



# BEIS YAAKOV JEWISH HIGH SCHOOL ACADEMY

## COMPLAINTS PROCEDURE

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## **1. AIMS**

The aims of our complaints procedure are:

- To meet the statutory obligations when responding to complaints from parents of pupils at the School
- To ensure that anyone making a complaint about the School is treated impartially and dealt with sympathetically and courteously
- To take complaints seriously and investigate them fairly and thoroughly
- To ensure that where errors or faults on our part are demonstrated, they are remedied as far as is possible, to the satisfaction of the complainant
- To learn from complaints in order to make improvements to our practice and procedures

As a general principle, complaints received in writing will receive a written response.

## **2. LEGISLATION AND GUIDANCE**

This document meets the requirements set out in Part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the School.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the DfE.

## **3. DEFINITIONS AND SCOPE**

The DfE guidance explains the difference between a concern and a complaint.

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

The School will resolve concerns through day to day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action.”

The School intends to resolve complaints informally where possible at the earliest possible stage. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to

- Admissions
- Statutory assessments of special educational needs
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the SENDCO or the Principal; they will then be referred to this complaints policy. Our

SEND policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

#### **4. PRINCIPLES FOR INVESTIGATION**

Beis Yaakov is a complex organisation. We have a considerable number of teachers and other adults on our staff and in training and a large number of children and young people in our care. We strive constantly to fulfil our role as educators and to do our best within a Charedi ethos for all the young people in our care and for the adults on our staff.

In the course of every day there are hundreds of interactions between staff and children and between children. We try to communicate effectively and implement all processes and procedures fairly but, as with any human organisation, sometimes things go wrong, communication fails or we make a mistake. In these circumstances we are very willing to listen to criticism and challenge and hope to respond in a positive spirit in order to bring about improvement or redress.

#### **What Can You Do?**

As the School operates independently of Salford City Council, complaints must be made direct to the School. The persons responsible for handling complaints about the School are the Complaints Officer, senior academy staff with designated responsibilities, the Senior Leadership Team (SLT) and the Governing Board.

Please think clearly about the complaint you wish to make and what you want to achieve. If your complaint concerns an incident, please be ready to tell the school staff where, when and how you think it happened and who was involved.

Your complaint might be about a difference of opinion, a matter of school policy or practice or a matter that needs clarifying. Complaints can pass through several stages as follows.

#### **5. STAGES OF COMPLAINT**

##### ***5.1 Stage 1: Informal.***

- In the first instance, contact the Academy with your complaint. The complaint may be referred first to the Year Tutor or Mechaneches. If it is not resolved to your satisfaction then:
- Contact the school either by phone or by email, setting out your complaint and why you are unhappy with any attempted resolution to date
- The Office Manager, acting as the Complaints Officer, will acknowledge your complaint within two working days and, if further action is required, will decide who will deal with your complaint.
- The designated person's response will then be by phone, e-mail or in writing within ten working days, unless further time is required for investigations to take place

*Most complaints are resolved satisfactorily at this stage and are brought to a close. If you are not satisfied, however, or if your complaint concerns a member of staff, your complaint moves on to:*

##### ***5.2 Stage 2: Formal***

- Put your complaint in writing to the Principal or the SLT at the School together with the reason you remain dissatisfied with the response you have received. It would be most helpful if you could state what you wish to achieve – for example, an apology, an explanation or a change to school practice. Please do not forget to give your full name and contact details, your child's name and year.

- The Principal/SLT will arrange for an investigation and will either write to you personally with the outcome and any action to be taken or will arrange for a delegated senior member of staff to do so. Please note that it can take some time for an investigation to be completed as it can take time to discuss matters with all those who may be involved. The school will endeavour however to respond to you within ten working days.

If you still remain dissatisfied with the way in which your complaint has been dealt with, you can write to the Chair of Governors at the School address. Any such correspondence will be forwarded promptly. This moves the complaint to:

### **5.3 Stage 3 : Chair of Governors**

- The Chair of Governors will consider your complaint and will ask the SLT for any comments. He will also review all of the associated letters and paperwork.
- The Chair of Governors will decide if he thinks the School's response should be other than that provided in the SLT's response. If so, he will arrange a meeting between himself, the SLT and the complainant.
- The Chair of Governors will respond to the complainant within ten working days of receiving the complaint or of holding the meeting.

If you still remain dissatisfied with the way in which your complaint has been treated, you can ask for it to be considered by the Complaints Panel of the Academy's Governing Board. This moves the complaint to:

### **5.4 Stage 4: Panel Hearing**

At this stage, the Governors' Complaints Panel will meet to consider the process to date and the outstanding concerns. The panel will consist of 3 people not directly involved in the matter detailed. At least 1 member of the panel will be independent of the management and running of the Academy.

- The Panel will ask to review all of the paperwork and may request that you and the SLT submit a written statement. A date and time will be set for the panel to meet. You will be invited to attend so that you may present your views in person. If you wish, you may bring a friend or representative who can assist and/or speak on your behalf.
- The panel will consider the views of all sides. They will decide whether the complaint was considered fully by all parties and whether the decision reached was in accordance with stated school policies and procedures. They will then come to a conclusion regarding whether the complaint was given appropriate consideration. This will be communicated in writing to all parties. The decision of the panel will be final.
- Following the Panel hearing, the Panel will make findings and recommendations
- The Panel will provide written reports of their findings and recommendations and make these relevant to the complainant, the person or persons complained about and the SLT of the Academy.

***See Appendix 1 (The Remit of the Complaints Appeal Panel)***

## **6. COMPLAINTS AGAINST THE PRINCIPAL, A GOVERNOR OR THE GOVERNING BOARD**

Where a complaint is specifically with regard to the Principal or a governor, the process outlined above may not be suitable. Should that be the case, complaints will follow the process below:

### **6.1 Stage 1: Informal**

Complaints made against the Principal or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the Principal or one member of the governing board (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

## **6.2 Stage 2: Formal**

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board and an independent investigator will carry out the steps in stage 2 and 3 (set out in section 6 above). They will be appointed by the governing board or the school's faith body, the Machazeikei Hadass Beis Din, and will write a formal response at the end of their investigation.

## **6.3 Stage 3: Review panel**

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority or the faith body and will carry out the steps at stage 4 (set out in section 5 above).

## **7. REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL'S PROCEDURE**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this above information in the outcome letter to complainants.

## **8. COMPLAINTS FROM MEMBERS OF THE PUBLIC**

We do our best to act as good neighbours in the local community and to instil a sense of social responsibility in our students. Beis Yaakov High School is committed to fostering good community links and will consider seriously any complaints made by members of the public and will endeavour to deal with them sympathetically and seek to find a resolution where possible. Although it must be recognised that events that take place outside the school premises may not be under the control of the school staff, we are committed to working in partnership with relevant organisations or outside agencies to explore possible solutions. All complaints will be logged. All legitimate complaints will receive a phone call which will be logged or, in serious cases, a written response.

## **9. RECORDKEEPING - THE COMPLAINTS LOG AND COMPLAINTS FILE**

A summary complaints log is kept electronically by the School Complaints Officer. This log records complaints made by parents or members of the public and complaints made by members of staff about parents. Records will be kept of all formal complaints, including whether they were resolved

at stage 2 or progressed to a stage 3 / panel hearing and what action was taken by the Academy as a result of those complaints (whether or not the complaints were upheld). They will also state:-

- The name of the person making the complaint
- The date of the complaint
- The nature of the complaint and the name of all those involved
- If the complaint was resolved and how.
- If it was not resolved, to whom it was referred and why
- All records will be kept confidential except where the secretary of state (or someone acting on his/her behalf) requests access to them

The Complaints Officer will also keep a file with hard copies of all complaints received with any written responses made. It will also include any reports of the incident, any supporting witness statements or other evidence. Any complaints regarding child protection measures will be kept confidentially in a sealed envelope or password protected secure folder after resolution. Copies of complaints regarding incidents with students and responses made to the complaint will also be placed on the relevant pupil files.

The record of complaints made against staff will be regularly reviewed by the Principal and the Chair of Governors who will decide if any action or change to policy or practice should be taken by the Governing Board.

## **10. MONITORING ARRANGEMENTS**

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will consider the number and nature of complaints, and review underlying issues as stated above.

This policy will be reviewed by the Principal and the chair of the governors C&P committee every 2 years.

At each review, the policy will be approved by governors C&P committee and the Principal

## **11. LINKS TO OTHER POLICIES**

Policies dealing with other forms of complaints include:

- Child protection and policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report

## **Appendix 1. Roles and responsibilities**

### **The Remit of the Complaints Appeal Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race and gender.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to know the steps of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The meetings of any panel or group of governors considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.



## **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

## **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain the reasons for the panel's decision and that there are no further rights of appeal.