

Title of Policy

Complaints Policy



Last reviewed on Date: 31<sup>st</sup> January  
2020

Next Review Date: 31<sup>st</sup> January 2023

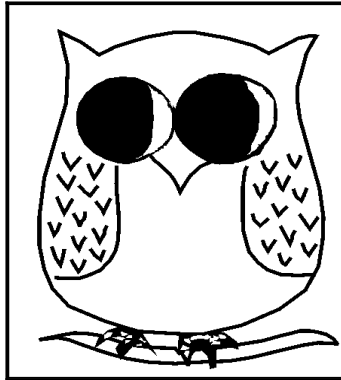
Signature..... (Chair of Governors)

Print Name.....

# Upton Snodsbury CofE First School



Complaints Policy  
2024



Upton Snodsbury CofE First  
School

Complaints Policy

# 2022

Signed by:

\_\_\_\_\_  
Headteacher

Rachel Mayo

\_\_\_\_\_  
Matt Croft

\_\_\_\_\_  
Chair of governors

## **Contents:**

### Statement of intent

1. Legal framework
2. Definitions
3. Roles and responsibilities
4. Making a complaint
5. Complaints procedure
6. Interviewing witnesses
7. Recording a complaint
8. Complaints not covered by this procedure
9. Exceptional circumstances
10. Managing unreasonable requests

11. [Complaints campaigns](#)
12. [Barring from the premises](#)
13. [Standard of fluency complaints](#)
14. [Role of the school complaints unit \(SCU\)](#)
15. [Transferring data](#)
16. [Availability](#)
17. [Reviewing the procedure](#)

## **Appendices**

- A) [Complaints Procedure Form](#)
- B) [Example Letter to Complainant for a Stage Three Complaint](#)
- C) [Example Letter for Complaints Against the Headteacher](#)
- D) [Complaints Flow Chart](#)

- E) ~~[Complaints Procedure Form](#)~~
- F) ~~[Example Letter to Complainant for a Stage Three Complaint](#)~~
- G) ~~[Example Letter for Complaints Against the Headteacher](#)~~
- H)

## **Statement of Intent**

~~Flyford Flavell First School~~ ~~Upton Snodsbury~~ [Upton Snodsbury C of E First School](#) aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

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.

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Once a complaint has been made, it can be resolved or withdrawn at any stage.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

## 1. Legal framework

1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

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

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

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

## 2. Definitions

2.1. For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

2.2. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice.

2.3. A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required.

2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

2.5. 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.

2.6. For the purpose of this policy, concerns will be classed and addressed as complaints.

2.7. For the purpose of this policy, “**unreasonable complaints**” include:

- Vexatious complaints:
  - Obsessive, persistent, harassing, prolific or repetitious complaints
  - Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Meritorious complaints raised in an unreasonable manner.
  - Complaints designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
  - Serial or persistent complaints:
    - Duplicated - sent by the same complainant once the initial complaint has been closed.
- 2.8. Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial' meaning the complainant can complain about a separate issue if necessary.
- 2.9. 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 has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- 2.10. 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

- 3.1. 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.
- 3.2. The complaints co-ordinator (Clerk to Governors) will:
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
  - Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher and Chair of Governors.
  - Be aware of issues with regard to sharing third party information.
  - Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.
- 3.3. The investigator is involved in stages one and two of the procedure. Their role includes:
- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
  - Considering all records, evidence and relevant information provided.

- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant 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.

3.4. The panel Chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are 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, yet still sets 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 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 Clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.5. All panel members will be aware that:

- 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 reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that 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.

3.6. The Clerk will:

- 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. Making a complaint**

- 4.1. Complaints are not restricted to parents of attending pupils. The school will consider all complaints.
- 4.2. The school will ensure the complaints procedure is:
- Easily accessible and publicised on the school's website.
  - Simple to understand and put into practice.
  - Impartial and fair to all parties involved.
  - Respectful of confidentiality duties.
  - Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
  - Fairly investigated, by an independent person when necessary.
  - Used to address all issues to provide appropriate and effective responses where necessary.
- 4.3. Complaints are expected to be made as soon as possible after an incident arises to address the issue in an appropriate timescale.
- 4.4. The school upholds a three-month time limit in which a complaint can be lodged regarding an incident.
- 4.5. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 4.6. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 4.7. Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form.

- 4.8. All complaints shall 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).
- 4.9. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 4.10. Any complaint made against a member of staff will be initially dealt with by the Headteacher, and then by a committee of the Governing Body.
- 4.11. Any complaint made against the Headteacher shall be initially dealt with by a suitably skilled member of the Governing Body and then by a committee of the Governing Body.
- 4.12. Any complaint made against the Chair of Governors or any other member of the Governing Body should be made in writing to the Clerk to the Governing Body.
- 4.13. Any complaint made against the entire Governing Body, or complaints involving the Chair and the Vice Chair, should be made in writing to the Clerk. The Clerk will then 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.
- 4.14. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.
- 4.15. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## **5. Complaints procedure**

### **Stage 1 (Informal)**

- 5.1. Informal Stage: Where any member of staff becomes aware of a voiced concern, they will deal with it themselves if it is appropriate, and they feel comfortable doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns will be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter, they must involve, for example, a more senior member of staff.
- 5.2. In the case of serious concerns (or where the school deems it more appropriate to do so) it will be necessary to refer these matters directly to the Headteacher.
- 5.3. Where the complaint is specifically about the Headteacher, similarly the parent/carer should discuss this with him/her at this stage first.
- 5.4. Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors must avoid acting unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at the later stage of the procedure.
- 5.5. Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated

formally. Unless the complaint directly concerns the Headteacher, it will be the Headteacher who deals with this next stage (Stage 2).

- 5.6. If the complaint is specifically about the Headteacher, and the Headteacher has had the opportunity in Stage 1 to discuss the matter, the parent/carer can then directly contact the Chair of Governors about Stage 2.

### **Stage 2 (Formal) Complaint heard by the Headteacher**

- 5.1. In cases where the complaint is about the Headteacher, this stage will be dealt with by the Chair of Governors.
- 5.2. This stage can be initiated where there is dissatisfaction with the outcome of Stage 1. At this point, the complainant will be directed to a copy of this Complaints Policy on the school website within three school days, together with the formal complaint form (Appendix A).
- 5.3. The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, parents/carers are also asked what actions might resolve the problem for them.
- 5.4. After the formal complaint form is returned, it will be acknowledged within three school days and the investigation will commence.
- 5.1. This is the first stage of the formal complaints process and, as a result, all communications between parties will be recorded.
- 5.2. Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point.
- 5.3. The head may delegate the task of collating the information to another member of staff, but not the decision on the action to be taken. The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.
- 5.4. The outcome of the investigation must be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information. This response should be provided within 10 school days of acknowledging the complaint.
- 5.5. If the complainant is still dissatisfied with the response given and would like to take the complaint further, they must make this clear in writing to the Headteacher. On receipt, the Headteacher will send on the complaint form and all associated information to the Chair of

Governors. In the case of the Headteacher, if the complainant is still dissatisfied, and wishes to take it further, the complainant must write to the Chair, and Stage 3 is initiated.

### **Stage 3 (Formal) Dealt with by the Chair of Governors**

- 5.6. If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.
- 5.7. The Chair will collect information in order to form an opinion about whether to go to the Governors' Complaint Panel, or to meet with the complainant to try and explore further options of resolving the issue. If this is not possible, the complaint will go to the next stage.

### **Stage 4 (Formal) Dealt with by the Governing Body**

- 5.8. The complainant needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated Governor, will convene a Governing Body Complaints Panel.
- 5.9. The Governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.
- 5.10. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 5.11. The Governing Body will nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:
  - —drawing up its procedures,
  - —hearing individual appeals,
  - —making recommendations on policy as a result of complaints.
- 5.12. The panel will consist of three or five people. The panel may choose their own Chair.
- 5.13. The Panel will inform the parent/carer that the complaint will be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the parent/carer will be notified where this timed period will need to be extended and the reasons for this.
- 5.14. Panel Governors will convene a meeting of the Complaints Panel, and arrange a time and date for the meeting. All relevant documentation from the Headteacher and the parent/carer will be distributed to all parties, including the Panel members, in advance of the meeting.
- 5.15. The Panel has discretion as to how it will carry out its duties. As part of this, parents /carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired).

- 5.16. The Chair of the Panel needs to ensure that the parent/carer is notified of the Panel's decision in writing within five school days of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again. The Panel shall take advice from Governor Services where necessary, to ensure that no vulnerabilities are created by the formulation of the Panel's written decision.
- 5.17. If the parent/carer is dissatisfied with the response they have been given, and would like to take the complaint further, they should refer to the Secretary of State for Education. Complainants will be advised to write to
- The School Complaints Unit (SCU) at:  
Department for Education  
2nd Floor Piccadilly Gate Manchester M1 2WD

## **6. Interviewing witnesses**

- 6.1. In regard to staff/adult witnesses, the Complaints Panel will seek guidance from Governor Services in regard to appropriate witnesses to interview.
- 6.2. 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.
- 6.3. The school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- 6.4. The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 6.5. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 6.6. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 6.7. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 6.8. The interviewee will sign a copy of the transcription of the interview.

## **7. Recording a complaint**

- 7.1. A written record shall be kept of any complaint made, whether made via phone, in person or in writing.
- 7.2. The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

- 7.3. Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.
- ~~7.4.~~ Recording devices will not be used without the prior consent of all parties.
- 7.5.
- 7.6. The school will not accept as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- 7.7. Details of any complaint made shall not be shared with the entire Governing Body. The exception to this is when a complaint is made against the whole Governing Body and they need to be aware of the allegations made against them, to respond to any independent investigation.

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

- 8.1. Complaints regarding the following topics should be directed to the LA:
- Statutory assessments of SEND
  - School re-organisation proposals
  - Admissions to schools
- 8.2. Complaints about child protection matters will be handled in line with the school's Safeguarding Policy and in accordance with relevant statutory guidance.
- 8.3. Any child protection complaints should be directed to the LADO.
- 8.4. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 8.5. Complaints regarding exclusions will be dealt with in accordance with the procedure outlined in the Exclusion Policy.
- 8.6. The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.
- 8.7. 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.
- 8.8. Staff grievances and disciplinary procedures will be dealt with in line with the 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.
- 8.9. 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. All complaints concerning this should be directed to the service provider.
- 8.10. Complaints about the content of national curriculum should be made to the DfE.
- 8.11. Complaints about how the school delivers the curriculum, including Religious Education and Relationship and Sex Education, will be dealt with using this complaints procedure.

8.12. Complaints from parents 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.

## **9. Exceptional circumstances**

9.1. 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 processed through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

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

9.3. 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.

9.4. 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 unreasonable requests**

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

10.2. 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 co-operate 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.

10.3. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers

10.4. Complainants should limit the numbers 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.

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

10.6. 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.

10.7. 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

11.1. 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.

- 11.2. 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.
- 11.3. 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.
- 11.4. If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

## **12. Barring from the premises**

- 12.1. School premises are private property and therefore any individual may be barred from entering the premises.
- 12.2. If an individual's behaviour is cause for concern, the Headteacher will ask the individual to leave the premises.
- 12.3. 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.
- 12.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 12.5. This decision to bar will be reviewed by the Chair of Governors or a committee of Governors, taking into account any discussions following the incident.
- 12.6. 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, they will also be informed of when the decision will be reviewed.
- 12.7. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or Chair of Governors.
- 12.8. Once the school's complaints procedure is completed in relation to a barring occurrence, the only remaining avenue of appeal is through the Courts.

## **13. Standard of fluency complaints**

- 13.1. 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.
- 13.2. 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.

- 13.3. 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.
- 13.4. 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 [section 5](#) of this policy.
- 13.5. 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.
- 13.6. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.
- 13.7. 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.
- 13.8. 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.
- 13.9. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:
- Specific training
  - Specific re-training
  - Assessment
  - Re-deployment
  - Dismissal
- 13.10. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

#### 14. **Role of the school complaints unit (SCU)**

- 14.1. 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.
- 14.2. If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.
- 14.3. The Secretary of State will only intervene when they believe that the Governing Body has acted unlawfully or unreasonably.
- 14.4. The SCU will not overturn a school’s decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

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

**15. Transferring data**

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

15.2. 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.

15.3. 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**

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

**17. Reviewing the procedure**

17.1. The complaints procedure will be reviewed every three years.

17.2. Responsibility for reviewing the procedure belongs to a committee of the Governing Body, an individual Governor or the Headteacher.

17.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

17.5. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

**Date of Review will be March 2023**

**Appendix A - Complaints Procedure Form**

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher, you will need to send the form to the Chair of the Governing Body.)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

## Appendix B - Example Letter to Complainant for a Stage Three Complaint

Address line one

Address line two

Town

County

Postcode

Date

**RE: Stage three complaint**

Dear addressee's name,

Thank you for your letter dated **date** setting out the reasons why you are not satisfied with the **Headteacher's** response to your complaint about **details of the complaint**.

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the **Chair** of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

**Chair of the Governing Body**

## Appendix C - Example Letter for Complaints against the Headteacher

Address line one

Address line two

Town

County

Postcode

Date

Dear addressee's name,

I have received your complaint against the **Headteacher** of name of school.

I write to let you know that I have forwarded a copy of your complaint to the **Headteacher**, with a request that they respond to the issues raised in the complaint within **10** school days.

A copy of the **Headteacher's** response will be sent to you as soon as possible.

If you are not satisfied with the **Headteacher's** response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the **chair** of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

**Chair of the Governing Body**

**Appendix D**

## Model School Complaints Procedure/Policy Flowchart

