



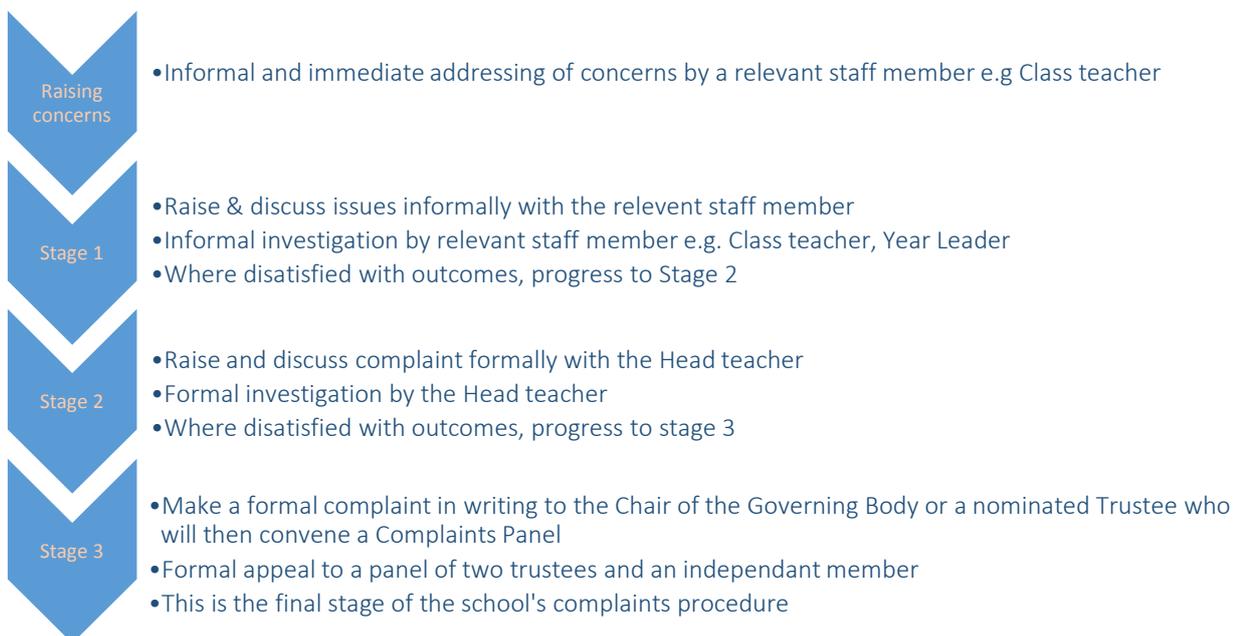
Complaints Policy

Introduction

The Southwater Junior Academy endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised our principle aim is to deal with these openly, fairly, promptly and without prejudice.

In order to do so, the governing body of The Southwater Junior Academy has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

The school's process for addressing concerns and complaints is based on West Sussex County Council (WSSC) and Department for Education (DFE) guidelines which is set out in stages.



OUR PROCEDURES FOR DEALING WITH COMPLAINTS WILL:

- * Be publicised on the academy web site
- * Be simple to understand and follow
- * Be focused on outcomes
- * Have established time limits for actions
- * Keep people informed at all stages
- * Where necessary, respect people's desire for confidentiality, within our establishment
- * Be carefully monitored and evaluated
- * Provide information to the Academy's Leadership team so that the Academy's procedures can be improved where necessary

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please see the school's Admissions Policy or contact West Sussex County Council
- Pupil exclusions; please see the school's Behaviour Management and *Exclusion policy*.
- Staff grievance, capability or disciplinary; these are covered by the school's Grievance, Disciplinary and Capability Policies.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints - please refer to the Confidential Reporting (Whistleblowing) Policy. Subject Access Requests and Freedom of Information Requests - please see the Academy's Data Protection Policy.
- Complaints Policy: use this policy for all other concerns or complaints

Concern or Complaint?

A general rule that may help in deciding whether you need to contact the Academy is a CONCERN or a COMPLAINT, is that most concerns relate to pupils whilst they are in the school. Concerns are usually quickly and effectively dealt with, often by someone who knows your child well. A concern will often be about the following:

- Your child's learning
- Bullying
- Theft
- Friendship groups
- Relationships with staff
- School procedures

Parental complaints are generally made when parents feel that the Academy has not dealt with their concern satisfactorily.

A complaint is an expression of dissatisfaction, whether made orally or in writing. Members of the public may also make a formal complaint about an aspect of the Academy.

Raising concerns

The majority of concerns can be dealt with without resorting to the Complaints procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher/ year leader via the phone, email or in person as soon as possible. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Responsibilities

Relevant member of staff/school office: receives and responds to concerns and complaints from parents / members of the public at Stage 1 of the procedure

Head teacher/Senior member of staff: receives and responds to complaints from parents / members of the public at Stage 2 of the procedure

Chair of Governors and Governor Complaints Panel: receives and responds to complaints from parents / members of the public at Stage 3 of the procedure

Clerk to the Governors: liaises with the complainant(s) and the Chair of Governors at Stage 3 of the procedure

CONTACTING THE SCHOOL

As a Rights, Respecting School we ask you to bear the following in mind when trying to contact someone at the school:

- All members of staff will respond to your concern as soon as they can. This may not be immediately - please be patient. We endeavour to acknowledge all communication from parents within 48 hours
- It is helpful to leave a number and indicate a time when you can be contacted easily over the next few days if you can't speak directly with the class teacher
- A positive outcome is more likely to be ensured if the concern is expressed calmly and pleasantly treating all school staff with courtesy and respect
- Recognise that resolving a specific problem can sometimes take some time
- Recognise that following the school's process is the best means to address the issue in a timely manner.

It should be noted that we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Telephone calls will be taken by the office. If the relevant member of staff is teaching, or otherwise unavailable, you will be invited to leave a message with the office.

Letter : If this is addressed to an individual member of staff, it will be put in their pigeon-hole. Staff generally check their pigeon-holes once a day.

Emails should be addressed to: office@southwaterjunioracademy.co.uk . They will then be forwarded to the member of staff concerned. Staff generally check their emails once a day.

We ask you to complete the Complaint Form (Appendix 1) at Stage 2 onwards.

We ask that you limit the numbers of communications with the school while your 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.

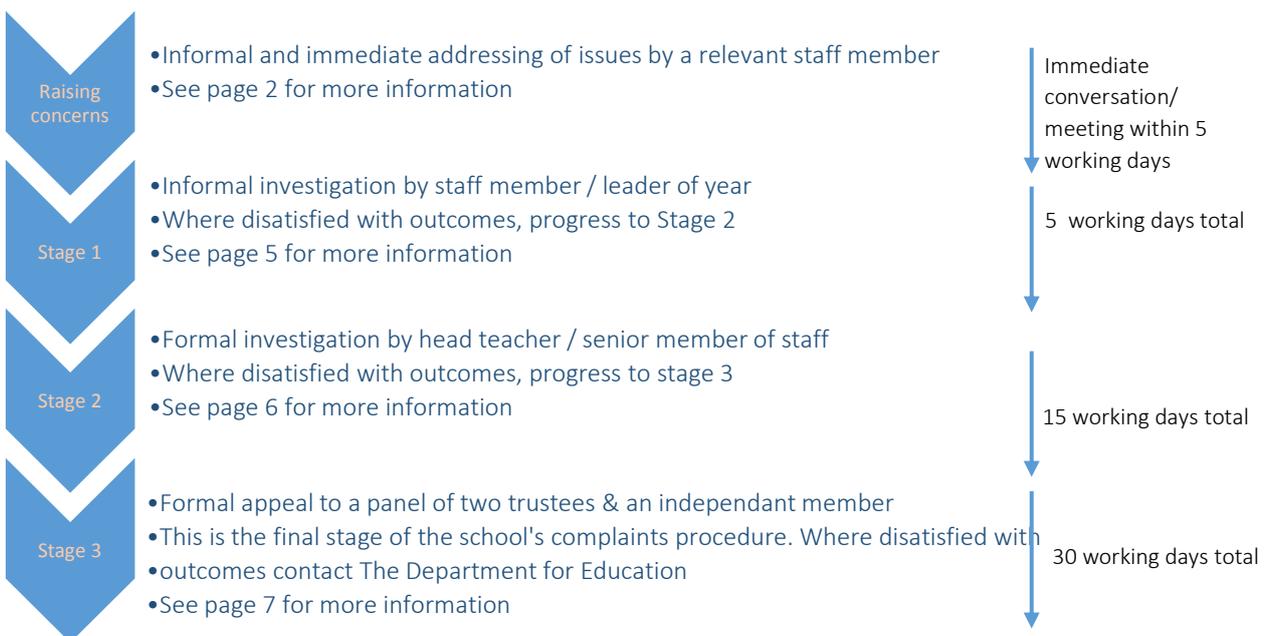
How does the Staged Approach Work?

The staged approach is designed to ensure that every effort is made to deal with complaints informally at school Level in partnership with the complainant. The formal stages should only be triggered in exceptional circumstances:

- Stage 1 is the informal stage. In the case of a complaint by a parent, the class teacher will receive the first approach and the majority of issues should be resolved at this stage. In the case of a complaint by a member of the public, the school office should be the first point of contact. A decision will then be made as to which member of staff is best placed to deal with the complaint.
- Stages 2 and 3 are formal stages involving the head teacher and governing body. Our policy is designed to manage all complaints but complaints vary in their nature and complexity. Therefore, the school will need to consider at which stage a complaint should be dealt with when it is initially raised and which member of staff is best placed to deal with it.

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline



Timeframes

The Southwater Junior Academy will endeavour to abide by the timeframes stated against each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example: If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

The Southwater Junior Academy reserves the right not to investigate complaints that have been made *three months* after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The HT will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Who should I approach?

Issue	Who to contact	How
<ul style="list-style-type: none"> Concerns about pupil progress Independent Learning/Homework 	Class teacher	Note in Home-School diary/ Reading Journal, Telephone call, Letter or Email
<ul style="list-style-type: none"> Set changes Concern about a curriculum area 	Class teacher or subject teacher	Telephone call, Letter or Email
<ul style="list-style-type: none"> Pupil absence Lost property / theft Concerns at home Concerns about pupil relationships Uniform Bullying 	Class teacher Year Leader	Note in Home-School diary/ Reading Journal, Telephone call, Letter or Email
General information, if you do not have a contact name	School Reception who can direct you to the relevant contact	Telephone call, Letter or Email
COMPLAINT	You can download a copy of our Complaints Procedure from our website: www.southwaterjunioracademy.co.uk If you prefer, you may collect a copy of the Procedure from Reception.	Telephone call, Letter or Email

Complaints about the Head teacher or the Trustees

Where a complaint regards the Head teacher, the complainant should first directly approach the Head teacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the clerk to the governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the Head teacher.

Where a complaint regards a governor, the same process applies as for the Head teacher. Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair or an independent investigator will mediate any proceedings.

Stages of the Complaint

Stage 1 - Informal investigation by a staff member

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainants should speak to the relevant teacher/year leader concerned so everyone has a clear picture of the situation from all points of view. Most problems can be resolved at this informal stage. If the complainant indicates that he/she would have difficulty in discussing a complaint with a particular member of staff, the complaint should be

referred to another member of staff. This member of staff may not necessarily be more senior.

2. The complainant should explain
 - The nature of the complaint
 - Who has been involved
 - Why the complaint remains unresolved
 - Action they would like to be taken to put things right.

Despite the complaint being informal at this stage it is encouraged that the complaint is put in writing using the form at the end of this procedure. Regardless the class teacher / year leader should clarify the complaint using these criteria.

3. The class teacher / year leader should ensure that the complainant is reassured that the matter will be investigated and is clear what action has been agreed. All staff should be aware of the need for confidentiality.
4. The class teacher / year leader will make a brief record of any telephone calls, meetings and agreed actions although it is not always necessary to provide the complainant with a written record at this stage. These will be held centrally for the period the child is present at the academy or other siblings are at the academy, in line with the principles of the Data Protection Act 1998. The Head teacher should monitor these records.
5. Where the complaint is about a member of staff or Academy Governor, the class teacher / Year Leader will arrange an informal mediation meeting between the two parties to see if a resolution can be arrived at.
6. The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.
7. They should provide the complainant with details of how to progress the complaint to stage two if they are not satisfied.

Stage 2 - formal investigation by head teacher / senior member of staff

More serious complaints which remain unresolved at the end of Stage 1 should be referred to the head teacher or a senior member of staff by submitting a formal complaints form to the Head teacher. See the end of the procedure for a copy of this form. Additional information can be included if this is relevant to the case. He/she will then investigate the matter further.

1. The Head teacher will respond in writing within 5 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

2. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
3. The head teacher will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
4. The head teacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation. Any meetings that are held with the complainant should be arranged within 10 school days. However, more complex complaints may require an extension to this time limit.
6. After considering the available evidence, the head teacher can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the head teacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. If as a result of the investigation, issues arise relating to staff discipline or capability details should remain confidential to the head teacher. However, the complainant should be informed that the Academy has taken appropriate follow-up action
8. The head teacher must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the clerk to the Governors (see the end of the procedure for these).

Stage 3 - appeal - review by a Trustee complaints panel

If the complainant wishes to appeal a decision by the head teacher or senior member of staff at stage 2 of the procedure, or they are not satisfied with the action taken in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Chair of Governors (or a nominated Trustee) as soon as possible, but within a maximum time of 4 weeks of receiving notice of the head teacher's decision, briefly outlining the content of the complaint. The Chair of Trustee will then convene a complaints panel.

Trustees should only proceed with this formal stage of the Complaint Procedure if they have received a complaint in writing addressed to the Chair of Governors and all previous stages have been exhausted

Where required, the clerk will help to organise the time and date of the appeal hearing, inviting all the attendees, collate all the relevant documentation and distribute this 5 days in advance of the meeting, record the proceedings in the form of minutes, and circulate these and the outcome of the meeting.

On receipt of this written notification, the following steps will be followed:

1. The Chair of Trustees will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Chair will convene a panel of *two academy trustees and one independent member*. All three panel members will have no prior knowledge of the content of the complaint. It is essential that this process is fair and objective. To avoid a conflict of interest, it is vital that the full governing body does not hear the complaint at this stage. Any Trustee who has been involved with the complaint at an earlier stage would be unable to give objective consideration to the issue.
3. The appeal hearing will take place within 15 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the head teacher or senior member of staff who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a trustee, the complainant may request that the appeal is heard by an entirely independent panel which will be established at the discretion of Academy. Where an entirely independent panel is required, timescales may be affected while the Academy source appropriate individuals for the review.
7. Where the complaint relates to a staff disciplinary or capability matter about with the head teacher has already taken action, the panel should focus on how the original complaint was managed to avoid prejudicing any ongoing disciplinary or capability procedures

8. The panel can make the following decisions:

- 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.

9. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 10 working days (excluding those which fall in the school holidays).

This is the final stage at which the Academy will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details for external organisations later in this document. The Academy will not consider the complaint beyond this.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the Academy's complaints procedure, and that procedure has been exhausted, the Academy will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the head teacher will write to them explaining that the matter has been dealt with fully in line with the Academy's complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the next section in this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the Academy's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome.
- Excessive demands are made on the time of staff and school trustees and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The head teacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the head teacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the head teacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details in the next section).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the Trustees via the school office.

- If the complainant feels that the governing board acted ‘unreasonably’ in the handling of the complaint, and is not satisfied with the complaints panel’s decision, then the Department for Education does have limited powers to consider complaints about academies. The complainant can make a complaint about an Academy to the EFA via the Department for Education’s online complaints form (which can be found on the Department for Education’s website) or by writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please note that the EFA will only consider complaints about academies which fall into one or more of the following categories:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
 - where the academy is in breach of its funding agreement with the Secretary of State
 - where an academy has failed to comply with any other legal obligation
- Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
<https://www.gov.uk/complain-about-school-school>

Ofsted will also consider complaints about schools.

Additional Information

Safeguarding

Wherever a complaint indicates that a child’s wellbeing or safety is at risk, the academy is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the academy’s safeguarding policy which can be found on the academy website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, The Southwater Junior Academy requests that complainants do not discuss complaints publically via social media such as Facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the head teacher and/or the individual’s line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Approved by the Governing Body - September 2016

Reviewed September 2018

Review Date - September 2020

The Southwater Junior Academy - Complaint Form - Appendix 1

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

Official use

Date received:

Signed:

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