

G1 COMPLAINTS AND APPEALS PROCEDURE

Last Reviewed: March 2016
Next Review: March 2018
Responsible: Principal

1. POLICY AND PROCEDURES

1.1. Complaints Policy and Procedure

This policy and procedure is for the benefit of students and parents of students at the Academy. It will be relied upon in respect of **all complaints** by parents and students made against the Academy except in respect of;

- a) **child protection allegations** where a separate policy and procedure applies; and
- b) **exclusions** where a separate policy and procedure applies.

The academy expects that most complaints can be resolved informally through discussion with the relevant member of staff. If this is not possible, then discussion with the relevant Head of House will ensure they use their best endeavours to resolve any complaints or concerns that are made informally on that basis or will pass the concern on to a senior member of staff where this is considered more appropriate.

Copies of the policy are available from the:

Principal's PA
The Bushey Academy
London Road
Bushey
Hertfordshire
WD23 3AA
Tel: 0208 950 9502
Fax: 0208 420 4038
Email: admin@thebusheyacademy.org

A copy of the procedures is also available on the academy's website:
www.thebusheyacademy.org.

2. GENERAL PRINCIPLES OF COMPLAINTS

2.1. Dealing with Complaints – Initial Concerns

The Bushey Academy is 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.

These key messages deal with complaints but 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. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful

if staff were able to resolve issues on the spot, including apologising where necessary.

2.2. Dealing with Complaints – Formal Procedures

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.

2.3. Framework of Principles

The Bushey Academy Complaints and Appeals Policy will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- 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 full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the academy's senior management team so that services can be improved.

2.4. Investigating Complaints

The person investigating the complaint will:

- 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;
- as far as is practicable, 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.

Resolving Complaints:

The key objective at each stage in the procedure will be to endeavour to resolve the complaint. This may be to acknowledge that the complaint is valid in whole or in part or to identify why it is not. 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.

2.5. Unreasonable Complainants

The Bushey Academy is committed to dealing with all complainants fairly and impartially and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Bushey Academy defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints, or interfere with the ordinary running of the academy'. Where a complainant's behaviour is causing a significant level of disruption, the academy may implement a tailored communications strategy, such as restricting the individual to a single point of contact, a single means of communication eg email and/or a limiting the number of times they make contact.

Whenever possible, the Principal will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. For serious incidents of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. If a parent's behaviour is a cause for concern, the Principal may ask the individual to leave the premises. In serious cases, the Principal may notify them in writing that their implied licence to be on school premises has been revoked subject to review which will include any representations that the parent may wish to make. The outcome of this review will either result in the ban being lifted or continuing, with confirmation as to how long it will apply for if continuing.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated once the academy's own complaints procedure has been completed.

2.6. Our Promise to You

- Your complaint will be dealt with honestly, politely and in confidence
- Your complaint will be looked into thoroughly and fairly
- We will keep you up-to-date with progress at each stage
- You will get an apology if we have made a mistake
- You will be told what we are going to do to put things right
- You will get a full and clear response to formal complaints.

3. THE STAGES OF THE COMPLAINTS PROCESS

3.1. Stage 1 – Informal Resolution

This process will enable informal local resolution of the concern with a staff member. This can be by telephone, in person or in writing. On some occasions the concern raised may require investigation, or discussion with others, in which case an informal but informed response will be issued to the complainant within 10 academy days. This response may be an initial response to acknowledge receipt and outline what will happen next. For example, to explain who will investigate and who will respond to the complaint. If no resolution is achieved at Stage 1, the complainant will be able to progress the complaint to Stage 2 within 10 academy days.

3.2. Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis (as set out above) then parents should put their complaint either verbally or in writing to the relevant member of the Senior Leadership Team (SLT). Parents should also identify how they wish their complaint to be resolved (see Annex A).

The relevant member of SLT will undertake the investigation of the complaint unless they deem it appropriate for the complaint to be investigated on their behalf. The relevant member of the SLT will decide, after considering the complaint, on the appropriate course of action to take.

In most cases, the relevant member of the SLT will meet or speak with the parents concerned to discuss the matter and will make reasonable endeavours to speak to or meet parents within 10 academy days of the formal complaint being received. It is likely that for most complaints at this first formal stage, a resolution will be reached. The relevant member of the SLT will keep a written record of all meetings and interviews held in relation to the complaint.

Once the relevant member of SLT is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision usually in writing, giving reasons for the decision, usually no later than 10 academy days after speaking or meeting with the member of SLT to discuss the matter. The relevant member of the SLT may also arrange to meet with parents to explain the decision. Where the complaint will take longer than 10 academy days to resolve, the relevant member of SLT will write to the complainant explaining when they expect the complaint to be resolved.

The academy will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint. This record will state if complaints were resolved at the formal stage (Stage Two) or if they were taken further.

