



Bexley Grammar School Complaints Policy

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1. Aims

- 1.1 Bexley Grammar School aims to provide the best education possible for all its students in an open and transparent environment. We aim to resolve all complaints at the earliest possible stage. We aim to meet statutory obligations in responding to complaints to ensure they are dealt with promptly, fairly, openly and without prejudice.
- 1.2 This policy explains what steps parents/carers should follow to make a 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.
- 1.3 Any person, including a member of the public, can make a complaint about the provision of facilities or services which the school provides. Complaints about services supplied by other providers who use school premises should be directed to the provider concerned. Any non-parent/carer can make a complaint about the school which will be addressed outside this policy. The complaint will be investigated in a reasonable timeframe and the outcome reported back to the complainant.
- 1.4 Once a complaint has been made, it can be resolved or withdrawn at any stage.

2. Relevant legislation and guidance

- 2.1 This policy has due regard to statutory legislation including, but not limited, to the following:
 - The Freedom of Information Act 2000 <http://www.legislation.gov.uk/ukpga/2000/36>
 - The Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>
 - The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
 - The Education (Independent School Standards) Regulations 2014 <http://www.legislation.gov.uk/uksi/2014/3283/schedule/made>
 - The Immigration Act 2016 <http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>
 - The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>
 - The General Data Protection Regulation (GDPR) 2018 <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>
- 2.2 This policy also has due regard to guidance including, but not limited to, the following:
 - Education and Skills Funding Agency (ESFA) Creating an Academy Complaints Procedure 2015 <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>
 - HM Government 2016 Code of Practice on the English Language Requirement for Public Sector Workers <https://www.gov.uk/government/publications/english-language-requirement-for-public-sector-workers-code-of-practice>
 - The Department for Education (DfE) Best Practice Guidance for School Complaints Procedures <https://www.gov.uk/government/publications/school-complaints-procedures>

3. Definitions

- 3.1 The DfE (Department for Education) guidance explains the difference between a concern and a complaint.
- 3.2 A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- 3.3 A **complaint** is defined as “an expression of dissatisfaction, however made, about actions taken or a lack of action”.

- 3.4 The school will resolve concerns informally through day-to-day communication as far as possible, and at the earliest possible stage. There may however be occasions when complainants wish to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- 3.5 Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be followed.
- NB.** For the purpose of this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

4. Raising concerns

- 4.1 The majority of concerns can be dealt with without resorting to the Complaints Policy.
- 4.2 Every effort should be made to resolve a concern informally in discussion with the form tutor, class teacher, head of department, director of studies, a senior member of staff or the Headteacher.
- 4.3 The school encourages parents/carers to approach staff and aims to resolve all issues with open dialogue, respect and mutual understanding. It is expected that concerns will be dealt with informally within 5 school days of the issue being raised.

5. Roles and Responsibilities

- 5.1 The complainant will receive a more effective response to their complaint if they:-
- Cooperate with the school in seeking a solution to the complaint.
 - Express the complaint and their concerns in full at the earliest possible opportunity.
 - Observe strict confidentiality.
 - Promptly respond to any requests for information or meetings.
 - Ask for assistance as needed.
 - Treat any person(s) involved in the complaint with respect.
- 5.2 The school will ensure that all aspects of the complaints procedure are:
- Easily accessible and publicised.
 - Simple to understand and put into practice.
 - Impartial and fair to all parties involved.
 - Respectful of strict confidentiality duties.
 - Continuously under improvement, using information gathered during the procedure to inform the school's Leadership Team.
 - Fairly investigated, by an independent person when necessary.
 - Used to address all issues in order to provide appropriate and effective responses where necessary.
- 5.3 Timescales
- Complaints should be made as soon as possible after an incident arises in order to amend/resolve 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 of term time will be considered as having been received by the school on the first school day after the holiday period.
 - In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

- 5.4 Complaints should be made using the appropriate channels of communication. Refusal to engage with the complaints procedure will be considered 'unreasonable' (see Appendix D - Unreasonable Complaints).
- 5.5 Anonymous complaints will not normally be investigated. However, the headteacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.
- 5.6 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.
- 5.7 Under some circumstances, it may be necessary to deviate from the complaint's procedure. Any deviation will be documented.
- 5.8 Information about a complaint will not be disclosed to a third party without written consent from the complainant.
- 5.9 The headteacher will:
 - Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
 - Ensure that up-to-date records are kept – these records will be kept securely and retained in line with the school's GDPR Policy.
 - Liaise with all parties involved to ensure the complaints procedure runs smoothly.
 - Be aware of issues with regards to sharing third party information.
 - Be aware of any additional support the complainant may need including interpretation support, and make any necessary arrangements in this respect.

6. Complaints about the Headteacher or a Governor

- 6.1 Where a complaint is made about the headteacher, the complainant should first approach the headteacher in an attempt to resolve the issue informally. If this is not possible, the complaint will then be dealt with by a suitably experienced member of the Governing Body and then by a committee of the Governing Body.
- 6.2 Any complaint made against the chair of governors or any other member of the governing body should be made in writing to the clerk to the Governing Body. The same process then applies as for the headteacher.
- 6.3 Any complaint made against the entire Governing Body, or complaints involving the Chair and the Vice Chair(s), should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

Stages of the Complaints Procedure

7. Stage 1 – Informal concern made to a member of staff

- 7.1 A complaint may be made in person, by telephone or in writing (letter or email). See section 4 'Raising Concerns'.
- 7.2 In order 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.
- 7.3 If the concern is about the headteacher, the complainant should be referred to the chair of the governing body.

- 7.4 In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- 7.5 The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.
- 7.6 If an appropriate resolution to the issue cannot be found at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure (Stage 2).

8. Stage 2 – Formal complaint made to the headteacher

- 8.1 Stage 2 of the process will be completed within 30 school days.
- 8.2 Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them in writing (by letter or email) of the revised target date.
- 8.3 The Headteacher should arrange a meeting with the complainant as soon as reasonably practicable, in order to avoid any possible worsening of the situation. Depending on the nature of the complaint, the meeting may include a senior member of staff (the Investigating Officer) whom the headteacher has requested to undertake an investigation under this stage of the policy.
- 8.4 Where the Headteacher or chair of the governing body has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and the complainant refuses or is 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.
- 8.5 Where there are communication difficulties, the complaint may be made in person or via telephone.
- 8.6 The Investigating Officer'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 young people and any others relevant to the complaint.
 - consideration of records and other relevant information.
 - analysing information.
 - liaising with the complainant and the headteacher as appropriate to clarify what the complainant feels would put things right.
- 8.7 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.
 - record all their discussions. Their principal findings and resolutions will be communicated to the complainant either verbally or in writing.
 - ensure that any papers produced during the investigation are kept securely pending any appeal.
 - observe the timescales for responses.
 - prepare a comprehensive report for the headteacher that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

- 8.8 If the complaint is against the headteacher, the complainant should write, in confidence, to the chair of governors. The Chair will seek to resolve the issue informally before moving directly to Stage 3 of the policy.
- 8.9 If the complaint is made against a member of staff, the Headteacher or Investigating Officer will discuss the issue with the staff member in question. Where necessary, the headteacher or Investigating Officer will conduct interviews with any relevant parties, including witnesses and young people, and take statements from those involved.
- All discussions shall be recorded by the Headteacher or Investigating Officer and findings and resolutions will be communicated to the complainant.
- 8.10 After considering the available evidence, the headteacher can:
- Uphold the complaint and direct that certain action(s) be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage 3 complaints process
 - Uphold the complaint in part: The Headteacher may find one aspect of the complaint to be valid but not another aspect, and may direct certain action to be taken to resolve an aspect that is found in favour of the complainant.
- 8.11 Once all facts are established, the headteacher shall contact the complainant within 20 school days with an explanation of the decision. The complainant will be advised of any further action the school plans to take to resolve the issue and of any escalation options (for example, escalation to stage three) and will be provided with details of this process. The complainant will be provided with relevant information, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 8.12 If the complainant is not satisfied with the outcome suggested, the procedure will progress to Stage 3.

