

# Endon Hall Primary & Nursery School

'Learning together and having fun'



## Compliments and Complaints Policy

**Policy in place:** Jan 2013

**Policy updated:** March 2023

**Review date:** March 2024

We believe that Endon Hall Primary & Nursery School provides an excellent education and that school staff work very hard to build positive relationships and have in place clear lines of communication with all parents and others. In so doing, complaints are kept to a minimum.

We would like to hear from you if you:

- are happy with the service we provide and would like to compliment the school staff and/or its children
- have any suggestions about how the school can improve the quality of its provision
- have a concern or complaint

### Expressing Approval

When things go well, it is very rewarding if parents express their approval. Positive feedback really helps. Maintenance of high levels of staff commitment, morale and motivation are so important in enabling us to make the very best provision for our children.

To express your approval you can write, telephone, e-mail or speak personally to school staff and/or the Headteacher. These will be added to our Compliments Book, which is held in the school office. Your words will be much appreciated. If you wish to note your expressions of thanks or approval in this way, please visit the school office.

### Raising a concern or complaint

We take any complaints seriously and deal with them professionally and impartially, following set procedures. This policy outlines the general principles and procedures in place should parents or others wish to raise a concern or make a complaint relating to the school or the services that it provides.

### Statement of Intent

Endon Hall Primary & Nursery School aims to meet its statutory obligations when responding to complaints from parents of children at the school, and others.

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; we expect the same in return
- 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.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

In most cases, the Headteacher will be the first point of contact when following the complaints procedure.

## 1. Legal Framework

This document meets the requirements of Section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It also draws upon guidance for schools on complaints procedures from the Department for Education (DfE).

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.

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- The Education (Pupil Information) (England) Regulations 2005
- Equality Act 2010
- Immigration Act 2016
- The School Information (England) (Amendment) Regulations 2016
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018

This policy has also due regard to guidance including, but not limited to, the following:

- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- DfE (2021) 'Best practice guidance for school complaints procedures 2020'

This policy operates in conjunction with but not limited to the following school policies:

- Records Management Policy
- Data Protection Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy

## 2. Definitions

The DfE guidance explains the difference between a concern and a complaint.

A **concern** may be treated 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** may be generally recognised as "an expression or statement of dissatisfaction, about actions taken or a lack of action".

The school intends to resolve concerns or 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 procedures 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 discipline

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

Arrangements for handling complaints from parents of children with SEND about the school's support are within the scope of this policy. Such complaints should be made to the Special Educational Needs Coordinator (Mrs G Fairhall) or the Headteacher (Miss V Lewis), who will intend to resolve any such complaints informally, where possible, and at the earliest possible stage. They will then be referred to this policy. Our SEND & Inclusion Policy and SEND information report include further relevant information.

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

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint is being/has been dealt with at a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

### **3. Roles and Responsibilities**

The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaint investigator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the school's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher, Clerk to Governors and Chair of Governors.
- Ensure, where the complainant is dissatisfied with the response, that they are made aware of the next stage and/or the appeal process.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this.

The Headteacher will:

- log complaints received by the school and how they were resolved

- have responsibility for providing an update of compliments, comments, and complaints at each meeting of the Governing Board
- ensure all school staff, children and parents are aware and comply with this policy
- make effective use of relevant research and information to improve this policy
- monitor the effectiveness of this policy
- report to the Board of Governors on the success and development of this policy

The Headteacher or, where the complaint is regarding the Headteacher, the Chair of Governors, will be responsible for:

- Providing a sensitive and thorough process for the complainant, to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing (where deemed necessary) relevant parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

In certain circumstances, a panel may be required. In these circumstances, the Panel Chair will:

- Ensure that minutes of the meetings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are covered and that any outcomes reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial while still setting the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school (separately where necessary) the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the panel clerk and complaint investigator to ensure the procedure runs smoothly.
- Help to provide the support necessary, particularly where the complainant is a child.

All panel members will be aware that:

- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel clerk will:

- Continuously liaise with the complaint investigator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

#### **4. General Principles**

- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- Endon Hall Primary & Nursery School will utilise the school's internal 'Complaints Guidance' document when handling concerns or complaints.

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits are 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.

Once a complaint has been submitted and responded to, the school expects the complainant to respond within a period of one calendar month, unless there are extenuating circumstances that prevent this. After this date, the school will determine that the matter is closed.

#### **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](mailto: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. Raising a concern or complaint**

When received, the school will consider all complaints, providing they are not anonymous, and ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial, non-adversarial and fair to all parties involved.
- Respectful of confidentiality duties.

- Fairly investigated, by an independent person where necessary.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Used to address all issues to provide appropriate and effective redress where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication. All complaints will be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau), providing they are not anonymous.

All complainants will be given the opportunity to fully complete the complaints procedure and a complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

### **Complaints about staff**

Any complaint made against a member of staff will initially be dealt with by the Headteacher, and then by a committee of the Governing Board if not resolved.

Any complaint made against the Headteacher will be initially dealt with by a suitably skilled member of the Governing Board and then by a committee of the Governing Board.

### **Concerns or complaints about the Headteacher**

If the concern or complaint is about the Headteacher, it should be recorded and passed to the Clerk to the Governing Board (Mrs M Martin), for the attention of the Chair of the Governing Board (Mr A Hall). The 'Concern Meeting Request' form 1 (see appendix) is provided to assist you. Completed forms should be passed, in a sealed envelope, to the school office. The envelope should be addressed to the Clerk of the Governing Board or the Chair of the Governing Board (as appropriate) and marked CONFIDENTIAL.

### **Complaints about Governors**

Complaints may be made against:

- The chair of governors.
- The vice chair of governors.
- Any other member of the governing board
- The governing board as a whole.

These complaints should be made to the Clerk to the Governing Board, who will then arrange for the complaint to be heard.

For complaints about the entire Governing Board, or the chair or vice chair of governors, the clerk to governors will determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## **6. Complaints procedure**

### **Stage 1 - Informal Stage**

#### **1. Verbal**

Many concerns or complaints can be resolved by simple clarification or provision of information and it is anticipated that most concerns and complaints will be resolved at this informal stage.

It is normally appropriate to communicate your concern or complaint directly to the relevant member of staff. In the first instance this should be by telephone or in person, as we have found that this is the most effective way to resolve concerns or complaints. Please contact the office to arrange a mutually convenient time for a telephone conversation to be held. Details of what you wish to discuss will be required in advance.

Following this, if a further discussion were required, a meeting can be requested by contacting the school office. In advance of any such meetings, a summary of the concern should be provided, by completing and submitting the 'Concern Meeting Request' form 1 (see appendix). Completed forms should be passed, in a sealed envelope, to the school office, in advance of the meeting. The envelope should be addressed to the member of staff and marked CONFIDENTIAL. Receipt of a completed 'Concern Meeting Request' form will be acknowledged within 5\* working days (term time). Following acknowledgement, a further discussion/meeting will be arranged within 10\* working days (term time).

*\* Where these timescales cannot be met this will be communicated, with an explanation and an indication of when the timescale will be met.*

If initial contact is made via e-mail, it will be directed to the relevant member of staff, who will make contact with you to discuss it via telephone.

If you are uncertain who to contact about your concern or complaint, please seek advice from the school office or the Clerk to the Governing Board.

#### **2. Written**

If you have already communicated your concern or complaint to a relevant member of staff and they have responded, but you remain concerned, it may be appropriate to raise your concern or complaint directly with the Headteacher, who will be responsible for ensuring that it is investigated further.

Initially, this would also be by telephone. Following this, if a further discussion were required, a meeting can be requested by contacting the school office. In advance of any such meetings, a summary of the concern should be provided, either by completing and submitting the 'Concern Meeting Request' form 1 (if this has not already been completed at the verbal stage) or, if this has already been completed, by completing and submitting 'Concern Meeting Request' form 2 (see appendix). Completed forms should be passed, in a sealed envelope, to the school office, in advance of the meeting. The envelope should be addressed to the Headteacher and marked CONFIDENTIAL. Again, receipt of a completed form (whether it be Form 1 or Form 2) will be acknowledged within 5\* working days (term time). Following acknowledgement, a further discussion/meeting will be arranged within 10\* working days (term time).

*\* Where these timescales cannot be met this will be communicated, with an explanation and an indication of when the timescale will be met.*

### **Stage 2 - Formal Stage**

There are two parts to Stage 2.

1. If a concern raised at the informal stage (either verbal or written) requires further/full investigation.

This would be supported by completion of the Concern Form 2 (see appendix), if this has not already been completed and submitted earlier in the process.

2. If, following a full/further investigation at Formal Stage 1, the person raising the concern is not satisfied with the process that has been followed.

This would be supported by completion of the Review Request Form 3 (see appendix).

**1. If a concern or complaint raised at the informal stage requires further/full investigation.**

If a concern or complaint is not resolved at the informal stage and/or requires further/full investigation, a Concern Form 2 (see appendix) should be completed (if not already completed previously) or updated and re-submitted (if completed previously). The completed form should be passed, in a sealed envelope, to the Headteacher. The envelope should be addressed to the Headteacher and marked CONFIDENTIAL.

Receipt of the completed form will be acknowledged within 5\* working days (term time). Following acknowledgement, the nature of the investigation required will be decided and the complainant will be updated in writing within 10\* working days (term time). The correspondence will include an indication of the timescale for the investigation and/or response.

*\* Where these timescales cannot be met this will be communicated, with an explanation and an indication of when the timescale will be met.*

The investigation will begin as soon as possible. Once concluded, the complainant will be informed in writing of its conclusion. Standard practice\*\*, if an Investigation Team / Lead Investigating Officer are required, is to offer to meet with the complainant(s) at the start of the investigation process in order to clarify the exact nature of the complaint in detail (in writing). Impartiality will be evident in the form of records kept, outlining what factors were taken into account when making the decision as to who should investigate.

*\*\* There may be occasions when 'standard practice' does not apply, for example, cases which have already taken a substantial period of protracted debate at previous stages, concerns or complaints for which there is evidence that it could progress e.g. via litigation or disciplinary processes. In such instances, the reason for that decision will be documented. All involved with the investigation will remain impartial throughout the process. All personnel involved with the investigation will adhere to confidentiality throughout the process.*

If at any point during the investigation process new complaints or concerns are highlighted, or the original complaint changes significantly, a new investigation process will commence. This will be agreed via a discussion between the Chair of the Panel, the Chair of the Governing Board and the Governor appointed as the Independent Investigating Officer. Should the confirmed complaint differ from the original complaint already investigated, the matter will be formally referred back to the school for investigation before the panel considers it.

If at any point during the entire complaints process, including the Panel process, information is provided by the complainant that could be considered as a serious allegation to be handled via the Disciplinary Policy or a potential legal matter, the process will be put on hold and external HR or legal advice will be obtained.

**Stage 3 – concern regarding the process followed:**

This stage exists if, following a full/further investigation at Stage 2, the person raising the concern is not satisfied with the process that has been followed.

If you are not satisfied with the manner in which the complaints process has been followed, you may request that the Governing Board reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the Clerk to the Governing Board within 10\* school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will then be followed. A 'Review Request Form' 3 (see appendix) is provided to assist you. The completed form should be passed to the school office, in a sealed envelope, marked for the attention of the Clerk to the Governing Board and CONFIDENTIAL. Receipt of a completed Form 3 will be acknowledged within 5\* working days (term time). Following acknowledgement, the complainant will be updated in writing within 10\* working days (term time).

*\* Where these timescales cannot be met this will be communicated, with an explanation and an indication of when the timescale will be met.*

**Review Process**

Any review of the process followed by the school will be conducted by a panel of three members of the Governing Board who are impartial to the situation.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered.



## Final stage - Appeal

If a complaint has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](#) or in writing to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

There are exceptional circumstances to when the complaints procedure applies. These are outlined in the '[Exceptional circumstances](#)' section of this policy.

The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or Governing Board could act in the circumstances.

### 6. Interviewing witnesses

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents or the Police.

The school will ensure that the conduction of interviews does not prejudice a police or LA designated officer's (LADO) investigation.

The school will understand the importance of ensuring a friendly and relaxed area which is free from intimidation. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them. Staff are allowed a colleague and/or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview

### 7. Recording a complaint

A written record will be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

Recording devices **will not** be used to review discussions of complaints at a later date. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. The school will consult with the LA before using recording devices.

Where the school allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made will not be shared with the entire Governing Board. The exception to this is when a complaint is made against the whole Governing Board and they need to be aware of the allegations made against them, to respond to any independent investigation. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

As data controllers, the schools will ensure in all cases that they comply with their obligations and responsibilities as outlined in the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK GDPR.

## **8. Complaints not covered by this procedure**

There are a variety of areas where the complaints procedure does not apply because of other separate statutory procedures being in place. The school will deal with complaints regarding these topics in line with the procedures outlines below.

The following complaints should be directed to the LA:

- Statutory assessments of SEND
- School reorganisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints regarding exclusions will be dealt with in accordance with procedures outlined in the school's Suspension and Exclusion Policy.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the school's Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The Headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Complaints about the content of National Curriculum should be made to the DfE. Complaints about how the school delivers the curriculum, including RE and RSHE, will be dealt with using this complaints procedure.

Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

## 9. Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Headteacher or Governing Board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 10. Managing serial and unreasonable complaints

Please refer to our Vexatious Complaints Policy.

## 11. Complaints campaigns

For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, **a standard, single response will be published on the school's website**. If the school receives a large number of complaints about the same subject from complainants who are connected to the school e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

## 12. Barring from the premises

The school premises is private property and therefore any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the Headteacher or Chair of Governors will ask the individual to leave the premises.

The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the Chair of Governors or a committee of the Governing Board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or Chair of Governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

### 13. Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in the 'Complaints procedure' section of this policy.

For the purpose of this policy, a "**legitimate complaint**" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific retraining
- Assessment
- Redeployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the 'Recording a complaint' section of this policy.

### 14. Role of the DfE

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the Governing Board has acted unlawfully or unreasonably.

They will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

### 15. Transferring data

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

## **16. Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the school's website
- Staff induction
- meetings with parents
- meetings with school personnel

At any point in the application of this policy, where the process is compromised by the way in which complaints are addressed, our Vexatious Complaints Policy may be used in conjunction.

## **17. Monitoring and review**

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled appropriately. The number and nature of complaints will be tracked and underlying issues reviewed.

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

**ENDON HALL PRIMARY & NURSERY SCHOOL – CONCERN / COMPLAINT DISCUSSION / MEETING REQUEST FORM (1)**

Please complete this form and return it to the relevant person.

**Brief details to be discussed:**

**Dates / times when it would be most convenient for a discussion / meeting:**

**How do you feel the problem may be resolved at this stage?**

**Please complete this form and return to the school office.**

**Your Name:**

**Relationship with school** (e.g. parent of a child on the school roll):

**Child's name** (if relevant to the matter to be discussed):

**Your Address:**

**Telephone Numbers:-**

**Day:**

**Evening:**

**E-mail address:**

**Signed:**

**Date:**

---

**School use:**

Date form received:

Date response sent:

Received by:

Response sent by:

**ENDON HALL PRIMARY & NURSERY SCHOOL – CONCERN/COMPLAINT FORM (2)**

Please complete this form and return it to the relevant person.

**Your name:**

**Relationship with school** (e.g. parent of a child on the school roll):

**Child's name** (if relevant to the matter to be discussed):

**Your Address:**

**Telephone Numbers:-**

**Day:**

**Evening:**

**E-mail address:**

**Signed:**

**Date:**

**Please give details of your concise complaint, (including which staff member/s have already been made aware of and attempted to resolve your concern) to allow the matter to be further/fully investigated:**

**You may continue on a separate paper, or attach additional documents, if you wish.**

**Number of additional pages attached =**

**What action, if any, have you already taken to resolve your complaint?** (i.e. who have you spoken with or written to and what was the outcome?)

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

**School Use:-**

**Date form received:**

**Received by:**

**Date acknowledgement sent:**

**Acknowledgement sent by:**

<b>Concern referred to:</b>			
<b>Date:</b>			



**ENDON HALL PRIMARY & NURSERY SCHOOL – CONCERN/COMPLAINT REVIEW REQUEST FORM (3)**

Please complete this form and return it to the relevant person.

**Your name:**

**Your Address:**

**Relationship with school** (e.g. parent of a child on the school roll):

**Child's name** (if relevant to the matter to be discussed):

**Telephone Numbers:-**

**Day:**

**Evening:**

**E-mail address:**

**Signed:**

**Date:**

Dear

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response on .....

I have attached copies of my formal complaint and response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

**You may continue on separate paper, or attach additional documents, if you wish.**

**Number of additional pages attached =**

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

**School Use:-**

**Date Form received:**

**Received by:**

**Date acknowledgement sent:**

**Acknowledgement sent by:**

<b>Concern referred to:</b>			
<b>Date:</b>			