



AMBITIONS
Academies Trust



BAYSIDE
ACADEMY

Complaints Procedures Policy

Adopted: 20/12/2019

Next Review Date: Autumn Term 2020

**Achievement for All
(Part of Ambitions Academies Trust)**



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Statement of intent

Bayside Academy 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 Academy as a whole, relating to any aspects of the Academy or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Academy provides. This policy outlines the procedure that the complainant and Academy must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage. The Principal will be the first point of contact when following the complaints procedure.

Signed by:

_____ Principal

Date: _____



_____ CEO

Date: 20/12/2019

1. Legal framework:

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 Academy Information (England) (Amendment) Regulations 2016
- The Education (Independent Academy Standards) Regulations 2014

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

- DfE (2019) 'Best practice guidance for Academy complaints procedures 2019'
- ESFA (2015) 'Creating an academy complaints procedure'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

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

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy

2. Definitions:

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

A "**concern**" can be defined as 'an expression of worry or doubt' where reassurance is required.

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

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

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

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.

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.

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.

Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaint's procedure.

3. Roles and responsibilities:

The complainant will:

- Cooperate with the Academy in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The 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 Academy's ICT system and retained in line with the Academy's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly.
- 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.

The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator 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.

The Panel Chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the Panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the Panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the Academy 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.

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 Academy 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 Academy can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The Panel Clerk will:

- Continuously liaise with the 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:

Complaints are not restricted to parents of attending pupils. The Academy will consider all complaints.

The Academy will ensure the complaints procedure is:

- Easily accessible and publicised on the Academy'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 Academy's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.
- Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.
- The Academy upholds a three-month time limit in which a complaint can be lodged regarding an incident.
- Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form.
- 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).
- 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.
- Any complaint made against a member of staff will be initially dealt with following Ambitions Academies Trust's Disciplinary Policy & Procedures.
- Any complaint made against the Principal shall be initially dealt with following Ambitions Academies Trust's Disciplinary Policy & Procedures.
- Any complaint made against the chair of the Academy Advisory Committee (AAC) or any other member of the Committee should be made in writing to the Clerk to the Trust Board.
- Any complaint made against the entire Trust Board, or complaints involving the Chair and the Vice Chair, should be made in writing to the Clerk to Trustees. 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 Academy.

- Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.
- Information about a complaint will not be disclosed to a third party without written consent from the complainant.

5. Complaints procedure:

Stage one – Informal concern made to a member of staff

- A complaint may be made in person, by telephone or in writing.
- The member of staff the complaint has been made against can discuss the concern with the Principal or complaints co-ordinator to seek support.
- 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 Academy's ICT system.
- If the concern is about the Principal, the complaints co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the Director of Secondary Education.
- In case a complaint is made initially to an AAC member, the complainant should be referred to the appropriate person. The AAC member 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.
- Within 10 Academy working days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the Academy could have handled the situation better is not an admission of unlawful or negligent action.
- 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 Principal:

- Stage two of the process will be completed within 10 Academy days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Principal will contact the complainant to inform them of the revised target date via a written notification.
- An appointment with the Principal should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.
- If the complaint is against the Principal, the complainant will initially need to write, in confidence, to the Director of Secondary Education. The Director of Secondary Education will seek to resolve the issue informally before moving directly to stage three of the procedure.
- Where the Principal or Director of Secondary Education 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.
- Where there are communication difficulties, the complaint may be made in person or via telephone.
- To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the Academy's ICT system or filing system with restricted access.

- In terms of a complaint being made against a member of staff, the Principal will discuss the issue with the staff member in question. Where necessary, the Principal arrange for interviews to be undertaken with any relevant parties, including witnesses and pupils and statements will be obtained from those involved.
- All discussions shall be recorded and findings and resolutions will be communicated to the complainant either verbally or in writing.
- Once all facts are established, the Principal shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, 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 GDPR.
- Any further action the Academy plans to take to resolve the issue will be explained to the complainant in writing.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage three – Complaints Appeal Panel

- Following receipt of a stage three outcome, the complaint should be made in writing to the Chair of the AAC within 10 Academy working days.
- Where there are communication difficulties, the complaint may be made in person or via telephone.
- To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the Academy's ICT system and/or filing system.
- Written acknowledgement of the complaint will be made within 3 Academy working days. This will inform the complainant that a Complaints Appeal Panel will hear the complaint within 20 Academy days.
- Neither the Academy nor the complainant should bring legal representation to the Complaints Appeal Panel proceedings; however, there are occasions where legal representation will be necessary, for example where a Academy employee is a witness in a complaint, they may be entitled to bring union or legal representation.
- The Chair of the AAC, or another nominated AAC Member, will convene a Complaints Appeal Panel comprising three people not involved in the complaint, one of whom is independent of the management and running of the Academy. AAC Members are not eligible to be independent panel members.
- If the whole AAC Committee is aware of the substance of a complaint before the Complaints Appeal Panel has been completed, an independent panel from other Academy Advisory Committees within Ambitions Academies Trust should be arranged to hear the complaint.
- If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – complainants should provide evidence to support their request. Where the appearance of bias is sufficient to taint the decision reached, the request will likely be granted by the governing board.
- To appoint an AAC Member from another Academy onto an independent complaints panel, the AAC Committee does not have to enter into, or already be in, a formal arrangement under the Academy Governance (Collaboration) (England) Regulations 2003.
- Where an independent panel is arranged on an ad-hoc, informal basis, AAC Members who are suitability skilled and who can demonstrate their independence will be sourced.

- AAC Members from any category of governor or associate members of another AAC Committee can be approached to take part in an independent panel.
- AAC Members from academies may be asked to serve on an independent panel.
- Where appropriate, the clerk will ask for support from the Trust Business Team.
- Five days' notice will be given to all parties attending the Complaints Appeal Panel, including the complainant.
- Prior to the hearing, the Chair of the AAC will have written to the complainant informing them of how the review will be conducted. The Principal will also have a copy of this letter.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The Complaints Appeal Panel will 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 Principal to explain the reasons for their decision.
 - The complainant to question the Principal, and vice versa, about the complaint.
 - Any evidence, including witnesses who have been prior approved by the chair of the Complaints Appeal Panel to be questioned.
 - Members of the Complaints Appeal Panel to question both the complainant and the Principal.
- Final statements to be made by both parties involved.
- The complainant will receive a written response explaining the Panel's findings and recommendations within 10 Academy working days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
- 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 GDPR.

Final stage – Appeal

If a complaint has completed the Academy'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

There are exceptional circumstances to the provisions outlined in 5.41. 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 AAC Committee 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 Academy or governing board could act in the circumstances.

If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Ministerial and Public Communications Division

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

6. There are exceptional circumstances to the provisions outlined in 5.44. These are outlined in section 9 of this policy.

7. Interviewing witnesses

- When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.
- The Academy will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- The Academy understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 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.
- The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- The interviewee will sign a copy of the transcription of the interview.

8. Recording a complaint

- 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 Academy as a result of the complaint (regardless of whether the complaint was upheld).
- All records are made available for inspection on the Academy premises by the proprietor and the Principal.
- The Academy holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.
- Where there are communication difficulties or disabilities, the Academy may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.
- Recording devices will not be used without the prior consent of all parties.
- Where the Academy allows complainants to record meetings, the following will be considered:
 - How any decision to allow recordings may affect any third parties called to act as witnesses
 - The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked.

- The Academy 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 AAC Committee. The exception to this is when a complaint is made against the whole AAC Committee 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 GDPR and the Freedom of Information Act 2000.
- The Academy 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.

9. Complaints not covered by this procedure

- Complaints regarding the following topics should be directed to the LA:
 - Statutory assessments of SEND
 - Academy re-organisation proposals
 - Admissions to Academies
- Complaints about child protection matters will be handled in line with the Academy'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 in the Exclusion Policy.
- The Academy has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.
- Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.
- Volunteers who have concerns about the Academy or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.
- Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy and Disciplinary Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the Academy premises or facilities. All complaints concerning this should be directed to the service provider.
- Complaints about the content of national curriculum should be made to the DfE.
- Complaints about how the Academy delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.
- 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 Academy's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

10. Exceptional circumstances

The DfE expects complainants to have completed the Academy'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 Academy's complaints procedure.
- The DfE has evidence that the Academy is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Principal or AAC Committee may postpone the complaints procedure.

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

If a complainant commences legal action against the Academy in relation to their complaint, the Academy will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

Managing unreasonable requests

The Academy 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 Academy; 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.

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 Academy's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on Academy 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 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

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

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

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

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

11. Complaints campaigns

- For the purposes of this policy, "**complaints campaigns**" are where the Academy receives large volumes of complaints that are all based on the same subject.
- Where the Academy becomes the subject of a complaints campaign from complainants who are **not** connected with the Academy, a standard, single response will be published on the Academy's website.
- If the Academy receives a large number of complaints about the same subject from complainants who **are** connected to the Academy, e.g. parents, each complainant will receive an individual response.
- If complainants remain dissatisfied with the Academy's response, they will be directed to the DfE.

12. Barring from the premises

Academy 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 Principal will ask the individual to leave the premises.

The Principal will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the Chair of AAC or a Committee of AAC Members, taking into account any discussions following the incident.

- If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.
- Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Principal or Chair of AAC.

- Once the Academy's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

13. Standard of fluency complaints

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

The Academy 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 Academy 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 Academy 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 Academy 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 Academy 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 Academy 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 7 of this policy.

14. Role of the Academy Complaints Unit (ACU)

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 ACU will not overturn a Academy's decision about a complaint except in exceptional circumstances, such as the Academy acting unlawfully.

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

15. Transferring data

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

The Academy 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 Academy retains relating to a complaint will be stored securely and in line with the Academy's Records Management Policy.

16. Availability

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

17. Reviewing the procedure

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

Responsibility for reviewing the procedure belongs to the Trust 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 will be used to help evaluate the Academy's performance.

18. 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 Principal. (If your complaint is against the Principal, you will need to send the form to the Director of Secondary Education.

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

19. Example Letter to Complainant for a Stage Three Complaint

Address line one

Address line two

Town

County

Postcode

Date

RE: Stage three complaint

Dear **addressee's name**,

Thank you for your letter dated **date** setting out the reasons why you are not satisfied with the **Principal'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 to consider your complaint, in accordance with our Academy's complaints procedure. As explained in the procedure, the Chair of the Complaints Appeal Panel will advise, in writing, how the Complaints Appeal Panel intends to consider your complaint.

Yours sincerely,

20.

21. Example Letter for Complaints Against the Principal

Address line one

Address line two

Town

County

Postcode

Date

RE: Complaint against the Principal

Dear **addressee's name**,

I have received your complaint against the **Principal** of **name of Academy**.

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

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

If you are not satisfied with the **Principal's** response, I will arrange for a Complaints Appeal Panel to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the Chair of the Complaints Appeal Panel will advise you, in writing, how the complaint will proceed.

Yours sincerely,