



ACET COMPLAINTS POLICY

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DOCUMENT CONTROL			
Policy Level	Trust (Junior & Senior)		
Approved by	Trust Board level		
Approved Date	July 2024		
Next Review Date		Frequency	Biannually
Business Lead	Chief People Officer	Author	Gemma Shore
Version Number	Date Issued	Updated Information	
V 2.0	December 2023	Complete revision from previous policy – new policy	
V 3.0	July 2024	<ul style="list-style-type: none"> • Clarification added on procedures. • Update to stage 3 (appeal) process. • Clarification added on scope – internal policies aren't published externally (e.g. staff discipline) 	



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1. AIMS

ACET aims to meet its statutory obligations when responding to complaints from parents and carers of students/pupils, and others. We expect our employees to be responsible for their actions and act positively in a solutions-focused manner, acting with integrity, thinking the best of people and listening to others' viewpoints. We understand however, that despite this, sometimes people may need to raise a concern or complaint with us. In dealing with these, we endeavour to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. We will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the trust and all academy websites.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. LEGISLATION AND GUIDANCE

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents/carers of students/pupils at our academies.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the fulfilment of Early Years Foundation Stage requirements.

3. DEFINITIONS AND SCOPE

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

ACET intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Separate policies are in place relating to these types of complaint; internal staff policies, such as staff discipline for example, are published to all staff but are not shared with parents/carers and the wider public. Complaints about services provided by other providers who use our premises or facilities should be directed to the provider concerned.

4. ROLES AND RESPONSIBILITIES

4.1 The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Send their complaint **only** to the address shown in Appendix C (complainants should not copy in individual staff, including those who the complaint is about)
- Work co-operatively with the academy/trust throughout the process, and respond to deadlines and communication promptly
- Ensure their complaint is limited to issues they are raising on their own or their child's behalf, not wider issues on behalf of others
- Express the complaint promptly, clearly and concisely at the earliest opportunity
- Recognise that some problems may not be able to be resolved in a short timeframe
- Treat any person(s) involved in the complaint, including if the complaint is about an individual member of staff, with dignity and respect
- Recognise that the requirement for staff to investigate their complaint cannot have a detrimental impact on the operational running of the academy for all students, therefore, timescales may need to be adjusted accordingly for complex/lengthy complaints
- Try to limit their communication with the academy/trust about their complaint whilst it is being progressed. Sending repeated correspondence (either by letter, phone, email or text), could delay the outcome being reached
- Do not publish details about the complaint on social media

4.2 The Investigator

An individual will be appointed to investigate the complaint and establish the facts. They will:

- Conduct a thorough, impartial and fair investigation, considering all records, evidence and any other relevant information (see further guidance on conducting investigations)

- Explain to the complainant the date by which they can expect to receive a response
- Liaise with the complainant as necessary to clarify any points and identify potential solutions or recommended courses of action
- Interview all relevant parties that are involved in the complaint (allowing them to be accompanied if they wish), including staff and students/pupils (as appropriate). Where students/pupils are interviewed as part of a complaint investigation, the academy/trust will ensure an appropriate independent adult is present to support the child
- Conduct the investigation sensitively for all parties, including the complainant and any staff or students/pupils involved
- Keep a record of their investigation (including meeting minutes and copies of evidence), actions and decisions
- Inform the complainant of their decision/outcome of the complaint within the agreed timescales

4.3 The Governance Leader

The Governance Leader (or a delegated member of ACET staff) will act as a central point of contact, and will:

- Maintain a record of all formal complaints (stage 2 and above)
- Acknowledge receipt of formal complaints, and allocate them to be investigated appropriately
- Be aware of issues related to sharing third-party information
- **Stage 3 only:** be the contact point for the complainant and the review panel committee, including convening the committee and review panel hearing date, circulating the relevant papers and evidence before the hearing, and arranging any additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- **Stage 3 only:** make arrangements for the recording and circulation of the minutes and outcome of the hearing

4.4 The Review Panel Committee Chair (stage 3)

The review panel committee chair will:

- Chair the hearing, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the hearing, and are allowed to present their case
- Ensure the scope of the appeal hearing is established and adhered to during the meeting (i.e., that new issues are not introduced, and that the only items for discussion are points that were not upheld during stage two)

5. PRINCIPLES FOR INVESTIGATION

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident, as

anything earlier is unlikely to be able to be investigated effectively. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first academy working day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 Complaints About our Fulfilment of Early Years Requirements

We will investigate all written complaints relating to our fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. We will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the academy is not meeting Early Years Foundation Stage requirements, by:

- Calling 0300 123 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents and carers if we become aware that an academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. STAGES OF COMPLAINT (EXCLUDING COMPLAINTS AGAINST THE PRINCIPAL OR GOVERNORS)

6.1 Stage One: Informal Concern/Complaint

We will take informal concerns or complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise their concern or complaint as soon as possible with the relevant member of staff or the Principal, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the academy on the contact details at appendix C.

