



# KING JAMES I ACADEMY

## Complaints Procedure Policy

Date adopted by Governors: September 2018

Date of Next Review: September 2020

## **Academy Complaints Procedure**

### **1. General Principles**

1.1 Complaints about the following issues have their own, separate, procedures and **cannot be considered under this document**:

- Matters that are the responsibility of the Local Authority;
- Conduct of staff at the Academy;
- Content of a statutory statement of special educational needs;
- Pupil admissions;
- Pupil exclusions;
- The national curriculum and related issues including religious education;
- Child protection.

### **2. Resolving Complaints**

2.1 At each stage in the procedure the Academy and complainants will want to keep in mind ways in which a complaint can be resolved. 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.

2.2 It would be useful if complainants consider what actions they feel might resolve the problem at any stage. It is important to recognise that an admission that the Academy could have handled the situation better is not the same as an admission of negligence.

2.3 To be effective, the application of the procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **3. Vexatious Complaints**

3.1 If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, 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 is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **4. Time-Limits**

4.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible. The complaints procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can

be set and the complainant sent details of the new deadline and an explanation for the delay.

- 4.2 It is proposed that this procedure will be invoked when initial attempts to resolve the issues are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further.

## **5. The Stages of Complaints**

- 5.1 Three Academy-based stages are likely to be sufficient for most Academies:

- Stage one: complaint heard by staff member or complaints co-ordinator if identified.
- Stage two: complaint heard by Head teacher;
- Stage three: complaint heard by Governing Body's complaints appeal panel; At least one member of the panel will be independent of the management and running of the Academy

- 5.2 A dissatisfied complainant can always take a complaint to the next stage. A complaint may be made in person, by telephone, or in writing. However, in order to avoid any misunderstanding it may be helpful to the complainant and the Academy if the reasons for the complaint and suggested actions for its resolution could be put in writing.

## **6. Complaints Procedure**

### **6.1 Stage One: Complaint Heard by Staff Member (Informal)**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate.

The Academy will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Head teacher, the complaints co-ordinator will refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person in the Academy and advise them about the procedure. It would be useful if governors did 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.

### **6.2 Stage Two: Complaint Heard by Head teacher (Formal - within 15 school days)**

The complaint progresses to Stage Two if the complainant is dissatisfied with the way the complaint was handled at Stage One, or the response that was received. The Head will investigate the complaint further and collate any relevant information.

The Head teacher should respond to this stage of the complaint in detail and in writing.

### **6.3 Stage Three: Complaint Heard by the Staff Management Committee of the Governing Bodies. At least one member of the panel will be independent of the management and running of the Academy (Panel - within 15 school days)**

If the complainant is not satisfied with the Head teacher's response, the complainant needs to write to the Chair of Governors c/o the Academy or the Clerk to the Governing Body c/o Academy and Governor Support Service, County Hall Durham, DH15UJ, giving details of the complaint.

The Chair, will contact the Clerk to the Governing Body who will convene a GB Complaints Appeal Committee. The complainant and/or their representative will be invited to attend and be accompanied if they wish. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

If the complainant is not satisfied with the handling of their complaint, the complainant can contact the EFA via the schools complaints form:

[https://form.education.gov.uk/fform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel members set up for a disciplinary hearing against a member of staff following a serious complaint. The governing body will have nominated a number of members with delegated powers to hear complaints, and have set out the terms of reference for the committee.

#### **The Remit of the Complaints Appeal Committee**

The committee can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

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.