

Procedure for dealing with complaints about Academies

Introduction

The Young Peoples Learning Agency (YPLA) carries out certain functions in relation to Academies on behalf of the Secretary of State. One of the main functions is to ensure that Academies comply with the Funding Agreement entered into with the Secretary of State. If any complaints or concerns arise in relation to breaches of the terms of Academies' Funding Agreements then the YPLA will seek to resolve these with an Academy without the need for parents and pupils to make a formal complaint. However, there will be issues where parents of pupils at Academies and pupils themselves have complained to the Academy and such complaints have been considered by the Academy in accordance with its complaints procedure and this has failed to resolve the matter. In these circumstances the complainant can complain to the YPLA and the complaint will be considered in accordance with this procedure.

This procedure does not apply to complaints that independent appeal panels for admission to Academies have not complied with the School Admission Appeals Code. There is a separate procedure for these complaints, available [here](http://www.ypla.gov.uk/aboutus/contactus/complaints/) (<http://www.ypla.gov.uk/aboutus/contactus/complaints/>).

Key Principles

- 1 The YPLA and Academies should be receptive to genuine expressions of dissatisfaction.
- 2 Complaints should be dealt with promptly, fairly and proportionately.
- 3 Action taken as a result of complaints should help to improve the quality of the education and training provided by Academies.
- 4 In dealing with complaints, the YPLA will take account of its duty to promote equality and diversity.

Academies

- 5 Academies are required to have published a procedure for dealing with complaints by parents or pupils, which must be made available on request. This procedure must provide for complaints to be managed within clear

timescales. If initial informal consideration does not resolve the complaint then the procedure must also include steps to escalate a complaint through a written stage and if necessary an appeal hearing before a panel that includes at least one member who is independent of the Academy. The procedure should also set out the detail of the process and named individuals who will be responsible for receiving and dealing with the complaint.

- 6 Academies should ensure parents and pupils understand all details of the complaints procedure and make complaints information available in other formats (Braille, large print, other languages etc).
- 7 Academies should ensure that parents are provided with relevant contact details for the YPLA when a complaint has not been resolved by the Academy.
- 8 The YPLA will not usually investigate complaints until the Academy's own complaints procedure, including any appeal, has been exhausted. When the YPLA has reason to believe that the complaint was made to the Academy and the Academy has had reasonable opportunity to investigate and respond but has failed to do so or that there are circumstances which mean it is not reasonable for the matter to be brought to the attention of the Academy, then the YPLA may decide to investigate before the Academy's procedure has been exhausted.

Procedure for dealing with complaints about Academies

Who will investigate:

- 9 Complaints about Academies will be investigated by the Academies directorate in the YPLA in consultation with the Legal and Governance Team.
- 10 Complaints about Academies should be made in writing to the Academies Central Unit (Academy Complaints), Young People's Learning Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by e-mail to academyquestions@ypla.gov.uk.

When the YPLA will investigate:

- 11 The YPLA will investigate complaints about:

- undue delay or non-compliance with published complaints procedures;
- allegations that the Academy has acted unlawfully or failed to comply with a contractual duty imposed on it under its Funding Agreement with the Secretary of State or any other legal obligation.

When the YPLA will not investigate

12 We will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND);
- matters that are the subject of legal action.

13 We will not usually investigate complaints more than twelve months after the decision or action was taken.

14 We reserve the right not to investigate complaints considered to be vexatious or malicious or where we are satisfied with the action that the Academy has already taken or proposes to take to resolve the complaint.

What the YPLA will do:

15 On receipt of a complaint we will check:

- the matter is one which the YPLA can investigate;
- if the decision or action complained about occurred more than 12 months ago. Where this is the case the YPLA will not normally investigate, unless the complainant has good reason for the delay in making the complaint.

16 Within five working days of receipt of a complaint we will acknowledge receipt and send a copy of this procedure to the complainant. The complainant should be told whether the complaint is one which the YPLA will investigate.

- 17 If the YPLA is to investigate the matter, the complainant will be asked to provide:
- details of their complaint in writing, by email or fax (if this has not already been provided);
 - confirmation that the Academy's complaints procedure has been exhausted;
 - permission to disclose details of their complaint to the Academy concerned.
- 18 If the complainant has difficulties in providing details in writing, we will consider alternative ways of receiving the information.
- 19 Within fifteen working days of receipt of the written complaint we will prepare a summary of the complaint to be sent to the complainant for approval. The complainant will be given ten working days to provide any response to this document.
- 20 The YPLA will consider any response from the complainant and, if appropriate, amend the summary of the complaint before sending this to the Academy. The Academy will be asked to provide within ten working days:
- details and copies of the relevant procedures where appropriate;
 - confirmation that its procedures have been exhausted;
 - a response to the summary of the complaint together with relevant documentation;
 - confirmation that the information provided can be shown to the complainant.
- 21 If, at any stage, the YPLA is satisfied that procedures at the Academy have not been properly exhausted we will usually write to the parties to indicate that we will not investigate the matter further. Where the YPLA judges that the Academy has unduly delayed in resolving the complaint, or that there is no prospect of the Academy resolving the complaint within a reasonable timescale, the YPLA may continue to investigate.

- 22 On receipt of documentation and response from the Academy we will provide the Academy's response to the complainant and seek confirmation within five working days as to whether the complainant remains dissatisfied.
- 23 If the matter has not been resolved within twenty working days of agreeing the summary with the complainant, we will consider each aspect of the summary of complaint and determine whether, on the balance of probabilities, the complaint should be upheld.
- 24 If the YPLA cannot resolve the position on the information available, we will arrange for the parties to be contacted to obtain such further information as is required. The information received and notes of any meeting will normally be disclosed to both parties.
- 25 Once a provisional decision has been made in relation to the complaint, draft findings will be sent to the parties providing them with an opportunity to respond within fifteen working days.
- 26 Responses will be considered before the YPLA confirms the findings. This document will be finalised within five working days and sent to the parties. This concludes the investigation.
- 27 If at any point during the investigation, the YPLA encounters a delay in responding to/providing correspondence, the complainant will be notified of the delay and be given details of when a response will be provided.

What action the YPLA can take

- 28 If the YPLA finds that the Academy has breached the terms of the Funding Agreement, we will ask the Academy to take action to resolve the matter. Such actions may include:
 - ask the Academy to review its procedures to ensure non-recurrence;
 - ask the Academy to review its decision in the individual case.

If the Academy does not comply, the Secretary of State may, if appropriate, seek to enforce the terms of the Funding Agreement through the Courts.

If the complainant remains dissatisfied

If a complainant is dissatisfied with the way in which the YPLA has dealt with their complaint about an Academy, the complainant should refer to the procedure for dealing with complaints about the YPLA, available [here](http://www.ypla.gov.uk/aboutus/contactus/complaints/) (<http://www.ypla.gov.uk/aboutus/contactus/complaints/>).

Timetable for complaints procedure

