

POLICY FOR COMPLAINTS

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Executive Board Chair, David Kreyling



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POLICY FOR COMPLAINTS

Mission

We believe in investing in people. As professionals in the teaching and training professions, we strive to provide a better future for the children, young people and home settings we work with. Success for us means unleashing the potential of each individual so they can grow, develop and reach the potential of which they are capable. Our values are grounded in our determination to be the change we want to see in the world, through passion, commitment and integrity. We strive to plant a seed of kindness and compassion in a generation that will produce resilience and hope and enable them to aspire and achieve productive and fulfilled lives. Our success is measured in the lives we changed.

At the Omnia Foundation, we create a secure and safe environment that encourages communication, self-belief, mutual respect and success. We provide a rich and balanced curriculum that develops every child, allowing them to achieve their true potential.

Statement of Intent

The Omnia Foundation aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure. This policy has been created to deal with any complaint: any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the foundation provides. Once a complaint has been made, it can be resolved or withdrawn at any stage. The Chief Operating Officer will be the first point of contact when following the complaints procedure.

Aims of the policy

This policy aims to

- Set out the procedure for making a complaint against a member of staff or the foundation as a whole, relating to any aspects of the foundation or the provision of facilities or services
- Ensure that all stakeholders are aware of the policy and the procedure to follow
- Ensure that the foundation meets its statutory obligations when responding to complaints from students' home settings and others
- Ensure that, when responding to complaints, the foundation
 - o Is impartial and non-adversarial
 - o facilitates a full and fair investigation by an independent person or panel, where necessary
 - o addresses all the points at issue and provide an effective and prompt response
 - o respects complainants' desire for confidentiality
 - o treat complainants with respect and courtesy
 - o makes sure that any decisions made are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
 - o keep complainants informed of the progress of the complaints process
 - o considers how the complaint can feed into the foundation's improvement evaluation processes

The foundation aims to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The foundation will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, this policy is available on the foundation website.

Throughout the process, the foundation will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

This policy should be read in conjunction with the Me, Myself & I Policy, Child Protection Policy, Staff Discipline Policy, Grievance Policy, Whistleblowing Policy and Dealing with Allegations Against Adults Policy

Legislation

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Foundation Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of students at the foundation.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”
- A grievance is an issue raised by a member of staff where they feel the foundation has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the foundation’s Grievance Policy.
- For the purpose of this policy, concerns will be classed and addressed as complaints.
- For the purpose of this policy, “unreasonable complaints” include:
 - Vexatious complaints:
 - Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
 - Serial or persistent complaints:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
- Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’ meaning the complainant can complain about a separate issue if necessary.
- For the purpose of this policy, duplicate complaints are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

Roles and responsibilities

The complainant

The complainant will:

- Follow these procedures
- Co-operate with the foundation throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Refrain from publishing details about the complaint on social media

The investigator

The investigator is involved in stages one and two of the procedure. Their role includes:

- 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 students.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator to clarify 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.

The complaints co-ordinator

The complaints co-ordinator 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
 - Keep up-to-date records throughout the procedure: these records will be kept digitally secure on the foundation’s IT system and retained in line with the Data Retention Policy.
 - Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Head of Foundation, clerk and Chair of the Board.
 - 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.
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The panel chair

The panel chair will:

- Ensure that the minutes of the hearing 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 students 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 the foundation 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 complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

The panel clerk

The panel clerk will:

- Continuously liaise with the complaints co-ordinator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

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 foundation 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 foundation 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.

Making a complaint

Complaints are not restricted to parents of attending students. The foundation will consider all complaints.

The foundation will ensure the complaints procedure is:

- Easily accessible and publicised on the foundation's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the foundation's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

The foundation 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, including the use of the Complaints Procedure Form.

All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizens Advice Bureau).

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.

Any complaint made against a member of staff will be initially dealt with by the Head of Foundation, and then by a committee of the Executive Board.

Any complaint made against the Head of Foundation shall be initially dealt with by the Chief Operating Officer and then by a committee of the Executive Board.

Any complaint made against the Chair of the Board or any other member of the Executive board should be made in writing to the clerk to the Executive board.

Any complaint made against the entire Executive board, or complaints involving the chair and the vice chair, 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 directors from another educational establishment.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.

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

Complaints procedure

- Informal (meeting with the complainant)
- Formal (the complaint is put in writing)
- A panel hearing

Stage one – Informal concern made to a member of staff

A complaint may be made in person, by telephone or in writing.

The member of staff the complaint has been made against can discuss the concern with the Head of Foundation or complaints co-ordinator to seek support.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the foundation’s IT system and, where appropriate, encrypted.

If the concern is about the Head of Foundation, the complaints co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the chair of the Executive board.

In case a complaint is made initially to a director, the complainant should be referred to the appropriate person. The director 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.

Within 15 foundation days, 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 foundation could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage two – Formal complaint made to the Head of Foundation

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

An appointment with the Head of Foundation should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against the Head of Foundation, the complainant will initially need to write, in confidence, to the chair of the Executive board. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

Where the Head of Foundation or chair of the Executive board has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are 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.

Where there are communication difficulties, the complaint may be made in person or via telephone.

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 foundation's ICT system and, where appropriate, encrypted.

In terms of a complaint being made against a member of staff, the Head of Foundation will discuss the issue with the staff member in question. Where necessary, the Head of Foundation will conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved.

All discussions shall be recorded by the Head of Foundation and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the Head of Foundation shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

Any further action the foundation 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.

Stage three – Investigation by the chair of the board

The complainant should submit any complaint in respect of the Head of Foundation's investigation in writing (or via an alternative method if necessary) to the chair of the board.

The chair of the board will carry out an investigation and consider all available evidence. However, if the complaint is about the Chair of the board, the Clerk will source an independent investigator to investigate.

The complainant and the Head of Foundation will be informed of the outcome within 20 working days of the chair of the board receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the Executive board reviews the complaint (stage four).

Stage four – Complaints appeal panel (CAP)

Following receipt of a stage three outcome, the complaint should be made in writing to the chair of the board within 10 working days.

Where there are communication difficulties, the complaint may be made in person or via telephone.

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 foundation's ICT system and, where appropriate, encrypted.

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

Neither the foundation 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 foundation employee is a witness in a complaint, they may be entitled to bring union or legal representation.

The chair of the board, or another nominated director, will convene a CAP comprising:

- Three people not involved in the complaint, one of whom is independent of the management and running of the foundation. Directors are not eligible to be independent panel members.

Where an independent panel is arranged on an ad-hoc, informal basis, directors who are suitably skilled and who can demonstrate their independence will be sourced.

Directors from any category of director or associate members of another Executive board can be approached to take part in an independent panel.

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

Prior to the hearing, the chair of the board will have written to the complainant informing them of how the review will be conducted. The Head of Foundation 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 CAP 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 be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the Head of Foundation to explain the reasons for their decision.
- The complainant to question the Head of Foundation, and vice versa, about the complaint.
- Any evidence, including witnesses 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 Head of Foundation.
- Final statements to be made by both parties involved.

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

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.

Final stage - Appeal

If a complainant has exhausted the foundation's complaints procedure, they will be advised that they can refer their complaint to the Department for Education online at www.education.gov.uk/contactus by telephone on 0370 000 2288 or in writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Principles for investigation

When investigating a complaint, the foundation will try to clarify:

- o What has happened
- o Who was involved
- o What the complainant feels would put things right

Interviewing witnesses

When interviewing students to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

The foundation will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.

The foundation understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All students 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.

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 foundation as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the foundation premises by the Chief Operating Officer or Head of Foundation.

The foundation 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 foundation 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 foundation 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 Executive board. The exception to this is when a complaint is made against the whole Executive 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 GDPR and the Freedom of Information Act 2000.

The foundation 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.

Complaints not covered by this procedure

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

- Statutory assessments of SEND
- School re-organisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the foundation's Child Protection 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.

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

Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the foundation's premises or facilities. All complaints concerning this should be directed to the service provider.

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

Complaints about how the foundation delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

Exceptional circumstances

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

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

If a social services authority decides to investigate a situation, the Chief Operating Officer or Executive board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to terminate a student's placement.

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

Managing unreasonable requests

The foundation 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 foundation; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the foundation's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on foundation time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a foundation 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 Chief Operating Officer or Chair of the Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

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.

Complaints campaigns

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

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

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

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

Barring from the premises

Foundation premises are private property and therefore any individual may be barred from entering the premises.

If an individual's behaviour is a cause for concern, the Head of Foundation will ask the individual to leave the premises.

The Head of Foundation will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the chair of the board or a committee of directors, 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, they will also be informed of 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 of Foundation or the chair of the board.

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

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 students.

The foundation 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 foundation 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 foundation community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in this policy.

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

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

In addition to the processes outlined in this policy, the foundation 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 foundation 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 foundation 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 this policy.

Role of the School Complaints Unit (SCU)

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

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.

The Secretary of State will only intervene when they believe that the Executive board has acted unlawfully or unreasonably.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully. When making a final decision about a complaint, the foundation reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

Transferring data

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

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

Information that the foundation retains relating to a complaint will be stored securely and in line with the Data Retention Policy

Availability

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

Monitoring & Evaluation

This policy will be monitored regularly by the Chief Operating Officer and reviewed annually with the Proprietor.

Complaints Procedure Form

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 Head of Foundation. (If your complaint is against the Head of Foundation, you will need to send the form to the Chair of the Board. If the complaint is against the Chair of the board or other members the form will need to be sent to the Clerk)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

Example Letter to Complainant for a Stage Three Complaint

Address line one

Address line two

Town

County

Postcode

Date

RE: Stage three complaint

Dear **addressee's name**,

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

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with the foundation's complaints procedure.

As explained in the procedure, the chair of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

Chair of the Executive Board

Example Letter for Complaints Against the Head of Foundation

Address line one
Address line two
Town
County
Postcode
Date

RE: Complaint against the Head of Foundation

Dear **addressee's name**,

I have received your complaint against the Head of Foundation of Omnia (Rayleigh).

I write to let you know that I have forwarded a copy of your complaint to the Head of Foundation, with a request that they respond to the issues raised in the complaint within 10 working days.

A copy of the Head of Foundation's response will be sent to you as soon as possible.

If you are not satisfied with the Head of Foundation's response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the chair of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the Executive board
