St. John Vianney School

Steps to Independence & Education for Life

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AUTISM ACCREDITATION

SAINT JOHN VIANNEY R C SCHOOL

THE MISSION STATEMENT OF

SAINT JOHN VIANNEY SCHOOL

At St John Vianney School we celebrate the uniqueness of every child and the God given gifts they bring each day to our learning community.

Inspired by the example of Jesus Christ we are a school where every child and young person is highly valued and encouraged to give their best.

Building on our Roman Catholic foundations we aim to foster an engaging, nurturing and safe environment, within which our children thrive and achieve their full potential.

Our St John Vianney family is dedicated to fostering independence and educating resilient, lifelong learners, who are empowered to enrich their own lives and those of others.

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Statement of intent

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Once a complaint has been made, it can be resolved or withdrawn at any stage.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

1. Legal framework

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

- The Education Act 2002
- The Education Regulations 2014
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- UK General Data Protection Regulation (GDPR)
- The Data Protection Act 2018

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

- DFE (2021) 'Best Practice Advice for School Complaints Procedures'
- Education and Skills Funding Agency (ESFA) 'Best practice guidance for academies complaints procedures' 2021
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

This policy operates in conjunction with the following school policies:

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

2. Definition

2.1. For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.

2.2. Complaints can be resolved formally, through this procedure.

2.3. or informally dependent on the complainant's choice.

2.4. A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.

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

NB. For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

2.6. 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.

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

- Vexatious complaints, which:
  - 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, which:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.
  - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

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:

- Co-operate 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 Investigator, who at SJV will be Mr D Cooper,** will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure- these records will be kept securely on the school's ICT system and retained in line with our School Record's policy.
- 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 formal stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues in regards 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 Complaints Investigator, Headteacher, or where the complaint is against the Headteacher, the Chair of Governors is responsible for

- Providing a sensitive and thorough interviewing process of the complainant in order 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 children.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints 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.

3.4. The Panel Chair will:

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

4. Making a complaint

4.1. Complaints are not restricted to parents of attending pupils. The school will consider all complaints, providing they are not anonymous.

4.2. The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Simple to understand and put into practice.
- Impartial, non-adversarial 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 in order to provide appropriate and effective responses where necessary.

4.3. Complaints are expected to be made as soon as possible after an incident arises in order to amend 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 made in person, by telephone, in writing or electronically via email, or via a third party, providing they are not anonymous.

4.9. 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".

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 if not resolved.

4.11. Any complaint made against the Headteacher shall be initially dealt with by the Chair of Governors and then by a panel hearing if necessary.

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. Any complaint made against the entire Governing Body, or complaints involving the Chair of Governors and the Vice Chair of Governors, should be made in writing to the Clerk to Governors. The Clerk to Governors 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 Governors from another school.

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

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

5. Complaints procedure

Complaints procedures at SJV consist of three distinct stages:

- Informal (meeting with the complainant)
- Formal (the complaint is put in writing)
- A panel hearing

Stage one – Informal concern made to a member of staff

5.1. A complaint may be made in person, by telephone or in writing.

5.2. The member of staff can discuss the concern with the Headteacher or Complaints Investigator in order to seek support.

5.3. In order 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 will be kept securely on the School's ICT system.

5.4. If the concern is about the Headteacher, the complaint must be made in writing to the Clerk of Governors. The complainant can then be referred to the Chair of Governors.

5.5. In case a complaint is made initially to a Governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

5.6. Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

5.7. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

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

Stage two – Formal complaint made to the Headteacher

5.9. 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 or Clerk of Governors will contact the complainant to inform them of the revised target date via a written notification.

5.10. An appointment with the Headteacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

5.11. 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, by arranging a meeting informally with the complainant within 15 days, before moving directly to stage three of the procedure.

5.12. 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.

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

5.14. In order 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. Provided that the complaint is not against a member of staff or the Headteacher, these notes are kept securely on the school's ICT system. Where complaints are against a member of staff or the Headteacher, notes are kept by the Clerk to Governors on a secure computer not accessible via the school's ICT system.

5.15. In terms of a complaint being made against a member of staff, the Headteacher will discuss the issue with the staff member in question. Where necessary, the Headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

5.16. All discussions shall be recorded by the Headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.

5.17. 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. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

5.18. Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.

5.19. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage Three: Investigation by the Chair of Governors

5.20. The complainant should submit any complaint in respect of the Headteacher's investigation in writing (or via an alternative method if necessary) to the Chair of Governors.

5.21. The Chair of Governors will carry out an investigation and consider all available evidence. Where the Chair of Governors has already

been involved, e.g. in complaints against the Headteacher, the investigation will be carried out by the Vice Chair of Governors.

5.22. The complainant and the Headteacher will be informed of the outcome within 20 school days of the Chair of Governors receiving the complaint. The complainant will be advised of any escalation options, e.g. escalation to stage four, and will be provided with details of this process. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

5.23. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the Chair has acted unreasonably, they may request that the Governing Body reviews the complaint (stage four).

Stage Four – Complaints Appeal Panel (CAP)

5.24. Following receipt of a stage three outcome, the complaint should be made in writing to the Chair of Governors within 10 school days.

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

5.26. In order 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 by the Clerk of Governors.

5.27. Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.

5.28. Neither the school nor the complainant should bring legal representation to the CAP 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.

5.29. The Chair of Governors, or another nominated governor, will convene a CAP comprising:

- Three members of the Governing Body.

5.30. If the whole Governing Body is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint.

5.31. 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. The school will consider the request, but ultimately the decision is made by the Governing Body.

5.32. 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 Body can be approached to take part in an independent panel.

5.33. Where appropriate, the Clerk to Governors will ask for support from their network or governor services team.

5.34. Five days' notice will be given to all parties attending the CAP, including the complainant.

5.35. 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.

5.36. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

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

5.38. The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
- The complainant to question the headteacher, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the Chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the headteacher.
- Final statements to be made by both parties involved.

5.39. The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

5.40. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Final stage – Appeal

5.41. 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.

5.42. If a complainant has exhausted the School's complaints procedure, they will be advised that they can submit a 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

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 children in order 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 children 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 by the Governing Body and the Headteacher.

7.3. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions of complaints 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. 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.

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

7.6. 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. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

7.7. 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.

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

8. Complaints not covered by this procedure

8.1. Complaints regarding the following topics should be directed to the Diocese of Salford School Trust Board:

- Statutory assessments of SEND
- School re-organisation proposals
- Matters which may require a child protection investigation
- 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. Any child protection complaints will be directed to the LADO or the multi-agency safeguarding hub (MASH).

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

8.4. Complaints about children being excluded from the school will be dealt with by following the process explained in the Exclusion Policy.

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

8.6. 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 Diocese of Salford or DfE, depending on what the complaint is about.

8.7. Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance 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.

8.8. 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.

8.9. Any complaints about the content of the daily act of collective worship are dealt with by either:

- The Local Authority of the complaintive.
- The local Standard Advisory Council on Religious Education.
- The Diocese of Salford.

8.10. 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 complaint's procedure.

8.11. 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:

- 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.

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

9.3. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children's Social Care and/or to the Diocese of Salford.

9.4. 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.

9.5. 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 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.

10.3. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, 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, e.g. 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. 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.

10.8. 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.

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.

10.10. If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint may be directed to the Diocese of Salford Trust Board.

10.11. The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

10.12. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

10.13. The school will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.

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. 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.

11.3. 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 can be barred from entering the premises.

12.2. If a parent's behaviour is cause for concern, a school can ask the individual to leave the premises.

12.3. The Headteacher will notify the parties involved via 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 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 complains 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 DfE

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. The Secretary of State will only intervene when they believe that the Governing Body has acted unlawfully or unreasonably.

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

14.4. 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

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. 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 Complaints Procedures Policy will be made available on request. It will also 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 3 years, taking into account the latest guidance issued by the DfE. The next scheduled review date will be February 2028.

17.2. Responsibility for reviewing the procedure belongs to a committee of the Governing Body, an individual Governor or the Headteacher. All projected review dates will be adhered to.

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

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

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.)

<table>
<tr><td>Name:</td><td rowspan="5">Address:</td></tr>
<tr><td>Pupil’s name:</td></tr>
<tr><td>Pupil’s date of birth:</td></tr>
<tr><td>Daytime telephone number:</td></tr>
<tr><td>Evening telephone number:</td></tr>
<tr><td>Email:</td><td>Postcode:</td></tr>
<tr><td colspan="2">What is your complaint concerning, and what action would you like the headteacher to take?</td></tr>
<tr><td colspan="2">When did you discuss your concern/complaint with the appropriate member of staff?</td></tr>
<tr><td colspan="2">What was the result of the discussion?</td></tr>
<tr><td>Signed:</td><td>Date:</td></tr>
</table>

Example Letter for Complaints Against the Headteacher

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

Example Letter to Complainant for a Stage Four Complaint

Address line one
Address line two
Town
County
Postcode
Date

RE: Stage Four 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