3.3. Stage Three – Final Formal Resolution

If the complaint cannot be resolved either at the informal or formal stage (Stage two) as set out above, then parents should put their complaint in writing to the Principal. Parents should also identify the resolution they seek from the complaint.

The Principal will undertake an investigation of the complaint unless he deems it appropriate for the complaint to be investigated on his behalf. The Principal will decide, after considering the complaint, the appropriate course of action to take. The Principal may need to meet or speak with the parents concerned to discuss the matter and if appropriate will use reasonable endeavours to speak to or meet parents within ten academy days of the final formal complaint being received. It is likely that for most complaints reaching this second formal stage, a resolution will be reached.

The Principal will keep a written record of all meetings and interviews held in relation to the complaint. Once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Parents will be informed of this decision usually in writing, giving reasons for the decision. The decision should normally be provided no later than ten working days from that date of receipt of the final formal complaint or after speaking or meeting with parents to discuss the matter if applicable. The Principal may also arrange to meet with parents to explain the decision. On some occasions, more time may be needed to resolve a complaint and, on

these occasions, the Principal will write to the complainant explaining when he expects the complaint to be resolved.

The Academy will keep a written record of all final formal complaints, including records of meetings and interviews held in relation to the complaint. This record will state if complaints were resolved at the final formal stage or if they were taken to an Appeals Panel.

Where parents are dissatisfied with the outcome of the academy's response to their final formal complaint, the parents have the opportunity to have their complaint considered by the Appeals Panel.

Stage Four – Appeals Panel (to include one Independent Member)

If parents seek to invoke an independent hearing following failure to reach an earlier resolution and where dissatisfied with the decision either at Stage Two or Stage Three in respect of their final formal complaint, the parents may, in writing addressed to the academy, request that their complaint is further considered by an Appeals Panel as appropriate for this purpose. This request for further assessment of the complaint will, for the purposes of this Procedure, be known as an 'appeal'.

Parents must lodge their appeal in writing and within ten working days of the date of the academy's decision made in accordance with the Stage Four Procedure. The parents should provide a list of their complaint(s) made against the academy and which they believe to have been resolved unsatisfactorily by the Stage Three Procedure, along with the remedies sought in respect of each. The Appeals Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by the academy, the academy will, within five Academy days, refer the matter to the Clerk to the Appeals Panel. The Clerk provides an independent source of advice on procedure for all parties. Once an appeal has been received by the Clerk, he/she will acknowledge the appeal in writing within five working days, and inform the parents of the steps involved in this appeal procedure.

The Clerk will then endeavour to convene an Appeals Hearing as soon as possible to consider the matter, normally no later than twenty academy days after receipt by the academy of parents' written notice that they wish to invoke the Stage Four Procedure, dependent upon the availability of the Panel members.

The Appeals Panel will consist of three people not directly involved in the matter detailed in the complaint and at least one member of the Appeals Panel will be independent of the management and running of the academy. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education (DfE).

The following are entitled to attend a hearing, submit written representations and address the Appeals Panel:

- The parent/s (or, if aged over 18, the student) and/or one representative;
- The Chair of the Governing Body and/or Principal of the academy and/or one representative; and
- Any other interested person whom the Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making. Legal representation will not normally be appropriate.

Where the Appeals Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Appeals Panel in support of their position, including:

- documents in support of complaint(s),
- chronology and key dates relating to complaint(s), and
- written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Appeals Panel, along with the initial submission that was lodged by the parents. Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Appeal Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten academy days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five academy days in advance of the hearing.

It is for the Appeals Panel to decide how to conduct the proceedings of the appeal, which should be conducted in an accessible, non-threatening and non-adversarial manner, so that all parties can present their case effectively. If possible, the Appeals Panel will resolve the parents' complaint immediately without the need for further investigation. Where further investigation is required, the Appeals Panel will decide how it should be carried out.

After due consideration of all the facts they consider relevant, the Appeals Panel will reach a decision. They may decide to:

- uphold the complaint fully
- uphold the complaint partially
- Not uphold the complaint.

This decision is final.

The Appeals Panel's findings will be sent by the Clerk in writing to the parents, the Chair of the Governing Body, the Principal, the members of the Appeals Panel and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Appeal Panel. Recommendations made by the Appeal Panel must be recorded on the file of the student concerned (if applicable) and will be presented to the Governing Body for consideration.

The Academy will keep a record of all appeals, decisions and recommendations of the Appeals Panel on the Student's File and thereafter in line with standard retention requirements.

4. RECORDING COMPLAINTS

4.1. The academy will maintain a log of complaints received. A full written record of the progress and final outcomes of all complaints will be maintained.

5. MONITORING AND REVIEW

5.1. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

Complaints information shared with the whole Governing Body will not name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to the academy's improvements.

