



THE JUBILEE ACADEMY

Aspire and Achieve

Title:	Complaints Policy
Date Approved:	July 2013
Date Last Reviewed:	July 2022
Status:	Statutory
Delegation:	Head of School
Responsibility:	PA, Marketing and Admissions Manager
Review Frequency:	Biannually
Policy Locations:	Website/Staff Shared Drive/Hard Copy

Complaints policy

Key points and summary

1. The Academy takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community, including members of the public.
2. This policy will be operated by The Jubilee Academy
3. This policy aims to ensure that:
 - as far as possible all concerns should be dealt with as informally as possible.
 - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so.
 - where a formal process is required, the steps involved are clearly outlined.
 - Individuals are aware of their responsibilities.
4. The emphasis is to understand, investigate the concern, and resolve the complaint as early as possible.
5. The formal process has three stages:
 - a. Complaint heard by a member of staff.
 - b. Complaint heard by the Head of School or senior member of staff delegated by the Head of School.
 - c. Appeal heard by a Complaints Panel.
6. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.
7. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

1. Introduction and statement of intent

- The Academy takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
- This policy aims to ensure that:
 - as far as possible all concerns should be dealt with as informally as possible.
 - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so.
 - where a formal process is required, the steps involved are clearly outlined.
 - people are aware of their responsibilities.

2. Legislation and guidance

- This document meets the requirements set out in Schedule 1, part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.
- It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [Setting up an academies complaints procedure](#) , and refers to [best practice guidance for academies complaints procedures](#)
- This policy complies with our funding agreement and articles of association.

3. Scope and applicability

- This policy applies to all complaints received by the School, irrespective of who makes the complaint. This policy therefore applies to complaints received from parents/carers of students, and where appropriate, to complaints from any other individual.
- This policy applies to all staff and governors.
- This policy will be followed in respect of all complaints against the school except in the following areas (where separate policies exist):
 - child protection allegations;
 - exclusions;
 - admissions;
 - whistleblowing;
 - complaints about statements of SEN/ EHC Plans;
 - disciplinary/capability issues relating to members of staff; and
 - allegations of abuse.
- Should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.
- We will always record and investigate in full, all complaints made about the school for example, by members of the public or parents/carers of children no longer in the school.
- Please note that anonymous complaints may hinder our ability to investigate effectively. However, the Head of School will determine if the complaint warrants an investigation.

- In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

4. Time scales

- The complainant must raise the complaint within **3 months** of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
- We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
- When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.
- We will consider complaints made outside of this frame if exceptional circumstances apply.

5. The policy

Concerns and complaints

- It is important to distinguish between a “concern” and a “complaint”.

Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be made with the school as soon as possible to allow the matter to be considered carefully, potentially including (as appropriate to the issue that has been raised):

- Clarifying the nature of the concern and what remains unresolved from the perspective of the person raising the concern.
 - Establishing what has happened so far, and who has been involved, including seeking input from those who have been involved.
- A concern may arise (for example)
 - from uncertainty regarding the application of school rules or disciplinary procedures
 - from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom
 - where a parent believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill
 - where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the school’s notice so that action can be taken to prevent a recurrence
- Concerns should normally be raised with the member of staff most directly involved in the situation giving rise to the concern. Parents will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within **three working days**.
- A complaint may arise (for example)
 - when an individual has previously raised a concern and is not satisfied with the response offered
 - where an individual has serious disquiet over an incident that has taken place, or a decision made in the school and believes the school has fallen short of appropriate standards.
- A complaint must be made in writing to the Head of School (potentially using the Complaint Form at the end of this document). Please mark as private and confidential
- If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

- Complaints about the head teacher or member of the governing body must be made to the Clerk, via the school office, marked as private and confidential.
- 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 governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.
- All correspondence and material relating to a complaint will be held by the Head of School's' PA.
- All correspondence and material relating to a complaint is confidential.

Investigating complaints

- The person investigating the complaint will make sure 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 the interview with an open mind and be prepared to persist in the questioning; and
 - keep notes of the interview.

Resolving complaints

- At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is a valid complaint (in whole or in part) without admitting liability. 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; and
 - an undertaking to review Academy policies in light of the complaint.
- Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence.
- At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.
- At any stage the Head Of School is able to consider whether a complaint is vexatious, unreasonably persistent, or whether the complainant has engaged or is engaging in unreasonable behaviour in accordance with section 9 of this policy. If the Head of School considers that the provisions of section 9 apply, they may act accordingly to ensure any legitimate complaint is appropriately investigated while ensuring that any unreasonable elements or behaviour is managed.

Withdrawal of a complaint

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

6. Stages of formal complaint

Stage 1: Complaint heard by a member of staff.