The academy will acknowledge informal complaints within three academy working days, and investigate and provide a response within ten academy working days.

The informal stage will involve a meeting between the complainant and the Principal, or an appropriate member of staff as delegated by the Principal. If the complaint is not resolved informally, the complainant may wish to escalate it to a formal complaint (stage 2).

6.2 Stage Two: Formal Complaint

Where possible, complainants are encouraged to seek to resolve any concerns informally (stage one), prior to escalation to stage two.

The formal stage involves the complainant putting the complaint to the Principal in writing and on the Complaints Form (appendix A), unless the complainant has sufficient reason to request a reasonable adjustment to this. If complainants need assistance raising a formal complaint, they can contact the academy office; contact details can be found on each academy website or at appendix C.

The complainant should complete all sections of the Complaints Form, providing details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. *Complaints that are not submitted on the appropriate form will not be accepted, except where a reasonable adjustment has been agreed.*

The Principal will record the date the complaint is received, acknowledge receipt of the complaint in writing (either by letter or email) within three academy working days of its receipt, and inform the ACET Governance Leader, for recording on the complaints log.

The Principal (or other person appointed by the Principal for this purpose) will then conduct an investigation. The written conclusion of this investigation will be sent to the complainant within twenty academy working days, which will include, if appropriate, details of any remedial action and timescales.

If the complainant is not satisfied with the response and wishes to appeal and proceed to the next stage of this procedure, they should inform the ACET Governance Leader (contact details in Appendix C) within five academy working days of receipt of the outcome letter, by completing the Complaint Appeal Form (Appendix B). *Complaint escalations that are not submitted on the appropriate form will not be accepted.*

6.3 Stage Three: Appeal / Review Panel

If a complainant is dissatisfied with how their complaint was handled at stage two, they can escalate to stage three. Only complaints not upheld at stage two are in scope to escalate to stage three. The complainant must specify the reason for their appeal. No new information can be introduced at this stage; if the complainant wishes to raise new issues, this needs to be a new complaint.

The Governance Leader will review any stage three appeals (submitted on the form at Appendix B) and, if deemed in scope to escalate to stage three, will convene an appeal panel. If the complaint is not deemed to be in scope to escalate to stage three, the complainant will be informed of this within five academy working days of receipt.

6.3.1 Convening the Panel

The panel will be appointed by the Governance Leader, and will consist of at least three people who were not directly involved in the matters detailed in the complaint. The panel may include ACET Governors, Trustees and/or the CEO, and **at least one panel member will be independent of the management and running of the academy to which the complaint relates**. A governor from another ACET academy could be the independent person, providing they have no conflict of interest or prior knowledge of the case, however, an ACET Trustee/CEO cannot be the independent person. The Governance Leader will check with all prospective panel members that there is no potential conflict of interest.

The panel will have access to investigation documentation from the stage 2 complaint (see section 10).

The Governance Leader will aim to find a date within a reasonable timeframe of the request, and the complainant must have reasonable notice of the date of the review panel hearing. If the complainant rejects the offer of three proposed dates without good reason, the hearing will go ahead on the third and final proposed date, using written submissions from both parties. Any written material will be circulated to all parties attending the hearing, at least five academy working days in advance, redacted if appropriate.

6.3.2 The Review Panel Hearing

The hearing will be held in private. Electronic recordings of meetings or conversations are only permitted for personal use and must not be shared with anyone not in attendance. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place, and consent will be recorded in any minutes taken.

At the review panel hearing, the complainant and representatives from the academy, as appropriate, will be present, unless the Chair deems it inappropriate for both parties to attend. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant may be accompanied by one person for support, and if this is the case, they should inform the Governance Leader of the identity of their companion in advance. In certain circumstances, we may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the complainant will be notified at the earliest opportunity, so that they have the opportunity to arrange alternative accompaniment. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if an employee is called as a witness in a complaint meeting, they may wish to be supported by their union. Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The Governance Leader should be informed at least three academy working days in advance if witnesses are to be called, so that appropriate arrangements can be made.

The panel, the complainant and the academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Principal, CEO and Governors/Trustees as appropriate.

6.3.3 The outcome

The review panel committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action (and timescales) to resolve the complaint
- Where appropriate, recommend changes to systems or procedures to prevent similar issues in the future

The complainant and all others involved will be informed of the decision in writing within twenty academy working days of the hearing.

7. COMPLAINTS AGAINST THE PRINCIPAL, A GOVERNOR OR THE LOCAL GOVERNING BODY

7.1 Stage One: Informal Concern/Complaint

We will take informal concerns or complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

Informal complaints made against the Principal or any one member of the Local Governing Body (including the Chair or Vice Chair) should be directed to the Governance Leader, who will appoint a suitable impartial person (e.g. an independent Governor or a member of the Executive Team) to undertake the steps set out in section 6.1 above.

We will acknowledge informal complaints within three academy working days, and investigate and provide a response within ten academy working days.

The informal stage will involve a meeting between the complainant and the nominated person. If the complaint is not resolved informally, the complainant may wish to escalate it to a formal complaint (stage 2).

7.2 Stage Two: Formal Complaint

Where possible, complainants are encouraged to seek to resolve any concerns informally (stage one), prior to escalation to stage two.

The formal stage involves the complainant putting the complaint to the Governance Leader in writing and on the Complaints Form (appendix A), unless the complainant has sufficient reason to request a reasonable adjustment to this. If complainants need assistance raising a formal complaint, they can contact the Governance Leader. *Complaints that are not submitted on the appropriate form will not be accepted, except where a reasonable adjustment has been agreed.*

The complainant should complete all sections of the Complaints Form, providing details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Governance Leader will record the date the complaint is received, acknowledge receipt of the complaint in writing (either by letter or email) within three academy working days of its receipt and record on the complaints log. They will allocate an appropriate person to investigate, who will then carry out the steps in stage 2 (set out in section 6 above) and write a formal response at the end of their investigation within twenty academy working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the ACET Governance Leader in writing within five academy working days of receipt of the outcome letter, by completing the Complaints Appeal Form (Appendix B).

7.3 Stage Three: Appeal / Review Panel

Complaints will be escalated to the review panel hearing stage if the complainant is not satisfied with the response to the complaint at stage two. Upon receipt of a Complaints Appeal Form, the Governance Leader will decide the most appropriate course of action – this will depend on the nature of the complaint, which may include escalating the complaint to the Trust Board. Complainants will be kept informed of any course of action.

7.4 Complaints against the CEO and/or ACET

Complaints against the CEO/ACET may be submitted on the Complaints Form to the Governance Leader, who will notify the Chair of the Trust Board. The Chair will then decide on the most appropriate course of action.

8. REFERRING COMPLAINTS ON COMPLETION OF THE ACET COMPLAINTS PROCEDURES

If the complainant is dissatisfied with the outcome of the ACET complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn our decision about a complaint, but will intervene if they deem we have:

- Breached a clause in our funding agreement
- Failed to act in line with our duties under education law
- Acted (or are proposing to act) unreasonably when exercising our functions

If our complaints procedure is found to not meet regulations, the ESFA will ask us to correct our procedure accordingly.

For more information or to refer a complaint, see www.gov.uk/complain-about-school

9. UNREASONABLE COMPLAINTS

9.1 Unreasonable Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been concluded by following the complaints procedure
- Makes a complaint(s) that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, makes unjustified complaints about staff (including those who are investigating their complaint), or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Introduces trivial or irrelevant information, or new information that was not part of the original complaint, which they expect to be taken into account and commented on;
- Raises a large number of detailed and/or unimportant questions, insisting they are fully answered, often immediately or to their own timescales
- Makes a complaint designed to cause disruption, annoyance or excessive demands on academy/trust time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

- Makes a complaint(s) that is deemed malicious or vexatious, or that is personal in nature towards a member of the academy community
- Acts in any way which breaches the standards set out in our Parent/Carer/Visitor Code of Conduct

9.1.1 Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the academy/trust in a disruptive way, we may put communications strategies in place, in line with the Parent/Carer/Visitor Code of Conduct. We may also ask the complainant to engage a third party to act on their behalf, such as Citizens Advice, or put any other strategy in place as necessary.

9.1.2 Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, making substantially the same points each time or repeatedly raising new trivial points

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they may make, providing they are not deemed as unreasonable complaints as defined in 9.1.

9.2 Duplicate Complaints

If we have concluded a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the complaints process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint
- If there are new aspects, we will follow this procedure again and investigate the new aspects as a new complaint.

9.3 Anonymous Complaints

Anonymous complaints will not normally be investigated; however, we will use our discretion to determine whether the complaint warrants an investigation and what action is appropriate. This will be recorded on the complaints log.

