

# Jerry Clay Academy



## Complaints Policy

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Next review date: February 2020

# Jerry Clay Academy Complaints Procedures

## Policy for Resolution of concerns and complaints

### Background

This policy embraces a procedure to allow all parties to be clear of the procedures to follow when either making a complaint or dealing with a complaint.

### Legal Framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LEA or Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the Academy or the provision of facilities or services, **other than** “complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

While the majority of complaints received by the Academy are properly dealt with by other procedures, it is still necessary for the Academy to have a “general” procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where an Academy can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

### Informal procedure

As a matter of daily routine, the Academy receives numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the Academy office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the Academy office, preferably in writing [see template below]. The request will need to include sufficient details to allow the Academy to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

### **Formal procedure**

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing [see template form]. On receipt of the complaint the Academy will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the Academy has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant to obtain further information.

Statutory requirements requires every Academy to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for “general” complaints relating to the Academy or to the provision of facilities or services.

Similarly, statutory requirements requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of an Academy to provide the National Curriculum; Exclusion Appeals; Admission Appeals.

When the Academy’s procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the Academy is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

### **Selecting the most appropriate procedure**

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore at our Academy we have clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person(s) for resolution.

### Contact/Complaints Triage Table

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
Request for published information	Academy Office	FOI Act Charging Policy
Request for personal pupil information	Head Teacher or Senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk/Chair	General Complaints Procedure
Concern about provision of facilities or services by the Academy	Head Teacher Chair	General Complaints Procedure
Complaint from suppliers about contracts	Headteacher Business Manager	Refer to Financial Handbook
Allegation about conduct of a member of staff	Head Teacher Or Chair (if allegation against head)	Academy Staff Discipline Procedure (Confidential to Academy and Employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher OR Child Protection co-ordinator Or Chair (if allegation against head)	Local Child Protection Procedures (Confidential to Academy, parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher Or Chair (if allegation against head)	Academy Staff Competence Procedure (Confidential to Academy and Employee)
Conduct of another pupil (e.g. bullying)	Head Teacher or Senior member of staff or Learning Mentor	Academy behaviour and discipline procedures (Confidential to Academy and parents of alleged perpetrator)
Discipline of a pupil	Head Teacher or Senior member of staff	Academy behaviour and discipline procedures (Confidential to Academy and parents of pupil)
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO LA	LA procedures
Admissions	Chair	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair	Exclusion Appeal
Failure to provide NC Entitlement or	Head Teacher Clerk to GB	Academy Curriculum documents

Inappropriate Curriculum		
Extended Services	Manager of the early/after Academy provision Business Manager	Procedures of Service Provider
Decision to remove licence for a person to enter Academy premises (banning)	Clerk to GB/Chair	GB Appeal Committee

## General Principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the Academy and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)
4. The responsibility for dealing with General Complaints lies solely with the Academy.
5. Any procedure should include provision that “**An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.**” These would include serious concerns such as Child Protection issues or bullying allegations, where the Academy would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. There is a mechanism for terminating spurious complaints and those brought by vexatious complainants.
7. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee’s employment or data protection rights.
8. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in

order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.

9. Any governors involved in the process should receive prior training for their role.
10. It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. Therefore it is essential that reference is made to the existence of the General Complaints Procedure on the Academy website.
11. Some existing procedures include a “hearing” stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.
12. It may be helpful to place a limit on the time after which a complaint will **normally** not be considered. Complaints must be **raised within 3 months** of the event being complained of, save in exceptional circumstances.
13. Investigation of any complaint or review request shall begin **within 5 Academy days of receipt of the same**, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 Academy days, save in exceptional circumstances.
14. The matter of keeping a record of the complaint and its investigation is maintained in a confidential manner. Minutes will be taken and this may involve one of the Academy officers taking notes and subsequently taking minutes.
15. The procedure is designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures “closure”. This is more likely to be the case if the procedure adopted has been the subject of consultation.
16. The use of well designed “Complaints” and “Review Request” Forms may assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents. Model letters are included in annex 4 of this document.

17. It is usually unhelpful if a complaint is broadcast to the Academy community. Therefore the Academy should make it clear any person who raises a concern that the Academy will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the Academy is taking their concern seriously and is actively seeking to resolve the matter.

### **Vexatious Complainants**

It is clear from the information provided by our members that the vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

It is these latter circumstances that can lead a Academy, which is acting very reasonably, to be drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which Academies need protection.

# Complaints Procedure

## Jerry Clay Academy Complaints Procedure

### General Principles:

- This procedure is intended to allow you to raise a concern or complaint relating to the Academy, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the Academy as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

### Raising a concern or complaint

#### 1) Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the Academy office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the Head Teacher (or to the Chair of the governing body, if the complaint is about the Head Teacher).

If you are uncertain about who to contact, please seek advice from the Academy office or the Clerk to the governing body.

#### 2) Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Head Teacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Head Teacher, your complaint should be passed to the Clerk to the governing body, for the attention of the Chair of the governing body.

A Complaint Form is provided to assist you.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the Academy to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the Academy office. The envelope should be addressed to the Head Teacher, or to the Clerk to the governing body, as appropriate.

The Head Teacher (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Head Teacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the Academy receiving your formal complaint, of how the Academy intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the Academy, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 Academy days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

## **Review Process**

Any review of the process followed by the Academy will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 Academy days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

# Jerry Clay Academy Meeting Request Form



I wish to meet .....to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with Academy (e.g. parent of a pupil on the Academy roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

**Signed** .....

**Date** .....

[Please complete this form and return it to the Academy office]

Academy use:

Date Form received:

Date response sent:

Received by:

Response sent by:

## Jerry Clay Academy Formal Complaint Form



Please complete this form and return it, via the Academy office, to the Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with Academy (e.g. parent of a pupil on the Academy roll):  
.....

Pupil's name (if relevant to your complaint):  
.....

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

Academy use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			

## Jerry Clay Academy Complaint Review Request Form



Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

e-mail address:

Dear Sir

I submitted a formal complaint to the Academy on..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the Academy.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

Signature:

Date:

Academy use

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			

# **Annex 1: Governing Body Meetings**

## **a/ Complaints Panel**

If the Academy receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process, it may be necessary to convene a governing body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- the content or the application of a governing body policy
- Academy facilities
- services that the Academy provides

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the Academy, where this is necessary.

A meeting of the panel will take place, usually within 10 Academy days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the Academy (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the governing body of the outcome, in writing.

Consideration of the complaint by the governing body and the Academy, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

## **b/ Review Meeting**

Any review of the process followed by the Academy will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 Academy days of receipt of a written request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests, from any of the parties, to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the Academy (usually the Head Teacher or the Chair of the governing body panel that has considered the matter), as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant and the Academy representative(s) will be informed in writing of the outcome, usually within 5 Academy days of the panel meeting.

The matter will then be closed as far as the Academy is concerned.

## Annex 2: Paragraph for Inclusion in Academy Website

### **Raising Concerns and Resolving Complaints**

From time to time parents, and others connected with the Academy, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a “Academy Complaints Procedure”.

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the Academy Office or from the Clerk to the Governing Body.

### **Annex 3:**

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are
  - out of proportion to the nature of the complaint, or
  - persistent – even when the complaints procedure has been exhausted, or
  - personally harassing, or
  - unjustifiably repetitious
- an insistence on
  - pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public or via a social networking site such as Facebook; or
  - refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of Academy staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to Academy staff or others;
- it has a significant and disproportionate adverse effect on the Academy community.

What does the Academy expect of any person wishing to raise a concern?

The Academy expects anyone who wishes to raise concerns with the Academy to:

- treat all members of the Academy community with courtesy and respect;
- respect the needs of pupils and staff within the Academy;
- avoid the use of violence, or threats of violence, towards people or property;

- recognise the time constraints under which members of staff in Academies work and allow the Academy a reasonable time to respond to a complaint;
- follow the Academy's complaints procedure.

## Academies' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the Academy's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the Academy may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the Academy to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the Academy considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the Academy will respond only to written communication and that these may be required to be channelled through the Local Authority.

## Physical or verbal aggression

The governing body will not tolerate **any** form of physical or verbal aggression against members of the Academy community. If there is evidence of any such aggression the Academy may:

- ban the individual from entering the Academy site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The Academy nevertheless reserves the right not to respond to communications from individuals subject to the policy.

## Summary of Process to Resolve Complaints