- It is the interests of everyone 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 their complaint will escalate.
- Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in hearing and investigating the complaint.
- To ensure clarity of understanding, a **Complaint Form** needs to be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff.
- The member of staff hearing the complaint needs to ensure that they have investigated it appropriately. This may include a meeting with the complainant.
- The member of staff hearing the complaint will respond to the complainant in writing, which will outline their response to the complaint and any action that has or will be taken.
- It is normally expected that complaints will be acknowledged **within three working days**, and the Stage 1 process completed **within fourteen school days**. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
- The member of staff should update the Complaints Form and pass this to the PA of the Head of School for retention, alongside their written response to the complainant.

Stage 2: Complaint heard by appropriate senior member of staff appointed by the Head of School.

- The complainant should write to the Head of School giving details of either the areas of the complaint left outstanding following Stage 1 or concerning the Stage 1 process. The Head of School will nominate a senior member of staff to consider these issues (the investigating officer)
- This notification needs to be received within **fourteen school days** of the decision from stage 1 being issued to the complainant otherwise it will be deemed that the decision is accepted, and the complaint will be closed.
- The Head of School may formally reject further investigation of the complaint if, in their judgment, the complaint –
 - Was received too long after the alleged incident for realistic investigation to take place;
 - Does not identify specific actions or incidents that are capable of being investigated;
 - Refers only to issues that have already been determined;
 - Raises only minor matters that should have been resolved in discussion with the staff member involved; or
 - Is Vexatious (see below for further information).
- The investigating officer will consider both the original complaint and the process followed during Stage 1. They will report to the Head of School.
- Following the report of the investigating officer, the Head of School can:
 - Dismiss the complaint in whole or in part (including if there is insufficient evidence to uphold the complaint);
 - Uphold the complaint in whole or in part;
 - Decide on appropriate action to resolve the complaint; or
 - Recommend changes to the school's systems or procedures.
- The Head of School will put their judgement and rationale, including details of the process followed, in writing to the complainant

- It is normally expected that the Stage 2 process would be completed within **fourteen school days** of the Head of School initiating Stage 2. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
- If the investigating officer makes any recommendations regarding changes to Academy processes as a result of the investigation, or the Head of School decides these are necessary following consideration of the findings of the investigating officer, the Head of School will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Head of School's discretion, unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE/EFA requirements when the Head of School will be required to ensure compliance as soon as possible.
- The Head of School should update the Complaints Form and/or log as appropriate, which should be completed and passed to the PA of the Head of School for retention, along with a copy of their written response to the complainant. (In exceptional circumstances, it may be deemed appropriate to involve a Governor informally at Stage 2 if it were to be deemed helpful. However, this Governor would be prevented from sitting on any potential subsequent panel in Stage 3).
- The complaint form and/or log as appropriate, records the final outcome, including whether the case progress to a panel hearing.

Stage 3: Appeal heard by a Complaints Panel – Panel Hearing

- The complainant should write to the Chair of Governors giving details of either the areas of the complaint left outstanding following Stage 2 or concerning the Stage 2 process. This notification needs to be received within **ten school days** of the decision from stage 2 being issued to the complainant otherwise it will be deemed that the decision is accepted, and the complaint will be closed.
- The Chair, or a nominated Governor, will convene a Complaints Panel, which will consist of **at least three people**, none of whose members will have been directly involved in previous consideration of the complaint. The panel will have the powers to determine the complaint. At least one member of the Panel will not be a Governor or member of staff.
- In the unlikely event that more than one session is required to hear the appeal, the individuals on the Panel will remain the same. The Panel members will elect their Chair.
- Individual complaints would not be heard by the whole Governing Body, as this could compromise the impartiality of any panel that may be subsequently set up as part of a disciplinary hearing for a member of staff if that is warranted.
- The appeal hearing should be heard within **10 school days** of the Chair of the Governing Board receiving notice of the complaint progressing to Stage, ensuring that the complainant is given reasonable notice and that reasonable endeavours are made to arrange a time and date that the complainant can attend.
- Any documentation from either party should be circulated to all parties **five school days** before the hearing.
- The appeal hearing will be heard in private, will give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome.
- The complainant is able to attend the Panel Hearing and may be accompanied by one other individual at the Panel Hearing (and if the complainant is a child, they may be accompanied by their parent(s) and another person).
- The Panel will, once the presenters have left the hearing, give careful consideration to the substance of the complaint, consider all the views expressed, and decide the outcome. The decision will be made by a simple majority of the Panel; a unanimous decision is not required.
- The panel can:
 - Dismiss the complaint in whole or in part;

- Uphold the complaint in whole or in part;
- Decide on appropriate action to resolve the complaint; or
- Recommend changes to the academy's systems or procedures.
- The decision of the panel is binding. The decision must be communicated within **five** working days of the hearing to the complainant, the Head of School, the Chair of the Governing Body, and, where relevant, to the person complained about.
- If the Complaints Panel makes any recommendations regarding changes to Academy processes as a result of the investigation, the Head of School will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Head of School's discretion unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE/EFA requirements when the Head of School will be required to ensure compliance as soon as possible. The meeting of the panel will be minuted by the Clerk of the Governing Board or in her absence, another appropriate person.

