

Academy Complaint Procedure

Purpose of the Complaints Procedure

This procedure aims to deliver the following results:

- Enable parents and others with an interest in the academy to provide feedback about their experience
- Ensure that complaints are handled consistently, appropriately and effectively
- Resolve concerns at the first point of contact, where possible
- Ensure that complaints are addressed and responded to in a timely manner
- Remedy failures appropriately and proportionately
- Learn from complaints and make improvement to services
- Monitor the effectiveness of the complaint process

1. Scope of the Procedure

- 1.1 A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
The academy will resolve concerns through day-to-day communication as far as possible.
- 1.2 A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.
The academy intends to resolve complaints informally where possible, at the earliest possible stage.
- 1.3 There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- 1.4 This procedure deals with specified day-to-day complaints against the management and/or operation of the academy and will not cover the following:
- Initial request for a service
 - Requests for information
 - Staff grievances
 - Disagreement with Academy policy or decisions
 - Matters that would be more appropriately considered by an insurer
 - Matters subject to a legal right to appeal or a review (e.g. academy admissions, fixed term or permanent exclusions from academy, SEN assessments)
 - Cases in court proceedings or investigations by other appropriate bodies (e.g. Police)

- Matters upon which a Court, Tribunal or Appeal body has already ruled
- Safeguarding matters (e.g. allegations relating to abuse)
- Whistle-blowing
- Matters relating to specific employment procedures e.g. allegations of professional misconduct, criminal offences or those that are potentially staff disciplinary issues. Such complaints will be dealt with under internal academy procedures, if appropriate. The outcome will be confidential to the employee and employer. Complainants will not be informed of any disciplinary action taken as a result of a complaint but will be notified that the matter is being addressed.

1.5 Complaints about services provided by other providers who use academy premises or facilities should be directed to the provider concerned.

1.6 Complainants may be anyone with an interest in the work of the academy e.g. parents, carers, grandparents or neighbours of the academy. However, it is expected that it will be mainly parents or carers who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term but the procedure also applies in relation to any other type of complainant.

2. General

2.1 Records of all conversations and meetings with parents to resolve complaints will be kept. Copies of correspondence and notes will be kept on file in the academy's records, separately from individual student records.

2.2 If at any stage in the procedure it becomes apparent that for any reason the complaint falls outside of this general complaints procedure, parents will be informed.

2.3 There may be rare occasions when, despite all the stages of the procedure having been followed, a parent remains dissatisfied. If the parent seeks to re-open the same issue, the academy reserves the right to inform him/her in writing that the procedure has been exhausted and the matter is closed.

2.4 Complaints need to be considered, and resolved, as quickly and efficiently as possible. The time limits set within this procedure will be adhered to wherever possible, however where further investigations are necessary, new time limits can be set and the complainant sent details of the extended deadline, with an explanation of the reasons for extending.

2.5 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.

- 2.6 If a parent commences legal action against the academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.
- 2.7 If a parent has difficulty in writing their complaint, for example where English is not their first language or they have a disability which prevents them from submitting a complaint in writing, assistance will be provided.
- 2.8 It is far easier to find out what happened and to put things right if complaints are received at the time. As time passes it becomes more difficult to investigate events fairly and fully – people’s memories fade, staff who were closely involved may have left the academy, or records may no longer be available. For these reasons, the academy will normally only accept complaints made within **three months** of the incident or circumstances that led to it. However, if there are exceptional circumstances provided by the parent for the delay in submitting the complaint, the academy may make a discretionary decision to consider the matter. If the academy receives a complaint and decides not to accept it because it is out of time we will advise the parent and explain why.
- 2.9 Where a complaint is made concerning a student who has left the academy, the academy will consider those complaints by the means of a management review.
- 2.10 Complaints made against the Head Teacher should be directed to the Chair of Local Governors. Where a complaint is against the Chair of Local Governors or any member of the governing body, it should be made in writing to the Clerk to the governing body in the first instance.
- 2.11 There are three stages available to parents seeking to address concerns:
- 1) In most cases the parent should approach the staff member concerned or other appropriate staff member, to discuss the matter informally
 - 2) If the matter remains unresolved, the parent should then bring it to the attention of the Head Teacher or the Chair of Local Governors (if concerning the Head Teacher)
 - 3) If the parent remains dissatisfied, s/he should write to the Chair of Local Governors (if not previously involved) or Clerk to the governing body to ask for a panel of Local Governors to hear the complaint
- 2.12 Complaints or concerns should not be raised with individual Local Governors. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.
- 2.13 Should this full procedure fail to lead to a resolution of the issues in the parent’s view, s/he can write to the Education and Skills Funding Agency (ESFA) via their Academy’s complaints form. The only situations where the ESFA are likely to become involved however is where the governing body is judged to have acted unreasonably,

