

***Complaints Policy and  
Procedure***  
***June 2024***

---



## **1. Dealing with complaints**

- 1.1 A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by The JCB Academy, its trustees, staff or learners.
- 1.2 Complaints will be accepted up to three months after the issue(s) which resulted in the complaint occurred. However, the academy will take exceptional circumstances into account when deciding whether to accept or progress a complaint.
- 1.3 The academy is clear about the difference between a concern and a complaint. Taking concerns seriously at the earliest stage will reduce the number that develop into complaints.
- 1.4 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 a concern informally.
- 1.5 This procedure will be invoked when initial attempts to resolve a concern are unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter further.
- 1.6 Complaints need to be considered and resolved as quickly and efficiently as possible and time limits are set out within each stage of this procedure. However, where further investigations are necessary and published timescales cannot be met, new time limits may need to be set. In these circumstances, the complainant will be sent details of the new deadline(s) with an explanation of the delay.

## **2. Resolving complaints**

- 2.1 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 situation will not reoccur.

## **3. Stage 1: Informal**

- 3.1 A complaint can be made informally by email, by telephone, in person or in writing to the appropriate person. On some occasions the issue(s) raised may require investigation or discussion with others, in which case an informal, but informed, response will be issued to the complainant within fifteen working days of receipt of their complaint. If no resolution is achieved at Stage 1, the complainant will be able to progress to Stage 2.



#### **4. Stage 2: Formal**

- 4.1 If the complainant does not believe their complaint has been resolved to their satisfaction, they should contact the Principal's Executive Assistant within five working days of receiving the outcome of Stage 1, clearly setting out in writing the reasons for moving to Stage 2 of the procedure.
- 4.2 The Executive Assistant will log the complaint and acknowledge receipt in writing within three working days of receiving it.
- 4.3 The Executive Assistant will forward a copy of the complaint to the Complaints Officer who is nominated by the Principal within one working day of having received it.
- 4.4 The Complaints Officer will establish what has happened so far and who has been involved, clarify the nature of the complaint and what remains unresolved, will meet or speak with the complainant if further information is required and will clarify what the complainant feels would put things right.
- 4.5 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, their needs will be borne in mind.
- 4.6 Written records of meetings and telephone conversations will be kept.
- 4.7 Once the facts have been established, the Complaints Officer will present their findings to the Principal.
- 4.8 The Principal will write to the complainant confirming the outcome of the complaint within 30 working days of its receipt.
- 4.9 If the complainant is not satisfied with the outcome of Stage 2, they will be able to progress to Stage 3.
- 4.10 If a complaint is about the Principal or a trustee, the above procedures will be followed, the only differences being:
  - the Chair of Trustees may choose to investigate the complaint personally rather than appoint a Complaints Officer;
  - the Chair of Trustees will write to the complainant confirming the outcome of the complaint within 30 working days of its receipt.

#### **5. Stage 3: Panel hearing**

- 5.1 If a complaint is still not resolved to the complainant's satisfaction, they must write to the Clerk to Trustees within ten working days of receiving the outcome of Stage 2, explaining clearly why they wish to proceed to Stage 3.
- 5.2 The Clerk to Trustees will acknowledge receipt in writing.
- 5.3 A panel hearing will be held within 30 working days of receipt of the request to move to Stage 3.



- 5.4 The panel will comprise three members - two Trustees and one member who is independent of the management and running of the academy - none of whom will have been directly involved in the matter(s) detailed in the complaint nor have any prior connection to the complaint.
- 5.5 The complainant will be invited to attend the panel hearing and can be accompanied if they wish. As the panel is not a form of legal proceedings, neither the complainant nor the panel will normally be entitled to have legal representation at the hearing.
- 5.6 The aim of the panel hearing will be reconciliation and to put right things that may have gone wrong.
- 5.7 The panel's findings and, where applicable, recommendations will be provided in writing to the complainant and, where relevant, the person complained about, within 15 working days of the hearing, clearly setting out the panel's conclusion and reasons for any decision and explaining any further rights of appeal.
- 5.8 The panel's findings and, where applicable, recommendations will be made available for inspection at the academy's premises by the Principal and the Chair of Trustees.
- 5.9 There is no right to appeal against the decision of the panel. However, if a complainant has been through all the stages of this procedure but remains dissatisfied, they can ask the ESFA to review the handling of their complaint. Further information can be found at [www.gov.uk/government/publications/complain-about-an-academy](http://www.gov.uk/government/publications/complain-about-an-academy).