7. Responsibilities under the policy

Governing Body

The Governing Body is responsible for:

- approving the Academy policy, procedures, and guidelines.
- ensuring the Complaints Panel for Stage 3 complies with the appropriate processes.
- monitoring the level and nature of complaints and review the outcomes annually or earlier if so, determined by the Chair.

The Chair of the Governing Board is responsible for:

- receiving complaints at Stage 3 of the complaint's procedure;
- nominating the individuals for the Panel Hearing in Stage 3 and ensuring that it includes one person who is independent from the management and running of the school: and
- checking that the correct procedure is followed.
- monitoring the level and nature of all complaints and reviewing the outcomes and associated lessons to learn annually (and report to the Board of Trustees as appropriate or as required) or earlier if so, determined by the Chair.

The Chair of the Panel at Stage 3 is responsible for ensuring that: •

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard;
- any written material is seen by all parties; and
- related Child Protection and Data Protection rules are observed and maintained.

Head of School

The Head of School is responsible for:

- the overall internal management of the procedures;
- Identifying who will hear complaints at stage 2 of the procedure;
- ensuring that the procedures are monitored and reviewed, and reports made to the Governing Body as appropriate, including reporting changes made to Academy processes as a result of recommendations from Stage 2 or Stage 3 processes.

Head of School's PA

To retain, in a confidential manner (except when requested by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them) the material relating to complaints, including Complaints Forms, all written judgements from stages 1, 2 and 3, and the requests from the complainant to initiate stages 2 and 3, so that they can be made available as appropriate.

All staff

All staff are responsible for:

- listening to any concerns brought to them by parents and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- for informing the relevant staff of the concerns being raised; and
- passing any complaints received from other people who are not parents or students to the Head of School's PA.

8. Complaints about the school to the Education and Skills Funding Agency (ESFA)

- If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether The Jubilee Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).
- The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

9. Vexatious complaints

- The Jubilee Academy takes its responsibilities to investigate concerns and complaints seriously and will do so professionally.
- The Jubilee Academy does not expect staff to tolerate unacceptable behaviour by complainants, which would include behaviour, which is abusive, offensive or threatening.
- The Jubilee Academy defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the school, hinder the ability to investigate their original complaint. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
- An unreasonably persistent and/or vexatious complaint/complainant may:
 - arise from a historic and irreversible decision or incident;
 - have insufficient or no grounds for their complaint, or refuse to specify the grounds for their complaint, and appear to be making the complaint only to annoy or for undeclared reasons;
 - refuse to co-operate with the complaint's investigation process; or refuse to accept that issues are not within the power of the school to investigate, change or influence;
 - make what appear to be groundless complaints about the staff dealing with the complaint(s);
 - make an unreasonable number of contacts with the school, by any means, about the complaint;
 - make persistent and unreasonable demands or expectations of staff and/or the complaints process;
 - harass, abuse, or otherwise seek to harass or intimidate staff dealing with their complaint;
 - raise subsidiary or new issues during the investigation;
 - introduce trivial or irrelevant new information and expect this to be taken into account;

- change the substance or basis of the complaint without reasonable justification;
 - deny statements he or she made at an earlier stage;
 - electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
 - refuse to accept the outcome of the complaint process after its conclusion and/or denying that an adequate response has been given;
 - make the same complaint repeatedly, perhaps with minor differences, and insist that the minor differences make these 'new' complaints which should be put through the full complaint's procedure;
 - persistently approach the school (and potentially other parties such as the Local Authority) through different routes about the same issue; and
 - combine some or all of these features.
- For the purpose of this policy, harassment is the unreasonable pursuit of such actions set out in the preceding paragraph in such a way that they:
 - appear to be targeted over a significant period of time on one or more members of school staff and/or cause ongoing distress to individual member(s) of school staff and/or
 - have a significant adverse effect on the whole/parts of the school community and/or
 - are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
 - In the case of persistent or vexatious complaints and/or harassment, the school will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.
 - If the complainant's behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:
 - inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this Section 7;
 - inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
 - inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
 - in the case of physical, or verbal aggression warn the complainant about being banned from the school site; or proceed straight to a ban;
 - consider informing the police who may seek to take further action under anti-harassment / malicious communication legislation;

10. Record keeping

- The school 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.
- 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, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and [records management policy/record retention schedule].

11. Appendices

Appendix One: Complaint Form

Complaint form



Please complete and return to the PA of the Head of School who will acknowledge receipt and explain what action will be taken.

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Email address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint, including whether you have spoken to anybody at the school about it.	
What action, if any, have you already taken to try and resolve the complaint? Who did you speak to and what was the response?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	
Signature	

Date	
School use only	
Date acknowledgement sent:	
Who sent acknowledgement?	
Signature	
Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary	
Stage 1 (complaint heard by staff)	 Date: Signature:
Stage 2 (complaint heard by senior member of staff)	 Date: Signature:
Stage 3 (appeal heard by Governors)	 Date: Signature: