



**Waterloo**  
Primary Academy

## **Complaints Policy**

**Approved & Adopted:** January 2016  
**Responsible Personnel:** J. Brown  
**Policy Last Reviewed/Approved:** April 2023  
**Review Period:** Annual  
**Review Date:** April 2024



## Purpose

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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

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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

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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.

### Complaints procedure for parents

#### Stage 1: Informal Concerns

Most concerns can be dealt with by the class teacher, Phase Leader or other members of staff. We value informal meetings and discussions and encourage parents/carers to approach staff with any concerns they may have. We aim to resolve all issues by open communication.

Where parents/carers have a concern, we ask that the nature of the complaint is highlighted to staff along with the outcome being sought. Where appropriate, parents/carers may be invited to attend an informal meeting with the member of staff most appropriate for dealing with the concern. The member of staff dealing with the concern will make sure that parents/carers are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Head of School, she may decide to deal with your concerns directly at this stage. If the concerns are about the Head of School, these should be referred directly to the Chair of the Academy Council under **Part B Complaining About The Actions Of The Head of School**

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your

concerns to be considered further, you should write to the Head of School under Stage 2 of this procedure within 15 school days.

### Stage 2: Formal written complaints

If your concerns are not resolved under Stage 1, you should put your complaint in writing and send this to the Head of School.

It is very important that you include a clear statement of the actions that you would like to be taken to resolve your complaint. In all cases your written complaint must include:

- the nature of the complaint
- details of how the matter has been dealt with so far
- the names of potential witnesses, dates and times of events and copies of all relevant documents and a clear statement of the actions that you would like us to take to resolve your complaint

If appropriate, the Head of School (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you.

Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

If necessary, witnesses will be interviewed and statements taken from those involved. Once the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken to resolve the complaint (if any).

You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Academy Council.

## Complaining about a member of staff

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### Part A: Complaining about the actions of a member of staff other than the Head of School.

#### 1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff <sup>1</sup> 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 Head of School<sup>2</sup>] 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 Head of School<sup>2</sup>, who will be responsible for its investigation.<sup>3, 4</sup>

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 of School<sup>2</sup> may meet with the complainant to clarify the complaint.<sup>5</sup>



The Head of School<sup>2</sup> 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 Head of School 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 Head of School<sup>2</sup> in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head of School, 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 Head of School is perverse, or that the Head of School has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head of School 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 Head of School**

### **1) Informal stage**

The complainant is usually expected to arrange to speak directly with the Head of School. [In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Academy Council<sup>6</sup>] 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 Council<sup>6</sup> who will determine which of the agreed procedures to invoke<sup>3,4</sup>. If it is determined that the complaint is "General", the Chair<sup>6</sup> 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 Chair<sup>6</sup> to present oral evidence or to clarify the complaint.<sup>5</sup>

The Chair<sup>6</sup> will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head of School will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair<sup>6</sup>. Once there has been an opportunity for the Head of School to consider this, he/she will be invited to meet separately with the Chair<sup>6</sup>, in order to present written and oral evidence in response. A friend or representative may accompany the Head of School at this meeting.

When the investigation has been concluded, the complainant and the Head of School 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 Chair<sup>6</sup> 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 Chair<sup>6</sup> is perverse, or that the Chair<sup>6</sup> has acted unreasonably in considering the complaint, then the complainant may request that the Academy Council review the handling of the complaint by the Chair<sup>6</sup>. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair<sup>6</sup>, and include a statement specifying any perceived failures.

### **Complaining to the Education and Skills Funding Agency (ESFA)**

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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)

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Any review of the process followed by the Head of School<sup>2</sup> or the Chair<sup>6</sup> 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 Head of School<sup>2</sup> or the Chair<sup>6</sup>, 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 Head of School<sup>2</sup> or the Chair<sup>6</sup>, 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

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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.<sup>7</sup>

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

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

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

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

<sup>3</sup> Alternatively the complainant may be referred back to the informal stage of the procedure.

<sup>4</sup> 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.

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

<sup>6</sup> Or designated academy council member responsible for investigating complaints

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

## Annex 3 – Model Letters

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### Zest Academy Trust Complaint Form

Please complete this form and return it to Head of School / 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]:





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:			

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