



# John Milton Academy Trust

## Complaints Procedure

History:

Adoption / Review	Trust Board/Trust Committee	Lead Personnel	Review Date
2 <sup>nd</sup> September 2016	Board of Directors	Chair	31 <sup>st</sup> August 2018
20 <sup>th</sup> July 2018	Board of Directors	Chair	31 <sup>st</sup> August 2020

This policy applies to any matter (other than matters relating to admissions, exclusions, safeguarding, or allegations against staff) which has been raised with any individual academy by parents/carers as a matter of concern, but which has not been capable of resolution informally and which the complainant, or the academy, considers should be dealt with on a formal basis. Please note that the matters which fall outside the remit of this policy are subject to separate procedures.

This policy must be made available to parents of students at the following schools:

- Bacton Primary School
- Cedars Park Primary School
- Mendlesham Primary School
- Stowupland High School

### Stage 1 – Informal Resolution

1.1 The Trust publishes guidance on how matters of concern should be raised on an informal basis. For each school within the Trust, this is documented in Appendix A. It is expected that where the matter relates to a student, it will have been raised with the student's form tutor/class teacher/Progress Leader before a request is made to deal with it under this policy. If a matter is not resolved at the informal stage then a complainant may take it to the formal stage.

1.2 It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the individual academy's Code of Conduct. The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

### Stage 2 – Formal Resolution at Local Level: Investigation by a member of the Senior Leadership Team

2.1 The complainant must put the complaint in writing, addressed to the relevant senior leader setting out briefly the facts and stating what it is that the complainant considers should have been done or where the academy has not met reasonable expectations.

2.2 An investigation will be carried out by the senior leader which may include the offer of a meeting with the complainant. The senior leader will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place **within 15 school days** of the written complaint being received.

2.3 The senior leader will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

2.4 Any complaint relating to the designated senior leader must be raised in the first instance with the Headteacher who will, if an informal resolution has not been reached, designate a member of the Local Governing Body to investigate in the same way as in the first stage of the formal process outlined above.

2.5 Where the complainant remains dissatisfied, s/ he may request that the complaint is dealt with at Stage 3. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied and lodged within **10** school days of the complainant receiving the findings in writing.

### Stage 3 – Formal Resolution: Headteacher and/or Local Governing Body

3.1 The complainant must put the complaint in writing, addressed to the Heateacher, setting out briefly the facts and stating what it is that the complainant considers should have been done, or where the academy has not met reasonable expectations.

3.2 The Headteacher may appoint a member of the Local Governing Body of the individual academy and/or an independent investigator to investigate the complaint. The investigation may include the offer of a meeting with the complainant, whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

3.3 The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

3.4 Where the complainant remains dissatisfied s/he may request the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the Stage 3 findings in writing. The request must be addressed to the Clerk of the John Milton Academy Trust.

3.5 Where a complaint involves, or is against, the Headteacher, the complaint will be considered at Stage 3. The complainant must put the complaint in writing, addressed to the Chair of Governors at the school, setting out briefly the facts and stating what it is that the complainant considers should have been done.

3.5.1 The Chair of Governors will assign a member of the Local Governing Body and an indepedent investigator to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

3.5.2 The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of any meeting with the complainant; if no meeting is arranged it will be within 15 school days of the written complaint being received.

3.5.3 Where the complainant remains dissatisfied s/he may request the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the complainant receiving the Stage 3 findings in writing. The request must be addressed to the Clerk of the John Milton Academy Trust.

#### Stage 4 – Formal Resolution: Panel Hearing

- 4.1 The Complaints Panel of the John Milton Academy Trust will consider all complaints at Stage 4.
- 4.2 The Complaints Panel will comprise at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its academies.
- 4.3 The Complaints Panel may also include one or more persons from the following categories:
- (i) A member of the local governing body of the academy from which the complaint emanated;
  - (ii) A member of a local governing body from another academy within the Academy Trust;
  - (iii) A member of the Board of Trustees from the Academy Trust;
- 4.4 None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 4.5 The Clerk to the Trust will invite the individual academy to put in writing its response to the complainant's reasons. The academy will provide this within 15 school days. At the end of that period (whether or not the academy has responded) the [Clerk] will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within 15 school days of the end of the academy's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
- 4.6 The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The academy will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
- 4.7 The Panel may make findings and recommendations and a copy of those findings and recommendations will be:
- (i) given in written form (hard copy) to the complainant and, where relevant, the person about whom the complaint was made;
  - (ii) available for inspection on the academy premises by the Academy Trust, the Headteacher and the Chief Executive Officer.
- 4.8 The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk will notify all concerned.

#### 5. Attendance at a Complaints Panel Hearing

The Complaints Panel will only be arranged if the complainant and / or their representative attend. If the complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will lose their right to the complaint being

heard. Any further attempt to re-open the matter will be considered as falling under the serial / persistent complaint section as below.

## 6. Serial or Persistent Complainants

If, at any level, a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Academy Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence is vexatious and that the Academy Trust will not respond to any further correspondence on this issue or any closely related issue.

## 7. Time Limit and Exemptions for Complaints

7.1 Time limits: Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the last 12 months. Complaint will not usually be able to be considered if the student concerned no longer attends the school.

7.2 Exclusions to the policy: This Policy cannot be used for any complaint relating to admissions, exclusions, safeguarding or allegations against staff. Please note the following:

- Safeguarding referrals – schools have a duty to safeguard and promote the welfare of their students under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually local authority children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgement about possible abuse or neglect but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.
- Allegations of abuse – allegations against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Trustees immediately. In all cases, the Suffolk Safeguarding Children Board Arrangements For Managing Allegations Of Abuse Against People Who Work With Children Or Those Who Are In Positions Of Trust will be followed.

## 8. Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or proceeded to a stage 4 panel hearing. The action taken by the academy or the Academy Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

## 9. Confidentiality

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.

## APPENDIX 1: Specific Procedures for each school

### 1. Stage 1: Informal Procedures

Please begin by telling the form teacher / subject teacher or subject leader / progress leader about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the relevant member of staff as soon as possible as this will give both parties the opportunity to talk about the issue. However, please bear in mind that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the teacher concerned to make a brief written record of the concern raised and any actions agreed.

You can make contact by email or by telephoning the school:

**Mendlesham Primary School:** [admin@mendleshamschool.org.uk](mailto:admin@mendleshamschool.org.uk) or 01449 766224

Please note that complaints should be directed to these designated addresses and not to the addresses of individual members of staff.

### 2. Stage 2: Formal Procedure

**Mendlesham Primary School: Mr Singleton (or in the event of a complaint about Chestnut Class – Mrs Wesley)**

Please note that complaints should be directed to the addresses given above and not to the addresses of individual members of staff

### 3. Stage 3: Formal Procedure

If complaints have not been resolved at Stage 2, then they may progress to Stage 3.

The complainant must put the complaint in writing, addressed to the Heateacher, setting out briefly the facts and stating what it is that the complainant considers should have been done, or where the academy has not met reasonable expectations. The Headteacher may nominate a member of the Local Governing Body to investigate the complaint.

Complaints should be addressed for the attention of:

**Mendlesham Primary School:** Mrs T Sait and sent to [admin@mendleshamschool.org.uk](mailto:admin@mendleshamschool.org.uk)

Where a complaint involves, or is against, the Headteacher, complaints should be addressed to the Chair of Governors at each school:

**Mendlesham Primary School:** Mrs S Jones and sent to [admin@mendleshamschool.org.uk](mailto:admin@mendleshamschool.org.uk)

**Flowchart of procedure for handling concerns and complaints:**



