

The Aylesbury Vale Academy Trust



The Aylesbury Vale Academy

Including Berryfields Primary

COLLABORATING *for* EXCELLENCE

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:	Executive Principal
Other related AVA policies and procedures:	Equality Policy
Governor Committee:	Governing Body
Approved by the Governing Board on:	30.1.19
Latest Date for Next Review:	30.1.19
Version + Schedule of Amendments:	V2 30.1.19 Amended to comply with Part 7 of the Education (Independent School Standards (England) Regulations 2014
Signed:	Rosalind Rochefort
Date of Signature:	30.1.19

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

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 school 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 school website.

This policy aims to support the school's values of faith, respect, service, equality, creativity and aspiration.

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 school.

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 school'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 school 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 school 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**

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 school’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 school has discriminated against their child.

Complaints about services provided by other providers who use school 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 school 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 school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school 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 school 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>.

We will notify parents and carers if we become aware that the school 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.

5. Stages of complaint (not complaints against the Executive 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 or, 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 school office on 01296428551 or by email on enquiries@theacademy.me. 'Frequently Asked Questions' are also outlined on the school's website where parents can identify who the relevant person to contact is.

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 school 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 Executive 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 2 'Stage 2: formal complaint', usually to the Executive 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 school will acknowledge informal complaints within 5 working days.

The Executive Principal (or other person appointed by the Executive 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 Executive Principal and they can refer the matter to the chair of governors, cog@theacademy.me. The complainant should complete Appendix 3, '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 Executive Principal (Stage 2a)

Stage 3: review 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 of **three** people, who will meet to consider the complaint and make a final decision about it on behalf of the governing body. 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; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. 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 if they wish.

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

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of 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 proprietor and Executive Principal.

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

OUTCOME OF THE PANEL HEARING

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.

6. Complaints against the Executive Principal or a governor

Complaints made against the Executive 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 school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the 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. However, it will look into:

Whether there was undue delay, or the school did not comply with its own complaints procedure

Whether the school was in breach of its funding agreement with the secretary of state

Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. 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>

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school 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 school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

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

- **We have reason to believe the individual is contacting the school 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, school staff**

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

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

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school 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.'

9. Record-keeping

The school 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 indefinitely or until the relevant member of staff has left the academy.

10. Learning lessons

The governing board will review any underlying issues raised by complaints with the Executive Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school 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, Executive Assistant to the Executive Principal.

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

APPENDIX ONE – STAGE 2a FORMAL COMPLAINT A'

Please complete and return to the Executive 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

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 Executive 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:
