

# The Aylesbury Vale Academy Trust



## The Aylesbury Vale Academy

Including Berryfields Primary

COLLABORATING *for* EXCELLENCE

### Complaints & Resolution Policy

<b>Policy Reference:</b>	AVA.024
<b>Description:</b>	This document provides a framework for complaints to be dealt with promptly and fairly by the Academy
<b>Status:</b>	Statutory Policy
<b>Policy Audience:</b>	Students, Parents/Carers & Community
<b>Academy Trust Contact:</b>	Executive Principal
<b>Other related AVA policies and procedures:</b>	Equality Policy
<b>Governor Committee:</b>	Scrutiny
<b>Approved by the Governing Board on:</b>	7.11.18
<b>Latest Date for Next Review:</b>	7.11.19
<b>Version + Schedule of Amendments:</b>	Amended to comply with Part 7 of the <a href="#">Education (Independent School Standards (England) Regulations 2014</a> . 22.11.18
<b>Signed:</b>	
<b>Date of Signature:</b>	

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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## **INTRODUCTION**

Our Governing Body has adopted this procedure to deal with concerns or complaints from members of the Academy community or general public. This policy complies with part 7 of the [Education \(Independent School Standards \(England\) Regulations 2014](#) .

## **AIMS AND OBJECTIVES**

Our Academy aims to be fair, open and honest when dealing with any complaint and to resolve it through open dialogue and mutual understanding. We recognize that occasionally things can go wrong but if this occurs we will take steps to remedy the complaint.

Careful consideration will be given to all concerns and complaints and we will deal with them as swiftly as possible. We will provide sufficient opportunity for any complaint to be fully discussed.

In all cases we will put the interests of the student above all other issues.

Our procedure is underpinned by the following **framework of principles**: -

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the Academy's senior leadership team
- keep a confidential record of all complaints and report a summary annually to the Governing Body

## **AREAS NOT COVERED BY THIS PROCEDURE**

This procedure does not apply to issues concerning the curriculum, collective worship, admissions appeals, exclusion appeals, decisions about your student's special educational needs or grievances by Academy staff. These are the subject of separate complaints procedures. Please contact the Academy directly for further advice if you have concerns in these areas.

In addition, Ofsted has the power to investigate certain (qualifying) complaints about maintained academies, including those from parents/carers. A qualifying complaint is one that affects the whole Academy, not an individual. More information can be obtained from the Academy or Ofsted. It should be noted that Ofsted does not automatically investigate and it will consider the nature of the complaint before deciding whether to investigate.

All other complaints are handled by the Academy according to the arrangements set out below.

## **STAGE 1 – INITIAL CONCERNS**

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.

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/other senior leader and if not resolved then with the Executive Principal for secondary matters and the Headteacher (primary) for primary matters.

## **STAGE 2 – INFORMAL PROCEDURE**

Most concerns will be resolved at Stage 1, however if you remain dissatisfied and wish to take the matter further you should either email the Chair of Governors on [cog@theacademy.me](mailto:cog@theacademy.me) or write to the Chair at the Academy address. An acknowledgement will be sent within 7 working days. If the Executive Principal has not previously been involved the Chairman will ask them to investigate and respond within 15 working days. If the Executive Principal has previously been involved (or is the subject of the complaint) the Chair of Governors will investigate (or arrange for an investigation to take place).

A written record will be kept of all complaints that are made in accordance with Stage 2; and:

- Whether they are resolved following a formal procedure, or proceed to a panel hearing; and
- will record the action it takes as a result of complaints (regardless of whether they are upheld); and
- ensure that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## INVESTIGATION

The investigation will be carried out into the complaint and the way it has been handled by the Academy. This will include a review of any relevant documentation and information and seeking the views of relevant people, where necessary. The person undertaking the investigation will normally write to you with the outcome of this process within **15 working days** of receiving the complaint.

If, at any time, it becomes apparent that the complaint is a disciplinary or capability issue, the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint. However, you are not entitled to know which procedure, or the final outcome, because of the right to confidentiality of the member of staff involved.

