



# Joseph Leckie Academy

## Complaints Policy

**Approved by JLA Trust Board:** 07/2022

**Last reviewed on:** 11/2023

**Next review due by:** 07/2024

## **1. Rationale**

1.1 Joseph Leckie Academy Trust recognises that at times things can and do go wrong. The Trustees; Principal, staff and members of the Trust Board (TB), believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

1.2 This policy therefore seeks to outline how concerns can be resolved.

1.3 This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2010) Schedule 1, Part 7.

## **2. Framework of Principles**

2.1 The Joseph Leckie Academy Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial.
- Allow for swift handling with established time-limits for action, keeping people informed of the progress.
- Ensure a full and fair investigation by independent people, where necessary.
- Respect people's desire for confidentiality.
- Provide information to the Leadership Team of the Academy so that services can be improved.

## **3. Investigating Complaints**

3.1 At each stage, the person dealing with the complaint should ensure that they

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct interviews with an open mind.

## **4. Resolving Complaints**

4.1 At each stage in the procedure the Academy will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- 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.

## **5. Trust Board**

6.1 The Trust Board will monitor the level and nature of complaints within the Academy and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make

changes where necessary. The reports will not name individuals.

## **6. Summary of Procedures**

6.1 The following diagram outlines the key stages of our complaints procedure:

**Stage One.** An Informal Discussion

**Stage Two.** Complaint heard by Principal

**Stage Three.** Complaint heard by an Independent Complaint Panel

6.2 **Stage One. An Informal Discussion.** Our experience is that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved straight away, providing the complainant with the benefit of an immediate response, and avoiding the need to submit a formal complaint. Concerns may be raised with any member of the Academy staff, depending on the type of issue to be discussed.

6.2.1 By their nature, we do not impose specific timescales for dealing with concerns at this stage, or monitor them formally, although all issues will be considered as quickly and effectively as possible. If the person is dissatisfied with the discussion, they should refer to Stage Two.

6.2.3 Where the first approach is made to a Trustee, the next step must be to refer the complainant to the appropriate person and advise them about the procedure. Trustees must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

6.3 **Stage Two. Complaint heard by the Principal.** If the complainant would like us to investigate their concerns further, our complaint form (appendix 2) should be completed and handed in to the Academy's Reception.

6.3.1 Following receipt of a complaints form, the Principal will nominate a member of staff to be an investigating officer. The investigating officer will acknowledge the complaint in writing within 5 working days.

6.3.2 The investigating officer will speak to the necessary individuals; interview witnesses and/or take statements from those involved. This could take up to 10 working days. If the complaint centres on a student, the student will also be interviewed. If the concern is about a student's behaviour, parents/carers will not be invited to attend. However, parents/carers will be asked to attend to discuss any other concerns.

6.3.3 Written records of meetings, telephone conversations and other documentation will be kept.

6.3.4 Once the facts have been established, the Principal will arrange to meet the complainant to discuss the investigation. The complainant will leave the meeting with a letter which also explains the outcome of the investigation. This meeting will be held within 20 working days from the date the complaint form was handed into reception.

7.3.5 Following this meeting the complainant will be advised that, if they wish to take the

complaint further, they should refer to Stage Three below.

6.3.6 If the complaint is against the Principal, Stage two will be carried out by the Chair of Trustees. If the complaint is against a Trustee Stage two will be carried out by the Chair of Trustees.

6.4 **Stage Three. Independent Complaints Panel.** Complaints rarely reach this formal level, where the complainant is not satisfied by the response from Stage Two. It is important that any complaint hearing is independent and impartial. The Academy will ensure that all members of the panel will have had no prior involvement in the complaint. The Academy will also ensure that at least one member of the panel will be independent of the management and running of Joseph Leckie Academy.

The aim of a panel hearing is to resolve the complaint and achieve reconciliation between the Academy and the complainant.

6.4.1 If you would like to request a panel hearing, please write to the Chair of the Trust Board at the Academy, explaining why you are not happy. This will need to be within 25 working days (1 month not including weekends or Academy holidays) of receiving the outcome letter from Stage Two. Anything received after the 25<sup>th</sup> day will be referred back to Stage One of this process.

6.4.2 The Chair of the Trust Board will set up a hearing within 10 working days of receiving the letter and inform the complainant of this, in writing. All parties will be given five working days' notice of a hearing.

6.4.3 The members of the panel will have had no prior involvement with the complaint and one person will be independent of the management and running, of the Academy.

6.4.4 The complainant may be accompanied to the hearing by a friend, relative or representative.

6.4.5 The Principal will be invited to the hearing. Involvement of other staff is subject to the discretion of the complaint panel.

6.4.6 The hearing will allow for:

- The complainant to explain their complaint and for the Principal to explain the Academy's Stage Two response.
- The complainant and the Principal to question each other and for members of the hearing panel to also ask questions.
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the Principal.

6.4.7 Following the hearing the complaint panel will consider the complaint and will send their written decision to both parties within 15 working days. The findings and recommendations of the panel will be held on record at the Academy.

6.4.8 The Academy will record the action it takes as a result of complaints, regardless of whether they are upheld

## **7. What happens if the complainant is still unhappy with the outcome?**

7.1 The Education and Skills Funding Agency (ESFA) are responsible for Academies on behalf of the Secretary of State for Education.

7.2 The Academy will try to resolve your concerns through the processes outlined in this policy however the ESFA can investigate if your reasons fall into any of the following conditions:

- Undue delay or non-compliance with an Academy's own complaints procedure.
- An Academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State.
- An Academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

7.3 The ESFA are not able to overturn an Academy's decision about a complaint. If the ESFA uphold a complaint they may do one or both of the following:

- Ask the Academy to reconsider the complaint from an appropriate stage.
- Ask the Academy to change its complaints procedure so that it complies with legal requirements.

