Ashperton Primary Academy Trust

Complaints Policy and Procedure

GN9

Last updated: November 2026

Review Date: 30 November 2027

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Statement of intent

Ashperton Primary Academy Trust (APA) 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 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 APA staff
- Individual Trustees or the Trust Board
- APA as a whole

It is designed to ensure that APAs 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 and APA will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher and Chair of Trustees will delegate an appropriate person to be the first point of contact during the complaints procedure. Where a complaint is against a member of the APA itself, the Headteacher and Chair of the Trust Board will delegate an appropriate person to be the first point of contact during the complaints procedure.

This policy is intended to be used for complaints relating to pupils currently attending or have attend APA within the previous 12 months in respect of their education. Complaints made outside of this area will be considered out of scope except in exceptional circumstances as decided by the Headteacher.

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
- ICO How to deal with data protection complaints
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- DfE (2021) 'Best practice guidance for academies complaints procedures'
- DFE (2024) **'**Academy trust handbook 2024'

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**" is defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

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 DfE, as outlined in 'The role of the DfE' 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 APA, receives large volumes of complaints that are all based on the same subject.

3. Making a complaint

APA will not normally investigate anonymous complaints.

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

- **Admissions** – referred to the appeals process outlined in the APA's Admissions Policy
- **Child protection** – referred to safeguarding procedures outlined in the Safeguarding Policy
- **Exclusion** – referred to the procedures outlined in the Behaviour Policy and Suspension and Exclusion 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 and Procedures
- **Staff conduct** – referred to the internal disciplinary procedures
- **Third-party suppliers using APA premises or facilities** – referred to separate complaints procedures. APA will ensure any third-party supplier using APA 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 pupil related complaints will be directed towards the procedures laid out in this policy.

Complainants may make complaints in person, in writing or by telephone. Complaints should be made using the appropriate channels of communication.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. APA upholds a two-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered only 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.

Complaints about APA staff, Governors or Trustees if an informal discussion does not resolve the issue.

Complaints against staff of APA will:

- Be made in writing to the Headteacher
- Be dealt with by the Headteacher for an initial informal response

Complaints against a Headteacher of APA will:

- Be made in writing to the Chair of Trustees
- Be dealt with by Chair of Trustees for an initial informal response

Complaints against Trustees will:

- Be made in writing to the Governance Professional, who will arrange for them to be heard
- Be dealt with by the Chair of the Trust Board for an initial informal response

Complaints against the Chair of the Trust Board, or the entire Trust board will:

- Be made in writing to the Governance Professional, who will determine the most appropriate course of action dependent on the nature of the complaint

Complaint Procedure

Any written complaint will be acknowledged within 15 school days of receipt.

If a complaint is escalated beyond an initial informal response an independent investigator will be appointed to deal with the complaint. In exceptional circumstances, where it is necessary to deviate from the complaints procedure, this deviation will be appropriately documented.

Where the complainant is not satisfied with the outcome of the investigation, they will be prompted to write to the Governance Professional to ask for the complaint to be held before a panel within 10 school days (where possible). The Governance Professional will record the date this complaint is received and will respond within 5 school days. The panel hearing will be organised in accordance with stage three of the 'Complaints procedure'.

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

4. Roles and responsibilities

The complainant is responsible for:

- Cooperating with APA, 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.

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 complaints 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 APA and the 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 APA 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 APA 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 Governance Professional to ensure the procedure runs smoothly

- Help to provide the support necessary where the complainant is a child

The 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, APA 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 DfE will not overturn APAs or the panel's decision about a complaint or re-investigate the original complaint. The DfE will only intervene following a complaint if it believes APA 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, APA 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.

5. Complaints procedure

This policy is implemented in full across APA. APA 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
- 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 APA and the complainant
- **Formal** – where the complaint is put in writing to APA
- **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 APA.

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 by the investigator, or at APA

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.

Where a complaint has been made about a member of staff, the complainant can discuss the concern with the Headteacher, or a person delegated to hear the complaint on their behalf, to seek support. If the concern is about the Headteacher, the Chair of the Trust Board should be informed and will need to handle the complaint. The complainant can then be referred to the Chair of the Trust Board.

Where a complaint is made initially to a Trustee, the complainant will be referred to the appropriate person. No member of staff or Trustee will act alone on a complaint outside of 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 10 school days (wherever possible) 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 DfE guidance, complainants should note that any acknowledgement by APA 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 made in writing. An independent investigating Officer will be appointed.

Stage two of the process will be completed within 28 school days. However, where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date,

An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

Where the appropriate person 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.

Once all facts are established, the appointed person handling the complaint shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three. A request to escalate to stage three will be made to the Governance Professional within 10 school days of the end of stage two, i.e. communication of an outcome.

Stage three – panel hearing

Where 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 have no clear connection with that academy, such as having conducted work for the academy.

The Governance Professional 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 Governance Professional 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 Governance Professional will have written to the complainant informing them of how the review will be conducted. The Headteacher, and the Chair of the Trust Board 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 and the individual handling the complaint to explain the reasons for their decision
- The complainant to question the individual handling the complaint, and vice versa, about the complaint
- Any evidence, including witnesses who have been prior approved by the Chair of the panel, to be questioned
- Members of the panel to question both the complainant and the individual about whom the complaint was made
- Final statements to be made by both parties involved

Neither the complainant nor APA will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. The claimant may bring a companion to the meeting for support purposes only.

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 by the Trust Board 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 DfE

If a complainant has exhausted APAs complaints procedure, they will be advised that they can submit a complaint to the DfE 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, APA is committed to resolving the complaint. Where appropriate, APA 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 APA 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 APA policies in light of the complaint
- An apology

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, APA will ask them to confirm this in writing. Despite the complaint having been withdrawn, APA will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. APA 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 APS 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. APA will retain records of complaints and related documents in line with the Trust 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.

APA will ensure that the conduction of interviews does not prejudice an investigation by the LA Designated Officer (LADO) or the police.

APA understands the importance of ensuring a friendly and relaxed area which is free from intimidation. 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 be invited to sign a copy of the transcription of the interview. Should they decline to sign the transcript this will be noted on the document.

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

APA 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, APA 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.

Where APA 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

APA 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 Trust Board. The exception to this is when a complaint is made against the whole Trust 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 DfE expects complainants to have completed the APAs 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 APAs complaints procedure
- The DfE has evidence that APA is proposing to act or is acting unlawfully or unreasonably

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

9. Managing unreasonable complaints

APA is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. APA will not normally limit the contact complainants have with APA; however, APA 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 APAs complaints procedure has been fully and properly implemented and completed, including referral to the DfE
- Seeks an unrealistic outcome
- Makes excessive demands on 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 APA 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 APA, APA 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 APAs position and their options
- The complainant contacts APA repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, APA 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 APA believes their intent is to disrupt or inconvenience APA.

APA 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 APA becomes the subject of a complaints campaign from complainants who are not connected with APA, a standard, single response will be published on the APA website

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

If complainants remain dissatisfied with APAs response, they will be directed to the DfE

11. Barring from the premises

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

If an individual's behaviour is cause for concern, the Headteacher will ask the individual to leave the premises.

The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the Chair of the Trust Board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the Headteacher or the Chair of the Trust Board.

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.

APA 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.

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

For the purpose of this policy, a **"legitimate complaint"** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints. All legitimate complaints regarding the fluency duty will be handled in line with the processes detailed in this policy.

In addition to the processes outlined in this policy, APA 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 at which the staff member works 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, APA 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. Handling data protection complaints

APA will follow the trust's data protection complaints process, recognising that the trust is the data controller and retains overall legal responsibility for compliance. APA will manage complaints locally where appropriate, on behalf of the trust, and will ensure they are promptly escalated in line with trust procedures.

APA will treat a data protection complaint as any concern that personal data has been managed in breach of data protection law, e.g. rights requests, data security, collection, use, retention or accuracy of data.

Complainants will not be required to use legal terminology. Where unclear, APA will seek clarification. Complaints primarily about service issues that include a data rights request will not automatically be treated as data protection complaints.

APA will provide accessible ways for individuals to submit complaints, e.g. email, form, telephone, post, in person, and will accept complaints made through any channel.

Where complaints are received via insecure channels, e.g. social media, APA will request a secure method of communication.

APA will inform individuals of their right to complain at the point of data collection and within relevant responses, using clear and age-appropriate language.

- ### Initial handling and acknowledgement

APA will:

- Treat a complaint as received when it is received by any member of staff.
- Ensure the complaint is logged and, where required, shared with the trust in line with its procedures.
- Acknowledge receipt within 30 calendar days, from the day after receipt.
- Ensure arrangements are in place to meet this timescale, including during staff absence.

- Confirm receipt and next steps using the complainant's preferred or original contact method where appropriate.
- Verify identity where necessary and request only proportionate evidence.
- Verify authority where a complaint is made on behalf of another individual before proceeding.

- ### Investigation

APA will:

- Begin initial enquiries without undue delay.
- Make appropriate and proportionate enquiries at and provide relevant information promptly to the DPO.
- Seek further information from the complainant, where needed, and clarify the desired outcomes.
- Keep the complainant informed of the investigation progress,

Complaints from pupils

APA recognises that pupils have the same data protection rights as adults and will:

- Communicate in clear, age-appropriate language.
- Assess their understanding, where required.
- Provide mechanisms for pupils to raise concerns, including indicating urgency.
- Prioritise safeguarding concerns and act promptly where risk is indicated.

- ### Outcome

APA will:

- Ensure a clear outcome is provided without undue delay.
- Contribute to responses by providing relevant information and context.
- Ensure outcomes are not delayed by alignment with wider complaints processes where the data protection element can be resolved sooner.
- Inform the complainant of their right to raise concerns with the ICO, in line with trust procedures.

- ### Record keeping and learning

APA will:

- Maintain accurate records of complaints managed locally.
- Ensure records include receipt, acknowledgement, investigation, outcome and any actions taken.
- Ensure records are secure, organised and retained only as long as necessary.
- reviewing records and speaking to relevant staff.

Responsibilities and governance

APA will:

- Ensure all staff can recognise and promptly escalate data protection complaints in line with trust procedures.
- Follow APA policy on roles, escalation routes and timescales.
- Consult with the trust's DPO where required.
- Cooperate with trust-wide arrangements, including those relating to processors and shared systems.

Regulatory context

APA will support the trust to meet its legal obligations, including acknowledging complaints within 30 days and responding without undue delay. Where a complaint is escalated, APA will function as the primary point of contact with the ICO.

14 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.

APA 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 APA retains relating to a complaint will be stored securely and in line with our Policy.

15 Availability

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

15 Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Headteacher in conjunction with the Trust Board. Any changes made to the policy will be amended by the Headteacher and will be

communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their induction programme.

The next scheduled review date for this policy is 30th November 2027.

Signed by:

_____	Headteacher	Date:	_____
_____	Chair of Trust Board	Date:	_____