breached its funding agreement or has failed to fulfil its statutory responsibilities. Internal academy matters are not in the ESFA's remit.

- 2.14 The Local Authority has no statutory power to intervene in such issues beyond giving advice or making recommendations. There is no right of appeal to the Director of Children's Services or to Members of the Council. A final recourse for a parent might be to apply to the High Court for judicial review.

3. Persistent Complaints

- 3.1 Where a complainant tries to re-open the issue with the academy after the complaints procedure has been fully exhausted and the academy has done everything it reasonably can in response to the complaint, the chair of Local Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.
- 3.2 If the complainant subsequently contacts the academy again about the same issue, the academy can choose not to respond. The normal circumstance in which we will not respond is if:
- The academy has taken every reasonable step to address the complainant's needs, and
 - The complainant has been given a clear statement of the academy's position and their options (if any), and
 - The complainant is contacting the academy repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

- 3.3 The academy will be most likely to choose not to respond if:
- We have reason to believe the individual is contacting the academy with the intention of causing disruption or inconvenience, and/or
 - The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
 - The individual makes insulting personal comments about, or threats towards, academy staff

- 3.4 Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

- 3.5 Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

- 3.6 The academy will ensure when making this decision that complainants making any new complaint are heard, and that the academy acts reasonably.

4. Unreasonable Complaints

4.1 The academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the academy. However, 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.

4.2 The academy defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people’s complaints’.

4.3 A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects 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;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the academy’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

4.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;

- using abusive, offensive or discriminatory language;
 - knowing it to be false;
 - using falsified information;
 - publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 4.5 Complainants should limit the numbers of communications with a academy 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.
- 4.6 Whenever possible, the headteacher or Chair of Local Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.
- 4.7 If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- 4.8 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 academy.

Complaint Procedure – Resolving complaints (see summary diagram p14)

- 4.1 At each stage in the procedure the academy wants to resolve the complaint. 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 or better
 - 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 academy policies in light of the complaint
 - an apology.

5. Complaint Procedure – Withdrawal of a complaint

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

6. Complaint Procedure – Stage 1: Informal Stage

- 6.1 A parent may informally raise a complaint directly with academy staff verbally or in writing. If the staff member is unable to immediately resolve the complaint, s/he will contact the parent **within three school days of receipt** to offer them a further appointment to address matters. If the staff member needs to investigate the issue before responding, s/he will inform the parent of this along with a timescale of when investigations are expected to be completed.
- 6.2 Our priority is to achieve early resolution at the Stage 1 informal stage however where this cannot be achieved, the parent can request that the matter is considered formally as a complaint at Stage 2 of this procedure. This request should be made **within ten school days of receipt of the response provided at the informal stage.**
- 6.3 The Stage 2 complaint request should be made in writing to the Head Teacher and should explain why the parent is unhappy with matters and what they would like to happen.

