



# **COMPLAINTS PROCEDURES POLICY**

**December 2018**

Reviewed Oct 2019

To be reviewed Oct 2021

## Statement of intent

The **James Montgomery Academy Trust (JMAT)** aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that JMAT provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

At schools within the JMAT, the Head of School/Headteacher will be the main point of contact when following the complaints procedure, however we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.

In the event that these initial approaches fail to resolve a complaint this policy lays out the procedures that should be followed to allay any concerns about a particular issue.

If you do not understand any part of this policy please do not hesitate to contact the Head of School/Headteacher or the Chair of the Local Governing Body.

## Legal framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002, Education (Independent School Standards) Regulations 2014
- GDPR 2018
- The Freedom of Information regulation 2010
- The Immigration Act 2016
- The Equality Act 2010

This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures' 2019
- Governors Handbook 2019
- Ofsted guidance to parents
- JMAT Whistleblowing Policy
- JMAT Vexatious Complaints Policy

## Definition

For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ which can be regarding actions taken or a perceived lack of action.

Complaints can be resolved formally or informally dependent on the complainant’s choice. A concern can be defined as ‘an expression of worry or doubt’ for which reassurance is sought.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

NB. For the purpose of this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

## **Making a complaint**

The JMAT will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's senior leadership team.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises in order to address the issue in an appropriate timescale.

Formal complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form \(see Appendix 1\)](#).

All complaints shall be considered whether made in person, by telephone, in writing or received electronically via email.

A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.

Any complaint made against the Head of School/Headteacher shall be initially dealt with by the Chair of Governors who will inform, where appropriate, the JMAT's head office.

Any complaint made against the Chair of Governors or any other member of the governing body should be made in writing to the Clerk to the governing body.

### **Stage 1 - Registering a Complaint**

Initially we would ask that a parent or pupil discusses the complaint with the relevant member of staff. However, if they have difficulty with discussing this issue with that member of staff the complaint can be referred to a senior member of school staff. Similarly, if the member of staff directly involved felt unable to deal with the complaint then another member of school staff can be allocated to deal with the complaint in the first instance.

If governors are involved in a complaint at an early stage they must be made aware of the procedure to be followed for complaints and not act unilaterally outside the formal procedure.

### **Stage 2 - Formal Complaint**

If a parent or pupil felt that their initial contact with a member of school staff did not deal with the concern to their satisfaction they should complete a Complaints Form ([Appendix 1](#)) and return it to the Head of School/Headteacher or Chair of the Local Governing Board (if the complaint refers to the Head of School/Headteacher)

If the complaint concerns the governing body then the form should be returned to the JMAT's head office (contact details can be obtained in confidence from the JMAT head office and Clerk to the Directors).

## Investigating the Complaint

The nature of the complaint will be clarified and unresolved issues outlined. It will be established what has happened so far and who has been involved. A meeting will be arranged to ensure all the information relating to the complaint has been documented and to find out what action the complainant feels would put things right.

A reasonable time frame for investigation and potential resolution will be established after initial review of the complaint and shared with all parties. This will be determined by the details and circumstances of the complaint.

Everyone involved in the complaint will be interviewed, accompanied by a friend or companion, if they wish, to ensure that all the facts of the complaint are understood. Notes will be kept of the discussions and **all parties asked to sign the notes to show that they feel they were an accurate record of the meeting.**

The time frame will be documented within the initial interview process and adhered to.

Those involved in the complaint will be encouraged to say what actions they feel would remedy the situation at any time. The Head of School/Headteacher or Chair of Governors will remain impartial during the interviews. The Head of School/Headteacher will maintain a record of any formal complaints.

## Resolving Complaints

Once the complaint has been fully investigated those persons involved will be informed of the findings and suggested actions to remedy the situation. Areas of agreement between the parties will be highlighted and any misunderstandings clarified to create a positive atmosphere in which to discuss outstanding issues. If, for any reason, any party involved in the complaint remains dissatisfied following any investigations, the Chair of the Governing Body will be informed, who may then seek further advice on dealing with the matter. The Chair of the Governing Body does have the right to inform the complainant that the complaints procedure has been exhausted and that the matter is now closed.

## Stage 3 - The Complaints Appeal Panel

If necessary, the Chair of the Governing Body will convene a Complaints Appeal Panel consisting of three governors who should not have been involved in the earlier stages of the complaint (they will elect their own Chair). A Clerk will be appointed to the panel, who will set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. They will collate any written material and send it to the parties in advance of the hearing, meet and welcome the parties as they arrive at the hearing, record the proceedings and notify all parties of the panel's decision.

Decision makers should be mindful of **'The 7 Principles of Public Life'**

**This Complaints Appeal Panel is the last school based stage of the complaints process.** Full details of individual complaints would not be heard by the whole governing body at any stage as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of equality and inclusion.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The 'Panel Chair' will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The 'Panel Chair' needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; this is usually within a set timeframe agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. In the event that the complainant does not feel that their complaint has been dealt with to their satisfaction by the school they may contact the JMAT's head office, contact details may be obtained from the schools office at any time.

***Non-attendance by the complainant at the appeal panel meeting will constitute the complaint being considered closed.***

**Time Limits** - Complaints need to be considered, and resolved, as quickly and efficiently as possible and within realistic time limits that may be set by the Chair of Governors or Head of School/Headteacher and 'Panel Chair' and agreed by the complainant at each of the three school based stages.

### **Complaints not covered by this procedure**

Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of Special Educational Needs and Disabilities
- Matters which may require a Child Protection Investigation
- Complaints against the JMAT and or its core team – these should be directed to the Clerk to the Directors, details of which can be found from the JMAT's head office.
- Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>

The JMAT has an internal whistleblowing procedure for all employees and voluntary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

Staff grievances and disciplinary procedures will be dealt with using the JMAT's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

### **Exceptional circumstances**

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the LA.

If a social services authority decides to investigate a situation, the Head of School/Headteacher or Local Governing Body may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

## **Review of Complaints**

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Head of School/Headteacher will report any official complaints in their Report to Governors.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the governing body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body will be a useful tool in evaluating the school's performance.

## **Publicising the Procedure**

There is no legal requirement for this Complaints Procedures to be publicised, but in line with the JMAT ethos of clarity and transparency, each school within the JMAT will include this information on their website and a copy will also be included in the Policy File held in the school office.

## APPENDIX 1

### Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the **Head of School/headteacher**. (If your complaint is against the headteacher, you will need to send the form to the **Chair of the Local Governing Body**)

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Head of School/headteacher to take?          	
When and with whom did you discuss your concern / complaint ?          	
What was the result of the discussion?          	
Signed:	Date: