



## SHIRLEY HIGH SCHOOL PERFORMING ARTS COLLEGE

*Our Vision:*

*To develop aspirational learners who strive for excellence academically, creatively and culturally, benefitting from a wide range of opportunities led by inspirational educators.*

### COMPLAINTS PROCEDURES POLICY (EXTERNAL)

#### Intention:

Shirley High School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

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

Once a complaint has been made, it can be resolved or withdrawn at any stage.

#### 1. Legal Framework:

This policy has due regard to all statutory legislation and official guidance and is implemented in accordance with all other relevant policies.

#### 2. The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Shirley High School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Shirley High School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure

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.



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- 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.

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 complaints procedure.

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 schools 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.

### **Anonymous complaints:**

We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.



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### Scope of this Complaints Procedure / Not covered by this procedure

This procedure covers all complaints about any provision of community facilities or services by Shirley High School other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions   | Who to contact  |
|--|---|
| Admissions to schools                                      | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.   |
| Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p> <p><b>Contact the LADO</b><br/>           Telephone: 020 8255 2889<br/>           Email: <a href="mailto:LADO@croydon.gov.uk">LADO@croydon.gov.uk</a><br/>           Address:<br/>           4th Floor, Zone F<br/>           Bernard Weatherill House<br/>           8 Mint Walk<br/>           Croydon<br/>           CRO 1EA</p>   |
| Exclusion of children from school*                         | <p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p><a href="#">Behaviour Policy</a></p>   |
| 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 whistle-blowers 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 the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| Staff grievances   | Complaints from staff will be dealt with under the school's internal grievance procedures.  |



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|   |  |
|---|--|
| Staff conduct   | Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed. |
| Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.  |
| National Curriculum - content   | Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>   |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

### 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.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The school 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.



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Complaints should be made using the appropriate channels of communication, including the use of the Complaint Form in appendix 1. 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), providing they are not anonymous.

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 by the Principal, and then by a committee of the governing board if not resolved.

Any complaint made against the Principal shall be initially dealt with by the chair of governors and then by a panel hearing if necessary.

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 initially deal with the complaint 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.

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

### **Resolving complaints:**

- At each stage in the procedure, Shirley High School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:
  - an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that we will try to ensure the event complained of will not recur
  - an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
  - an undertaking to review school policies in light of the complaint
  - an apology.

### **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **4. Complaints Procedure**

A complaint is an expression of dissatisfaction, which may be about, an activity or provision, an event that has happened, failed to happen or the way in which something was handled. In most cases



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concerns or issues raised can be resolved through discussion and good communication. However, if it is not possible to resolve an issue then the following procedure should be followed:

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

- A complaint may be made in person, by telephone or in writing.
- 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. Notes must be taken during this discussion.
- 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.
- 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.
- It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- Concerns should be raised with either the class teacher, year head / subject head or head teacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.
- If the issue remains unresolved, the next step is to make a formal complaint.

### **Stage 2 (Formal complaint):**

- 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 principal or clerk to governors will contact the complainant to inform them of the revised target date via a written notification.
- The Principal may delegate the investigation to another member of the schools senior leadership team, if appropriate, but will not delegate the decision to be taken.
- An appointment 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 clerk to governors. The clerk to governors will then pass the complaint to the chair of governors, who will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within 15 days, before moving directly to stage three of the procedure.
- Where reasonable attempts (3) 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. Provided that the complaint is not against a member of staff or the principal, these notes are



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kept securely **on the school's ICT system** and, where appropriate, encrypted. Where complaints are against a member of staff or the principal, notes are kept by the clerk to governors **on a secure computer not accessible via the school's ICT system**.

- In terms of a complaint being made against a member of staff, the investigator will discuss the issue with the staff member in question. Where necessary, the investigator will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.
- All discussions shall be recorded by the investigator or the clerk to governors, 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 (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.
- Any further action the school 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.

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the head teacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **Stage 3 (Formal):**

- The complainant should submit any complaint in respect of the principal's investigation in writing (or via an alternative method if necessary) to the chair of governors.
- 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 principal, the investigation will be carried out by the vice chair of governors.
- The complainant and the principal 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.





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- 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 board reviews the complaint

### **Stage 4 (Panel Hearing):**

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 4 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 3 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 4 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

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.





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Where the appearance of bias is sufficient to taint the decision reached, the request will likely be granted by the governing board.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and [Shirley High School](#) with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Shirley High School.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Shirley High School will take to resolve the complaint.



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The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Please note:**

If at any time during the above stages the complaint is escalated to external agencies become such as the police, local authority investigations by the school may be put on hold until the school is informed they are able to resume.

### **Next Steps**

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:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Coventry  
5 Quinton Road  
Coventry  
CV1 2WT

The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

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

## **6. 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/carers.



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- The school will ensure that the conduction of interviews does not prejudice a police or LA designated officer's (LADO) investigation.
- The school 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 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.
- 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.

### 7. 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 school as a result of the complaint (regardless of whether the complaint was upheld).
- Recording devices **will not** be used to review discussions of complaints at a later date. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. Informed consent from all parties is required before recording conversations or meetings.
- Agreement to record meetings must take into account how it may affect third parties and the impact in the event recording(s) are lost or leaked.

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
- 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 body conducting an inspection requests to access them.



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### 8. Exceptional circumstances:

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.

If a social services authority decides to investigate a situation, the principal or governing board 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 school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

### 9. Managing reasonable 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 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).



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- 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 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 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.

Whenever possible, the principal or chair of governors 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 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.

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.

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 their intent is to disrupt or inconvenience the school.



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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. Barring from 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 principal or chair of governors 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 governors or a committee of the governing board, 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, and 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 governors.

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

### 11. 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 4](#) 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.



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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 11](#) of this policy.

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

### **Transferring data:**

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

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 policy.





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### 13. Availability

A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the ESFA.

### 14. 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 date for this policy is July 2023.

Responsibility for reviewing the procedure belongs to a committee of the governing board, an individual governor or the principal. 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 school's performance.

## Appendix 1



## SHIRLEY HIGH SCHOOL PERFORMING ARTS COLLEGE

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### 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 chair of the governing board.)

|   |
|---|
| <b>Your name:</b>   |
| <b>Pupil's name (if relevant):</b>  |
| <b>Your relationship to the pupil (if relevant):</b>  |
| <b>Address:</b><br><br><b>Postcode:</b><br><b>Day time telephone number:</b><br><b>Evening telephone number:</b><br><b>Email address:</b> |
| <b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>                        |
| <b>What actions do you feel might resolve the problem at this stage?</b>  |



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|  |
|--|
|  |
|--|

**Are you attaching any paperwork? If so, please give details.**

|  |
|--|
|  |
|--|

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

|  |
|--|
|  |
|--|

**Date:**



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### Roles and Responsibilities

#### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

#### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- 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 the school's Records Management Policy.
- Interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.



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### **Complaints Co-ordinator – (Principal's PA)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Governors or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body / Trust Board**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.  
If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently



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- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting  
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.  
The committee should respect the views of the child/young person and give them equal consideration to those of adults.  
If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.  
However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

We want all at SHS to believe in and maintain the values of our school:

