



The Aylesbury Vale Academy

Success Beyond Belief

A Church of England Academy

COMPLAINTS POLICY

SEPTEMBER 2009

VISION:

That every young person graduates from Aylesbury Vale Academy as citizens of an international community where they have the mobility borne from their outlook, qualifications, skills and experience to be successful.

GUIDING PRINCIPLES: WE ADOPT THE CHRISTIAN VALUES OF:

- Honesty
- Respect
- Compassion
- Love
- Forgiveness
- Self-discipline
- Creativity
- Hope

OBJECTIVES:

1. To resolve complaints in an impartial and swift manner.
2. To ensure a full and fair investigation while respecting student's and staff confidentiality throughout.
3. To address all points of issue, providing an effective response and appropriate redress, where necessary.

MONITORING (via Governors' Management Committee):

The governing body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Head of College logs all formal complaints received by their College and records how they are resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure.

REVIEWING

The Governing Body is responsible for reviewing its policies and the Principal is responsible for reporting on the implementation of the policy.

1. Has the policy been successfully implemented?
2. Has the policy had the intended impact in the Academy and on the young people?
3. Are the current objectives to remain the same and do they support other policies and development priorities?

NOMINATED MEMBER OF STAFF:

HEAD OF COLLEGE

APPENDIX 1

Operating Statement

It is in everyone's interest that complaints about the Academy are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, the Academy must be clear about the procedures they will apply when they receive a complaint.

APPENDIX 2

The Responsibility of the Academy

1. All maintained schools and maintained nursery schools in England, are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised. Although the Academy is not a maintained school an Academy is governed, for the purposes of providing a complaints procedure, by The Education (Independent School Standards) (England) Regulations 2003 and the Governing Body will comply with that requirement.
2. The governing body has overall responsibility for the Academy and for ensuring that all pupils receive an appropriate and high standard of education. The Principal is responsible for making decisions on a daily basis about the Academy's internal management and organisation. The Academy should make it clear that parents and others should direct complaints to the Academy in most circumstances.
3. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.
4. Separate procedures exist for appeals about special needs assessments and student admissions and exclusions.
5. It is a requirement for the Academy to make all parents aware of the existence of its complaints procedure, perhaps through the distribution of a leaflet and inclusion in the Academy's prospectus.

Using the Complaints Procedure

6. The resolution of a complaint can be an opportunity for the Academy to improve its practice and develop further a strong partnership with parents.
7. The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
8. It is desirable for any complaint to be addressed by a member of staff/governor at a level closest to the cause of concern. This person will be designated by the Principal, if it is appropriate for the matter to be dealt with by a member of staff or by the Chair of Governors if a Governor is appropriate. Where there is a panel hearing of a complaint, provision is to be made for one person on the panel independent of the management and running of the Academy.
9. Procedures should be as speedy as possible and ensure fairness to all involved. Suggested time-scales are provided in the policy.
10. A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support before responding to any investigation into a complaint.

11. If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Principal or designated senior member of staff or, in the case of the Principal, the Chair of Governors or designated governor, to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. "The matter has been referred to the appropriate procedure".
12. Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.
13. If the investigation of a complaint shows that it is justified, then the Academy should consider how to make amends in an appropriate way.
14. Staff and governors in the Academy should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
15. All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the Academy.
16. It should be acknowledged that most complaints are 'genuinely felt' by the complainant.
17. The governing body will ensure that any third party providers offering community facilities or services through the Academy premises, or using Academy facilities [even if it's hiring it out for a wedding reception!], are advised to have their own complaints procedure in place.

Dealing with Complaints – Initial concerns

18. The Academy needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
19. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
20. In most cases the class teacher or the individual delivering the service in the case of extended Academy provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where appropriate.

Dealing with Complaints – Formal procedures

21. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

APPENDIX 3

Introduction

1. The Governing Body of the Academy has adopted the following procedure to deal with formal complaints from members of the Academy community or general public about appropriate matters relevant to the running of the Academy. This procedure is to be used only when informal attempts to resolve problems have been unsuccessful.

2. Framework of Principles

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- ensure a fair investigation by an independent person, where necessary
- allow for a hearing of a panel of Governors, where appropriate
- allow for parents to attend the panel hearing and, if they wish, be accompanied
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the Academy's Senior Management Team so that services can be improved.

3. Making a Formal Complaint

Stage 1

Where informal attempts have been unsuccessful in resolving a complaint, the matter will be formally investigated by an appropriate person from the Academy. If the matter is about the day-to-day running of the Academy or the interpretation of Academy policies by members of staff of the Academy, or the actions or inactions of staff at the Academy, the matter should be investigated by the Principal or a delegated member of senior staff nominated by the Principal. If the matter is about Academy policies as determined by the Governing Body or the actions or inactions of the Governing Body, then the matter should be dealt with by the Chair of Governors or Governor nominated by the Chair.

A complainant wishing to instigate the formal procedure should be asked to complete a complaint form (Annex 1). The Academy should offer to help an individual to complete the form and the person providing this help should be unconnected with the complaint. It is essential to report the progress of any complaint and the final outcome. It is necessary that at each stage, the person investigating the complaint (the designated person) makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

4. Resolving the Complaint

At each stage in the procedure, the Academy will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review Academy policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Academy could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

If the Academy rejects the complaint, it is important to re-assure the complainant that the matter has been thoroughly investigated.

5. Stage 2

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a second stage. This stage will be referred to a panel of Governors established as outlined in Annex 2 and a person who is independent of the management and running of the Academy. The Chair of the Panel will be elected by the Panel members and will be responsible for maintaining a further procedure as outlined in Annex 2.

6. Timescale

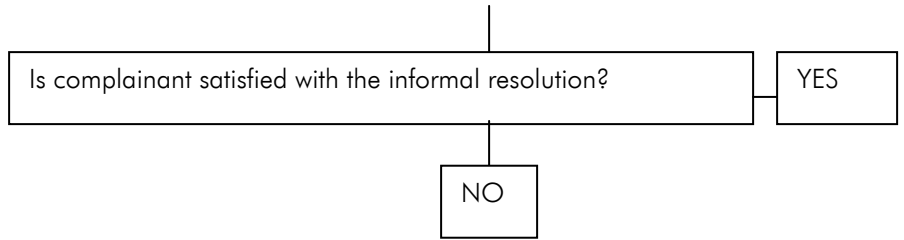
Complaints need to be considered and resolved, as quickly and efficiently as possible. An effective complaints procedure must have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

7. Monitoring Complaints

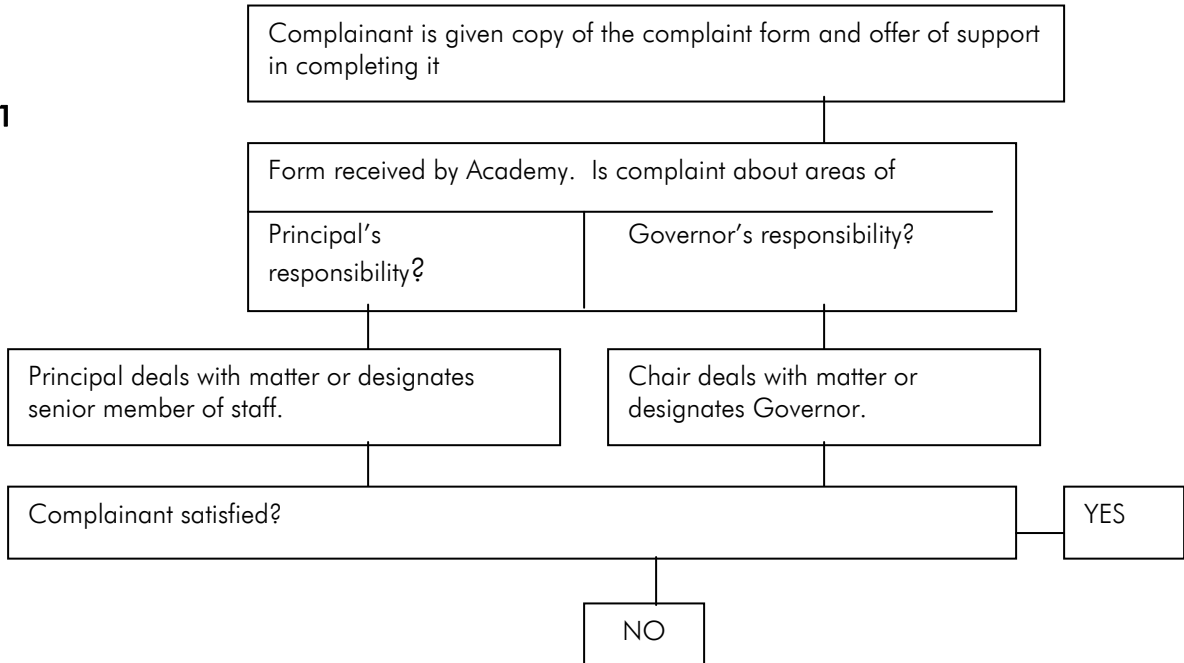
As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to Academy improvements. When individual complaints are heard, the Academy may identify issues that need to be addressed. The monitoring and review of complaints by the Academy and Governing Body can be useful to evaluating the Academy's performance. Any discussion of complaints by the Governing Body or others in the Academy community should not name or be able to identify individuals.

Complaint is made to member of staff or Governor

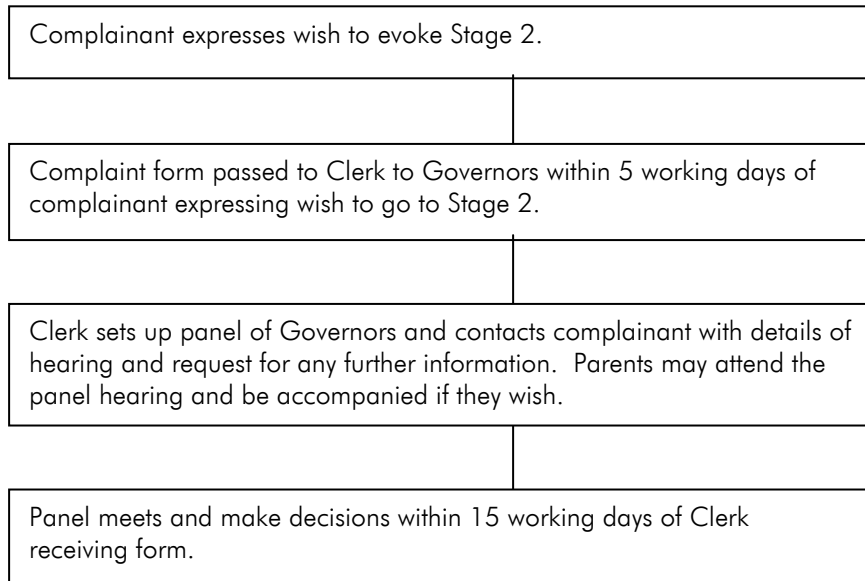
Informal



Stage 1



Stage 2



Notes

This form above can be used by any person making a complaint about the operation of the Academy which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. Academy neighbours. Anyone receiving this form should be advised verbally that help in completing it is available from the Academy. A member of Academy staff who is familiar with the process should be nominated to give help. If it is appropriate for a member of staff to look into this complaint, it should be returned to the Principal. If it is appropriate that it should be dealt with by a Governor, it should be returned to the Clerk to the Governors at the Academy.

Annex 1

Complaint form - The Aylesbury Vale Academy

Please complete and return to who will acknowledge receipt and explain what action will be taken.

Name:

Address:

.....

.....

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at Academy:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint?
(Who did you speak to and what was the response?)

Your relationship to the Academy, e.g. parent, carer, neighbour, member of public:

What actions do you feel might resolve the problem at this stage?
(please continue on a separate sheet of paper if needed)

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use:

Date of acknowledgement sent:

By Whom:

Complaint referred to:

Date:

Annex 2

Part of management process

Establishing a complaints panel.

- The governing body is advised to agree the composition of the complaints appeals panel at the first meeting of the governing body each year.
- As governors may not be available at all times it may be wise to agree the names of 4 or 5 possible governors from whom a panel of three may be drawn.
- When the clerk of governors receives a copy of the complaint form s/he will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.

IF FOR ANY REASON THIS PROCEDURE CANNOT BE FOLLOWED:

The governing body will put in place an alternative fair process.

There are several points which any governor sitting on a complaints panel is advised to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor.
- b. Where there is a panel hearing of a complaint there is one person on the panel who is independent of the management and running of the Academy.
- c. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant
- d. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial
- e. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child is accompanied and does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Parents may attend the panel hearing and be accompanied if they wish.
- f. The governors sitting on the panel need to be aware of the complaints procedure.

The Remit of The Complaints Appeal Panel

The panel needs to firstly consider whether the appeal is

- in relation to a decision taken by the Principal or a member of the Academy staff or
- whether it is about the way in which a complaint or concern was handled.

If the complaint was in relation to a decision taken by the Principal, the panel will need to clarify whether it was

- A. a decision within the Principal's professional responsibility or
- B. it is an area where the governing body have responsibility, or share responsibility but have delegated this to the Principal.

If the complaint relates to (A)

- The panel can consider the manner in which the complaint was addressed but not consider an alternative outcome.
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

If the complaint relates to (B)

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

Annex 3

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- Although the hearing is formal it should be conducted as informally as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal or designated person may question both the complainant and the witnesses after each has spoken.
- The Principal or designated person is then invited to explain the Academy's actions and be followed by the Academy's witnesses.
- The complainant may question both the Principal or designated person and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal or designated person is then invited to sum up the Academy's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within five working days.

Annex 4

Sharing your concerns about your child's education

A guide to parents

The Academy recognises that at times things can go wrong. This guidance will help you understand how to resolve concerns you may have about your child's education.

When should I complain to the Academy?

The Academy is independent from Buckinghamshire County Council.

This means that the Academy's governing body has overall responsibility for the Academy and for ensuring that all pupils receive an appropriate and high standard of education.

The Principal is responsible for making decisions on a daily basis about the Academy's internal management and organisation, so you should contact the Academy if you are concerned about a general issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- something that has happened in the Academy

or about wider issues, such as:

- the overall running of the Academy
- an Academy policy
- the management of the Academy budget
- the use of Academy facilities

The Academy has a complaints' procedure for dealing with these issues and welcomes feedback on our service.

The Academy also has procedures for dealing with complaints about:

- the community's use of Academy's facilities
- services delivered by the Academy

How do I complain to the Academy?

The Academy will always want you to speak to the relevant member of staff as soon as you have a concern. This will be the form tutor or head of year.

This informal approach is nearly always the quickest and most effective way of resolving your concerns. If you feel that your concern has not been resolved, then it is important to ask the Academy for their complaints procedure. This explains what you should do next.

The Academy will use the following process and will advise you:

- to speak to or write to the Principal who will look into your concern
- to write to the chair of governors if you are unhappy with the Principal's response or if the matter concerns governors

The Academy's procedures also offer an appeal to the governing body's complaints panel. This panel consists of governors and a person independent of the management and running of the Academy who have no prior knowledge of your complaint and will consider written and verbal submissions from you and the Principal.

Can I take my complaint further?

For most complaints, you cannot take your appeal further than the governing body.

If you feel that the Academy has acted unreasonably or not followed the correct procedures, you can write to the Academy sponsors or the Secretary of State for Children, Schools and Families.

What if my complaint is about the national curriculum, religious education or related matters?

For specific complaints about the national curriculum, religious education or related matters, you can write to the Secretary of State for Children, Schools and Families.

In some cases, parents may have a legal right of appeal to an independent tribunal or panel. These cases include special educational needs assessments, admissions and exclusions. Staff in the relevant service will explain these procedures to you.

APPENDIX 4

APPROVED	1 st September 2009		
REVIEW DATE	31 st August 2010		
SIGNED PRINCIPAL		PRINT NAME	
SIGNED CHAIR OF GOVERNORS		PRINT NAME	