

Aspirational Futures Multi Academy Trust



Complaints Policy

Aspirational Futures Multi Academy Trust Wide Policy

April 2025

Document Control

Reviewed by:	Aspirational Futures Multi-Academy Trust Board	Date: July 2023
Approved by:	Name: Keith Fielding, Chair of Board	Date: July 2023
Adopted by Academies:	July 2023	
Review:	Annually	
Next review due by:	April 2026	

Document Information

	Information
Document Name	Aspirational Futures Multi Academy Trust Complaints Policy
Document Author	Steve Mitchell
Document Approval	Board of Trustees
Document Status	Version 1.3
Publication Date	July 2023
Distribution	Website

Version Control

Version	Issue Date	Amended By	Comments
1.0	July 2023	V Calvert	New trust policy, based on the Parklands High School policy
1.1	April 2024	V Calvert	Minor changes to S1, S3 and S4 following review of policy with trade unions
1.2	June 2024	S Mitchell	Inclusion of Stage 2: Formal Complaints Form
1.3	April 2025	S Mitchell	Policy review.

Contents

Statement of intent

1. Legal framework
2. Definitions
3. Making a complaint
4. Roles and responsibilities
5. Complaints procedure
6. Interviewing witnesses
7. Recording a complaint
8. Exceptional circumstances
9. Managing unreasonable complaints
10. Complaints campaigns
11. Barring from the premises
12. Standard of fluency complaints
13. Transferring data
14. Availability
15. Monitoring and review
16. Stage 2: Formal Complaints Form

Statement of intent

Aspirational Futures Multi Academy Trust 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 all of its academies throughout the 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.
- Any academy within the trust.
- Any LGB of the trust.
- Individual trustees or the board of trustees.
- The trust as a whole.

It is designed to ensure that the trust's complaints 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, the trust and its academies will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher and/or chair of governors of the relevant academy will delegate an appropriate person to be the first point of contact during the complaints procedure.

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
- Part 7 of 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'
- Education and Skills Funding Agency (ESFA (2021)) 'Best practice guidance for academies complaints procedures'
- Education and Skills Funding Agency (ESFA (2024)) 'Academy trust handbook 2024'

This policy operates in conjunction with the following school policies:

- Admissions Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Disciplinary Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy
- Grievance Policy
- Data Protection Policy
- Records Management Policy

2. Definitions

For the purpose of this policy, a **"complaint"** is defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A **"concern"** can be defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be considered informally.

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

The definition of **"unreasonable complaints"** is outlined in the 'Managing unreasonable complaints' section of this policy.

For the purpose of this policy, **"duplicate complaints"** are identical complaints received from a complainant's spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the Education and Skills Funding Agency (hereafter referred to as ESFA), as outlined in 'The role of the ESFA' subsection of

this policy. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this policy, “**complaints campaigns**” are where the trust, or an academy within the trust, receives large volumes of complaints that are all based on the same subject.

For the purposes of this policy, having “**independence**” from the trust and its academies is defined as having no association with the trust, including through being a member, trustee or employee, and having no clear connection with any of the trust's academies, including through being an employee or solicitor. Independent panel members will meet the trust's and ESFA's definition of independence.

3. Making a complaint

Any parent and/or carer of a pupil in a trust school is able to make a complaint about the provision of facilities or services that the trust provides. **All formal complaints must be made in writing by emailing the [Stage 2: Formal Complaints Form](#) to your child's school (see contact details at the bottom of the form).**

The trust or school will not investigate anonymous complaints but they will be logged in the trust's or school's Complaints Log. However, should a pattern emerge (over the course of 2 consecutive terms) upon receipt of several anonymous complaints, then these will be investigated.

Individuals making complaints about issues relating to separate statutory procedures will be referred as follows:

- **Admissions** – referred to the appeals process outlined in the Admissions Policy.
- **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy.
- **Exclusion** – referred to the procedures outlined in the Behaviour Policy.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy.
- **Staff conduct** – referred to the internal disciplinary procedures.
- **Third-party suppliers using school premises or facilities** – referred to separate complaints procedures. The school will ensure any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy.

All other complaints will be directed towards the procedures laid out in this policy.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The trust upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

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.

4. Roles and responsibilities

The complainant is responsible for:

- Cooperating with the trust, or an academy within the trust, in seeking a solution to the complaint.
- Expressing the complaint and their concerns in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating anyone involved in the complaint with respect.

The role of the investigator will differ depending on the nature of the complaint and who it is directed at. This means that:

- Upon receipt of a complaint the headteacher or delegated person will make a decision based on an initial assessment whether the complaint should be dealt with under this policy or referred to an alternative policy e.g. the Disciplinary Policy.
- For complaints against staff of academies in the trust, the headteacher or delegated person will be the investigator.
- For complaints against headteachers of academies in the trust, the investigator will be the Chair of the LGB.
- For complaints against local governors, the investigator will be the Chair of the LGB.
- For complaints against trustees, the investigator will be the Chair of trustees.
- For complaints against the Chair of trustees or an entire LGB, the clerk will appoint an appropriate person to be the investigator.
- For complaints against the CEO, the investigator will be the Chair of trustees.

The investigator of the complaint is responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and clarifying an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Where complaints are escalated to a panel hearing, all panel members will be aware that:

- The review panel hearing is independent and impartial.

- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the trust and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the trust the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

The role of the ESFA

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, the trust will refer them to the relevant contact form, and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

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

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

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

5. Complaints procedure

This policy is implemented on a trust-wide level. The trust will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using input from the SLTs of all individual academies within the trust.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.
- **Informal** – which will usually come in the form of a meeting between a representative of the trust or individual academy and the complainant.
- **Formal** – where the complaint is put in writing to the trust using the Complaints Form.
- **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the trust.

At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on each academy's ICT system, or on the central trust ICT system where the complaint is against the trust as a whole or a member of the Board of trustees.

Stage one – informal complaint

An informal complaint may be made in person, by telephone or in writing; however, it is preferred that initial, informal complaints are made via an in-person meeting at the relevant school.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

Within 10 school days of notification of the complaint, 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 initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

In line with ESFA guidance, complainants should note that any acknowledgement by the trust that it 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 person managing the response to the complaint will inform the complainant about the next level of the procedure.

Stage two – formal complaint

Formal complaints must be raised in writing by completing the [Stage 2: Formal Complaints Form](#) and emailing it to your child's school.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office.

Upon receipt of the complaint the investigator (see section 4 for details of who will investigate) will call a meeting as soon as possible (ideally within 5 school days) to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of their companion in advance.

The investigator will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within ten school days of the conclusion of the investigation.

If the complainant wishes to proceed to the next stage (stage 3 – review panel) of the procedure, they should inform the clerk to the trust (via the school office) within ten school days setting out details on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint. The clerk will acknowledge receipt of the request within three school days.

Stage three – panel hearing

When the complaint progresses to stage three, a panel will be constituted to hear the complaint, consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. Where possible, the independent panel member will also have no association with the trust.

The clerk will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing. The meeting will be convened within 15 school days of the receipt of the escalation request where possible. Where this is not possible, the clerk will provide an anticipated date and ensure the complainant is kept up-to-date.

5 days' notice will be given to all parties attending the panel hearing, including the complainant.

Prior to the hearing, the clerk will write to the complainant informing them of how the review will be conducted. The Chair of trustees will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint.
- The investigator to explain the reasons for their decision.
- The complainant to question the investigator, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned. Witnesses may be accompanied to the hearing if they wish, but the companion may not ask or answer questions on behalf of the witness.
- Members of the panel to question the complainant, the investigator and the individual about whom the complaint was made.
- Final statements to be made by all parties involved.

Neither the complainant nor the trust will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

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.

The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection on the academy premises by the Board of trustees, CEO and the headteacher.

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 UK GDPR.

Complaints to the ESFA

If a complainant has exhausted the trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA via their [webpage](#) or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Coventry
Quinton Road
Coventry
CV1 2WT

Resolving complaints

At each stage of the complaints procedure, the trust is committed to resolving the complaint. Where appropriate, the trust will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

- An explanation
- An admission that the situation could have been handled better
- An assurance that the trust will try and ensure the incident will not occur again
- An outline 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 changes will be made
- An undertaking to review trust policies in light of the complaint
- An apology

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, the trust will ask them to confirm this in writing. Despite the complaint having been withdrawn, the trust will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The trust will not under any circumstances ask or pressure an individual to withdraw a complaint.

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 Records Management Policy. Personal data will only be kept for as long as necessary.

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. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The trust will ensure that the conduction of interviews does not prejudice an investigation by the LA designated officer (LADO) or the police.

The trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague or representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The

interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

7. Recording a complaint

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the trust as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection by the trust.

The trust holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Where there are communication difficulties or disabilities, the trust may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

The trust 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 Board of trustees. The exception to this is when a complaint is made against the whole 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. 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. Exceptional circumstances

The ESFA expects complainants to have completed the trust'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 progressed through the trust's complaints procedure.
- The ESFA has evidence that the trust is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Board of trustees may postpone the complaints procedure.

9. Managing unreasonable complaints

The trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The trust will not normally limit the contact complainants have with the trust itself; however, the trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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.

A complaint may also be regarded as unreasonable when the complainant:

- 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 they expect 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 trust’s complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with the trust 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 member of staff or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the trust causing a significant level of disruption, the trust 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 trust's position and their options
- The complainant contacts the trust repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the trust believes their intent is to disrupt or inconvenience the trust.

The trust 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.

10. Complaints campaigns

Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the trust, a standard, single response will be published on the trust's website.

If the trust receives a large number of complaints about the same subject from complainants who are connected to the trust, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the trust's response, they will be directed to the ESFA.

11. 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 CEO or headteacher of the relevant academy will ask the individual to leave the premises.

The CEO or 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.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the CEO, headteacher or chair of governors.

12. 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 trust 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 trust 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 trust 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 CEO 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 trust 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.

13. 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 trust 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 trust retains relating to a complaint will be stored securely and in line with its Records Management Policy.

14. Availability

A copy of this policy will be made available on request. It will also be published on the trust website, and the websites of individual academies within the trust, as recommended by the ESFA.

15. Monitoring and review

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

Responsibility for reviewing the procedure belongs to a committee of the Board of trustees. 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. Any changes to this policy will be communicated to all relevant stakeholders.

The monitoring and reviewing of complaints will be used to help evaluate the trust.

Stage 2: FORMAL COMPLAINTS FORM

Please complete all yellow-shaded areas.

School	
Name of child	
Name of complainant	
Complaint contact details	Telephone: Email:
Date complaint submitted	
Details of complaint	
Please detail your desired outcome of the complaint	

Please email your completed form to:

Balshaw Lane Primary School via elasch@balshawlane.co.uk

Gillibrand Primary School via sbm@gillibrandprimary.co.uk

Highfield Community Primary School via sbm@highfieldcps.co.uk

Parklands High School via admin@parklandsacademy.co.uk

Walton le Dale High School via admin@wldhigh.co.uk