



# Ribblesdale School Policy and Procedures for the Handling of Complaints

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## **Statement of intent**

Ribblesdale School aims to resolve all complaints at the earliest possible stage and, where possible, informally. The school 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. Our complaints policy is designed to ensure that the school's complaints procedure is:

- Straightforward
- Impartial
- Non-adversarial
- Able to facilitate full and fair investigation
- Respects confidentiality
- Capable of delivering an effective resolution
- Supportive of the maintenance of positive and productive relationships between the school and members of the community it serves.

Any person, including a member of the public, can make a complaint about the school. 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 Once a complaint has been made, it can be resolved or withdrawn at any stage.

## Legal framework

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

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

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

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

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Behaviour For Learning Policy
- Grievance Policy
- Parental Interaction Policy
- Whistleblowing Policy

## 1. Definitions

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

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 (or a family member of the 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.

It is the complaint that will be marked as 'serial', not the complainant, meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's family member such as a spouse, partner, grandparent or child. These complaints will not be addressed again. The individual making the second complaint will be informed that the complaint is being / has been dealt with in line with this policy and if they

are dissatisfied with the result, they can appeal to the DfE.

Complainants are advised that Ofsted will not ordinarily consider a complaint referred to it unless all stages of the school's own complaints procedure have been exhausted.

## **2. Roles and responsibilities**

The complainant will:

- Express the complaint and their concerns in full at the earliest possible opportunity.
- Cooperate with the school in seeking a solution to the complaint.
- Respond promptly to any requests for information or meetings.
- Treat any person(s) involved in the handling the complaint with respect.
- Avoid addressing the issue via social media as this can often exacerbate matters and make it more difficult to resolve. It may also taint other parties, hindering or even preventing the full and fair application of processes at the formal stage.

The headteacher (or delegated member of the senior leadership team) or, where the complaint is against the headteacher, the chair of governors\*, is responsible for:

- Ensuring that the complainant is enabled to give a full account of their complaint in order to establish clearly what has happened and who is involved.
- Seeking to ensure that all parties involved in the procedure are aware, as necessary, of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Ensuring that appropriate evidence is gathered to support the investigation and resolution of the complaint.
- Considering all records, evidence and relevant information provided.
- Ensuring that formal complaints are recorded on the school's database.
- Ensuring that the complaint can be escalated to the next stage where appropriate and that the complaints procedure is completed in line with this policy.
- Accommodating the complainant's need for additional support, such as interpretation support.
- Complying with timescales prescribed in the policy and ensuring all parties involved are aware of these timescales.
- Responding to the complainant with a resolution in a clear and understandable manner. This may be verbally or in writing, depending upon the stage of the complaint and the agreement of involved parties.

\*The chair of governors may appoint an appropriate investigating officer from within the school staff (or a local authority officer) to support the complaints procedure.

Complaints against the chair of governors should be addressed to the Clerk to the Governors.

Where the need arises to convene a Complaints Review Panel (Formal Stage 3), the Clerking Service appointed by the governors will:

- Ensure that the panel appoints a chair.
- 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 support individuals involved who are not used to speaking at such hearings, particularly any pupils involved.

- Conduct the hearing without undue formality, 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.
- Do everything possible to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

The clerk will ensure all panel members are aware that:

- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The 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.
- Wherever possible, the aim is to achieve a reasonable and fair resolution and, ultimately, seek to facilitate a harmonious 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.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, and that the child's view is represented.

Furthermore, the clerk will:

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

### **3. Making a complaint**

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

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.
- Reviewed regularly to inform any necessary refinement.
- Capable of providing full and fair investigation. (On occasion, this may be by an independent person when necessary.)
- Used to address issues to provide an appropriate and effective response in a timely and efficient manner.

Type of Complaint:	Contact the:
Something that has happened, or failed to happen, in school.	Relevant teacher/member of staff
The actions of a member(s) of staff	Headteacher via the school.
The actions of the Headteacher.	Chair of Governors via the school.
The actions of a governor.	Chair of Governors via the school.
The actions of the Chair of Governors.	Clerk to the Governing Board via the School.
The actions of the Governing Board.	Clerk to the Governing Board via the School.

Complaints are expected to be made as soon as possible after an incident arises to facilitate a resolution in an appropriate timescale. The school upholds a three-month time limit in which a complaint can be lodged following an incident. Under exceptional circumstances, complaints made outside of this timescale may be considered. Where it is necessary for timescales to change, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the optional use of the Complaints Procedure Form. All complaints will be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau), providing they are not anonymous. Where further clarity is sought, complainants may be asked to set down their concerns in writing or to provide additional information. Complainants should be aware that complaints can be dealt with most effectively when Complainants make explicit the resolution they are seeking.

Any complaint made against a member of staff will be initially dealt with by the headteacher or an appropriate member of the leadership team to whom the headteacher may delegate the investigation and resolution of the complaint), and then by the chair of governors if not resolved.

Any complaint made against the headteacher shall initially be dealt with by the chair of governors.

Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to governors. Any complaint made against the entire governing board, 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 deal with the complaint initially and then getting the complaint to be heard by co-opted governors from another school.

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

## 4. Complaints procedure

### **Informal Stage: complaint expressed to a member of staff**

A complaint may be made in person, by telephone or in writing. A telephone or in-person appointment to discuss the matter should be made as soon as possible.

If the concern is about the headteacher, the complaint must be made in writing to the chair of governors.

In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person in line with this procedure. Governors should not act alone on a complaint outside of the procedure as this may jeopardise the subsequent fair hearing of the complaint under the procedure. The governor in question would be tainted and therefore unable to be involved in any hearing called at a later stage of the procedure.

If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of governors (directly or via the clerk to the governors) who will seek to resolve the issue informally within 15 days, usually via a face-to-face meeting before moving to the formal stage of the procedure.

Within 15 school days, the complainant and the member of staff concerned and/or their line manager should discuss the issue in a respectful and informal manner to seek a mutual resolution. Ideally, this will be via a meeting in person. A record of the date and brief content of the meeting will be added to the school's Synergy system.

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

If resolution cannot be reached 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.

### **Formal Stage One – Formal complaint made in writing to the headteacher, or in the case of a complaint against the headteacher, to the chair of governors.**

Grounds for a Formal Stage One Complaint should be set out in writing by the complainant. Where possible the desired outcome should be stated.

Formal stage 1 of the process will be actioned within 20 school days. Where the situation is recognised as complex, and it is not deemed possible to resolve it within this timescale, the headteacher, chair of governors or clerk to governors will contact the complainant in writing to inform them of the revised timescale.

An appointment with the headteacher, or the member of the senior leadership team to whom the headteacher has delegated responsibility for handling the complaint (or chair of governors, where the complaint is about the headteacher) should be offered as soon as reasonably practical.

Where the headteacher (or designated member of the senior leadership team) or chair of

governors has made reasonable attempts to accommodate the complainant with dates for a meeting to discuss the complaint and they refuse or remain unable to attend, the matter will be addressed in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

In order to overcome any potential communication difficulties, the complaint meeting may be held in person or via a virtual meeting or video call.

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 can be made available to all parties (subject to any necessary redaction under the data protection act or UK GDPR) and stored securely on the school's ICT system.

In terms of a complaint being made against a member of staff, the headteacher (or designated member of the leadership team) will conduct an investigation into the matter/s raised by the complainant.

Once all facts are established, the headteacher (or designated member of the leadership team) shall contact the complainant in writing with an explanation of the decision. The complainant can be provided with copies of minutes upon request, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Any further action the school has taken in response to the issue should also be explained to the complainant in writing. If the complainant is not satisfied with the outcome suggested, the procedure can progress to Formal stage two.

### **Formal Stage Two – Investigation by Chair of Governors**

The complainant should submit any complaint in respect of the headteacher's response in writing to the chair of governors, explaining the outcome sought.

The chair of governors will ensure an investigation is conducted and consider all evidence available following the investigation.

The complainant and the headteacher will be informed of the outcome in writing within 20 school days of the chair of governors receiving the complaint.

The complainant may request that the governing board reviews the complaint (Formal Stage Three) if they:

- Are not satisfied with the manner in which the process has been followed.
- Consider the decision to be perverse.
- Believe that the chair of governors has acted unreasonably.

### **Formal Stage Three – Complaints Appeal Panel**

If the complainant wishes to appeal the outcome of the decision from the Formal Stage Two process, the complainant should write to the clerk to the governors via Mrs M Smith, governor liaison, at the school, [msmith@ribblesdale.org](mailto:msmith@ribblesdale.org) within 10 school days stating the intention to appeal. In doing so, the complainant must cite the grounds upon which an appeal panel hearing is sought (see bullet point above).

Written acknowledgement of the complaint will be made within 3 school days. If the clerk is satisfied that there are just grounds for appeal, the complainant will be informed that a complaints appeal panel will be convened to hear the complaint within 20 school days.

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

The clerk to the governors will convene a complaints appeal panel comprising three untainted members of the governing board. If the whole governing board is aware of the substance of a complaint, an independent panel should be convened to hear the complaint. This may require governors to be co-opted from another school.

If the complainant believes there is likely to be bias in the proceedings, they are entitled to request an independent panel, however complainants must provide evidence to support their request. Where the appearance of bias is deemed sufficient to taint any decision reached, the request will likely be granted by the clerk to the governing board.

To appoint a governor from another school onto an independent complaints panel, the governing board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.

Where an independent panel is to be convened, governors who are suitably skilled and can demonstrate their independence will be sourced. Governors of any category or associate members of another governing board can be approached to sit on an independent panel.

Governors from academies may be asked to serve on an independent panel.

Where appropriate, the clerk to governors may ask for support from their network or another team of governance professionals.

Five days' notice will be given to all parties attending the complaints appeal panel.

Prior to the hearing, the clerk to the governors of the complaints appeal panel will have contacted the complainant informing them as to the format of the hearing. The headteacher will also receive a copy of this letter. At the hearing, all participants will be given the opportunity to present their case.

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

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 chair of governors / headteacher to explain the reasons for their decision.
- The complainant to question the chair of governors / headteacher, and vice versa, about the complaint.
- Any evidence to be reviewed.
- Witnesses who have the prior approval of the chair of the complaints appeal committee to be questioned.
- Final statements to be made by both parties.

The complainant, headteacher and chair of governors will receive a written response explaining the panel's findings and recommendations within 15 school days. They are also entitled to request a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and UK GDPR.

### **Final stage – Appeal to Secretary of State**

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 by writing to:

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

There are exceptional circumstances to the provisions outlined in section 5. These are outlined in section 9 of this policy.

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

## **5. Interviewing witnesses**

When interviewing pupils as part of an investigation in response to a complaint, the interview should normally be conducted in the presence of another member of staff.

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

All pupils interviewed will be made fully aware of what the interview concerns and their right to be supported by a trusted, neutral member of staff untainted by the complaint. Staff are allowed a colleague and/or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

## **6. Recording a complaint**

A digital record will be kept of any formal complaint made.

Recording devices may not be used during meetings called to discuss complaints. The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

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

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

## 7. Complaints not covered by this procedure

These procedures do not cover	Who to contact
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to Lancashire County Council or the Department for Education depending on the substance of your complaint. <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> <a href="mailto:Complaintsandfeedback@lancashire.gov.uk">Complaintsandfeedback@lancashire.gov.uk</a></p>
Staff grievance procedures	Complaints from staff will be dealt with under the school's grievance procedure.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, where appropriate.</p> <p>For reasons of confidentiality and due process, Complainants will not be informed of any disciplinary action taken against a staff member arising from a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services delivered by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about their service. Please contact them directly.
National Curriculum content; EYFS Statutory Framework; Collective Worship Sex Education	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Unauthorised absence fines	Please contact Lancashire County Council Tel: 0300 123 701
Freedom of Information Data Protection (GDPR)	Data Protection Officer at the school and if this remains unresolved the Information Commission Office Tel: 0303 123 1113 Email: <a href="mailto:dataprotectionfee@ico.org.uk">dataprotectionfee@ico.org.uk</a>
Functions of the County Council	Complaints and Appeals Team Legal and Democratic Services County Hall Preston PR1 8XJ Tel: 0300 1236701 Email: <a href="mailto:Complaintsandfeedback@lancashire.gov.uk">Complaintsandfeedback@lancashire.gov.uk</a>

Public and school transport (driver or service)

Providers should have their own complaints procedure to deal with complaints about their service. Please contact them directly.

Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of SEND
- School re-organisation proposals
- Admissions to schools

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

Complaints concerning admissions will be directed to the appropriate admissions authority. Complaints regarding exclusions will be dealt with in accordance with procedure outlined under exclusions in the school's Behaviour for Learning Policy.

Any unresolved complaints about the content of the daily reflections/assemblies are dealt with by either:

- The LA
- The local Standard Advisory Council on Religious Education
- Another relevant body

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. 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.

## **8. Exceptional circumstances**

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

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

If a Childrens' Social Services or the police decide to investigate a situation, the headteacher or governing board may be required to suspend the complaints procedure.

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

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded, or to refer the matter to the Local Authority's legal team.

## 9. Managing unreasonable requests

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 vexatious, abusive, offensive or threatening.

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure, other school policies or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented upon, or raises large numbers of detailed but unimportant questions, and insists they are fully answered immediately or to their own timescales.
- Makes unjustified complaints about staff who are legitimately trying to deal with the issues in keeping with their role and responsibilities and seeks to bypass them or 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.

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.
- Whilst publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.

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 this could delay an outcome being reached.

Where excessive contact has been made by the complainant, the headteacher or designated member of staff will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. At this point, the school may specify methods of communication and limit the number of contacts in a communication plan. In extreme cases, the school may discontinue complaints proceedings entirely.

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

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

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

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 if necessary. This may include banning an individual from the premises.

## **10. Complaints campaigns**

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

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

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

## **11. Barring from the premises**

School premises are private property and therefore any individual may be barred from entering the premises. If an individual's behaviour is cause for concern, the headteacher (or in the absence of the headteacher, a senior member of staff designated to deputise for the headteacher) will ask the individual to leave the premises. The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved is entitled to express formally their views regarding the decision to bar them. At the request of the individual, the decision to bar can be reviewed by the headteacher, the chair of governors or a committee of the governing board, taking into account the specific circumstances and any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when a further review of the decision can be requested.

Anyone wishing to make a complaint regarding a barring order may do so in writing to the headteacher or chair of governors. Once the school's complaints procedure is completed, the only remaining avenue of appeal to regain access to school premises is through the courts.

## 12. Standard of fluency complaints

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

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

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in section 5 of this policy.

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

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

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

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

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

Records of complaints regarding fluency will be kept in accordance with the processes outlined in section 6 of this policy.

## 13. Role of the school complaints unit (SCU)

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

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

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully. When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, the SCU will not be able to advise on how to resolve the complaint.

#### **14. Transferring data**

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 General Data Protection Regulation.

#### **15. Availability**

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

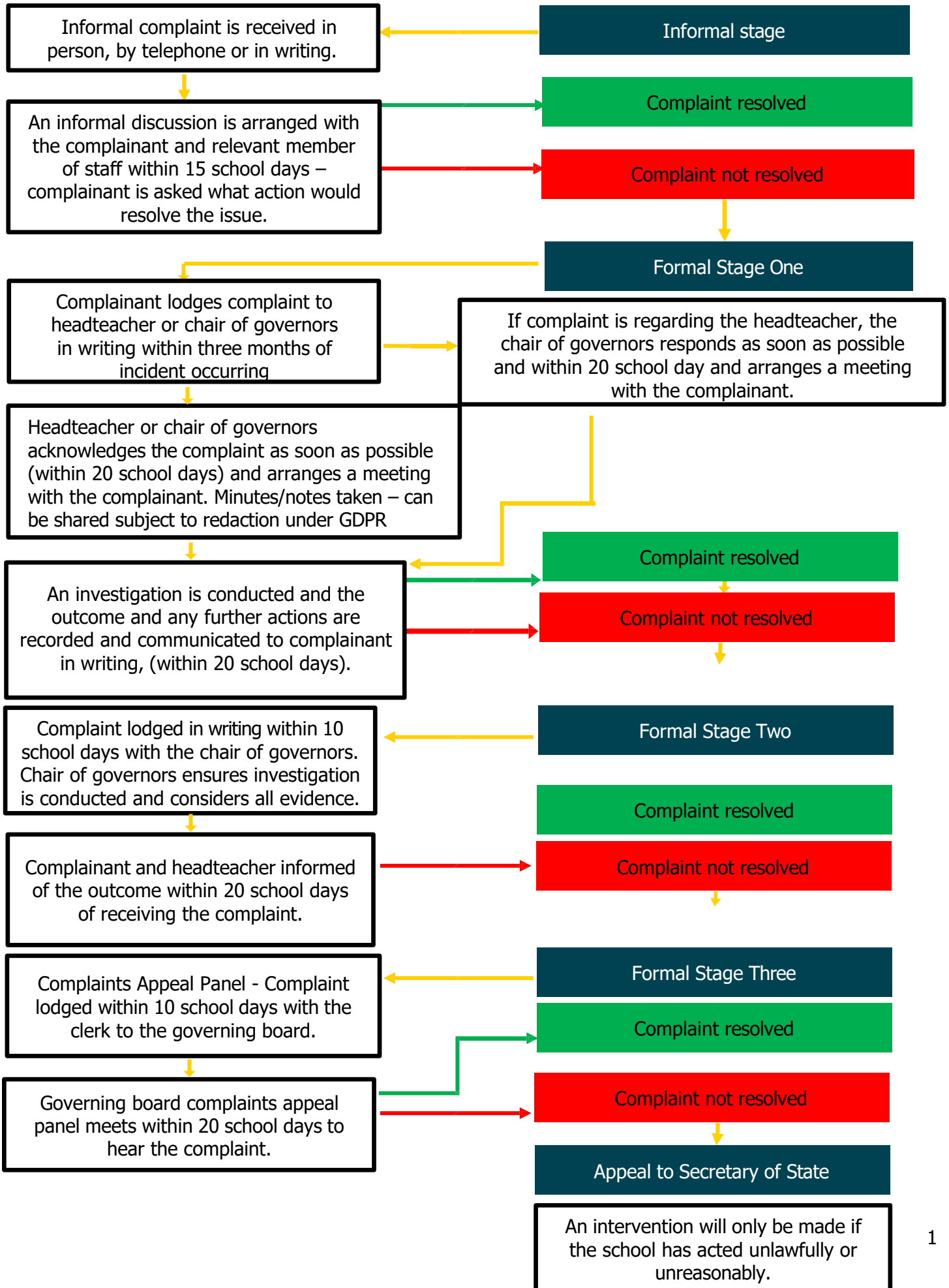
#### **16. Monitoring and review**

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE. The next scheduled review for this policy is Autumn 2026.

Responsibility for reviewing the procedure belongs to a committee of the governing board. All projected review dates will be adhered to. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

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

## Flow Diagram of Complaints Procedures



**Complaints Formal Stage One**

If you have tried unsuccessfully to resolve your complaint informally and wish to take the matter further to Formal Stage One, 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 governors via the school's governor liaison officer [msmith@ribblesdale.org](mailto:msmith@ribblesdale.org).)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like to be taken to resolve it?	
When/how did you discuss your complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:
Received by school	Date:

