

BURLINGTON INFANT AND NURSERY SCHOOL

POLICY TITLE: Complaints Policy

Persons with Responsibility: Su Yay-Walker

Key Legislation:

Education Act 2002; Equality Act 2010; Data Protection Act 2018; UK GDPR; Freedom of Information Act 2000; School Information (England) (Amendment) Regulations 2016

Documents consulted:

Best Practice Advice for School Complaints Procedures 2016 (DfE, Jan 2016);
DfE/Parentkind Parental Complaints Guidance; ICO 'How to deal with data protection complaints'

Policy History:

Issue No.	Date	Author	Summary of Changes	Next Review Date
4	Jan 2022	SYW	From DfE template	Spring 2023
5	Feb 2023	SYW	Review	Spring 2024
6	Aut 2024	SYW	Review, from School Bus	Aut 2025
7	Sum 2025	SYW	Review	Aut 2026
8	Aut 2026	SYW	Update from National College	Aut 2027

Approved by Governors at a meeting on :

Please refer to signed minutes of this meeting

Policy Storage: see footer

Equality Statement

We have carefully considered and analysed the impact of this policy on equality and the possible implications for our stakeholders with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in our community.

Statement of Intent

Burlington Infant and Nursery School 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. Once a complaint has been made, it can be resolved or withdrawn at any stage.

Definitions

For the purpose of this policy:

- A **"complaint"** is an expression or statement of dissatisfaction about actions taken or a lack of action.
- A **"concern"** is an expression of worry or doubt over an issue considered to be important, and for which reassurances are sought.
- 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.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues/concerns can be resolved informally, without the need to use the formal stages of the complaints procedure. Burlington Infant and Nursery School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice.

If an individual has difficulty discussing a concern with a particular staff member, the school will respect their views. In these cases, the school office will refer the complainant to another staff member (who may be more senior, but does not have to be—impartiality is key).

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Burlington Infant & Nursery School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Any person wishing to make a complaint specifically about the SEN provision for their child should also refer to our [SEND policy](#).

Roles and Responsibilities

The Complainant

The complainant will receive a more effective response if they:

- 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.
- Refrain from publicising details on social media, public forums, or messaging groups and respect confidentiality.

The Complaint Investigator

The investigator will:

- Provide a comprehensive, open, transparent, and fair consideration of the complaint.
- Conduct sensitive and thorough interviews with the complainant, staff, pupils, and witnesses.
- Maintain impartial, accurate, and secure records in line with the Records Management Policy.
- Prepare a comprehensive report for the Headteacher or complaints committee setting out facts, solutions, and recommended action.

The Clerk to the Governing Body

The Clerk (Miss N Ahmed) will:

- Be the contact point for the complainant and committee.
- Ensure all parties are aware of their legal rights and duties under education and data protection legislation.
- Set dates, times, and accessible venues for panel hearings.
- Collate and circulate all written material in advance within agreed timescales.
- Record proceedings, circulate minutes, and notify all parties of the outcome.

The Panel / Committee Chair

The Panel Chair will:

- Ensure the meeting is conducted informally, respectfully, and non-adversarially.
- Ensure all issues are addressed and key findings of fact are made based on evidence.
- Put participants, especially children, at ease.
- Confirm no committee member has prior involvement or a conflict of interest.

How to raise a concern or make a complaint

Complaints can be made in person, in writing, or by telephone. They may also be made by a third party acting on behalf of a complainant, provided appropriate consent is given.

- **Complaints about staff (except the Headteacher):** Must be made to the Headteacher, Mrs S Yay-Walker, via the school office, marked *Private and Confidential*.
- **Complaints about the Headteacher:** Must be addressed to the Chair of Governors, Mr Matt Martin, via the school office, marked *Private and Confidential*.
- **Complaints about Governors:** Must be addressed to the Clerk to the Governing Body, Miss N Ahmed, via the school office, marked *Private and Confidential*.

Time Scales

Complaints must be raised within **three months** of the incident or, where a series of associated incidents have occurred, within three months of the last incident. Complaints outside this timeframe will only be considered under exceptional circumstances.

Complaints Received Outside of Term Time

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Scope and Exceptions

This procedure covers all complaints regarding facilities and services provided by Burlington Infant and Nursery School, except for matters covered by separate statutory procedures:

Exceptions	Who to contact
• Admissions to schools • Statutory SEND assessments • School reorganisation proposals	Contact the Royal Borough of Kingston.
• Child Protection • Safeguarding	Managed under the Child Protection & Safeguarding Policy. SPA (Single Point of Access) 0208 547 5008 LADO: 020 8891 7370
• Suspension and Exclusion of children from school*	www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
• Whistleblowing	Managed under the internal Whistleblowing Policy. Prescribed person: Department for Education. www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure.
• Staff grievances • Staff conduct	Complaints about staff will be dealt with under the school's Disciplinary Procedure where appropriate. Complaints <i>from staff</i> will be dealt with under the school's internal grievance procedures. Complainants will be notified that the matter is being addressed but will not receive details of disciplinary outcomes.
• Complaints about Third-Party Service Providers	Providers must have their own complaints procedures. Please contact them directly.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Burlington Infant & Nursery School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Burlington Infant & Nursery School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation 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 any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Complaints Procedure

Stage 1: Formal Complaint to the Headteacher

1. Formal complaints must be submitted in writing (using the Complaint Form where possible) or by phone/email to the Headteacher. (If against the Headteacher, submitted to the Clerk for the Chair of Governors).
2. The Headteacher will record the date of receipt and send a written acknowledgment within 5 working days.
3. The Headteacher (or delegated senior leader investigator) will investigate the matter, interviewing relevant parties and keeping written records.
4. A formal written outcome letter explaining the decision, reasons, and any corrective actions will be issued within 10 working days of receipt.
5. If the complainant remains dissatisfied, they will be informed of how to escalate to Stage 2.

Note for Governing Body Complaints: If the complaint is jointly about the Chair and Vice-Chair, or the majority/entire governing board, Stage 1 will be conducted by an independent investigator appointed by the governing board.

Stage 2: Complaints Appeal Panel (CAP)

6. If dissatisfied with Stage 1, the complainant can request an appeal to a panel of governors within 10 working days of receiving the Stage 1 response. Requests must be made to the Clerk via the school office.

7. The Clerk will acknowledge receipt within 5 working days and convene a hearing within 20 working days of receipt.
8. The Complaints Committee will consist of three impartial governors with no prior knowledge or involvement in the case. If necessary, independent governors from another school or local authority governor services will be sourced.
9. **At least 10 working days'** notice of the meeting date will be provided to all parties. Any additional written evidence must be submitted at least 7 working days prior, and circulated to all parties at least 5 working days before the meeting.
10. The hearing is held in private. Legal representation is generally not encouraged unless appropriate (e.g., a staff member called as a witness supported by union/legal representation). Media representatives are strictly prohibited.
11. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
12. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
13. The committee will not accept any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
14. The panel can:
 - a. Uphold the complaint in whole or in part.
 - b. Dismiss the complaint in whole or in part.
 - c. Recommend appropriate actions or systemic changes.
15. The Chair of the Committee will issue a written response explaining the findings, decisions, and escalation options within **5 working days** of the hearing.

Final Stage: Referral to the Department for Education

If the complainant believes the school has acted unlawfully or unreasonably, or failed to follow its published procedures, they can refer the complaint to the DfE online at www.education.gov.uk/contactus, by phone on 0370 000 2288, or by post to:

Department for Education

Piccadilly Gate, Store Street

Manchester, M1 2WD

Handling Data Protection Complaints

(Updated in line with Section 164A of the Data Protection Act 2018)

- Concerns regarding how personal data is handled (e.g., subject access requests, data security, privacy rights) will be managed promptly.
- **Acknowledgment:** The school will acknowledge data protection complaints within **30 calendar days** of receipt.
- **Response:** The school will investigate without undue delay, take appropriate steps, and keep the complainant informed.

- Complainants maintain the right to refer data protection concerns directly to the **Information Commissioner's Office (ICO)**.

Managing serial, unreasonable and campaign complaints

The school is committed to dealing with all complaints fairly and respectfully, but will not tolerate abusive, offensive, derogatory, defamatory, threatening or discriminatory behaviour towards staff.

A complaint may be deemed **unreasonable or serial** if the complainant:

- Refuses to specify grounds or cooperate with investigations.
- Insists on outcomes incompatible with procedures or good practice.
- Makes excessive demands on school time (e.g., prolific letters, emails, phone calls).
- Uses abusive, offensive, derogatory, defamatory, threatening or discriminatory language.
- Relies on false statements or uses social media/public forums to harass staff.
- Fails to maintain confidentiality, and spreads or shares information, or gossip with others who are not part of the investigation.
- Submits manufactured or AI-generated complaints that make false or inaccurate legal assertions.

Stopping Responding

The school may decide to stop responding if every reasonable step has been taken to address concerns, a clear position has been provided, and the complainant repeatedly contacts the school making substantially the same points in an unreasonable manner.

Complaints Campaigns

If the school receives large volumes of duplicate complaints on the same topic:

- From individuals **not connected** to the school: A single response will be published on the school website.
- From individuals **connected** to the school (e.g., parents): Each complainant will receive a response.

Barring from School Premises

School premises are private property. If a visitor's behaviour causes concern, the Headteacher or Chair of Governors may ask them to leave and temporarily revoke their implied licence to be on site. Written notice will be provided, and the individual will be given the opportunity to make representations before a review by the governing board.

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/barring an individual from the premises. See Parents and Visitors Code of Conduct.**

Monitoring, Review, and Availability

This policy will be published on the school website. It will be reviewed **annually** by the Governing Body (Next review: **Autumn 2027**).

Appendix A: Complaint Form

(Please complete and return to Mrs S Yay-Walker, Headteacher, or Mr Matt Martin, Chair of Governors if regarding the Headteacher, via the school office.)

Complaint Form

Complainant name:
Pupil's name (if relevant):
Relationship to the pupil (if relevant):
Address:
Postcode:
Telephone number:
Please give details of your complaint, including details of any informal steps you have taken so far e.g. whether you have spoken/written to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date:
OFFICIAL USE ONLY
Date acknowledgement sent:
By who:
Complaint referred to:
Date: