

**Policy 2019**

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| Date of approval: | January 2019 |
| Signed: Deputy Headteacher: |  |
| Signed: Team Leader |  |
| To be reviewed by: | January 2020 |

**Complaints Policy**

**Mission Statement**

As a school, there is nothing more important to us than the welfare and education of all of our pupils. We see it as imperative that we maintain excellent communication between school and the community and that any concerns or complaints are dealt with as quickly and appropriately as possible. If concerns or complaints are brought to the school we use this to review, inform and improve procedures in school and implement these as swiftly as possible. Our current complaints coordinator is Rabbi Pearlman.

**Legal Responsibility**

* Academies are regulated under The Education (Independent School Standards) (England) Regulations 2010 (Schedule 1, Part 7) that stipulate the *‘manner in which complaints are to be handled’ http://www.legislation.gov.uk/uksi/2010/1997/schedule/1/made*

**Aims**

This policy aims to:

* encourage the resolution of concerns and complaints by informal means
* wherever possible;
* ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible;
* provide effective and appropriate responses to concerns and complaints;
* maintain good working relationships between the school and all those involved.

Key principles of the policy are:

* compliance: it complies with current legalisation and guidance;
* accessibility: it is in a useable format, free from jargon, assuming no specialist knowledge;
* good communication: there is a clear process for dealing with complaints;
* clear timescales: there are clear and adhered to recommended timescales (where appropriate)
* clear division of roles and responsibilities: there is clarity over roles and responsibilities of all those involved in the process;
* confidentiality: appropriate confidentially must be maintained by all involved in the process (including any school staff, administrative staff and governors).

COMPLAINTS PROCEDURE

## Based on the Model Provided by Salford Education Authority

1. Introduction and scope
The policy of the academy is to work together with parents and the wider community. It is based on co-operation and a sense of joint purpose between staff, parents and the academy will assist in ensuring open and positive relationships.

From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the academy, the conduct of the Principal, an individual member of staff, the Governing Body or an individual governor.

The academy will always give serious consideration to concerns and complaints that are brought to its attention. In considering concerns or complaints, the academy will ensure that they are dealt with effectively and with fairness to all parties.

Where possible, complaints will be resolved informally. Our formal complaints procedure set out in section “5(ii)” is only necessary if efforts to resolve the concern informally are unsuccessful.

2. Information for complainants

A copy of the complaints procedure can be found on the school’s website. A written copy may be obtained upon request from the school.

3. What is a concern or complaint?

(a) A concern or complaint is defined as an expression of dissatisfaction about the conduct/ operation of the academy, the conduct of, actions or lack of actions by a member of staff/ the Governing Body/ an individual governor, unacceptable delay in dealing with a matter or the unreasonable treatment of a student or other person.

(b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply.

❖ Child Protection matters
❖ Provision of Collective Worship and religious education
❖ Freedom of Information Access
❖ Pupil Exclusions
❖ School Admissions
❖ Services provided by other organisations on the school site or through the school ❖ Sex Education
❖ Staff grievance
❖ The Statementing process for children with special educational needs
❖ Whistle-blowing by an employee

(c) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. (See Section 9)

4. Making a complaint - who to complain to:

If the complaint is about:

* something that has happened or failed to happen in the academy, contact the Principal;
* the actions of the Principal, contact the Chair of Governors via the school;
* the actions of a governor, contact the Chair of Governors via the school;
* the Chair of Governors, contact the Clerk to Governors via the school;
* the actions of the governing body, contact the Clerk to Governors via the school.

The school and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved. A complaint form is available for completion in Appendix B.

The school is committed to dealing with complaints as speedily as possible and would plan to complete each stage within a month. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays.

Where complaints are made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity.

5. The Complaints Procedures

In dealing with complaints the school will take account of its public sector equality duty and have due regard to the need to:-

* eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010
* advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
* foster good relations between persons who share a relevant protected characteristic and persons who do not share it

(i) Informal stage

The school will seek to resolve concerns and complaints informally, with the member of staff or governor concerned and encourages the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Principal (complaints and concerns about governors should be made to the Chair of Governors).

The Principal (or Chair of Governors) will then seek to resolve the matter informally and will:

* acknowledge the complaint;
* make enquiries to establish the facts;
* seek advice as appropriate;
* attempt to resolve the matter informally;
* establish whether or not the complainant is satisfied;
* advise complainants of the next stages if they wish to proceed to a formal consideration of the complaint;
* make a brief note of the complaint and the outcome.

This stage would normally be expected to be completed within a month. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Principal/ Chair of Governors within twenty school days of being notified of the outcome of the informal stage.

The informal stage will not be used if the allegations made refer to:

* criminal activity which may require the involvement of the police
* financial or accounting irregularities
abuse of children

(ii) Formal stage

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage the Principal (Chair of Governors as appropriate) will:

* ensure the complainant is aware of the procedures;
* require a written record of the complaint (someone else may write this on behalf of the complainant);
* formally acknowledge the complaint;
* seek advice as appropriate;
* if the complaint concerns a member of staff (or governor) inform them and provide them with a copy of the complaint;
* arrange for a full investigation of the complaint;
* prepare a report as a result of the investigation and consider actions to be taken;
* advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within twenty school days;
* make a record of the complaint and its outcome; this should be retained for academy records.