## **6. Persistent and vexatious complaints**

- 6.1 In most cases dealing with a complaint will be a straightforward process, however there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainant begin to impact negatively on the day-to-day running of the academy and directly or indirectly the overall wellbeing of learners or staff. In these exceptional circumstances the academy may take action in accordance with section 6 of this procedure.
- 6.2 Raising legitimate concerns or criticisms of a complaints procedure as it progresses does not make a complainant vexatious and neither does a person seeking to challenge the outcome of a complaint that they are unhappy with. The vast majority of complaints, even those which are not upheld by the academy, will not be defined as vexatious.
- 6.3 For the purposes of this policy, a persistent/vexatious complainant is an individual who complains about issues, either formally or informally, or frequently raises issues that they consider to be within the remit of the academy and whose behaviour is unreasonable. Such behaviour may be characterised by:
- frequently complaining about a variety of different things, or the same issue, through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;



- seeking unrealistic outcomes relative to the issue being raised and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences, but never accepting the outcomes of any investigation into their complaint;
- challenging a historical decision/action that cannot be changed;
- contacting the academy frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the academy and/or individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at different stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and/or conversations without the prior knowledge and consent of the other person involved;
- using obscene, offensive or threatening language in written or verbal communications;
- threatening, aggressive or abusive behaviour in direct personal contact with academy staff;
- using the vehicles of valid new complaints to resurrect issues which were included in previous complaints and/or persistently sending communications which demand responses or making telephone calls seeking interviews with staff after the academy has closed the investigation into a complaint and all rights of review and appeal have been exhausted;



- insisting on only dealing with the Principal on all occasions irrespective of the issue and the level of delegation in the academy to deal with such matters;
  - insisting upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.
- 6.4 For the purposes of this policy, harassment is the unreasonable pursuit of such actions outlined above in such a way that they:
- appear to be targeted over a significant period of time on one or more members of academy staff; and/or
  - cause ongoing distress to individual members of academy staff; and/or
  - have a significant adverse effect on whole or parts of the academy community; and/or
  - are pursued in such 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 the recipient's confidence, wellbeing and or/health.
- 6.5 In the first instance, if the academy considers a complainant's behaviour to be unreasonable/unacceptable they will be informed in writing that if their behaviour is not modified action may be taken in accordance with this policy.
- 6.6 Where a complainant is identified as persistent or vexatious under the scope of this policy, the Principal and Chair of Trustees will determine what action to take. The Principal will implement such action and will notify the complainant, in writing, of the reason(s) why they have been classified as persistent or vexatious and what action will be taken.
- 6.7 If the behaviour of the complainant is not modified, the academy 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 academy community:
- restrict contact to liaison through a designated member of staff;
  - restrict contact to liaison through a third party;
  - notify the complainant in writing that the Board of Trustees has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose;
  - notify the complainant in writing that any form of contact, either orally or in writing in relation to their complaint, or any further complaints relative to the same period of time or on the same or similar issues as an earlier complaint, is at an end and that further contact received will be acknowledged but not answered;
  - temporarily suspend, for a period to be specified to the complainant, all contact with the complainant.



- 6.8 The academy will only take the decision to stop responding to an individual if:
- it has taken every reasonable step to address the complainant’s concerns; and
  - the complainant has been given a clear statement of the academy’s position and the complainant’s options; and
  - the complainant contacts the academy repeatedly, making substantially the same points each time.
- 6.9 Once a complainant has been determined as persistent or vexatious, such status will be regularly reviewed by the Principal and Chair of Trustees and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedure would appear appropriate.

## **7. Record keeping**

- 7.1 The Executive Assistant will keep a written record of complaints received, which will include a full written record of progress and final outcomes of all complaints.
- 7.2 The Executive Assistant will ensure that all correspondence, statements and records of complaints are kept confidential
- 7.3 The Clerk to Trustees will keep a written record relating to complainants identified as persistent or vexatious.

---

Date of approval by Governing Body:	8 December 2009
Updated and reapproved:	21 September 2010
Reviewed and reapproved:	24 January 2012
Reviewed and reapproved:	5 May 2015
Date of next review:	May 2017
Reviewed and reapproved:	12 February 2018
Reviewed and reapproved:	17 June 2020
Updated:	1 October 2020
Reviewed and reapproved:	24 November 2021
Reviewed and reapproved:	13 June 2024

