

## **COMPLAINTS POLICY**

### **Guidance for Parents/Carers and Other Members of the Public**

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## Statement of Intent

Cirencester Kingshill School aims to resolve complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in the academy throughout the policy and procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff
- The academy
- Individual Trustees or the Board of Trustees

It is designed to ensure that the academy's complaints policy and procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant and the academy will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher and/or Chair of Trustees will delegate an appropriate person to be the first point of contact during the complaint's policy.

### 1. Legal Framework

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

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- DfE 'Best practice guidance for academies complaints procedures'
- DfE 'Academy trust handbook'

### 2. Linked Policies and Key Documents

This policy should be read in conjunction with, and has been informed through, reference to the:

- The Accessibility Plan and Disability Equality Policy
- Admissions Policy
- Anti-Bullying Policy
- Child Protection Policy
- Conduct and Disciplinary Policy and Procedure
- Equality, Equity, Diversity and Inclusion Policy
- E-Safety Policy
- Staff Grievance Policy and Procedures
- Our Behaviours Culture Policy
- Student Exclusion Policy
- Whistleblowing Policy
- Data Protection Policy
- Data Retention Policy

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

A complaint may be defined as ‘*an expression of dissatisfaction however made, about actions taken or a perceived lack of action*’. Complaints can be resolved formally or informally.

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

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 complaint’s policy. Cirencester Kingshill 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 Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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, Cirencester Kingshill School will attempt to resolve the issue internally, through the stages outlined within this complaint’s policy.

The definition of “unreasonable complaints” is outlined in the ‘Vexatious or Malicious Complaints and Grievances and Serial or Persistent Complaints” section of this policy.

### **4. Making a Complaint and Complaints Procedure**

#### **Who Can Make a Complaint?**

This complaints policy is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Cirencester Kingshill School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints policy.

#### **How to Raise a Concern or Make a Complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Trustees 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 2 of the policy.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the Head’s PA. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Trustees, via the Governance Professional (. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual Trustee or the whole Board of Trustees should be addressed to the Governance Professional (via the School Office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this policy (Appendix 1). If you require help in completing the form, please contact the Head's PA. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints policy. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### Anonymous Complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Trustees, 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.

### Scope of this Complaints Policy

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

| Exceptions  | Who to contact   |
|---|--|
| <ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul> | <p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Gloucestershire County Council</p>   |
| <ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>  | <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 or the Multi-Agency Safeguarding Hub (MASH). Nigel Hatten / Nicky Power, LADO, Room 114, Block 1, Shire Hall, Gloucester GL1 2TG, United Kingdom<br/>01452 58 3629<br/><a href="mailto:mail@gscsb.org.uk">mail@gscsb.org.uk</a></p> |
| <ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>  | <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 and other behaviour policies can be made through the school's complaints procedure, available on the school's website <a href="https://www.cirencesterkingshill.gloucs.sch.uk/">https://www.cirencesterkingshill.gloucs.sch.uk/</a></i></p>                                   |
| <ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>  | <p>We have an internal whistleblowing policy for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise</p>   |

|   |  |
|---|--|
|   | <p>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 policy. 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> |
| <ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>  | Complaints from staff will be dealt with under the school's internal grievance procedures.   |
| <ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>   | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>   |
| <ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul> | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.  |
| <ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>   | 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 policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens we will inform you of a proposed new timescale.

If a complainant commences legal action against Cirencester Kingshill 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.

### Record Keeping

A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the trust as a result of those complaints whether they are upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g. attendance records must be kept for 3 years. The trust will retain records of complaints and related documents in line with the Data Protection Policy and Data Retention Policy. Personal data will only be kept for as long as necessary.

### Resolving Complaints

At each stage in the procedure, Cirencester Kingshill 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. Despite the complaint having been withdrawn, the academy will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

## **Stage 1 – Informal Complaints**

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 Headteacher. Complainants should not approach individual Trustees 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.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint. If the issue remains unresolved, the next step is to make a formal complaint.

## **Stage 2 – Formal Complaints**

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the Head's PA. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 Cirencester Kingshill School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the Board of Trustees (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the Board of Trustees must be made to the Governance Professional, via the School Office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Board of Trustees or
- the majority of the Board of Trustees

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

### **Stage 3 – Complaints Committee Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the Board of Trustees’s complaints committee, which will be formed of the first three, impartial, Trustees available. This is the final stage of the complainant’s policy.

A request to escalate to Stage 3 must be made to the Governance Professional via the School Office, within 20 school days of receipt of the Stage 2 response.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 3 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.

The complaints committee will consist of at least three Trustees with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Trustees from Cirencester Kingshill School available, the Governance Professional will source any additional, independent Trustees through another local school or through their LA’s Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs.

If the complainant is invited to attend the meeting, they may bring someone along 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.

*Note: Complaints about staff conduct will not generally be handled under this complaint’s policy. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Governance Professional 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 5 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 Cirencester Kingshill School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled by Cirencester Kingshill School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Board of Trustees or
- the majority of the Board of Trustees

Stage 3 will be heard by a committee of independent Trustees.

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 Cirencester Kingshill School will take to resolve the complaint.

The committee 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 Headteacher.

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.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **5. 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
  - 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The headteacher 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.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints Trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Trustees, Governance Professional and LAs (if appropriate) 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.

## **Governance Professional Trust Board**

The Governance Professional (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 Governance Professional) 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
- 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 Governance Professional (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 Trustee 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

## **6. Unreasonable Complaints: Vexatious or Malicious Complaints and Grievances and Serial or Persistent Complaints**

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

- Vexatious complaints, which:
  - Are obsessive, persistent, harassing, prolific, or 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.

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaint's policy, the Chair of Trustees may write to the complainant to inform her/him that the procedure has been exhausted and the matter closed, and that continued correspondence is vexatious and that the school will not respond to any further correspondence on this issue or a closely related issue.

An exception to this approach would be where new evidence has come to light, which could not reasonably have been included in the original complaint. Where the complainant continues to contact the school in relation to the issue, the school may choose not to respond.

In the case of a complaint being made, which following an investigation is considered to have been made with malicious intent, the Trustees will seek legal advice, after having considered such complaints on their individual merits.

## 7. Complaints Campaign

Where the trust 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.

## 8. Barring from The Premises

School premises are private property and, therefore, any individual may be barred from entering the premises. If an individual's behaviour is cause for concern, the Headteacher 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 Trustees where escalated, 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 via email, to the Headteacher or Chair of Trustees.

## 9. Standards 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 students.

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 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 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 detailed in this policy.

In addition to the processes outlined in this policy, the trust 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.
- Redeployment.
- 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.

## 10. Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Cirencester Kingshill School. They will consider whether Cirencester Kingshill School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [Contact the Department for Education - complaints](#), by telephone on: 0370 000 2288 or by writing to:

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

## 11. Transferring Data

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

The academy will hold records of complaints separate to student 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 its Data Retention Policy.

## 12. Monitoring and Review

The complaints policy 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 October 2026.

Responsibility for reviewing the policy belongs to the Board of Trustees Staffing Committee.

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

A copy of this policy will be made available on request. It will also be published on the academy's website, as recommended by the DfE.

COMPLAINTS POLICY

**Guidance for Parents/Carers and Other Members of the Public**

Reviewed by: S Gardiner (Head of Personnel)

Date: October 2025

Adopted by Trustees: 08 October 2025

Signed: *E. Rowbottom*

Date: 08 October 2025

Next Review Date: October 2026

## Appendix 1

### Complaint Form

Please complete and return to the Headteacher, who will acknowledge receipt and explain what action will be taken.

|  |
|--|
| <b>Your name:</b>  |
| <b>Student's name (if relevant):</b>   |
| <b>Your relationship to the student (if relevant):</b>   |
| <b>Address:</b><br><b>Postcode:</b><br><b>Day time telephone number:</b><br><b>Evening telephone number:</b>       |
| <b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b> |

**What actions do you feel might resolve the problem at this stage?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**