



Martin Primary School

Complaints Procedure

Reviewed and ratified by the Wellbeing Committee: summer 2025
Reviewed every year

Summary

The Head Teacher, staff and governors of Martin Primary School take all concerns and/or complaints expressed about the school very seriously. At Martin Primary School our aim is to encourage transparency and openness throughout.

We aim that concerns/ complaints are properly listened to, addressed and resolved if at all possible at the earliest opportunity; that all parties are treated fairly, impartially and respectfully; that confidentiality duties are respected and concerns/ complaints are fairly investigated, if necessary by an independent person.

All concerns/ complaints will be considered whether made in person, by telephone, in writing or via email.

There are three stages to the concerns /complaints procedure which this procedure outlines in further detail on the following pages:

Stage 1 – An informal concern or complaint should be raised with a member of staff (normally with the class teacher). For further detail please see p 6

Stage 2 – A formal complaint should be made to the complaints officer. At Martin Primary this role is undertaken by the headteacher; if the complaint relates to the headteacher the role of the complaints officer will be assumed by the Chair of the Governing Body. For further detail please see p 7.

Stage 3 An appeal should be made to the headteacher where the complainant is not satisfied with the outcome of the complaint. A Complaints Appeal Panel is set up from the Governing Body. It excludes the Headteacher and all staff governors. The complainant should complete Complaints Procedure Form in Appendix 1 and send it to the Chair of Governors via the School Office. For further detail please see p 7

Concerns or complaints should be raised as soon as possible but within three months of the incident.

Some concerns / complaints are NOT dealt with by the school. These include:

- School Admissions
- Exclusions
- Statutory Assessments of Special Needs and Disabilities
- School re-organisation proposals
- matters needing a Child Protection investigation

Once a complaint has been made, it can be resolved or withdrawn at any stage.

1 Legal framework

1.1. This procedure has due regard to the following legislation and guidance, including, but not limited to:

- Education Act 2002
- Data Protection Act 2018
- Freedom of Information Act 2000
- The School Information (England) (Amendment) Regulations 2016
- Immigration Act 2016 (Part 7) Fluency Duty*
- The Education (Pupil Information) (England) Regulations 2005
- Equality Act 2010
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- DfE (2021) 'Best practice guidance for school complaints procedures 2020'

*Complaints about fluency in English. The Fluency Duty Code of Practice (2016) states that "if a member of the public feels that a public-facing public authority worker has insufficient proficiency in spoken English for the performance of their role they have the right to complain to the public authority".

1.2 This procedure operates in conjunction with the following school policies:

- Data Protection Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Whistleblowing Policy

2 Definitions

complaint - 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action. Complaints can be resolved formally or informally dependant on the complainant's choice.

concern - 'an expression of worry or doubt' for which reassurance is sought. The school will class concerns as complaints and follow the same procedures for both, as outlined within this procedure.

grievance – where the complainant is dissatisfied but the School is not at fault because we are following an agreed procedure. Whilst these may be understandable causes for complaint, the concerns reflect policies and budgets already agreed by the school and its Governing Body. As such the School has not failed to do something it said it would, or has agreed to do.

duplicate complaints - identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE. Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

unreasonable complainants - Martin Primary 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'.

3 Roles and responsibilities

3.1. The complainant will:

- co-operate with Martin Primary in seeking a solution to the complaint
- express the complaint and their concerns in full at the earliest possible opportunity, preferably in writing
- promptly respond to any requests for information or meetings
- ask for assistance as needed
- treat any person(s) involved in the complaint with respect.

3.2. The headteacher, or where the complaint is against the headteacher, the Chair of Governors, will:

- ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure
- guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- keep up-to-date records throughout the procedure - these records will be kept securely on the school's ICT system and retained in line with the school's Records Management Policy.
- liaise with all parties involved to ensure the complaints procedure runs smoothly including the head teacher, clerk and chair of the governing body
- ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- be aware of issues with regard to sharing third party information.
- understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this
- provide a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved
- consider all records, evidence and relevant information provided
- interview all parties that are involved in the complaint, including staff and children if necessary in order to establish what has happened and who is involved
- analyse all information in a comprehensive and fair manner
- liaise with the complainant to clarify an appropriate resolution to the problem
- identify and recommend solutions and courses of actions to take
- be mindful of timescales and ensure all parties involved are aware of these timescales
- respond to the complainant in a clear and understandable manner
- if the complaint relates to the head teacher the role of the complaints officer will be assumed by the Chair of the governing body.

3.3. The Complaints Appeal Panel Chair will:

- appoint a member of the governing body to act as clerk. (Clerking tasks can be delegated to a member of the office staff). This can never be a staff governor
- 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 children involved
- conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy
- ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone
- confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings
- give both the complainant and Martin Primary 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 and headteacher to ensure the procedure runs smoothly
- help to provide the support necessary where the complainant is a child.

3.4. All Complaints Appeal 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 Martin Primary 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 Martin Primary 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.

3.5. The panel clerk will:

- continuously liaise with the headteacher and keep up-to-date records of all proceedings throughout the procedure
- set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved
- collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing
- greet all parties as they arrive at the hearing
- ensure that the minutes of the panel hearing are circulated to all relevant parties after the meeting

- notify the relevant parties of the panel's decision and any other actions to be taken.

4 Making a complaint

The school is aware that any member of the public, including the parents of past and present pupils, can make a complaint about the provision of facilities or services that a school provides.

Martin Primary consider all complaints, providing they are not anonymous, and ensure that the complaints procedure is:

- easily accessible and publicised
- simple to understand and put into practice
- impartial, non-adversarial and fair to all parties involved
- respectful of confidentiality duties
- continuously under improvement, using information gathered during the procedure to inform Martin Primary's senior management team
- fairly investigated, by an independent person when necessary
- used to address all issues in order to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises in order to address the issue in an appropriate timescale. Martin Primary upholds a three month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication. All complaints shall be considered whether made in person, by telephone, in writing, electronically via email or via a third party (such as the Citizen's Advice Bureau), providing they are not anonymous.

All complainants are given the opportunity to fully complete the complaints procedure. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

4.1 Complaints about staff

Any complaint made against a member of staff will be initially dealt with by the headteacher, and then by a committee of the Governing Body if not resolved.

Any complaint made against the headteacher will be initially dealt with by a suitably skilled member of the Governing Body and then by a committee of the Governing Body.

4.2 Complaints about governors

Complaints may be made against:

- The Chair of Governors.
- The Vice Chair of Governors.
- Any other member of the Governing Body

- The Governing Body as a whole.

These complaints should be made to the clerk to the Governing Body, who will then arrange for the complaint to be heard.

For complaints about the entire Governing Body, or the Chair or Vice Chair of Governors, the clerk to governors will determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this.

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

5 Complaints procedure

5.1. Stage one – Informal Complaints made to a member of staff

- Complainants are given the opportunity to discuss their concern informally with the appropriate member of staff, such as the class teacher or the headteacher.
- The member of staff can discuss the complaint with the head teacher in order to seek support.
- If the complaint concerns the head teacher, the complainant should be referred to the chair of the governing body.
- If the complainant is a member of the public and the complaint relates to the provision or facilities or services the first point of contact will be the headteacher.
- Complaints should not be made initially to a governor. Where the first approach is made to a governor, the complainant should be referred to the appropriate member of staff and advised of the procedure. Governors 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.
- The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- The member of the staff dealing with the complaint should make sure the complainant is clear about what action (if any) or monitoring of the situation has been agreed, and put this in writing if necessary to make things clearer.
- If an appropriate resolution cannot be sought at this 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.

5.2 Stage two – Formal complaint made to the headteacher, or the Chair of Governors if the complaint relates to the headteacher

- If the complaint cannot be resolved informally at stage one, the complainant must put the complaint in writing to the headteacher, including why the complainant is dissatisfied with the outcome of stage one.
- Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them of the revised target date via a written notification.
- An appointment with the headteacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

- If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of the governing body. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.
- If a complaint is made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
- All discussions shall be recorded by the headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.
- Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision.
- Any further action Martin Primary plans to take to resolve the issue will be explained to the complainant in writing.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

5.3 Stage three – Complaints Appeal Panel

- The complaint should be made in writing using the Complaints Procedure Form (Appendix A) to the chair of the governing body within 10 school days from receipt of a stage two outcome.
- Written acknowledgement of the complaint will be made within 3 school days. This will inform the complainant that a Complaints Appeal Panel will hear the complaint within 20 school days.
- The chair of the governing body, or other nominated governor, will convene a governing body Complaints Appeal Panel comprising three members of the governing body. The head teacher and Staff Governors are not eligible to sit on the Complaints Appeal Panel. The Chair must ensure that all members of the Panel are impartial and have no prior knowledge of or involvement with the complaint.
- If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel.
- Martin Primary will consider the request but ultimately the decision is made by the governing body.
- Five days' notice will be given to all parties attending the Complaints Appeal Panel, including the complainant.
- If appropriate the panel can be held away from school premises at a neutral place.
- Prior to the hearing, the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The head teacher 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 Complaints Appeal Panel will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- The meeting should allow for:
 - the complainant to explain their complaint and the head teacher to explain the reasons for their decision
 - the complainant to question the head teacher, and vice versa, about the complaint

- any evidence, including witnesses who have been prior approved by the chair of the Complaints Appeal Panel, to be questioned
 - members of the Complaints Appeal Panel to question both the complainant and the head teacher
 - final statements to be made by both parties involved.
- The complainant will receive a written response explaining the final outcome 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.

If a complainant remains dissatisfied once the formal complaint procedure has been completed, they have their right to refer their complaint to the Secretary of State.

6 Interviewing witnesses

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.

Martin Primary will ensure that the conduction of interviews does not prejudice a LADO (Local Authority Designated Officer) or police investigation.

Martin Primary understands the importance of ensuring a friendly and relaxed area which is free from intimidation. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them. Staff are allowed a colleague 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 record shall be kept of any complaint made, whether via phone, in person or in writing, detailing the main issues raised, ready to discuss at a later date. This will detail:

- 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).

Martin Primary 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, Martin Primary may provide recording devices to ensure the complainant is able to access and review the discussions at a later point

Where the school allows complainants to record meetings, the following will be considered:

- how any decision to allow recordings may affect any third parties called to act as witnesses
- the impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

The progress and the final outcome of a complaint will be recorded and kept up-to-date by the headteacher.

Details of any complaint made will 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. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

Martin Primary will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

As data controllers, the schools will ensure in all cases that they comply with their obligations and responsibilities as outlined in the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK GDPR.

8 Complaints not covered by this procedure

There are a variety of areas where the complaints procedure does not apply because of other separate statutory procedures being in place. The school will deal with complaints regarding these topics in line with the procedures outlined below.

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

- Statutory assessments of Special Educational Needs and Disabilities
- School re-organisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

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

Martin Primary has an internal whistleblowing procedure for all employees including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this procedure. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with using Martin Primary's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.

This complaints procedure 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 concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE. Complaints about how the school delivers the curriculum, including RE and RSHE, will be dealt with using this complaints procedure.

9 Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- pupils are at risk of harm
- pupils are missing education
- a complainant is being prevented from having their complaint progress through the school's complaints procedure
- the DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or Governing Body may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

9 Unreasonable, serial and persistent complainants

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school will not normally limit the contact complainants have with it; however, the school will 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.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice and school policies.

- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Knowingly provides falsified information.
- Publishes unacceptable information on social media or other public forums.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing body will inform the complainant that the matter is now closed. If the complainant contacts Martin Primary regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond. Martin Primary must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure. Any new complaint made by a 'serial' complainant will be responded to.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

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

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

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

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

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

If Martin Primary finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.

11. Complaints campaigns

For the purposes of this procedure, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

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

12. Barring from the premises

School premises are private property and therefore any individual can be barred from entering the premises.

Violence, threatening behaviour and abuse against school staff or other members of the school community, including other parents and pupils, will not be tolerated. All members of the school community have a right to expect that their school is a safe place in which to work and learn. There is no place for any form of abuse, threatening behaviour or violence in our school. If a parent's/carer's behaviour is cause for concern, a school can ask the individual to leave the premises by the headteacher or the Chair of Governors.

The head teacher will notify the parties involved via 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.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the Chair of Governors, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the head teacher or Chair of the Governors.

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

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 school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in the 'Complaints procedure' section of this procedure.

For the purpose of this procedure, a "**legitimate complaint**" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this procedure.

In addition to the processes outlined in this procedure, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific retraining
- 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 procedure.

13 Role of the DfE

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the governing body has acted unlawfully or unreasonably.

The DfE will not overturn a school's decision about a complaint except in exceptional circumstances, such as Martin Primary acting unlawfully.

When making a final decision about a complaint, Martin Primary reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully. However, they will not be able to advise on how to resolve the complaint.

15 Transferring data

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

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

16 Availability

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

Appendix 1: Complaints Procedure Form – Stage three

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the headteacher. If your complaint is about the headteacher, you will need to send the form to the Chair of the governing body.

| | |
|---|-----------|
| Name: | Address: |
| Pupil's name (if applicable): | |
| Pupil's date of birth (if applicable): | |
| Daytime telephone number: | |
| Evening telephone number: | |
| Email: | Postcode: |
| What is your complaint concerning, and what action would you like the school to take? | |
| When did you discuss your concern/complaint with the appropriate member of staff? | |
| What was the result of the discussion? | |
| Signed: | Date: |