## **8. Unreasonable Complaints/Complainants**

8.1 Joseph Leckie Academy Trust 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.

8.2 Joseph Leckie Academy Trust defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints. Whenever possible, the Principal or Chair of Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

8.3 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 complaint's investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaint's 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.

8.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, 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.

8.5 Complainants should limit the numbers of communications with the 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.

8.6 If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, the Academy may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

8.7 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 site.

## **9. Barring from the Academy Premises**

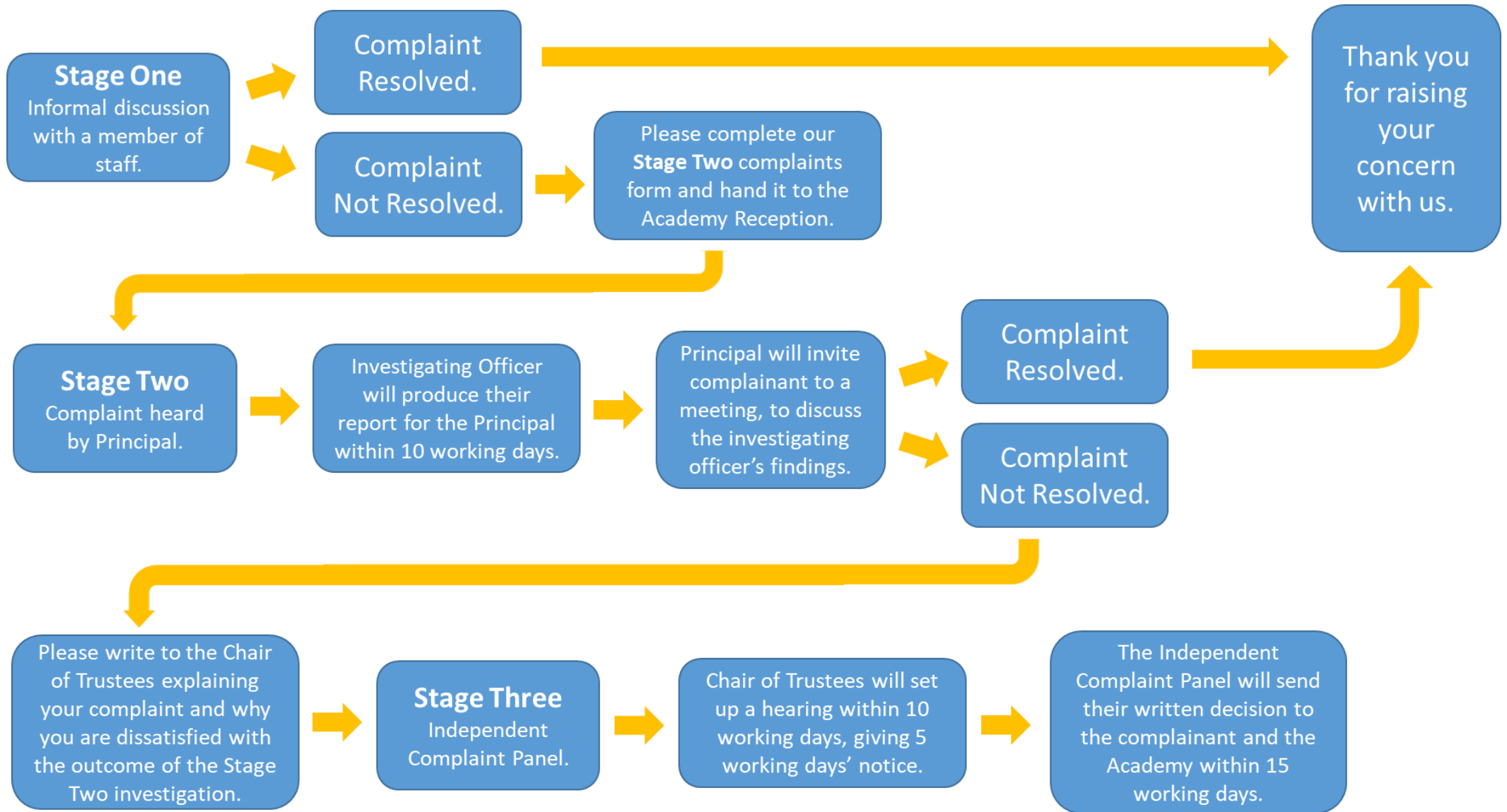
9.1 Although fulfilling a public function, the Academy is a private place. The public has no automatic right of entry. The Academy will therefore act to ensure that it remains a safe place for students, staff and other members of the community.

9.2 If a parent's/carer's behaviour is a cause for concern, the Academy may ask him/her to leave the premises. In serious cases, the Principal or the local authority can notify them in writing that their implied licence to be on Academy premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. The Academy will always give the parent/carer the opportunity to formally express their views on the decision to bar in writing.

9.3 The decision to bar should then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed the parent/carer should be notified in writing, explaining how long the bar will be in place.

9.4 Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Trustees. However, complaints about barring cannot be escalated to the Department for Education. Once the Academy's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## Appendix 1: Complaints Procedure







**What action, if any, have you taken to try and resolve your complaint?**

(Who did you speak to and what was their response?)

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

**Are you attaching any paperwork? If so, please give details:**

.....  
**For Office Use Only:**

**Date Complaint Received:** .....

**Investigating Officer:** .....

**Date Acknowledged:** .....

Verbally

In Writing

**Investigation report handed to Principal on:** .....

**Meeting with complainant arranged for:** .....

**Outcome of investigation (Summary):** .....

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