



# Complaints Policy

**Approved by:**  
B.Suddhi

**Date:** January 2025

**Last reviewed on:** January 2025

**Next review due by:** January 2026

Signed by:

Headteacher

Date: January 2025

Chair of governors

Date: January 2025

## **Contents**

1. Legal framework
2. Definitions
3. Roles and responsibilities
4. Making a complaint
5. Complaints procedure
6. GDPR Complaints
7. SEND Complaints
8. Monitoring and review

## **Statement of Intent**

Pear Tree Infant and Nursery aims to resolve all 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 deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher will be the first point of contact when following the complaints procedure

## 1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- The Education (Pupil Information) (England) Regulations 2005
- Equality Act 2010
- Immigration Act 2016
- The School Information (England) (Amendment) Regulations 2016
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018

This policy has also due regard to guidance including, but not limited to, the following:

- 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'

This policy operates in conjunction with the following school policies:

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

## 2. Definitions

For the purpose of this policy:

A “**complaint**” may be generally recognised as an expression or statement of dissatisfaction about actions taken or a lack of action.

A “**concern**” may be treated as an expression of worry or doubt over an issue considered to be important, and for which reassurances are sought.

The school will class concerns as complaints and follow the same procedures for both, as outlined within this policy.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

The definition of “**unreasonable complaints**” is outlined in the [‘Managing serial and unreasonable complaints’](#) section of this policy.

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.

### **3. Roles and responsibilities**

The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaint investigator 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, UK GDPR, Data Protection Act 2018 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 headteacher, clerk to governors and chair of governors.
- 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 be aware of any issues concerning this.

The headteacher, or where the complaint is against the headteacher, the chair of governors, will be 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 complaint investigator 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.

#### **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.

The school will consider all complaints, providing they are not anonymous, and ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial, non-adversarial and fair to all parties involved.
- Respectful of confidentiality duties.
- Fairly investigated, by an independent person where necessary.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Used to address all issues to provide appropriate and effective redress 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 school 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 will be considered, whether they are 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 will be given the opportunity to fully complete the complaints procedure and a complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

#### **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 board if not resolved.

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

## **Complaints about governors**

Complaints may be made against:

- The chair of governors.
- The vice chair of governors.
- Any other member of the governing board
- The governing board as a whole.

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

For complaints about the entire governing board, 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**

### **INFORMAL STAGE**

Most complaints/issues can be resolved informally and quickly by discussion with the member of staff concerned or the Head Teacher. Alternatively, parents, carers can write to the member of staff or the Head Teacher outlining the issues clearly.

Any complaint/issue that is put in writing should be written clearly outlining all the issues and what is hoped that the preferred outcome should be. All complaints will be acknowledged in writing within 3 – working days.

Parents/carers should make an appointment to discuss their concerns with the member of staff who knows about the issue or incident. If the complaint relates to a pupil, ideally the member of staff concerned should be directly involved with the pupil, for example, class teacher or form teacher.

The member of staff will usually write notes during the meeting. Parents/carers can ask for a copy of these notes.

### **FORMAL STAGE**

There are three formal stages:

#### **Stage 1**

If a parent/carer is still dissatisfied after the informal stage, they, or the member of staff can refer the matter to the Head Teacher. This can be done in writing, as this will often make the situation clear to all involved parties.

The Head Teacher will offer a meeting with the parent/carer or other complaint at a mutually convenient time. At the meeting, and through discussion, the Head Teacher will clarify what the issues are. The hopes of what the parent/carer is trying to achieve will also be discussed. Together all parties will agree an acceptable outcome. This should be to the satisfaction of all the parties involved. These should be written down and agreed by all parties so there is no misunderstanding. Again parents/carers should be given a copy of this.

If the issue is complex the Head Teacher may need to speak to other staff and pupils to investigate the concerns. This should happen within 10 school days. If this timescale cannot be met the Head Teacher should inform the parent/carer that this will take longer, explain the reasons for this and give a timescale for when the investigation will be completed.

## **Stage 2**

After meeting with the Head Teacher if the complaint is still not resolved to the parent/carer's satisfaction, the complaint can be referred to the chair of governors. This can either be in writing to the Chair at the school address, or alternatively the school can ask the Chair of Governors to contact the parent/carer direct. The Head Teacher can also refer the complaint to the Chair of Governors.

