



Zest Academy Trust

Complaints policy

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Person Responsible: Principal

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Registered in England No. 8087508 Company Limited by Guarantee

Purpose

To establish a procedure for dealing with complaints relating to the Trust, as required by section 29(1) (a) of the Education Act 2002.

Scope

All matters relating to the actions of staff and application of Trust procedures where they affect the individual pupils concerned, except matters relating to the curriculum, exclusion, admissions etc, which are subject to separate procedures.

General Principles

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

To allow for a proper investigation, complaints should be brought to the attention of the Trust as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

Investigation of any complaint or review request will begin within 5 days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

Complaining about a member of staff

Part A: Complaining about the actions of a member of staff other than the Principal.

1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff¹ concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns it may be appropriate to address them directly to the Principal²] An unreasonable refusal to attempt an informal resolution may result in

the procedure being terminated forthwith. [Any dispute in relation to the “reasonableness” may be determined through the review process]

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Principal², who will be responsible for its investigation.^{3, 4}

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Principal² may meet with the complainant to clarify the complaint.⁵

The Principal² will collect such other evidence, as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend, or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the academy may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

The complainant will be told that consideration of their complaint by the Principal is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Academy Council review the process followed by the Principal² in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Principal, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Principal is perverse, or that the Principal has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Principal under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B Complaining About The Actions Of The Principal

1) Informal stage

The complainant is usually expected to arrange to speak directly with the Principal. [In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Academy Council⁶] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Academy Council⁶ who will determine which of the agreed procedures to invoke^{3,4}. If it is determined that the complaint is "General", the Chair⁶ will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc... . In addition the complainant will be invited to meet with the Chair⁶ to present oral evidence or to clarify the complaint.⁵

The Chair⁶ will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Principal will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair⁶. Once there has been an opportunity for the Principal to consider this, he/she will be invited to meet separately with the Chair⁶, in order to present written and oral evidence in response. A friend or representative may accompany the Principal at this meeting.

When the investigation has been concluded, the complainant and the Principal will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair⁶ is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair⁶ is perverse, or that the Chair⁶ has acted unreasonably in considering the complaint, then the complainant may request that the Academy Council review the handling of the complaint by the Chair⁶. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair⁶, and include a statement specifying any perceived failures.

Complaining to the Education Funding Agency (EFA)

The Education Funding Agency (EFA) will normally only consider a complaint about an Academy after the Academy's own complaints procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academies; they can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an Academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

The EFA will look at complaints about academies/Trusts that fall into the following areas:

- undue delay or non-compliance with an academy/Trust's own complaints procedure
- an academy/Trust's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy'/Trusts failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

The EFA will not investigate complaints that are about, for example:

- the quality of education or leadership, or concerns affecting the academy/Trust as a whole. These should be raised with Ofsted
- discrimination. These should be raised with the Equality Advisory Support Service

- data protection. These should be raised with the Information Commissioner's Office
- exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- criminal behaviour. These should be raised with the police
- being, or have been, considered by a court or similar body
- employment matters. These should be raised through the academy/Trust's grievance procedure, or taken to an Employment Tribunal
- safeguarding or child protection matters. These should be taken up with the academy/Trust's Local Safeguarding Children's Board
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The EFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The EFA reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

Review Process (Part C)

Any review of the process followed by the Principal² or the Chair⁶ shall be conducted by a panel of 3 members of the Academy Council.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Principal¹ or the Chair⁶, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Principal¹ or the Chair⁶, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Academy Council will take steps to prevent a recurrence or to rectify the situation [where this is practicable]

A model letter is included in annex 3.

Notes

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.⁷

If a complainant believes that the Academy Council has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

Superscripts

¹ Or other designated post-holder/middle manager, such as a Key-stage

Co-ordinator, Head of Department, Head of Year.

² Or other designated member of staff on behalf of the Principal [in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same]

³ Alternatively the complainant may be referred back to the informal stage of the procedure.

⁴ If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

⁵ It may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

⁶ Or designated academy council member responsible for investigating complaints

⁷ For the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.

Annex 3: Model Letters

Zest Academy Trust Complaint Form

Please complete this form and return it to Principal / Clerk to the Academy Council, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with academy [e.g. parent of a pupil on the academy's roll]:

.....

Pupil's name [if relevant to your complaint]

.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated.

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Academy use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Model Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the academy council's General Complaints Procedure as:

[Please select appropriate wording from the following]

You have not identified any specific actions of which you might complain

- o Your concerns are presented as conclusions rather than specific actions of which you complain.
- o The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- o The substance of your complaint has been addressed under this procedure already.
- o The concerns that you raise do not fall within the scope of this procedure.
- o You have not identified any potential sources of evidence which might allow the matter to be investigated.
- o The academy offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in Annex 3 of the complaints procedure, by writing to the Clerk to the Academy Council.

Yours sincerely

Principal

Or Chair of the Academy Council

Model letter of Notification of 'Decision Regarding General Parental Complaint'

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The academy will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the academy has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Principal / Chair of the Academy Council

cc. Principal

Model Review Outcome Notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Academy Council Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the academy is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Academy Council Complaints Review Panel has concluded that the Principal/ Chair of the Academy Council followed the General Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the academy will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Academy Council Complaints Review Panel has concluded that the Principal / Chair of the Academy Council followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the academy is concerned.

Yours sincerely

Chair of Complaints Review Panel

cc. Principal

Chair of Academy Council