The monitoring and review of complaints by the Academy and the Governing Body will be used as a tool to evaluate the academy's performance.

The Complaints Policy is based on good practice guidance and statutory requirements.

Review and History

This policy will be reviewed on a two yearly basis or sooner as required.

Version	Date	Changes	Approved
1	December 2014	Full Review	Access
2	March 2016	Updated following issue of Statutory Guidance – Stages reduced and new section 2.6	F&PC

The Bushey Academy Complaint Form (Annex A)

Please complete and return to(name of staff member)
who will acknowledge receipt and explain what action will be taken.

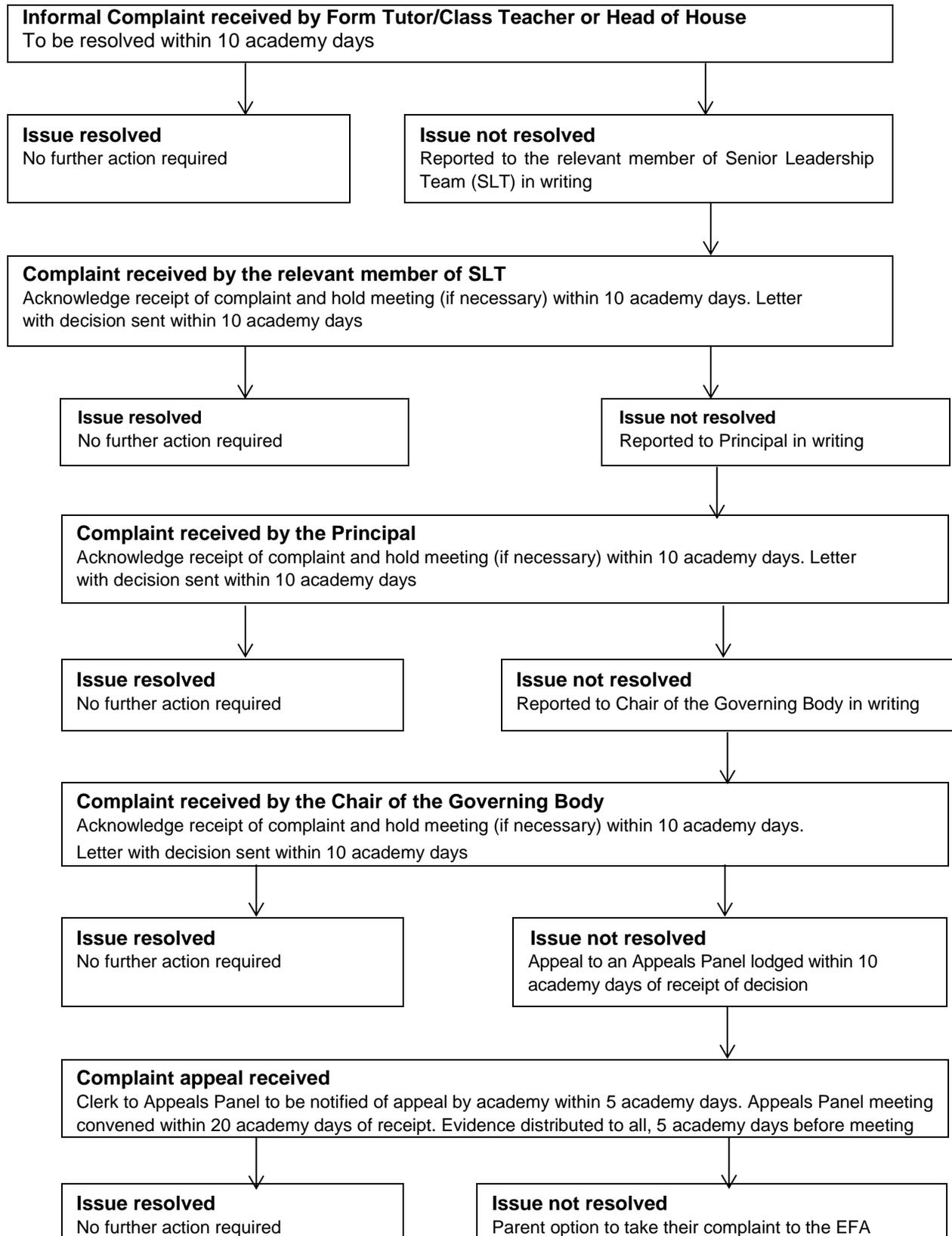
Your name:	
Student's name and tutor group:	
Your relationship to the student:	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Please give details of your complaint.	

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

**What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.**

Signature: **Date:**

The Bushey Academy Complaint Procedures Flowchart



Note: As explained in the full policy, timescales may need to be adjusted in individual cases. Complainants will be informed in writing if this is the case.