If, following the outcome of the investigation, you feel your concern has not been resolved, you may choose to refer your complaint to Stage 3 of the procedure. This must be done in writing to the Academy within **15 working days** of the completion of Stage 2 and completing the complaint form attached to this policy.

## COMPLAINT FORM

The aim of the form is to ensure each party has a clear and common understanding of the complaint and includes a section on why the complaint has not been resolved to the satisfaction of the complainant. It can be used by anyone making a complaint about the operation of the Academy which is not covered by an alternative procedure.

We are happy to provide the assistance of someone unconnected with the complaint, if you would like support in completing the form.

The form (see Appendix One) should be returned to the Chair of Governors at [cog@theacademy.me](mailto:cog@theacademy.me) or be posted to the Academy address, marking the envelope 'FOR IMMEDIATE ATTENTION'.

You will receive an acknowledgement of the receipt of your complaint form within **7 working days**.

## STAGE 3 – FORMAL PROCEDURE - GOVERNORS' PANEL

Once the complaint form has been received and following the completion of Stage 2 (the Informal Procedure), the complaint will be considered by a panel of **three** people, who will meet to consider the complaint and make a final decision about it on behalf of the governing body. The panel will consist of two governors who have no detailed prior knowledge of the complaint, or connection with the complainant and one person who is independent of the management and running of the Academy. The meeting will normally take place within **15 working days** of your request and the Academy will endeavour to provide 5 working days' notice of the hearing.

You will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend (accompanied by a friend/partner or parent if you wish) to put your case. The Executive Principal or the person subject to the complaint will be given the same opportunities. Appendix 2 outlines the process that will be followed at a panel hearing.

This procedure will provide for the panel to make findings and recommendations, which will be provided to the complainant and, where relevant, the person complained about.

## **OUTCOME OF THE PANEL HEARING**

The panel will write to you with its conclusion within **5 working days** of the meeting, and its decision is final.

The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Executive Principal.

If you are still not satisfied that the Academy has considered your complaint appropriately and followed the process set out in this policy, you may wish to put your complaint to the Secretary of State for Education, who can review whether the Academy has acted reasonably and followed the correct procedures - it is not able to overturn the decision made. The address is Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

**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.**

## **UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

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.

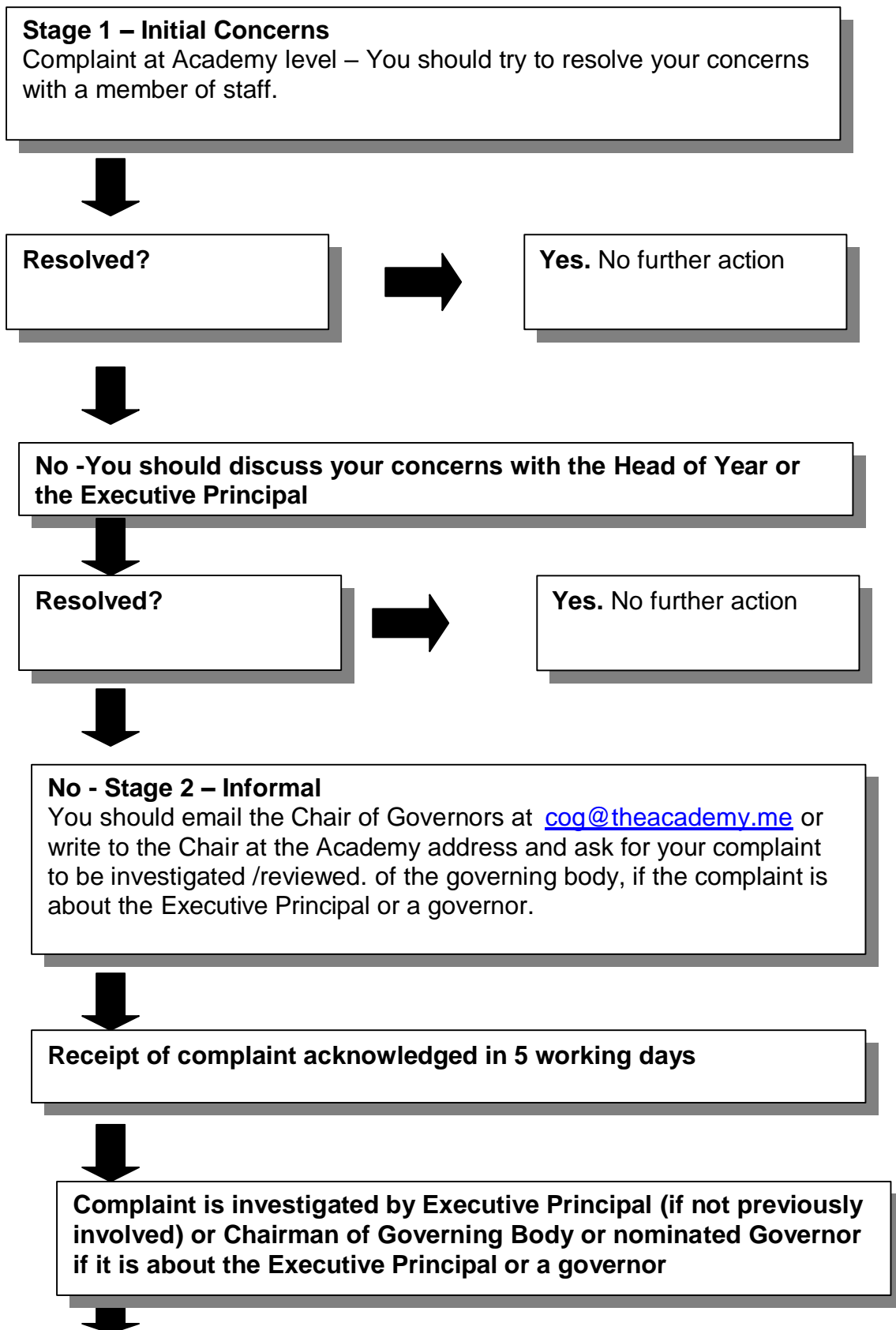
In such cases, the Academy will observe the Local Government Ombudsman's Guidance Note on 'unreasonably persistent complainants' and 'unreasonable complainant behaviour.'

## **MONITORING AND REVIEW**

The governing body monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Executive Principal logs all complaints which reach the "Informal Stage" and records how they were resolved. Governors examine a summary of this log on an annual basis and consider the need for any changes to the procedure.

## FLOWCHART SUMMARY\*

\* Please refer to the procedure for more detailed information.





**You will be informed of the outcome of the investigation within 15 working days of receiving the complaint.**



**Resolved?**



**Yes. No further action**



No - If you wish to take your complaint to Stage 3 of the procedure you will be asked to complete the formal complaints form and submit it to the Academy



The Governor Complaints Panel (including one person independent of the running of the Academy) meets to consider your complaint with 15 working days. You may be asked to submit further written evidence in advance and attend the panel meeting to explain the nature of your complaint



Panel will make a final decision on behalf of the Governing Body and writes to you within 5 working days



**Resolved?**



**Yes. No further action**



No - You can write to the Secretary of State for Education if you feel the Academy has acted unreasonably or not followed the correct procedures.



## **APPENDIX ONE - COMPLAINT FORM**

**Please complete and return to the Chair of Governors 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)?**

**What actions do you feel might resolve the problem at this stage?**

**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 – PROCEDURE AT THE PANEL HEARING**

- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses (if any).
- The Executive Principal/Chairman of Governors may question both the complainant and the witnesses after each has spoken.
- The Executive Principal/Chairman of Governors is then invited to explain the Academy's actions and be followed by the Academy's witnesses (if any).
- The complainant may question both the Principal/Chairman of Governors 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 Executive Principal/Chairman of Governors is then invited to sum up the Academy's actions and response to the complaint.
- The Chairman of the panel explains that both parties will hear from the panel in writing within five working days.
- Both parties leave together while the panel decides on the issues.
- The clerk remains to support the panel and subsequently drafts the decision letter for the Panel Chair to sign.