



Complaints Policy

Approved by:
B.Suddhi

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Signed by:

Headteacher

Date: May 2026

Chair of governors

Date: May 2026

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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 Once a complaint has been made, it can be resolved or withdrawn at any stage.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
- Data (Use and Access) Act 2025

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
- 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:

[Pear Tree Infant and Nursery School - Data Protection and GDPR](#)

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

John Walker, PHP Law

Address: The Brutus Centre, Station Road, Totnes, Devon TQ9 5RW

Email: info@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. Please see Appendix 1 for Data (Use and Access) Act 2025 – Complaint Process.

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

More information is on the ICO website 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 **May 2027**.

Responsibility for reviewing the procedure belongs to 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.

Appendix 1

Data (Use and Access) Act 2025 - Complaint Process Appendix

Introduction

Pear Tree Infant and Nursery is committed to protecting the privacy and personal data of its students, staff, parents/carers, governors and the wider school community. This policy outlines the procedure for handling complaints related to data usage and access, in accordance with the Data Usage Access Act (DUAA) and other relevant UK data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

The UK GDPR documents as set out on our website provide an overview of how personal data is managed across our setting/settings.

This is an appendix to the main complaint policy and reflects the requirement for standalone data usage complaints to be handled using a separate procedure. Any complaint that is linked to other matters whether raised as a formal or informal complaint are to be dealt with under the standard complaint process as outlined within the main complaint policy.

Roles and responsibilities

The Data Controller (DC) is responsible for ensuring compliance with this policy and the legal obligations imposed by the UK GDPR, Data Protection Act 2018, Data Usage and Access Act 2025 and other relevant legislation. The DC will delegate day to day management of this to the relevant staff member and the DC will expect that staff member to investigate any complaint unless there is a conflict of interest, in which case the DC will appoint a suitable person.

The headteacher and leadership team are responsible for ensuring all staff are aware of this policy and their data protection obligations.

All staff members are responsible for handling personal data in a secure and lawful manner and for co-operating fully with any investigation into a data usage or access complaint.

Scope

This policy applies to all individuals who have dealings with Trust/School Name and believe that their personal data has been used or accessed inappropriately, or that their rights under the DUAA and other data protection laws have been infringed.

This includes but is not limited to:

- current and former students
- parents/carers
- school staff (teaching, support, and administrative)
- governors
- volunteers

- contractors and suppliers

Principles

Fairness and transparency:

All complaints will be handled in a fair, impartial, and transparent manner.

Confidentiality:

Complaints and all related information will be treated with the utmost confidentiality, unless disclosure is required by law.

Timeliness:

Complaints will be acknowledged and investigated in a prompt manner

Compliance:

All actions taken will comply with the DUAA, UK GDPR, DPA 2018, and other relevant legislation.

The complaint procedure

Step 1: Informal resolution

We encourage individuals to first attempt an informal resolution of their concerns. If you have a concern about data usage or access, you should, in the first instance, raise it with the relevant member of staff or senior person. Insert details of the role of this delegated person and contact email.

In many cases, issues can be resolved quickly and informally at this stage.

Step 2: Formal complaint submission

If the informal approach is not successful or deemed inappropriate, a formal complaint should be submitted in writing using a complaint form.

The complaint should be addressed to insert details of the individual a formal complaint should be raised with and contact information.

The written complaint should be made on the form that can be accessed insert link here or shall include the following information:

1. your full name and contact details.
2. a clear and concise description of the complaint, including what happened, when it happened, and who was involved.
3. a description of the data involved and how you believe it was used or accessed inappropriately.
4. any relevant dates, times, or evidence.
5. details of any informal steps you have already taken to resolve the issue.

6. the desired outcome of the complaint.

Step 3: Acknowledgment and investigation

You will receive an acknowledgment of the written complaint within 5 working days of the setting receiving it.

The DC will conduct a thorough and impartial investigation into the complaint.

This may involve:

- interviewing the complainant
- interviewing relevant staff members
- reviewing school records, logs, and policies
- consulting with external legal or data protection experts if necessary

The school will aim to complete the investigation and provide a substantive response within 20 working days of the complaint's acknowledgment. If the investigation is complex and requires more time, the DC will write to the complainant to explain the reason for the delay and provide a new estimated completion date.

Response

The DC will provide a formal written response to the complainant.

This response will include:

- the findings of the investigation.
- a clear and reasoned conclusion as to whether the DUAA or other data protection laws have been breached.
- details of any corrective action taken or planned to prevent a recurrence of the issue.
- the outcome of the complaint, including whether it has been upheld, partially upheld, or not upheld.
- information on the next steps available to the complainant if they remain dissatisfied.

Escalation

If the complainant is not satisfied with the trust's/school's final response, they have the right to escalate their complaint to the Information Commissioner's Office (ICO).

The ICO's contact details are as follows:

Website: <https://ico.org.uk>
Telephone: 0303 123 1113

Postal Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Policy Review

This policy will be reviewed annually by the Data Protection Officer and the school leadership team to ensure it remains relevant, effective, and compliant with all current legislation.

Date of implementation: September 2025

Review date: August 2026