This stage would normally be expected to take no more than a month. The Governing Body should be informed in general terms of all formal complaints.

(iii) Appeals stage

The Complaints Appeals Committee of the Governing Body will consider complaints where the Principal (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the academy will advise the complainant of the contact details).

The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body). The Committee will consist of at least three people who are not directly involved in the matters detailed in the complaint and at least one committee member will be independent of the management and running of the school. The Committee will:

* consider the written materials;
* consider the complaint and the Principal's (or Chair's) action;
* invite the Principal or Chair of Governors (as appropriate) and the complainant to the meeting;
* seek advice and support as necessary from Salford LA.

At the end of their consideration the Committee will:

* determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Principal/Chair of Governors for further consideration;
* where upheld, decide on appropriate action;
* advise the complainant and the Principal of their decision;
* advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee for the matter to be reported to the Governing Body.

This stage would normally be expected to take no more than one month. In cases where the matter has been referred back for further consideration the Complaints Appeals Committee will be reconvened.

(iv) Further stages – Complaining to the Education Funding Agency (EFA)

If, after following all stages of this complaints procedure you do not think that your complaint has been resolved, you can send your complaint to the Education Funding Agency (EFA) via the Department for Education, using the on-line form.

The Education Funding Agency (EFA) will normally only consider a complaint about an academy after the academy’s own complaints procedure has been exhausted.

The EFA cannot review or overturn decisions about complaints made in respect of academies. The EFA can only investigate whether the academy considered the complaint appropriately. If the EFA finds that an academy did not consider a complaint appropriately it can request the academy to re-consider the complaint or amend its complaints procedure.

Complaints should be sent by post to:
Academies Central Unit (Academy Complaints), Education Funding Agency,
Earlsdon Park,
53-55
Butts Road,
Coventry,
CV1 3BH
or by e mail to academy.questions@education.gsi.gov.uk

6. Withdrawal of a complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

7. Complaints about a governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body.

8. Complaints Record

The school will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register. Details to include:

•  Name of the complainant

•  Details of the complaint

•  How the complaint was investigates and by whom

•  When the complaint was made

•  The results and conclusions of the investigation

•  Any action taken as a result

9. Serious allegations or complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Principal should inform the Chair of Governors and seek appropriate advice as necessary.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Principal should inform the Chair of Governors and seek the advice of the school’s auditors.

If the allegations relate to the abuse of children, the Principal should seek the advice of the Senior Designated Person for Child protection in the school and/or the Local Authority Designated Officer. Serious allegations of this nature must be referred under Child Protection Procedures.

**Chart: Stages for Handling Complaints**

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|  Expression of concern to members of staff  Satisfactory outcome reached? No Yes **No further action** |
|    Complainant makes written complaint to Principal Investigation conducted and reported to complainant  Satisfactory outcome reached?  **No further action**  No Yes  |
|  Complainant makes formal complaint to GB Complaints Panel  Panel meeting of Governors Complainant and Principal attend Satisfactory outcome reached? No Yes **No further action** Complainant appeals to: Education Funding Agency (EFA)     |
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**Appendix A:**

**Concerns and Complaints about Schools Guidance Notes for Parents**

**If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem, which has happened some time ago.

**What to do first**

*If primary school:* Most concerns and complaints can be sorted out quickly by speaking with your child’s class teacher. If you have a complaint, which you feel should be, looked at by the Principal in the first instance you can contact him straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understanding what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

**What to do next**

If you are dissatisfied with the teacher’s response (or with the Principal’s initial reaction if he has already been involved) you can make a complaint to the Principal. This should be made in writing.

If your complaint is about an action of the Principal personally, then you should refer it to the Chair of Governors now. You can contact him in writing or by calling the school office for his number.

You may also find it helpful at this stage to have a copy of the full statement of the General Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Principal will ask to meet you for a discussion of the problem. Again you may take a friend or someone else with you if you wish. The Principal will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

**If you are still unhappy**

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the governing body to ask for referral or your complaint to a Governors’ Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting, which the Principal will also attend. The General Complaints Procedure statement explains how these meetings operate.

**Further action**

Complaints about school problems are almost always settled within schools but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Education Authority or the Secretary of State for Education and Employment. Again there is more information on this in the General Complaints Procedure.

**Appendix B**

**Model Complaint Form**

**Name of School:**

Broughton Jewish Cassel Fox

**Contact details of school:**

Legh Road, Salford M7 4RT 0161 921 2500

1. **Please give details of your complaint below:**
2. **What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?):**
3. **Your relationship to the school, e.g. Parent, Grand Parent, Carer, Neighbour, Member of the Public:**
4. **What action to you feel might resolve the problem at this stage?**
5. **If you require any support to help you submit a complaint please indicate below and a member of staff will contact you to offer assistance:** I would appreciate support for a member of staff: Yes / No\* Please delete as appropriate.
6. **Are you attaching any paperwork? If so please give details below:**

Signature:

Contact details:

Date:

**Please submit this complaints form to the school secretary by post, by hand or via email to:** admin@bjps@salford.gov.uk

**Official use:**

Date acknowledgement sent: By Whom:
Complaint referred to:
Date:

Response due by: