


The Aylesbury Vale Academy Trust

Complaints & Resolution Policy

Policy Reference:	AVA.024
Description:	This document provides a framework for complaints to be dealt with promptly and fairly by the Academy
Status:	Statutory Policy
Policy Audience:	Students, Parents/Carers & Community
Academy Trust Contact:	Academy Principal
Other related AVA policies and procedures:	Equality Policy
Governor Committee:	Governing Body
Approved by the Governing Board on:	19.01.2022
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Version + Schedule of Amendments:	V2 30.1.19 Amended to comply with Part 7 of the Education (Independent School Standards (England) Regulations 2014 V3 19.01.2022 Reviewed
Signed:	
Date of Signature:	19.01.2022

In reviewing this policy, the Governing Board has had regard to the Equality Act 2010 and carried out an equality impact assessment. It is satisfied that no group with a protected characteristic will be unfairly disadvantaged by this policy.

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1. Aims

Our Academy aims to meet its statutory obligations when responding to complaints from parents of students at the Academy.

When responding to complaints, we aim 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**
- **Keep complainants informed of the progress of the complaints process**
- **Consider how the complaint can feed into school 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.

The Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Academy website.

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 of students at the Academy.

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).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the Academy's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

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”.

The Academy will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The Academy 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)**
- **Safeguarding matters**
- **Exclusion**
- **Whistle-blowing**
- **Staff grievances**
- **Staff conduct and 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)**

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the Academy’s support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO), Emma Jefford; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of students with disabilities who believe that our Academy has discriminated against their child.

Complaints about services provided by other providers who use Academy premises or facilities should be directed to the provider concerned.

4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set and the complainant will be sent details of the new deadline with an explanation for the delay.

The Academy expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

Complaints about our fulfilment of early years' requirements

We will investigate all written complaints relating to the Academy's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The Academy will keep a record of the complaint (see section 9) 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 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

5. Stages of complaint (not complaints against the Academy Principal or a Governor)

Stage 1: Initial concerns, informal stage

If you have any concerns about the Academy, or the education we are providing at any time, please discuss the matter with your child's form tutor at the earliest opportunity. Please do not publicise any concerns you have on social networking sites, but speak to someone at the Academy as soon as possible.

The Academy considers any concerns very seriously and most problems can be resolved following discussion and a shared understanding of the issues. All members of staff work very hard to ensure that each student is happy at the Academy and is making good progress and they always want to know if there is a problem so they can help to resolve it.

The complainant should raise the complaint as soon as possible with the relevant member of staff, 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 office on 01296 428551 or by email on enquiries@theacademy.me. The Academy's website will also direct parents to the relevant person to contact.

Most concerns can be resolved at this level, however, if after speaking to your child's form tutor, you are still concerned, please discuss the matter initially with the Achievement Director, Curriculum Leader or other senior leader.

The Academy will acknowledge informal complaints within 5 working days and investigate and provide a response within 10 working days.

If necessary, the informal stage will involve a meeting between the complainant, a member of staff designated by the Academy Principal who is suitably equipped to do so and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

Stage 2: Formal

- a) The formal stage involves the complainant putting the complaint into writing using Appendix 1 'Stage 2: formal complaint', usually to the Academy Principal and/or the subject of the complaint. This letter should provide 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 Academy will acknowledge formal complaints within 5 working days.

The Academy Principal (or other person appointed by the Academy Principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

- b) If the complainant is not satisfied with the response by the Academy Principal, they can refer the matter to the Chair of Governors, cog@theacademy.me. The complainant should complete Appendix 2, 'Stage 2: formal Review by Chair of Governors' within 10 working days

NB. If the complaint has not followed the procedures leading up to this point (Stage 2b), the Chair of Governors will refer the complaint back to the Academy Principal (Stage 2a)

Stage 3: Review panel

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The complaint will be considered by a panel which must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. ~~The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.~~

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 10 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school 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 panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting 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 to you in writing within 10 school days. The decisions, findings and any recommendations will be made available for inspection on the premises by the Governing Body. ~~The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Academy Principal.~~

OUTCOME OF THE PANEL HEARING

The 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 to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 5 school days.

Note: If, for any reason, the adopted procedure cannot be followed, the Governing Body, in consultation with the Academy Members, will put in place an alternative fair process.

6. Complaints against the Academy Principal or a Governor

Complaints made against the Academy Principal should be directed to the Chair of Governors, cog@theacademy.me

Where a complaint is against the Chair of Governors or any member of the Governing Board, it should be made in writing to the Clerk to the Governing Board in the first instance.

7. Referring complaints on completion of the Academy's procedure

If the complainant is unsatisfied with the outcome of the school's 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 by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

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

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

8. Persistent complaints

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which we will not respond is if:

- **The Academy has taken every reasonable step to address the complainant's needs, *and***
- **The complainant has been given a clear statement of the Academy's position and their options (if any), *and***
- **The complainant is contacting the Academy repeatedly but making substantially the same points each time**

However, this list is not intended to be exhaustive.

The Academy will be most likely to choose not to respond if:

- **We have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, *and/or***
- **The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or***
- **The individual makes insulting personal comments about, or threats towards, Academy staff**

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the Academy has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The Academy will ensure when making this decision that complainants making any new complaint are heard and that the Academy acts reasonably.

Unreasonably persistent complaints

Unfortunately, in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Academy.

These actions can occur either while the complaint is being investigated, or once the Academy has concluded the complaint investigation.

In such cases, the Academy will observe the Local Government Ombudsman's Guidance Note on 'unreasonably persistent complainants' and 'unreasonable complainant behaviour.'

Duplicate complaints

If we have resolved 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 local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

Complaint campaigns

Where the Academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the Academy may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the Academy's response, or wish to pursue the complaint further, the normal procedures will apply.

9. Record-keeping

The Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved (regardless of whether it was upheld) 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 held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

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 under the terms of the Data Protection Act, or where the material must be made available during a school 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 records management policy.

10. Learning lessons

The Governing Board will review any underlying issues raised by complaints with the Academy Principal, where appropriate and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Board will track the number and nature of complaints and review underlying issues as stated in section 10.

The complaints records are logged and managed by Liz Perrin, HR.

This policy will be reviewed by full Governing Board annually.

At each review, the policy will be approved by the full Governing Board.

12. Links with other policies

Policies dealing with other forms of complaints include:

Child protection and safeguarding policy and procedures

Admissions policy

Exclusions policy

Staff grievance procedures

Staff disciplinary procedures

SEN policy and information report

Privacy notices

APPENDIX ONE – STAGE 2a FORMAL COMPLAINT A'

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

Your name:
Student's name:
Your relationship to the student:
Address:
Postcode:
Day time 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.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to/write to and what was the response)?

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What actions do you feel might resolve the problem at this stage?
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Has the complaint already been through the informal stage, 'initial concerns'? yes/no
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Are you attaching any paperwork? If so, please give details.

Signature:

Date (Official use):

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX TWO – STAGE 2b FORMAL COMPLAINT , FORMAL REVIEW BY CHAIR OF GOVERNORS’

Please complete and return to the Chair of Governors, cog@theacademy.me who will acknowledge receipt and explain what action will be taken.

Your name:
Student’s name:
Your relationship to the student:
Address:
Postcode:
Day time 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.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to/write to and what was the response)?

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What actions do you feel might resolve the problem at this stage?
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Has the complaint already been reviewed by the Academy Principal? Yes/No

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

Signature:

Date (Official use):

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:
