

***Concerns and Complaints
Policy and Procedure***
November 2021



1. Dealing with concerns and complaints

- 1.1 The JCB Academy is clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.
- 1.2 This procedure deals with complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
- 1.3 This formal procedure will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

2. Investigating complaints

- 2.1 The person investigating the complaint (Complaints Officer) will:
 - 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 further information is required.
 - Clarify what the complainant feels would put things right.
 - Interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish, conducting these interviews with an open mind and keeping notes of all discussions.

3. Resolving complaints

- 3.1 At each stage in the procedure, the academy will consider ways to resolve a complaint. The academy might 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 about will not reoccur.



4. Informal Procedure

4.1 Stage 1: Local resolution of the concern with staff member

- This can be by telephone, in person or in writing. On some occasions the concern raised may require investigation or discussion with others, in which case an informal, but informed, response will be issued to the complainant within five working days. If no resolution is achieved at Stage 1, the complainant will be able to progress to Stage 2.

5. Formal procedure

5.1 Stage 2: Complaint heard by the Principal

- If the complainant does not believe their concern has been resolved to their satisfaction, they should complete a complaints form (see appendix) and return this to the Principal's PA within ten working days of receiving the outcome of Stage 1.
- The Principal's PA will log the complaint and acknowledge receipt of the complaint in writing within three working days of receiving it.
- The Principal's PA will forward a copy of the complaint form to the Complaints Officer within one working day of having received it.
- The Complaints Officer will interview witnesses and take statements from those involved. If the complaint centres on a learner, the learner will also be interviewed, normally in the presence of parents/carers. If the complaint is about a member of staff, his/her needs will be borne in mind.
- Written records of meetings and telephone conversations will be kept.
- Once the facts have been established, the Complaints Officer will present the findings to the Principal. The Principal and/or the Complaints Officer will then arrange to meet the complainant (who may be accompanied) to discuss/resolve the matter directly. This meeting will normally take place within fifteen working days of receipt of the complaint as the aim is to resolve the matter as speedily as possible.
- If the complainant is not satisfied with the outcome of Stage 2, s/he will be able to progress the complaint to Stage 3.



5.2 Stage 2: Complaint heard by the Chair of the Board of Trustees

- If a Stage 2 complaint is about the Principal, the above procedure set out in 5.1 will be followed, the only difference being that the Chair of the Board of Trustees may choose to investigate the complaint personally rather than appoint a Complaints Officer. The Chair of the Board of Trustees will meet with the complainant once the investigation is complete.

5.3 Stage 3: Complaint heard by the Board of Trustees' Appeals Panel

- If a complaint is still not resolved to the complainant's satisfaction, s/he should write to the Clerk to the Board of Trustees within ten working days of receiving the outcome of Stage 2.
- The Clerk will acknowledge receipt of the complaint in writing and will arrange for the complaint to be investigated.
- The Clerk will convene an Appeals Panel which will comprise two Trustees and one independent individual.
- If the complaint is about the Principal, the Appeals Panel will not include the Chair of the Board of Trustees as s/he will already have been involved in investigating the complaint at Stage 2.
- The process will allow for the complainant to attend the hearing and be accompanied if s/he so wishes. The hearing will take place within 20 working days of the receipt of the written request for Stage 3 investigation.
- The Clerk to the Board of Trustees will notify all parties of the outcome of the Panel's decision in writing within five working days after the date of the hearing. The panel 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 reoccur.
- The Clerk to the Board of Trustees will ensure that details of the Panel's findings and recommendations are available at the academy for inspection by the Principal and the Chair of the Board of Trustees.



- There is no right to appeal against the decision of the Appeals Panel. However, if a complainant has been through all the stages of the academy's Complaints Procedure but remains dissatisfied, s/he can ask the ESFA to review the handling of his/her complaint. Further information can be found at www.gov.uk/government/publications/complain-about-an-academy

6. Record keeping

- 6.1 The Principal's PA will keep a written record of complaints received, which will include a full written record of progress and final outcomes of all complaints.
- 6.2 The Principal's PA will ensure that all correspondence, statements and records of complaints are kept confidential

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Stage 2 Complaint Form

A - to be completed by person receiving complaint

Date complaint received: _____

Received by: _____

Name of person making complaint: _____

Learner Parent/Carer Employee Visitor Other

Organisation: _____

Address: _____

Telephone: _____ Email: _____

Summary of complaint (attach letter/email if applicable)

Date passed to Principal's PA: _____

B - to be completed by Principal's PA

Date complaint received: _____ Date acknowledged: _____
(attach copy)

Has this previously been dealt with as a Stage 1 concern? Yes No

Complaints Officer: _____

Date details passed to Complaints Officer: _____

C - to be completed by Complaints Officer

Give details of any action taken to address the complaint. Continue on a separate sheet if necessary.

Date complainant advised of outcome: _____

D - to be completed by Principal's PA

Has the complaint been resolved to the complainant's satisfaction?

Yes

No:

Date passed to Clerk for Stage 3 investigation: _____

Date of Appeals Panel: _____

Date complainant advised of outcome: _____

This space should be used to record any other relevant information, e.g. referral to the Chair of the Board of Trustees