7. Complaint Procedure - Stage 2: Formal Investigation and response

- 7.1 The Head Teacher will acknowledge the formal Stage 2 complaint **within five school days of receipt.** Within this acknowledgement, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the parent would like to see if this is not already clear. The Head Teacher can consider whether a face to face meeting is the most appropriate way of doing this. If the Head Teacher dealt with matters at the Stage 1 informal stage, then Stage 2 will then be carried out by the Chair of Local Governors.
- 7.2 The Chair of Local Governors or Head Teacher will investigate the complaint and a written response will normally be made **within ten school days of receipt of the complaint.** If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date. **For complex cases, the ten-day timeframe mentioned may be extended for up to a further 10 school days.**
- 7.3 The Head Teacher may delegate the investigation to another member of the academy’s senior leadership team but not the decision to be taken.
- 7.4 Where further information is required from the parent, we will put on hold the response timeframe until such information has been received. In the absence of such information, the academy may decide to close the complaint records.
- 7.5 In most cases, a written response will be provided to the parent and this will include full reasons for the conclusions reached by the Head Teacher or Chair of Local Governors and what action, if any, the academy proposes to take to resolve the matter. However, in some cases, it may be more appropriate to first respond

verbally (via telephone or face-to-face), followed by a written confirmation of the conversation and outcome.

- 7.6 The response will also advise that if the parent remains unhappy with the outcome or the way the complaint has been handled, they can request a review at Stage 3 by writing to the Clerk to the Governing Body **within ten school days of receipt of the Stage 2 response**. In their Stage 3 request, the parent should provide details of why they remain dissatisfied and what further outcome they are seeking.
- 7.7 If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled Local Governor will be appointed to complete all the actions at Stage 2.
- 7.8 Complaints about the headteacher or member of the governing body must be made to the Clerk, via the academy office.
- 7.9 If the complaint is:
- jointly about the Chair and Vice Chair or
 - the entire governing body or
 - the majority of the governing body
- Stage 2 will be considered by an independent investigator appointed by the local governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

8. Complaint procedure - Stage 3: Review by the Local Governors' Complaints Panel

- 8.1 The Clerk will acknowledge the formal Stage 3 complaint **within five school days of receipt** and liaise with the parent to agree mutually convenient times for a Local Governors' Complaints Panel (GCP) to consider the complaint.
- 8.2 The GCP should consist of three members: 2 members of the Local Governing Body and one member who is independent of the management and running of the Academy. One of the members should act as Chair of the GCP. No member of the GCP should have had prior involvement or detailed knowledge of the complaint. If there are fewer than two Local Governors from the academy available, the Clerk will source any additional, independent governors through another local academy or through their local governor networks, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.
- 8.3 The GCP will invite the parent to attend a meeting with regards to the complaint. A Clerk will also attend the meeting to take minutes and advise the GCP on the process.
- 8.4 The Clerk will inform the parent that the complaint will be heard as soon as possible by the GCP, and ideally **within twenty school days of receiving the complaint**. The parent will also be informed of the right to submit any written information they

wish, and that this must be made available to the Clerk to the GCP **no later than seven 7 school days before the date of the GCP meeting**. The right to call witnesses to the meeting, subject to the approval of the Chair of the GCP, and the right of the parent to be accompanied by a companion of her/his choice, will also be explained in the Clerk's letter.

- 8.5 The Clerk to the GCP will send a copy of the Stage 3 letter of complaint to the Head Teacher and/or Chair of Local Governors and request a written response **no later than seven school days before the date of the GCP meeting**. The right to call witnesses, subject to the approval of the Chair, will also be explained.
- 8.6 The Clerk to the GCP will convene a GCP meeting at an appropriate venue, having consulted with all parties on convenient times. The date, time and venue for the meeting will be confirmed to all parties at least **10 school days in advance of the meeting**.
- 8.7 The names of all parties and witnesses (if any) to attend the meeting and all relevant documents to be referred to at the meeting will also be provided by the Chair of the GCP to:
- The parent;
 - The Chair of Local Governors and/or Head Teacher;
 - Each panel member.
- This will be provided as soon as possible and, in any event, **at least five school days prior to the meeting**.
- 8.8 The meeting will be held following the procedures for hearing a complaint detailed in Appendix 1.
- 8.9 The GCP will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 8.10 The GCP will consider the complaint and all the evidence presented. The GCP can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part.
- 8.11 If the complaint is upheld in whole or in part, the GCP will:
- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.
- 8.12 A written decision will be sent to the parent, the Chair of Local Governors and the Head Teacher by the Chair of the GCP **within ten school days of the meeting**.
- 8.13 The decision of the GCP represents the end of the academy's complaint procedure and in the decision letter parents will be informed of what options remain open to them should they remain dissatisfied.

