



# JOSEPH LECKIE ACADEMY

## COMPLAINTS POLICY

This policy is reviewed e.g. annually in summer

### History of Document

Issue Number	Date	Produced by:	Review Date
1	14-12-17	Hm	14-12-18

## **Joseph Leckie Academy Complaints Policy**

### **Section A: Introduction**

Joseph Leckie Academy aims to deal quickly and effectively with any concerns raised by parents or students relating to the Academy or about the service provided by the Academy.

This procedure should not be used for internal complaints, for example for issues covered by grievance and discipline procedures, whistleblowing, complaints about services provided by other providers who use the Academy premises or the exceptions listed in number 5 below which should be made to the Local Authority.

#### **Queries or complaints:**

Most complaints are the results of misunderstandings.

If the relationship between home and the Academy is good then queries made politely will be dealt with sympathetically, quickly and to everyone's satisfaction.

We expect students, staff and parents to listen carefully to each other.

We expect parents and staff to enjoy mutual confidentiality.

#### **If you have a concern:**

If you have a concern about the Academy we would like to hear about it.

You can be assured that whatever the nature of your concern, the Academy's support for your child will not change in any way. All concerns will be properly considered.

The Academy should be informed about a concern as soon as possible, so that it can be investigated and addressed in a timely manner.

Many concerns can be quickly resolved with goodwill, often by making early contact with the appropriate member(s) of staff.

While you cannot always expect the Academy to agree with your point of view, your concerns will be properly considered and if there are lessons to be learned which will prevent a problem arising again, then the Academy will take action.

Your role as a parent, guardian or carer, and your views, are important. We are committed to listening to, and working with parents, guardians and carers.

### **Section B: General Principles**

Joseph Leckie Academy operates a 3 stage Complaints Procedure.

The Principal will act as the Complaints Co-ordinator (except when the complaint is about the Principal and in this case it will be the Chair of Governors – Stage 2) but either may appoint an Investigator who will be a member of the Leadership Team or another suitable person.

**Timeliness** – The Academy endeavours to deal with complaints as quickly and efficiently as

possible. Time frames will be judged on an individual basis dependant on the nature of the complaint and the stage at which the complaint has reached. Timescales will always be shared. It is recommended that, if at all possible, this starts within 5 working days of receiving the concern or complaint and is completed within 10 working days.

Formal complaints will normally be dealt within 20 school/working days following receipt of the complaint.

The outcome will be confirmed to you in writing within 10 school/working days of the governors' meeting date.

Where further investigations become necessary or delays occur, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay. This applies at all stages.

### **Recording Complaints**

The Academy complies with their obligations under the Equality Act 2010. The Academy asks for complaints to be made in writing, however the complainant may have communication preferences due to disability or learning difficulties and we will allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, the Academy may use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- The Academy will record the progress of the complaint and the final outcome. The Principal or delegated complaints co-ordinator should be responsible for these records and hold them centrally.
- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

### **Investigating Complaints**

At whatever stage of the investigation of a concern or complaint, the **Complaints Co-ordinator (or designated investigator) should:**

- ensure that the complainant is fully updated at each stage of the procedure;
- establish what has happened so far and who has been involved and clarify the nature of the complaint and what remains unresolved;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Principal, Chair of Governors and/or Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding: sharing third party information; additional support - this may be needed by complainants when making a complaint including interpretation support.

- carry out the investigation (see below) or delegate this role to a member of the Leadership Team or other suitable person.

## **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure (who is not the subject of the complaint).

The Investigator's role can include providing a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;

effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;

- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

## **Resolving Complaints**

- At whatever stage, the person dealing with the concern (the Complaints Co-ordinator and/or investigator) should endeavour to find a resolution, but obviously this will depend on the nature of the concern or complaint and what the complainant wants.
- It is important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- Complainants should be encouraged to state what actions they feel might resolve the problem at any stage though this should be on the understanding that it may not be possible or reasonable to deliver them.

**The response to a complaint in stages 1 or 2 may include one or more of the following:**

- an explanation;
- an apology;
- an admission that the situation could have been handled differently or better (this should not be construed as an admission of negligence);
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;

- an undertaking to review Academy policies in light of the complaint

## **Section C: Complaints Procedure**

### **How to make a complaint:**

#### **1. Informal stage (Stage 1)**

Most complaints will be dealt with directly by the Academy.

If you have a concern, it is likely that you will have already raised this with a member of the Academy staff.

If you have not already done so, then you should contact the Principal, Mr Whittlestone, who will deal with your complaint or delegate this to a member of the Leadership Team to act as the Investigator.

Depending on the seriousness of your complaint, the following information would be helpful:

- A note of the time and dates of any incidents
- The names of any witnesses

Once sufficient information is to hand, your complaint will be investigated informally. You will receive a response, which at this stage may be verbal, or may be in writing. You may be invited to a meeting to further discuss your concerns, and to see if a quick resolution is possible. Most complaints will be dealt with in this way.

If your complaint is about the conduct of the Principal and cannot be resolved informally above, then you should contact the Chair of Governors (Stage 2), via the Academy.

Complaints should be handled quickly and most issues should be resolved in a few days. The Academy will indicate how long the investigation will take depending on the nature of the complaint and will make this clear when acknowledging receipt of the complaint.