9.4 Complaint Campaigns

If we receive a large volume of complaints about the same topic or subject, including if these come from complainants unconnected with the academy/trust, we may respond to these complaints by:

- Publishing a single response on the website(s)
Sending a template response to all of the complainants

If complainants are not satisfied with our response, or wish to pursue the complaint further on an individual basis, the normal procedures will apply.

10. RECORD KEEPING AND CONFIDENTIALITY

We will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint, on the appeal/review panel committee or in the recording/reporting of complaints. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request (SAR) under the terms of the Data Protection Act, or where the material must be made available during an academy/MAT inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and the retention schedule set out in our Data Protection Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Local Governing Body or Trust Board, in case an appeal/review panel needs to be organised at a later point.

Where the Local Governing Body is aware of the substance of the complaint before the appeal/review panel stage, the Governance Leader will ensure all members of the panel committee are independent. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Local Governing Body (or Trust Board, if applicable), who will not unreasonably withhold consent.

11. MONITORING ARRANGEMENTS

The Trust Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly, will track the number and nature of complaints, and review underlying issues. Where underlying issues are identified, the Trust Board will ensure remedial action is taken, with improvements to academy or trust procedures and practice, to help prevent similar events reoccurring.

12. LINKS WITH OTHER POLICIES

- Admissions policy (academy-specific)
- Data Protection Policy and Privacy notices
- Equality, Diversity and Inclusion Policy
- Parent/carer/visitor code of conduct
- Safeguarding Policy (academy-specific)
- Special educational needs and disabilities policy (academy-specific)
- Staff disciplinary procedures
- Staff grievance procedures
- Suspension and permanent exclusion policy
- Whistleblowing policy

13. APPENDIX A: COMPLAINT FORM (STAGE 2 – FORMAL COMPLAINT)

To raise a formal complaint (stage 2), please complete all sections of this form and submit to the academy Principal, via the contact details shown in Appendix C of the Complaints Policy.

If your complaint is against the Principal, a Governor or the Local Governing Body, please submit via the ACET Governance Leader, via the contact details shown in Appendix C of the Complaints Policy.

COMPLAINANT'S DETAILS	
Academy this complaint relates to:	
Complainant's full name:	
Address (including postcode):	
Telephone number:	
Email address:	
Student/pupil's name:	
Student/pupil's year group:	
Complainant's relationship to the student/pupil:	

DETAILS OF COMPLAINT
Please provide details of what your complaint is about, including dates and any specific incidents/witnesses:
Please provide further details of any attempts to resolve informally (stage 1), including who in the academy you have already spoken to about your concern/complaint:

If your complaint is against a specific person(s), please specify who:

What actions do you feel might resolve your complaint at this stage?

Please specify if there is anyone with whom you would prefer not to discuss this complaint with:

Are you attaching any documentation or evidence? If so, please provide details:

COMPLAINANT'S SIGNATURE

Signed:

Dated:

Please specify if there is anyone with whom you would prefer not to discuss this complaint with:

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Are you attaching any documentation or evidence? If so, please provide details:

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COMPLAINANT'S SIGNATURE

Signed:

--

Dated:

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15. APPENDIX C: CONTACT INFORMATION

Each ACET academy contact details are listed below (for all stage 1 and 2 complaints, excluding complaints against the Principal or Governors):

Academy	Email	Telephone
Aston Academy	info@astonacademy.org	0114 287 2171
Shirebrook Academy	enquiries@shirebrookacademy.org	01623 742 722
Swinton Academy	info@swintonacademy.org	01709 570 586
Aughton Junior Academy	info@aughtonacademy.org	0114 287 3091
Brookfield Junior Academy	info@brookfieldjunioracademy.org	01709 570 727
Langwith Bassett Junior Academy	info@langwithbassetacademy.org	01623 742 236
Listerdale Junior Academy	info@listerdaleacademy.org	01709 543 719
Lowedges Junior Academy	info@lowedgesacademy.org	0114 237 2196
Springwood Junior Academy	info@springwoodacademy.org	0114 287 2597
Temple Normanton Junior Academy	info@normanton.derbyshire.sch.uk	01246 850 389
Thurcroft Junior Academy	info@thurcroftacademy.org	01709 543 194
Waverley Junior Academy	info@waverleyjunioracademy.org	0114 357 0150

ACET contact details are below (for stage 3 complaints, or stage 2 if they are specifically against the Principal or Governors of an academy)

	Email	Telephone
ACET (Governance Leader)	contactus@astoncetrust.org	0114 287 1181

External contact details for escalation of complaints are below:

	Email / Website	Telephone
Ofsted	enquiries@ofsted.gov.uk	0300 123 4666
Education Skills Funding Agency (ESFA) / Department for Education (DfE)	https://www.gov.uk/complain-to-dfe	