



## Complaints Policy and Procedures

### Key Information

Title	Complaints Policy and Procedures	
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*In Christ we Flourish*

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## **Statement of intent**

St Gregory's Catholic College 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. 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.

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Once a complaint has been made, it can be resolved or withdrawn at any stage.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

## **Aims**

St Gregory's Catholic College will:

- encourage the resolution of problems by informal means wherever possible;
- allow swift handling with established time limits and keep complainants informed of any process;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality where possible;
- address all the points at issue and provide an effective response and appropriate redress where necessary;
- provide information to the school's Senior Leadership Team so that services can be improved.

## **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

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'

1.2 This policy will be implemented in accordance with the following school policies:

- Child Protection and Safeguarding Policy
- Exclusion Policy
- Whistleblowing Policy

## **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 Model Procedure.

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

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

Vexatious complaints:

- Are obsessive, persistent, harassing, prolific, repetitious.

- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insist upon pursuing meritorious complaints in an unreasonable manner.
- Are designed to cause disruption or annoyance.
- Demand for redress which lacks any serious purpose or value.

Serial or persistent complaints:

- Are duplicated, sent by the same complainant once the initial complaint has been closed.

2.7 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.

2.8 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.

2.9 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**

Saint Gregory’s Catholic College recognises that the vast majority of complaints and concerns can be resolved informally.

Generally it is expected that where matters relate to a student it will have been raised with the student’s Tutor and Head of Year before a request is made to deal with matters formally.

3.1 The complainant is expected to:

- have made reasonable attempts to seek an informal resolution and have acted in relation to the matter in a reasonable and measured way. The Chair of Governors shall have the discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met;
- 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 and positively 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 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, 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 as appropriate.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher, Clerk and Chair of Governors.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next stage 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 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 students.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Identifying and recommending to the Headteacher 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 students 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 and complaints co-ordinator 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:

- The review panel hearing 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 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 panel clerk will:

- Continuously liaise with the complaints co-ordinator.
- 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 students. 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.

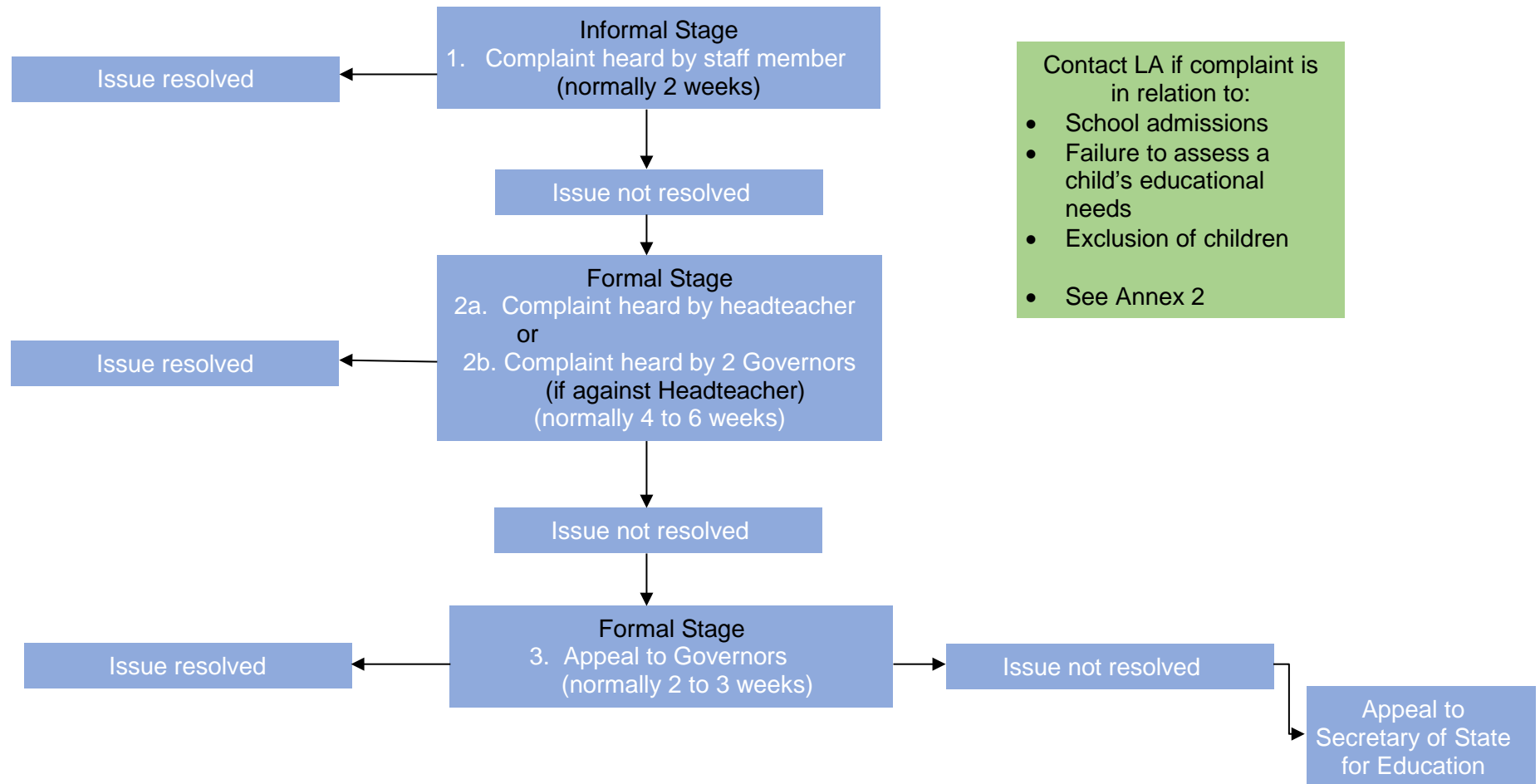
4.5 Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

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](#) to the Headteacher as per Stage 1 of the Complaints Procedure
- 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 formal 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.
- 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 agreed with the complainant and documented.
- 4.15 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## COMPLAINTS PROCEDURE FLOWCHART



## **5. Complaints procedure**

### **Stage one – Informal concern raised complaint heard by staff member and resolution**

- 5.1 A complaint may be made in person, by telephone or in writing. Parent/carer discusses their concern with the child's Tutor or Head of Year or another member of school staff if appropriate.
- 5.2 Where the complaint concerns the Headteacher the member of staff can refer the complaint to the Chair of Governors.
- 5.3 If the governors are approached first then the appropriate next steps would be to refer the complaint to the appropriate person and advise the complainant of the complaints process.
- 5.4 Governors should not act alone on an individual complaint outside of the school's Complaints Procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
- 5.5 If a resolution cannot be sought at this level or the complainant is dissatisfied with the outcome then the parent/carer may wish to escalate the complaint to the next level of the procedure, using the complaints form in Appendix A

### **Stage two – formal complaint made to the Headteacher**

- 5.6 The complainant must put the complaint in writing using the complaints form in Appendix A, addressed to the Headteacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
- 5.7 Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher will contact the complainant to inform them of the revised target date via a written notification.
- 5.8 An appointment with the Headteacher should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.
- 5.9 If the complaint is against the Headteacher, the complainant will initially need to write, in confidence, to the Chair of the Governing Body. The Chair will seek to resolve the issue informally before moving directly to stage three of the procedure.
- 5.10 Where the Headteacher or Chair of the Governing Body 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.
- 5.11 Where there are communication difficulties, the complaint may be made in person or via telephone.

- 5.12 To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.
- 5.13 In terms of a complaint being made against a member of staff, the Headteacher (or delegated member of SLT) will discuss the issue with the staff member in question. Where necessary, the Headteacher or delegated member of the SLT will conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved.
- 5.14 All discussions shall be recorded by the Headteacher or delegated member of SLT and findings and resolutions will be communicated to the complainant either verbally or in writing.
- 5.15 Once all facts are established, the Headteacher shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g., escalation to stage three) and will be provided with details of this process.

**Stage 3 – Complaint heard by governing bodies' complaints appeal panel (CAP) (formal resolution)**

- 5.16 Complaints at this stage should be made in writing and addressed to the Clerk to the Governors no later than ten school days following receipt of a Stage 2 outcome. The Chair of Governors, or a nominated governor, will convene a Governing Body CAP.
- 5.17 Written acknowledgment of the complaint will be made, within three school days, informing the complainant that their complaint will be heard within 20 school days.
- 5.18 The CAP will consist of three people who were not directly involved in the matters detailed in the complaint. One of these people will be independent from the management and running of the school.
- 5.19 CAP will be arranged with three members of the Governing Body and the complainant. Five days' notice will be given to all attending. The Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Headteacher.
- 5.20 At the meeting everyone's case will be put across and discussed. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 5.21 The CAP will arrange meetings that allow for:
- The complainant to attend and be accompanied by a friend; legal representation will not be allowed.
  - The complainant to explain his or her complaint and the Headteacher to explain the reasons for their decision.
  - The CAP to have an opportunity to question both the complainant and the Headteacher

- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties to have the right to question all the witnesses.

5.22 The panel will make findings and recommendations and a copy of those findings and recommendations will be:

- provided to the complainant within 15 school days of the CAP and, where relevant, the person complained about; and
- available for inspection on the school premises by the Governing Body and Headteacher.

5.23 The panel can:

- Dismiss the complaint in whole or in part.
  - Uphold the complaint in whole or in part.
  - Decide on the appropriate action to be taken to resolve the complaint.
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
  - The decision of the CAP is final.
- a. There are several points which any governor sitting on a complaints panel needs to remember which are at Appendix 3.
  - b. Final stage – Appeal

5.24 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

5.25 There are exceptional circumstances to the provisions outlined in 5.41. These are outlined in [section 9](#) of this policy.

5.26 The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body 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 Body could act in the circumstances.

## **6. Interviewing witnesses**

- 6.1 When interviewing students 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.
- 6.2 The school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- 6.3 The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 6.4 All students interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 6.5 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.
- 6.6 The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 6.7 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, 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).
- 7.2 All records are made available for inspection on the school premises if required by governors or the local authority.
- 7.3 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.
- 7.4 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.
- 7.5 Recording devices will not be used without the prior consent of all parties.
- 7.6 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
- 7.7 The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- 7.8 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.
- 7.9 Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.
- 7.10 The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

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

- 8.1 Complaints regarding the following topics should be directed to the local authority:
- 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 Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
- 8.3 Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).
- 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 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 Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.
- 8.8 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.

- 8.9 Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Model Procedure. 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.
- 8.10 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
- 8.11 Complaints about the content of the national curriculum should be made to the DfE.
- 8.12 Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.
- 8.13 Any complaints about the content of the daily act of collective worship are dealt with by either:
- the LA
  - the local Standard Advisory Council on Religious Education
  - another relevant body, e.g. the Diocese.
- 8.14 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.
- 8.15 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**

- 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:
- Students are at risk of harm.
  - Students 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.
- 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.

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.

10.7 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 or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

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

10.9 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 the Governing Body, 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, and 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, 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 students.

- 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.
- 13.11 Records of complaints regarding fluency will be kept in accordance with the processes outlined in [section 7](#) of this policy.

## **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, they will not be able to advise on how to resolve the complaint.

## **15 Transferring data**

- 15.1 When a student changes school, the student'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 student 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 as appropriate.

## **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 annually, taking into account any legislative changes and the latest guidance issued by the DfE.
- 17.2 Responsibility for reviewing the procedure belongs to the Christian Vision Committee of the Governing Body, supported by a nominated member of staff.
- 17.3 Information gathered through reviewing and operating the complaints procedure will be used to continuously improve and develop the process.
- 17.4 The monitoring and reviewing of complaints will be used by governors to help evaluate the school's performance.

## 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

Dear *addressee's name*

#### **RE: Stage three complaint**

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*

#### **RE: Complaint Against the Headteacher**

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**

### **Contact Details for complaints for which the Local Authority People and Communities Service has responsibility**

**Please note the addresses provided below are for postal purposes only. The Services themselves are located in the Civic Centre, Market Walk, Keynsham Bristol, BS31 1FS**

#### **Admission to the school**

Officer in charge, Admissions & Transport  
Admissions & Transport Unit  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394312  
E Mail [Admissions\\_Transport@bathnes.gov.uk](mailto:Admissions_Transport@bathnes.gov.uk)

#### **Statutory Assessment of Special Educational Needs**

Statutory Special Educational Needs Manager\*  
Statutory Special Educational Needs Service  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394306

#### **Exclusion of pupils from the school**

Officer in Charge, Children Missing Education\*  
Children Missing Education Team Exclusion  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel. 01225 394241  
[exclusions@bathnes.gov.uk](mailto:exclusions@bathnes.gov.uk)

#### **Child protection related issues or allegations of child abuse**

Head of Safeguarding Assurance and Quality  
Strategy and Commissioning\*  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG  
Tel 01225 396974

**Any complaint about the action of the Governing Body**

Head of Governor Services  
Governor Services  
People and Communities Department  
Bath & North East Somerset Council,  
Lewis House, Manvers Street  
BATH, BA1 1JG

Tel 01225 395103