#### **2. Formal stage (Stage 2)**

When the Informal Stage has been completed, if you are still unhappy, you may wish to make a formal complaint. Under the Equality Act 2010, complaints may be made in person, by telephone or in writing to the Complaints Co-ordinator, the Principal or in the case of a complaint about the Principal, the Chair of Governors, Mrs L. Ingram.

At this point you may be asked for further information.

The Principal or Chair of Governors should acknowledge receipt of your complaint and they will then investigate the complaint further with the Academy. They may delegate this to a member of the Leadership Team to act as Investigator.

Upon completion of the investigation the Complaints Co-ordinator or Chair of Governors, will respond to the complainant (see section B above). They may ask the investigator to do this on their behalf.

### **3. Formal (Stage 3)**

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If you are not happy with the outcomes or process after the Complaints Co-ordinator or Investigator completes their investigation and responds back to you, you may be invited to attend a meeting and speak to the panel and any documentation should be shared beforehand. The Academy's Governing Body has a duty to consider all aspects of a complaint and to decide what action, if any, needs to be taken.

This stage of the process usually involves a panel of Governors.

The complaint at this stage may be dealt with by an independent group of Academy Governors; usually 3 members. The Complaints Co-ordinator and/or Investigating Officer may be asked to attend at the request of Governors but only to clarify evidence or procedure and will not form any part of the decision by Governors.

The complaints panel (see section D below) will make their final decision and any recommendations. They will convey this to the complainant via the Clerk to Governors (Section D). Complaints will not be shared with the full Governing Body, except in very general terms, in case of any appeals.

**For full details of roles and decisions see 'Roles and Responsibilities of Governors'.**

### **4. If you are still dissatisfied you have the right to an appeal**

Complainants have the right to appeal if they believe there to be bias in the proceedings. A separate independent group of Academy Governors (members from the Appeals Committee) will be arranged.

The request for an appeal must be made to the Chair of Governors, Mrs L Ingram (contactable via the Academy) within 7 days of receiving the Governors formal response (Stage 3). The request of an appeal may be made in person, by telephone or in writing to the Chair of Governors.

### **5. What is the role of the Local Authority? (External complaints)**

If your complaint is of a general nature or is about matters for which Walsall Children's Services has responsibility, such as Special Educational Needs, National Curriculum, Admissions, Exclusions or delivery of Disability Services, please contact them directly. They will always do their best to resolve any issue you may have.

If you still wish to take the matter further you should contact The Chief Executive at Walsall Council:

Walsall Council  
The Civic Centre  
Darwall Street  
Walsall  
WS1 1DQ

Telephone 01922 650000  
Fax 01922 614210

**If you have a child protection or safeguarding concern, please contact the Initial Response Service on 01922 658170.**

## **6. What if I am still concerned?**

Your complaint will have been dealt with impartially by the Academy and its governors who have a duty in which to act properly. For all practical purposes the governing body is the last step in the procedure.

If you remain dissatisfied about the way in which the complaint has been handled (as opposed to its outcome), you have a right to refer your complaint to the Secretary of State. They have a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally reinvestigate the substance of the complaint. This remains the responsibility of the Academy.

The SCU will not overturn the Academy's decision about a complaint except in exceptional circumstances where it is clear the Academy has acted unlawfully or unreasonably. If the SCU finds that the Academy has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

If genuinely fresh information to support your complaint comes to light, you should refer back to the Informal Stage (Stage 1).

## **Section D. Roles and responsibilities of Governors**

### **The Complaints Panel**

There are several points which any governor sitting on a complaints panel needs to remember:

- 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.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy 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.
- 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.
- 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.
- The governors sitting on the panel need to be aware of the complaints procedure.

### **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;
- each side is given the opportunity to state their case and ask questions;
- 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.

### **The Complaints Panel Can:**

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide an appropriate action to resolve the complaint;
- recommend any changes needed to Academy systems to avoid a recurrence of the complaint.

## **The Role of the Clerk**

Any panel or group of governors considering complaints will be clerked. The clerk is the contact point for the complainant and will 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 (see below).

## **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 (by the Clerk), with the panel's response; this is usually within 10 working days.

The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **Other Information:**

- It has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour, and therefore it may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously
- If the outcome might lead to action under another procedure, e.g. disciplinary, then the complainant need only be told that appropriate action will be taken.
- Further, there may be occasions when a panel would wish to resolve an issue by means which are clearly within the responsibility of the internal management of the Academy: governors (and Principal) need to be mindful of their roles and responsibilities.
- Only in exceptional circumstances should governors consider taking a decision that may undermine the authority of the Principal or other staff and governors must consult the Academy before doing so.
- The appeals panel is the final step of the process for the Academy (though the recommendations may be such, e.g.: changes in policy or practice, that it is necessary for the full Governing Body to receive a short report regarding the findings of the investigation. (Please note: this should not mention names).
- The Chair of Governors is responsible for ensuring that the correct procedures have been followed.
- Of course, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed but that the complainant may take their complaint to the SCU (see number 6 above).

**For Serial, Persistent and unreasonable complaints** the Academy will use the guidance contained within the DFE "Best Practice Advice for School Complaints Procedures 2016."

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