If the Head Teacher is the subject of the complaint, the complaint should go straight to the Chair of Governors and miss out Stage 1. The Chair of Governors may ask for the complaint to be put in writing (if this has not already happened).

The Chair of Governors will offer to meet with the parent/carer or other complainant, at a mutually convenient time.

The Chair of Governors has 15 school days to investigate the complaint. If it cannot be resolved within this time, the Chair will inform the complainant and explain why it is taking longer. Reasons for this may be that the complaint is complex and needs more time, or someone involved is absent through sickness or holidays. The Chair of Governors should, however, give a realistic timescale for when the complaint should be resolved. The Chair should inform the complainant of when it is expected that the investigation should be completed.

## **Stage 3**

If the complaint is still not resolved to the parent/carers satisfaction, or Chair of Governors feels that it is necessary, s/he can set up a complaints committee to consider the complaint. The Chair of Governors will decide if this is appropriate.

If the Chair of Governors can resolve the complaint there is no need to hold a Complaints Committee meeting. As far as possible it is recommended that Complaints Committees are a last resort.

The Chair of Governors can appoint an investigating officer to gather evidence and conduct preliminary interviews on the Chair's behalf. The investigating officer will provide a detailed report of his/her investigation of the complaint. Parents/carers should be given a copy of this report. It is important that the investigating officer is not seen as impartial. So whilst the investigating officer is another governor, s/he cannot be a member of the associated Complaints Committee.

The Complaints Committee is made up of three members of the school's governing body. Sometimes governors need to be brought in from other schools' governing bodies because the school's governors are 'tainted' because they have prior knowledge of the complaint.

The Complaints Committee should meet at a time convenient to all parties. The complainant, the Head Teacher, the Chair of Governors and any member of staff the complaint is about will be invited to the meeting. Any person invited can bring a friend or supporter if they wish. The Complaints Committee will consider any written material, and also give the person making the complaint and the Head Teacher, Chair of Governors and staff an opportunity to state their case and to question others present. The committee will ensure that all present are treated fairly. The meeting will be minuted by the clerk to governors and everyone present will be given a copy the minutes.

The Committee will give its decision, in writing, within five school days after the meeting, along with the reasons for their decision.

If after this school based process the complaint is still not resolved to the parent/carers satisfaction, they should write to the Secretary of State, if it is a general complaint, or to the Local Authority if the complaint is about the curriculum and is a curriculum related matter.

If a complaint is not from a parent/carer of the school (an example being a member of the public) these should be made directly to the Head Teacher, preferably in writing.

All complaints will be recorded formally by the school in a central log.

It should be noted that schools do not need to consider complaints made more than one year after the incident/situation.

If a complaint is made about an issue that is over a year old the school will write to complainant explaining why this is the case.

## **6. UK GDPR and DPA Complaints**

All Staff must be aware of the complaints process. All complaints should be directed to the Data Protection Officer - JA Walker. If any member of staff is aware that a person wishes to complain they should direct the person to the school website and complaints policy and form:

[www.peartreeinfantandnursery.co.uk/data-protection-and-gdpr/](http://www.peartreeinfantandnursery.co.uk/data-protection-and-gdpr/)

The Data Protection Officer is responsible for dealing with all complaints in line with this procedure:

Company: J A Walker, PHP Law  
Address: 6 Delamore Park, Cornwood, Ivybridge, Devon PL21 9QP  
Email: [questions@phplaw.co.uk](mailto:questions@phplaw.co.uk)

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the school have not dealt with your matter satisfactorily you can complaint to the Information Commissioner

By post:  
Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF  
Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk/](http://www.ico.org.uk/)

## **7. SEND Complaints**

### Complain to a school about SEND

What to do if you are unhappy with something at Pear Tree Infant and Nursery school regarding your child and their SEND:

- the first thing to do is to speak to our SENCO - Mrs S Khan. Mrs Khan is responsible for coordinating provision for children with SEND in our Infant and Nursery school.
- if you are still unhappy, you should talk to Mrs B Suddhi, Head Teacher.
- If you are still unhappy, please have a look at the Department of Education's link: [Complain about a school: Special educational needs \(SEN\) - GOV.UK](#)

## **8. Monitoring and review**

The complaints procedure will be reviewed **annually**, taking into account any legislative changes and the latest guidance issued by the DfE. The next scheduled review date for this policy is **January 2026**.

Responsibility for reviewing the procedure belongs to a committee of the governing board, an individual governor or the headteacher. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.