



# Complaints Policy and Procedure

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# Complaints Policy and Procedure

## 1. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to James Montgomery Academy Trust about any provision of facilities, schools or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## 2. The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. James Montgomery Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher of the school will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher of the school or CEO of the Trust, if necessary, will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, James Montgomery Academy Trust will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

## 3. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing using the complaint form, by telephone or email. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

- Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.
- Complaints that involve, or are about the headteacher should be addressed to the Chair of Governors of the school also via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.
- Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Chair of Trustees, via the JMAT email ([info@jmat.org.uk](mailto:info@jmat.org.uk)). Please mark them as Private and Confidential.

For ease of use, a template complaint form is included within this procedure. If you require help in completing the form, please contact the Trust Head Office via the JMAT email (info@jmat.org.uk). You can also ask a third-party organisation for example like Citizens Advice to help you.

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. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

#### 5. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if specific circumstances apply.

#### 6. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

#### 7. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by James Montgomery Academy Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<b>Admissions to schools</b>	Concerns about admissions should be handled through the admission agreement or via the local authority.
<b>Matters likely to require a Child Protection investigation</b>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>Rotherham LADO - 01709 336080  Doncaster LADO - 01302 737332  Sheffield LADO - 0114 2734855</p>

<p><b>Exclusion of children from school*</b></p>	<p>Further information about raising concerns about exclusion can be found at:</p> <p><a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p>* Complaints about the application of the behaviour policy can be made through the school's Complaints Procedure which can be found on the school website.</p>
<p><b>Whistleblowing</b></p>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<p><b>Staff grievances</b></p>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<p><b>Staff conduct</b></p>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against James Montgomery Academy Trust or one of its schools in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 8. Resolving complaints

At each stage in the procedure, James Montgomery Academy Trust wants to resolve the complaint. **If appropriate**, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that we will try to ensure the event complained of will not recur.

- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.
- An undertaking to review school policies in light of the complaint.
- An apology.

## **9. Withdrawal of a complaint**

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

## **10. Stage 1 – Informal complaints**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher or headteacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 5 school days of the date of receipt of the complaint either in person, via email or post.

If the issue remains unresolved, the next step is to make a formal complaint.

## **11. Stage 2 – Formal complaints**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, by email or in writing, preferably on the Complaint Form. (**Appendix 1**).

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days, confirming if this has been unresolved at Stage 1 or accepted as a formal complaint at Stage 2.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions James Montgomery Academy Trust and its schools will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

## **12. Stage 2 complaint – About the Headteacher**

If the complaint is about the headteacher a member of the governing body (preferably the Chair or Vice-Chair), or a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the headteacher must be made to the Clerk via the school office.

## **13. Stage 2 complaint – About a Governor or the Governing board**

If the complaint is:

- Jointly about the Chair and Vice Chair.
- The entire governing body.
- The majority of the governing body.

This complaint will be escalated to the CEO of the academy trust.

Complaints about a member of the governing board or the governing board in its entirety must be made to the Clerk via the school office.

## **14. Stage 3a – Chair/ Vice-Chair Meeting**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, this can be escalated to complaint Stage 3a – a meeting with either the Chair or Vice-Chair to resolve concerns or issues raised.

A request to escalate to Stage 3a must be made to the Clerk, via the school office, within 7 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of the complaint being received. The Chair / Vice-chair will be informed of the broad focus of the complaint e.g bullying, safeguarding etc, but not the details.

At the conclusion of their investigation, the Chair/Vice-chair will provide a formal written response within 7 school days after the meeting has taken place.

\*Within the resolution outcome the complainant will have 10 days from the date of receiving the formal written response from the Chair/Vice-chair to escalate to a Stage 3b. After this time any further/additional issues will be dealt with as a Stage 1 complaint.

**Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures. Outcomes of staff conduct complaints will not be shared.**

## **15. Stage 3b – Panel Meeting**

If the complainant is dissatisfied with the outcome at Stage 3a and wishes to take the matter further, they can escalate the complaint to Stage 3b – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is

independent of the management and running of the school. **This is the final stage of the Complaints Procedure.**

A request to escalate to Stage 3b must be made to the Clerk, via the school office, within 7 school days of receipt of the Stage 3a response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

They will aim to convene a meeting within 10 school days of receipt of the Stage 3a response. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

**Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.**

Representatives from the media are not permitted to attend.

If the complainant rejects the offer of three proposed dates, without a valid reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from all involved.

At least 3 school days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- Request copies of any relevant written material to be submitted to the panel at least 3 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The panel members will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any **new complaints** at this stage or consider evidence unrelated to the initial complaint to be included. **New complaints must be dealt with from Stage 1 of the procedure.**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- Uphold the complaint in whole or in part.
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and James Montgomery Academy Trust with a full explanation of their decision and the reason(s) for it, in writing, within 7 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by James Montgomery Academy Trust. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions James Montgomery Academy Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by e-mail / post or otherwise given to the complainant and, where relevant, the person complained about.

A written record will be kept of all complaints, and of whether they are resolved and at what stage or they have proceeded to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

#### **16. Complaints about the Trust**

If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated. This needs to be sent via email to [info@jmat.org.uk](mailto:info@jmat.org.uk).

The Trust Clerk will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 3b of this Complaints Procedure and will confirm the date for providing a response to the complainant.

If this time limit cannot be met, the CEO will write to the Complainant within **7 school days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

#### **17. Complaints about the CEO or Trustee**

If the complaint is about the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair of the Trust board, the complaint will be referred to the Vice Chair of the Trust board for investigation

Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO within 7 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by James Montgomery Academy Trust. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions James Montgomery Academy Trust will take to resolve the complaint.

#### **18. Education and Skills Funding Agency (ESFA)**



The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by James Montgomery Academy Trust. They will consider whether James Montgomery Academy Trust 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](http://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

## Appendix 1

### Complaint Form

Please complete and return to relevant party – determined by your complaint. (Either headteacher / Clerk / other – see Roles and Responsibilities) who will acknowledge receipt and explain what actions will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

<p><b>What actions do you feel might resolve the problem at this stage?</b></p>
<p><b>Are you attaching any paperwork? If so, please give details.</b></p>
<p><b>Signature:</b></p>
<p><b>Date:</b></p>
<p><b>Official use</b></p>
<p><b>Date acknowledgement sent:</b></p>
<p><b>By who:</b></p>
<p><b>Complaint referred to:</b></p>
<p><b>Action taken:</b></p>
<p><b>Date:</b></p>

## **Complainant**

The complainant will receive a more effective response to the complaint if they:

- Explain the complaint in full as early as possible.
- Co-operate with the school in seeking a solution to the complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

## **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
  - Interviewing staff and children/young people and other people relevant to the complaint.
  - Consideration of records and other relevant information.
  - Analysing information.
- Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- Ensure that any papers produced during the investigation are kept securely pending any appeal.
- Be mindful of the timescales to respond.
- Prepare a comprehensive report for the headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator**

**(This could be the headteacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)**

**The complaints co-ordinator should:**

- Ensure that the complainant is fully updated at each stage of the procedure.
- Liaise with staff members, headteacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaint's procedure.
- Be aware of issues regarding:
  - Sharing third party information.

- Additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person.
- Keep records.

### **Clerk to the Governing Body / Trust Board**

The Clerk is the contact point for the complainant and the panel and should:

Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR).

- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- Collate any written material relevant to the complaint (for example: Stage 3 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- Record the proceedings.
- Circulate the minutes of the meeting.
- Notify all parties of the panel's decision.

### **Panel Chair**

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- The remit of the panel is explained to the complainant.
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- The issues are addressed.
- Key findings of fact are made.
- The panel is open-minded and acts independently.
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- The meeting is minuted.
- They liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Panel Member**

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so.

No governor / trustee 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 meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- Many complainants will feel nervous and inhibited in a formal setting.

Parents/carers often feel emotional when discussing an issue that affects their child.

- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

# JMAT Complaints Procedure Flowchart



