

# Endon Hall Primary & Nursery School

'Inspire today to achieve tomorrow'



## Complaints Policy

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### Statement of Intent

Endon Hall Primary & Nursery School is dedicated to providing the highest quality of education possible at all times. We accept that, on occasion, we may fall short of your expectations. Where this is the case, we aim to resolve all concerns at the earliest opportunity and, where possible, informally, before a formal complaint becomes necessary.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress. For lesser concerns or queries, we encourage a conversation (including with a child's class teacher) during which clarification can be sought.

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 Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher will be the first point of contact when following the complaints procedure, unless the complaint is about the Headteacher (see Section 5 - Stage 1).

## 1. Legal Framework

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

For the purposes of this policy:

A '**complaint**' may be generally recognised as an expression or statement of dissatisfaction about actions taken or a lack of action.

A '**concern**' may be treated as an expression of worry or doubt over an issue considered to be important, and for which reassurances are sought.

The school will class concerns as complaints and follow the same procedures for both, as outlined within this policy.

Complaints can be resolved informally (Stage One) or formally (Stage Two). Any complaint or concern will be taken seriously, whether formal or informal, and the appropriate procedures will be implemented.

A "**grievance**" is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

The definition of "**unreasonable complaints**" is outlined in the '[Managing serial and unreasonable complaints](#)' section of this policy.

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 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/or 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, and are provided the opportunity to complete the complaints procedure in full.
- 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 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) all parties that are involved in the complaint, including staff and/or 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 to investigate. In these circumstances, a Panel Chair will be appointed, who will:

- Ensure that minutes of meetings are taken.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are covered and that any outcomes reached are based on facts and evidence.
- Help to put at ease and/or console individuals involved who are not used to speaking at such meetings particularly any pupils involved.
- Conduct the meeting 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 meeting 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 confidential, 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 meeting.
- Greet all parties as they arrive at the meeting.
- Ensure that the minutes of the panel meeting are circulated afterwards, within 10 school days of the meeting.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

## 4. Making a 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".

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 staff**

Any complaint made against a member of staff will initially be dealt with by the Headteacher, and then by representatives of the Governing Board if necessary. The Headteacher will be the first point of contact when following the complaints procedure.

### **Complaints about the Headteacher**

The Chair of Governors will be informed of any complaint made against the Headteacher. Any complaint made against the Headteacher will initially be dealt with by a suitably skilled member of the Governing Board/SLT and then by a committee of the Governing Board.

### **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, in writing and documented 'for the attention of the Clerk to the Governing Board' via the [office@endonhall.staffs.sch.uk](mailto:office@endonhall.staffs.sch.uk) e-mail address, 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. The Clerk to Governors will seek advice from the Local Authority (LA).

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.

## **5. Complaints procedure**

### **Stage One: Informal concern made to a member of staff**

The complaint may be made in person, by telephone or in writing. Once made, the complaint will be discussed with the Headteacher/SLT and next steps will be determined.

If the concern is about the Headteacher, the complaint must be made in writing and documented 'for the attention of the Clerk to the Governing Board' via the [office@endonhall.staffs.sch.uk](mailto:office@endonhall.staffs.sch.uk) e-mail address. This will then be referred to the Chair of Governors.

Where a complaint is made initially to a governor, the complainant will be referred to the appropriate person. The individual in question will not act alone on a complaint outside the procedure; if they do, they will not be involved if the complaint is subject to a hearing at a later stage of the procedure.

The complainant and the relevant member of staff will discuss the issue in a respectful and informal manner, during which the nature of the complaint will be clarified. At this stage, the complainant will be asked what they think might resolve the issue. We will aim to seek a mutual resolution **within 15 school days**. Any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and/or telephone calls will be made and kept securely, and a copy of any written response added to the record.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome/resolution following the initial discussions, the complainant may wish to proceed to Stage Two.

**Stage Two: Formal complaint made to the Headteacher or, in the case of a complaint about the Headteacher, made in writing to the Clerk to Governors for the attention of the Chair of Governors**

The complaint may be made in person, by telephone or in writing. Once a complaint is made, the complainant and the Headteacher/Chair of Governors will discuss the issue in a respectful and informal manner. An appointment will be made as soon as reasonably practical (to avoid any possible worsening of the situation), during which the nature of the complaint will be clarified. At this stage, the complainant will be asked what they think might resolve the issue. Stage Two complaints will be completed **within 15 school days**.

If the complaint is about the Headteacher, it must be made in writing to the Clerk to Governors via the [office@endonhall.staffs.sch.uk](mailto:office@endonhall.staffs.sch.uk) e-mail address. The Clerk to Governors will then pass the complaint to the Chair of Governors, who will seek to resolve the issue e.g. by arranging a meeting and/or telephone call with the complainant **within 15 school days**, before determining next steps.

Where there are communication difficulties, the complaint may be made in person or via telephone.

The complaint will be investigated by the Headteacher/Chair of Governors/staff members/governor representatives. All available evidence will be considered. The investigation may include conducting interviews with any relevant parties, including witnesses and/or pupils, and/or taking statements from those involved.

Findings, resolutions and/or decisions will then be communicated to the complainant either verbally or in writing. If the complainant is not satisfied with the outcome suggested, they will be advised of any escalation options.

Where the situation is recognised as complex, and it is deemed to be unable to be resolved within 15 school days, the Headteacher, Clerk to Governors or Chair of Governors will contact the complainant to inform them of the revised target date, via written notification.

Where the Headteacher or Chair of Governors has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and/or telephone calls will be made and kept securely, and a copy of any written response added to the record.

**Stage Three: Appeals**

If the complainant is not satisfied with the process that has been followed, considers the decision to be perverse, or believes that the school has acted unreasonably, they may request that the Governing Board reviews the complaint (Stage Three). To do so, an appeal request should be made in writing to the Chair of Governors **within 10 school days**. This can be done via the [office@endonhall.staffs.sch.uk](mailto:office@endonhall.staffs.sch.uk) e-mail address, marked for the attention of the Chair of Governors.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and/or telephone calls will be made and kept securely, and a copy of any written response added to the record.

Written acknowledgement of the complaint appeal will be made **within 3 school days**. This will inform the complainant that the Governing Board will hear the complaint appeal **within 20 school days**. The Chair of Governors, or another nominated governor, will convene an appeal panel comprising of three members of the Governing Board. If the whole Governing Board is aware of the substance of the complaint being appealed, an independent panel will be arranged to hear the complaint.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – complainants should provide evidence to support their request. Where the appearance of bias is sufficient to taint the decision reached, the request will likely be granted by the Governing Board.

To appoint a governor from another school onto an independent complaints panel, the Governing Board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003. Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced. Governors from any category of governor or associate members of another Governing Board can be approached to take part in an independent panel.

**5 school days'** notice will be given to all parties attending the appeal panel, including the complainant.

Prior to the hearing, the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Headteacher will also have a copy of this letter.

Neither the school nor the complainant should bring legal representation to any appeal proceedings. However, there are occasions where legal representation may be appropriate e.g. where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

The panel hearing will be conducted as set out in relevant parts of the 'Roles and Responsibilities' section of this policy.

The appeal panel will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The complainant and the person complained about, where relevant, will receive a written response, via email or otherwise, explaining the panel's findings and recommendations **within 15 school days**. This response will also explain whether there are any further rights of appeal and to whom they need to be addressed.

### **Final stage - Appeal to the Secretary of State**

If a complainant has completed the school's process and 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 and/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 relates to 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 Local Authority 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 a complaint 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 school 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.

Complaints from parents/carers who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with 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/vexatious complaints**

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school will not normally limit the contact complainants have with it; however, the school will not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the DfE
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about staff or threats towards them, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

## 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 via e-mail, to the Headteacher or Chair of Governors (via the school office).

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. Availability**

A copy of this policy will be published on the school website in accordance with the School Information (England) (Amendment) Regulations 2016.

## **17. Monitoring and review**

The complaints procedure will be reviewed **annually**, taking into account any legislative changes and the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the Governing Board.

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.