9. Stage 3 – Investigation by the Chair of Governors or Nominated Governor

- 9.1 Stage 3 should be completed within 20 school days of the chair of governors receiving a written complaint.
- 9.2 The complainant should write to the chair of governors within 10 school days, outlining briefly the grounds of their complaint and why they are not satisfied with the outcome of Stage 2.
- 9.3 The chair of governors, or a nominated governor, will carry out an investigation of the process and consider all available evidence.
- 9.4 The complainant and the headteacher 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 (for example, escalation to stage 4) and will be provided with details of this process. The complainant will be provided with relevant information, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 9.5 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 or nominated governor has acted unreasonably, they may request that the Governing Body reviews the complaint (Stage 4).

10. Stage 4 - Appeal – Review by a Complaints Appeal Panel (CAP) of the Governing Body.

- 10.1 If the complainant is not satisfied with the outcome of Stage 3, they should write to the chair of governors within 10 school days, briefly outlining the content of the complaint, why they are not satisfied with the outcome of Stage 3, and requesting that a Complaints Appeal Panel (CAP) be convened. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 10.2 If the complainant has not requested a CAP within 10 school days of the Stage 3 report, their complaint will not be considered, except in exceptional circumstances.

- 10.3 In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. These notes will be kept securely at the school.
- 10.4 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.
- 10.5 5 school days' notice will be given to all parties attending the CAP, including the complainant, informing them of how the CAP will be conducted.
- 10.6 Neither the school nor the complainant should bring legal representation to the CAP proceedings. However, there are occasions where legal representation will be necessary, for example, where a school employee is a witness in a complaint they may be entitled to bring union or legal representation.
- 10.7 The chair of governors, or another nominated governor, will convene a CAP made up of three people not involved in the complaint, one of whom is independent of the management and running of the school.
- 10.8 Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. This is at the discretion of the Governing Body who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the clerk sources appropriate individuals to make up the Complaints Panel.
- 10.9 In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the chair of governors or the nominated governor who investigated the complaint at Stage 3
 - the headteacher or other member of the Leadership Team.

The complainant may also bring a friend or colleague with no involvement in the case to the hearing if they wish. It may be appropriate for a witness to attend the relevant part of the hearing.

- 10.10 Prior to the hearing, the clerk will have written to the complainant informing them of how the review will be conducted. The headteacher and panel members will also be sent a copy of this letter.
- 10.11 At the CAP meeting, all participants will be given the opportunity to put their case across and discuss key issues. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the course of the complaints process.
- 10.12 The CAP cannot consider new complaints or complaints additional to the complainant's original complaint.
- 10.13 All panel members will be aware that:
 - The review panel hearing is independent and impartial.
 - No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
 - The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
 - All parties should understand that 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.
- 10.14 The meeting should allow for:
 - the complainant to be present and accompanied at the hearing if they wish.
 - the complainant to explain their complaint and the headteacher to explain the reasons for their decision.
 - the complainant to question the headteacher, and vice versa, about the complaint.

- any evidence, including witnesses and/or investigating officers who have been prior approved by the chair of the CAP, to be questioned.
- members of the CAP to question both the complainant and the headteacher.
- final statements to be made by both parties involved.

10.15 The Panel can:

- Dismiss or uphold the complaint, in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

10.16 The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

10.17 Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

11. Appeal

11.1 The Secretary of State for Education has a duty to consider all complaints raised but will only intervene where the Governing Body 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 legal sense and means acting in a way that no reasonable school or Governing Body could act in the circumstances.

11.2 If the complainant feels, after the complaints process has been exhausted, that the Governing Body acted "unreasonably" in the handling of the complaint, they can contact the Education and Skills Funding Agency (ESFA) using the online form, <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>, or write to:

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

12. Exceptional circumstances

12.1 The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to it. The exceptions to this include cases where:

- young people are at risk of harm.
- young people 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 Body may postpone the complaints process.

12.2 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 student.

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

Appendix A: Complaints not covered by this policy, and referral to the Department for Education

A.1. Complaints regarding the following topics should be directed to the Local Authority (LA):

- Statutory assessments of SEND (Special Educational Needs and Disability)
- School reorganisation proposals
- Admissions to schools

Contact: 020 8303 7777

A.2. Complaints about **child protection matters** will be handled in line with the school's Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the Local Authority Designated Officer (LADO) or the Multi-Agency Safeguarding Hub (MASH).

A.3. Complaints concerning **admissions** should be directed to Bexley's admissions authority.

A.4. Complaints about **students being excluded** from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>.

A.5. The school has an internal **whistleblowing** procedure for all employees, including contractors and temporary staff. Complaints of this nature should not be addressed using this Complaints Policy but by following the school's Whistleblowing Policy. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk.

A.6. **Volunteers** who have concerns about the 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.

A.7. **Staff grievances and disciplinary procedures** will be dealt with using the school's Grievance Procedure. 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.

A.8. This Complaints Policy is not to be used when addressing any complaints made about **services provided by a third party** who may use the school premises or facilities. All complaints of this nature should be directed to the service provider concerned.

A.9. Complaints about the **content of the national curriculum** should be made to the DfE.

A.10. Complaints about **how the school delivers the curriculum**, including RE (Religious Education) and RSE (Relationships and Sex Education), will be dealt with using this Complaints Policy.

A.11. Complaints from parents/carers 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 Policy.

Appendix B: Guidance on Interviewing Young People

- B.1.** When interviewing children in order 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.
- B.2.** The school understands the importance of ensuring a friendly and relaxed area for an interview with a young person which is free from intimidation.
- B.3.** The school will ensure that the way in which such interviews are conducted does not prejudice a Local Authority Designated Officer's (LADO's), or police, investigation.
- B.4.** All young people interviewed will be made aware of what the interview concerns and their right to have someone with them.
- B.5.** The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- B.6.** The interviewee will be asked to sign a copy of the transcription of the interview.

Appendix C: Recording, Reviewing and Handling of Complaints

C.1 Recording a complaint

- (i) A record shall be kept of any complaint made 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).
- (ii) All records are made available for inspection on the school premises by the headteacher.
- (iii) Recording devices will not be used without the prior consent of all parties. The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- (iv) Details of any complaint made shall not be shared with the entire Governing Body. The exception to this is when a complaint is made against the whole Governing Body and they need to be aware of the allegations made against them to respond to any independent investigation.
- (v) Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.
- (vi) 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.

C.2 Reviewing the procedure

- (i) The Complaints Policy will be reviewed annually, taking into account the latest guidance issued by the DfE.
- (ii) Responsibility for reviewing the procedure belongs to a committee of the Governing Body.
- (iii) All projected review dates will be adhered to.
- (iv) Information gathered through reviewing the Complaints Policy will be used to continuously improve and develop the process.
- (v) The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

C.3 Transferring data

- (i) When a student changes school, the student's educational record will be transferred to the new school and no copies will be kept by the previous school.
- (ii) The school will hold records of complaints separately from student records while a complaint is ongoing, so that access to these records can be maintained.

C.4 Availability

- (i) A copy of this Complaints Policy will be made available on request. It can also be downloaded from the school website as recommended by the ESFA (Education and Skills Funding Agency)

Appendix D: Unreasonable Complaints, Serial and Persistent Complaints, Complaint Campaigns, and Barring from the Premises

D.1 Unreasonable Complaints

- (i) Bexley Grammar 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.
- (ii) Where a complainant raises an issue that has already been dealt with via the school's Complaints Policy, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example if new evidence has come to light. If a complainant persists in raising the same issue, the headteacher will write to them explaining that the matter has been dealt with fully in line with the school's policy and therefore the case is now closed. If they wish to take the matter further, the complainant may contact ESFA (the Education & Skills Funding Agency) (see section 11.2).
- (iii) The school defines "unreasonable" complainants as "those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints". Whenever possible the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- (iv) A complaint may be regarded as "unreasonable" when the person making the complaint:
 - refuses to engage with the complaints procedure
 - refuses to articulate their complaint clearly or specify the grounds of that complaint or the outcomes they wish to see as a result of 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 Policy.
 - insists on the complaint being dealt with in ways which are incompatible with the adopted Complaints Policy 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 or nature 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.
- (v) A complaint may also be considered unreasonable if the person making the complaint (either face-to-face, by telephone or in writing or electronically) does so:
 - maliciously;
 - aggressively;
 - using threats, intimidation or violence;
 - using abusive, offensive or discriminatory language;

- knowing it to be false;
 - using falsified information;
 - publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- (vi) Complainants should limit the number of communications they make 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.
- (vii) If the unreasonable behaviour continues, the headteacher 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, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- (viii) 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 and from using any of our communication systems. Any ban will be reviewed every 12 months.
- (ix) The headteacher and chair of governors will use their discretion when choosing not to investigate an unreasonable complaint. Where it is decided to take this course of action, they must inform the complainant explaining why they have chosen not to investigate and setting a time limit of 12 weeks before a further complaint would be considered.
- (x) If the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education: <https://www.gov.uk/complain-about-school>

D.2 Serial and persistent complainants

- (i) The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position. If a complainant attempts to re-open an issue which has previously been fully completed, the chair of governors will inform the complainant that the matter is now closed.
- (ii) If the complainant contacts the school regarding the same issue again, the complaint may be classed as “serial” or “persistent” and the school does not have an obligation to respond.
- (iii) The school must ensure that a complaint is not classed as “serial” before they have fully completed the complaints procedure.
- (iv) The school will not take the decision to stop responding to an individual lightly. The school will ensure that:
- they have previously taken every reasonable step to address the problem;
 - they have provided the complainant with a statement of their position;
 - the complainant is contacting the school repeatedly with the same complaint.
- (v) If the school believes that the complainant is continually contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent. Once the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- (vi) The complainant has the right to a third-party representative, such as the Citizens’ Advice Bureau, throughout the complaints procedure.

- (vii) Any new complaint made by a “serial’ complainant will be responded to.
- (viii) Complainants hold the right to refer their complaint to their local MP. This would not make the individual a ‘serial’ or ‘persistent’ complainant.

D.3 Complaints campaigns

- (i) 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 from complainants that are not connected to the school.
- (ii) Where the school becomes the subject of a complaints campaign, a standard, single response will be published on the school’s website. If complainants remain dissatisfied with the school’s response, they will be directed to the DfE.

D.4 Barring from the premises

- (i) School premises are private property and therefore any individual can be barred from entering the premises. If an individual’s behaviour is a cause for concern, the headteacher can ask the individual to leave the premises.
- (ii) The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.
- (iii) The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- (iv) This decision to bar will be reviewed by the chair of governors or a committee of governors, taking into account any discussions following the incident.
- (v) If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.
- (vi) Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.
- (vii) Once the school’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

Appendix E: Standard of Fluency complaints

- E.1** 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.
- E.2** 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.
- E.3** 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.
- E.4** 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.
- E.5** 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.
- E.6** All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.
- E.7** 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.
- E.8** To assess the merits of the complaint, 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.
- E.9** 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;
 - redeployment;
 - dismissal.
- E.10** Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.
- E.11** Records of complaints regarding fluency will be kept in accordance with the processes outlined in this policy.

Bexley Grammar School Formal Complaint Form

If you have tried unsuccessfully to resolve your complaint at the informal stage (Stage 1) and wish to take the matter further, please complete this form and send it to the headteacher. If your complaint is against the headteacher, you should send the completed form to the chair of governors.

Name:	Address:
Student's name:	
Student's date of birth:	
Daytime telephone number/mobile:	
Evening telephone number:	
Email:	Postcode:
Please give details of your complaint, including whether you have spoken to anybody at the school about it and what action has been taken.	
The reason why this was not a satisfactory resolution for you.	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signed:	Date:

Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date:

Example Letter to Complainant for a Stage 3 Complaint

An example of a letter that the chair of governors may send to the complainant, upon receipt of a complaint at stage 3

Dear <<*addressee's name*>>

Thank you for your letter dated <<**date**>> setting out the reasons why you are not satisfied with the headteacher's response to your complaint about <<**details of the complaint**>>.

I am writing to let you know that our clerk to the governors will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint, in accordance with our school's Complaints Policy.

As explained in the policy, the clerk will advise you, in writing, of arrangements to convene the CAP and the process which will be followed.

Yours sincerely,

Chair of Governors