



Zest Academy Trust

Complaints policy

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Person Responsible: Headteacher

Version Number: 3

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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 Headteacher.

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 Headteacher²] 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 Headteacher², 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 Headteacher² may meet with the complainant to clarify the complaint.⁵

The Headteacher² 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 Headteacher 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 Headteacher² in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the

Headteacher, 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 Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher 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 Headteacher

1) Informal stage

The complainant is usually expected to arrange to speak directly with the Headteacher. [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 Headteacher 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 Headteacher 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 Headteacher at this meeting.

When the investigation has been concluded, the complainant and the Headteacher 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 and Skills Funding Agency (ESFA)

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

The ESFA 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 ESFA 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 ESFA 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 ESFA 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 Headteacher² 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 Headteacher² 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 Headteacher² 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]

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 Headteacher [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 Headteacher / 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:			