9. Further options following Stage 3

9.1 If following Stage 3 a parent feels that the GCP has acted unreasonably, they can write to the JCAT Trust Board via the Trust Administrator.

9.2 Thereafter, they may consider complaining to the Education and Skills Funding Agency (ESFA) via their Academy's complaints form and in some circumstances Ofsted may consider a complaint about an academy.

9.3 For the vast majority of complaints there is no right of further complaint or appeal to the Local Authority beyond the academy's Local Governing Body. Parents may contact the Local Authority for further advice but there is no right of a further stage of formal investigation by the Local Authority. The exception to this is where a parent has raised a complaint with the academy about the way a academy is providing for a child's Special Educational Needs.

9.4 In the case of complaints about Special Education Needs provision in academy for their child, parents can complain further to the child's resident Council. The Complaints and Access to Information team will then progress matters in line with the Council's own corporate complaint procedure.

9.5 There will be occasions when, despite all stages of the academy's procedures have been followed, the parent remains dissatisfied. If the parent tries to reopen the same issue, the Chair of Local Governors can inform them in writing that the procedure has been exhausted and that the matter is now closed.

9.6 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made to the academy. As a academy we do not view behaviour as unacceptable just because a parent is forceful or determined, however the actions of parents who are angry, demanding or persistent may result in unreasonable demands on the academy and unacceptable behaviour towards the academy's staff.

9.7 In such exceptional circumstances, the academy has the right to specify how the individual complaint will be handled and how future contact from the parent will be permitted.

9.8 In exceptional circumstances, closure of a complaint may occur before a complaint has reached Stage 3 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 confident that it is likely to assist the process of investigating the complaint. The Chair of Local Governors 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.

10. Record-keeping

- 10.1 The academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 10.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.
- 10.3 This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a academy inspection.
- 10.4 Records of complaints will be kept for at least three years and, where it is concerning a pupil, for at least one year after the pupil leaves the academy.
- 10.5 The details of the complaint, including the names of individuals involved, will not be shared with the whole governing body in case a GCP needs to be organised at a later point.
- 10.6 Where the governing body is aware of the substance of the complaint before the review panel stage, the academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 10.7 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The Local Governors will consider the request but ultimately the decision is made by the Local Governors.

Appendix 1

Local Governors' Complaints Panel Procedures for hearing the complaint

Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the academy and the parent.

The Chair of the Local Governors' Complaints Panel (GCP) will ensure that the meeting is properly minuted.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a parent'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 any minutes taken.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

Order of the meeting

1. The Chair welcomes the parent and his/her companion and the Head Teacher and/or the Chair of Local Governors (where the complaint has been addressed by the Chair of Local Governors at stage 2) and introduces the GCP.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The parent/companion explains the complaint, calling in witnesses if appropriate.
4. The GCP may question the parent/companion and witnesses.
5. The Head Teacher/Chair of Local Governors present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure and calling witnesses, if appropriate.
6. The GCP may question the Head Teacher/Chair of Local Governors and witnesses.
7. The Head Teacher, together with the Chair of Local Governors, where applicable, is invited make a final statement.

8. The parent/companion is invited make a final statement.
9. The parent/companion, Head Teacher, Chair of Local Governors and any witnesses leave the meeting.
10. The GCP considers the complaint and reaches a unanimous or majority decision. The GCP also decides what action (if any) to take to resolve the complaint and any organisational learning for the academy.
11. The outcomes are confirmed in writing to both parties in accordance with the Complaints Procedure.
12. The records of the GCP meeting including a copy of the decision letter are retained in academy along with all other records of the complaint.

CHART OF COMPLAINTS PROCEDURE
 [Refer to relevant points in JCAT Complaints Procedure]

**Complaints may be resolved at any stage of the process below
 but it is hoped they can be resolved at Stage 1**

