



KINGSMOOR LOWER SCHOOL

Complaints Policy

July 2025

Version 1.2

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1. STATEMENT OF INTENT

Kingsmoor Lower School desires to have positive, constructive relationships with all members of the school community. However, we recognise that there are times when disagreements or disputes arise. The ultimate aim of this complaints policy is to enable problems to be addressed and to facilitate reconciliation.

Kingsmoor Lower School aims to resolve all complaints at the earliest possible stage, and where possible, informally. We are 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 governor, or about Kingsmoor Lower School as a whole, relating to any aspects of the School or the provision of facilities or services. It is designed to ensure that the complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation where necessary, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that Kingsmoor Lower School provides. This policy outlines the procedure that the complainant and Kingsmoor Lower School must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher will usually be the first point of contact when following the complaints procedure.

2. 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 Kingsmoor Lower School policies:

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

3. 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.

A **“concern”** can be defined as ‘an expression of worry or doubt’ where reassurance is required. Concerns are covered by this policy (see Stage One of the procedure).

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. Kingsmoor Lower School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

A **“grievance”** is an issue raised by a member of staff where they feel that Kingsmoor Lower School has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the School’s Grievance Policy.

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

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

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 complaints procedure.

4. MAKING A COMPLAINT

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

The complainant should:

- Cooperate with the School in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity, using the complaint form (Appendix A).
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect (e.g. not harassing investigators to speed up the process; being careful about the language used towards those involved).
- Refrain from seeking to engage with the member(s) of staff involved in the complaint outside of meetings arranged for the purpose (e.g. avoiding trying to discuss the complaint with the teacher/headteacher at the school gate).
- Refrain from discussing the complaint in the public domain (e.g. on social media) until the complaint procedure has been completed, in order not to potentially prejudice the outcome.

The school leaders dealing with the complaint will:

- Provide a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Consider all records, evidence and relevant information provided.
- Interview all parties that are involved in the complaint, including staff and pupils.
- Analyse all information in a comprehensive and fair manner.
- Seek to arrive at a resolution acceptable to all parties involved.
- Identifying and recommending solutions and courses of actions to take.
- Be mindful of timescales and ensure all parties involved are aware of these timescales.
- Ensure that all parties are fully updated throughout the process.
- Ensure that all parties are aware of, and follow, relevant legislation.
- Keep up-to-date records throughout the process, kept securely on the school's ICT system in line with the school's Records Management policy.
- Respond to the complainant with a clear and understandable outcome. The outcome may be:
 - To uphold the complaint in full or in part
 - To not uphold the complaint
 - In all cases, the Investigator may make recommendations to the school leadership as to changes that could be made to improve or avoid similar incidents recurring.
- Ensure that, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.

It is important that complaints are addressed to the correct person. Complaints should not be made to individual governors who have no power to act on an individual basis.

Concerns should be raised with the class teacher, phase leader, or headteacher. Formal complaints should be made to the headteacher or chair of governors, according to the procedure outlined below.

Complaints should be made within three months of the incident in question. We will consider complaints made outside of this timescale if exceptional circumstances apply.

Complaints should be made using the Complaints Procedure Form (Appendix A). 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.

Any complaint made against the chair of governors, any other member of the governing board, or the entire governing body, 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.

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.

5. COMPLAINTS PROCEDURE

At each stage, Kingsmoor Lower School wants to resolve the complaint. The complainant will receive a response clearly stating the outcomes – i.e. that the complaint is either not upheld, or upheld in full or in part – along with an explanation of the reasons for the decision. Recommendations may be made at any stage to help the school improve its processes and policies, or steps that may be taken to address the issues.

5.1 Stage one – Informal resolution of concern

Concerns at this stage are of a nature that can be resolved by discussion and mutual agreement. Stage 1 concerns should be made to the individual concerned (e.g. a teacher or phase leader, or the headteacher).

The member of staff the concern has been raised against can discuss the concern with the headteacher 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 School's ICT system and, where appropriate, encrypted.

In case a concern is made initially to a governor, the complainant should be referred immediately to the appropriate person. Any action taken by the governor will be invalid and the correct procedure should be subsequently followed.

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. An independent mediator may be invited to the meeting to facilitate informal resolution.

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 stage of the process.

5.2 Stage two – Formal complaint

Formal complaints should be made using the Complaints Form (Appendix A). Where there are communication difficulties, the complaint may be made in person or via telephone.

Stage two of the process will be completed within 15 School days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher or clerk to governors will contact the complainant to inform them of the revised target date via a written notification.

Complaints at Stage Two will be investigated by:

- Interviewing those involved, allowing them to be accompanied if they wish.
- Keeping a written record of the interviews/meetings to inform the final decision.

Where reasonable attempts have been made to accommodate an interview with the complainant but the complainant has refused or is unable to attend, the Investigator may decide to base their judgement on the contents of the Complaint Form alone to enable a conclusion to be reached.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. Provided that the complaint is not against a member of staff or the headteacher, these notes are kept securely on the School's ICT system and, where appropriate, encrypted. Where complaints are against a member of staff or the headteacher, notes are kept by the clerk to governors on a secure computer not accessible via the School's ICT system.

At the conclusion of the investigation, the Investigator will provide a written response to the complainant detailing the outcome of the investigation, stating clearly whether the complaint is upheld in full or in part, or rejected, along with an explanation as to why. The Investigator may make recommendations for the school to act upon or recommend remedial action to resolve the complaint.

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.

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 in a way that is unreasonable, unfair or unjustifiable, they may appeal the decision (see Stage Three).

5.2.1 Formal complaint concerning the curriculum, an incident, or a member of staff other than the headteacher

Complaints concerning the curriculum, an incident, or a member of staff (other than the headteacher) shall be investigated by the headteacher. In exceptional circumstances (e.g. the headteacher's incapacity) the investigation may be delegated to another senior leader or escalated to the chair of governors.

The headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.

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.

5.2.2 Formal complaint concerning the headteacher or a governor other than the chair of governors

A complaint may be made to the chair of governors using the Complaint Form concerning the conduct of the headteacher or one of the other governors

Complaints concerning the headteacher or a governor (other than the chair of governors) shall be investigated by the chair of governors. In exceptional circumstances (e.g. the chair's incapacity) the investigation may be delegated to another governor, or an independent governor from another school. If the chair of governors has already been involved in or aware of the incident at an earlier stage, the investigation will be delegated to the vice chair of governors.

5.2.3 Formal complaint concerning the chair of governors

The procedure for 5.2.2 will be followed, with the exception that it must be carried out by a suitably skilled governor who has no prior knowledge of the case. In many cases this might be the vice chair of governors. If no such suitable governor is available, the clerk to the governing body will arrange for a chair of governors from another local school to carry out the relevant investigation.

5.3 Stage three – Complaint Appeal Panel (CAP)

Following receipt of a Stage Two outcome, the complainant should write to the chair of governors within 10 school days if he/she believes there is good reason to appeal the decision, such as that they believe the decision to be perverse (with evidence), believes that the chair has acted in a way that is unreasonable, unfair or unjustifiable.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely by the clerk to governors.

Written acknowledgement of the complaint will be made within 3 School days. This will inform the complainant that a CAP will hear the complaint within 20 School days.

Neither the School nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation may be appropriate, e.g. where a School employee is a witness in a complaint, they may be entitled to bring union or legal representation.

The CAP will consist of a minimum of three governors who are entirely independent, having no prior knowledge of the substance of the complaint. The CAP shall usually be chaired by the chair or vice chair of governors (unless already involved in the complaint at Stage 2). If there are not three such governors available from within the governing board, members of the CAP will be sought from the governing boards of other local schools.

Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitably skilled and who can demonstrate their independence will be sourced. Governors from any category of governor or associate members of another governing board can be approached to take part in an independent panel.

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.

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.

Where appropriate, the clerk to governors will ask for support from their network or governor services team at the LA.

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

Prior to the hearing, the chair of governors will have written to the complainant informing them of how the review will be conducted. The headteacher will also have a copy of this letter.

During the hearing, all participants will be given the opportunity to put their case across.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure in order to determine whether the original decision to uphold or not uphold the complaint is sound.

The CAP will:

- Hear the case from the complainant and the response from the headteacher and/or chair of governors (or other Investigator) who had responded to the complaint at Stage Two. Normally the CAP will hear these cases separately.
- Hear from any other witnesses party to the complaint.

The CAP chair will:

- Ensure that minutes of the meetings 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.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Continuously liaise with the panel clerk and complaint investigator 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 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 ultimate aim of the panel is to achieve a reasonable resolution and attain 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.
- The panel's role is to consider whether the complaint has been considered fairly, transparently and justly.
- The panel can:
 - Dismiss or uphold the original Investigator's decision.
 - Decide on any appropriate action to be taken.
 - Recommend changes that the School can make to prevent reoccurrence of the problem.
- 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 panel chair.
- Record the proceedings in writing.
- 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.

The complainant and the person complained about where relevant, will receive a written response, via email or otherwise, explaining the panel's findings and recommendations within 15 School days. This response will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Stage Three concludes the school's internal process.

5.4 Final appeal

If a complaint has completed the School's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the online form or in writing to:

Ministerial and Public Communications Division

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

There are exceptional circumstances to the provisions outlined in section 5. These are outlined in the exceptional circumstances section 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 could act in the circumstances.

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

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.

Thorough notes should be kept and if necessary the interviewee should be asked to sign them as an accurate record.

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. Kingsmoor Lower School will consult with the LA before using recording devices.

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.

8. COMPLAINTS NOT COVERED BY THIS PROCEDURE

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

- Statutory assessments of SEND
- School re-organisation proposals

- Admissions to Kingsmoor Lower School

Complaints about child protection matters will be handled in line with the Kingsmoor Lower 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 in the Exclusion Policy

The School 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 Kingsmoor Lower School or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the Grievance 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 Kingsmoor Lower School premises or facilities. The headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE. Complaints about how the School 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 School's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

9. EXCEPTIONAL CIRCUMSTANCES

The DfE expects complainants to have completed the Kingsmoor Lower 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 headteacher 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

10. 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 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 or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the School's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on Kingsmoor Lower 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.
- By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.

Complainants should limit the number of communications with the 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 headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

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

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the Kingsmoor Lower School's position and their options.
- The complainant contacts Kingsmoor Lower 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.

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

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 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.

12. BARRING FROM THE PREMISES

Kingsmoor Lower 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 chair of governors 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 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 headteacher or chair of governors.

Once the School'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 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 the complaints procedure section 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 Kingsmoor Lower 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 the recording a complaint section of this policy.

14. 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.

15. 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 Records Management Policy.

16. AVAILABILITY AND MONITORING

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

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE.

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 will be used to help evaluate the School's performance.

APPENDIX A: COMPLAINT FORM

ABOUT YOU	
Name	
Email address	Phone number

[illegible]