10. 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.

11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.

12. 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 two;
- 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; and
- you and the Head of School or Executive Headteacher to make a final statement.

13. 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 Head of School or Executive Headteacher within three school days. All participants other than the panel and the clerk will then leave.

14. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the case;
- decide on the appropriate action to be taken, if necessary; and
- recommend, where appropriate, to the governing body changes to the academy's systems or procedures to ensure that similar problems do not happen again.

15. The clerk will send you and the Head of School or Executive Headteacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.

16. We will keep a copy of all correspondence and notes on file in the academy's records but separate from students' personal records.

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.

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.

Closure of complaints

- Very occasionally, an academy and/or the LA will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

- We, and the local authority where appropriate, will do all we can to help to resolve a complaint against the academy 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 Head of School or Executive Headteacher, designated governor, chair of governors or anyone else – or to the local authority, 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 local authority will support us in this position, and especially where the complainant's action is causing distress to staff and/or students.
- In exceptional circumstances, closure may occur before a complaint has reached stage two 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 designated governor 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.

Where you have been through the academy's internal complaints procedures (with or without recourse to a complaints review panel) and are still unhappy with the outcome or decision from the governing body, you can write to the Secretary of State for Education at the address below:

Secretary of State
 Department for Education (DfE)
 Castle View House
 East Lane
 Cheshire
 WA7 2GJ

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

We would advise parents/carers that, unless the academy is 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.

If your concern is about an aspect of special educational needs provision, which might include information about relevant voluntary organisations and support groups in Leeds, you might like to talk to our parent partnership service on their helpline: 0113 395 1200.

Complaint Form

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date: