



## Complaints Policy

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**Status:** Policy

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**Applies to:** All schools within Attenborough Learning Trust

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**Approved by:** Trust Board

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**Policy owner:** Head of Governance

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**Version:** 1.0

# Complaints Policy

## 1. Introduction

**This procedure operates in all schools within the Attenborough Learning Trust. For each school in the trust Sparkenhoe Community Primary School should be read as the individual school.**

At our schools we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint. In the event that these initial approaches fail to resolve a complaint this procedure lays out the steps that should be followed to allay any concerns about a particular issue.

If you do not understand any part of this procedure, please do not hesitate to contact the Headteacher or the Chair of the Local Governing Board (please contact the school office in confidence to obtain contact details). Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.

In order to enable a proper investigation, complaints should be brought to the attention of the school as soon as possible.

## 2. 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 about any provision of facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

## 3. The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The school takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

There are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Complainants should, from the earliest stage of their concern or complaint, say what outcome they want and what they think might resolve the issue.

## 4. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

- Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.
- Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing board should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.
- Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via the Trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 5. AI

Some people like to use AI tools to help organise their thoughts. We recommend against using public AI tools because they can store and republish personal information, such as sensitive details about your child. AI tools can also introduce inaccurate information, like old rules or laws from other countries. This can delay us responding to you. You should always carefully check the output to make sure it is accurate.

If we are finding it difficult to clearly identify the key concerns from what you have shared, we may suggest a meeting or ask you to transfer your complaint into the complaint form (Appendix 2) to help us focus on what matters most and respond as accurately and helpfully as possible.

## 6. Anonymous complaints

We will not normally investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

## 7. Misconceived or otherwise unreasonable complaints

The school reserves the right (in exceptional cases only) to write to the Complainant informing them that their complaint is regarded as misconceived or otherwise unreasonable and that the school's complaints procedure will not be followed. The sections below detail complaints which may be considered as misconceived or otherwise unreasonable. Appendix 1 defines what will be considered as unreasonable behaviour by complainants.

## 8. Vexatious or Repeated Complaints

A complaint which has been considered under all stages of this procedure and is raised again, may be defined as a repeated complaint by the school – see Appendix 1. Unreasonable persistent complaints, trivial complaints, and/or complaints that do not affect the Complainant may be regarded as vexatious by the Headteacher and/or the Chair of Governors.

## 9. Duplicate Complaints, group complaints and complaint campaigns

If, after closing a complaint at the end of the complaints procedure, a duplicate complaint is received from someone connected to the original complainant (e.g. spouse, partner, grandparent or child), the new complainant will be informed that the complaint has been considered and that the local process is complete. The new complainant will be advised to contact the DfE if they are dissatisfied with the handling of the original complaint.

Group complaints will not be addressed. Parents/carers right to complain rests on their position as the parent/carer of an individual pupil. Complainants cannot raise a complaint on behalf of other pupils or a group of pupils.

If the school/Trust receives large volumes of complaints all based on the same subject and/or from complainants unconnected with the school/Trust, we may address the complaints by:

- sending a template response to all complainants; and/or
- publishing a single response on the website of the school/Trust.

Such responses will advise complainants to contact the Department for Education if they are dissatisfied with the handling of their complaint.

## 10. Timescales/Late Complaints

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 of these incidents. The school will consider complaints made outside of this time frame if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Every effort will be made to adhere to the timescales set out for each stage of the procedure. However, there may be some circumstances where it takes longer to arrange a meeting of all the relevant parties. If this is the case, the complainant will be kept informed.

## 11.Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the school, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> </ul>	<p>Concerns about admissions or statutory assessments of Special Educational Needs should be raised with the Local Authority (LA).</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.</p> <p>Telephone Number: 0116 454 2440</p> <p>Email: <a href="mailto:Lado-allegations-referrals@leicester.gov.uk">Lado-allegations-referrals@leicester.gov.uk</a></p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>Attenborough Learning Trust has an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about a school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the</p>

	substance of your complaint.
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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 the school in relation to their complaint, the Trust will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 12. Resolving complaints

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, the school will acknowledge that the complaint is upheld in whole or in part. In addition, the school 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 the school 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.

If the complainant has escalated their complaint to Stage 3 (Complaint Panel), and if appropriate, the school or Clerk to Governors may contact the complainant to discuss what they expect of the Complaint Panel. It may be possible to resolve matters at that stage without going to panel stage, which could save everyone a lot of time and move things forward more quickly. The complainant still has the right to progress to panel stage regardless and, if necessary, the time to escalate to panel stage may be extended to allow time to discuss matters or for the school to respond.

### **13. Withdrawal of a Complaint**

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

## **14. Complaints Procedure**

### **14.1 Stage 1 - Informal Concern**

It is hoped that most concerns can be resolved at this stage.

Concerns regarding a school should be raised with the class teacher, year group lead/phase lead, Assistant Headteacher/Deputy Headteacher or Headteacher.

Concerns regarding the Headteacher, local governor(s), Trust or Trustee(s) should be raised with the Trust via [info@attenboroughlearningtrust.org.uk](mailto:info@attenboroughlearningtrust.org.uk)

If you have difficulty discussing a concern with a particular member of staff, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the school Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

Complainants should not approach individual Local Governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and being involved at an earlier stage may prevent them from being on the Complaint Panel if the complaint goes to Stage 3 of the procedure.

In most cases, it is anticipated that concerns will be resolved quickly. Where this is not possible and the matter is not resolved informally, parents/carers, pupils and others may proceed with Stage 2, a formal complaint.

### **14.2 Stage 2 – Formal Complaints**

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form/ Appendix 2).

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a

face-to-face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the governing Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the governing Board must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing Board or
- the majority of the governing Board,

Stage 2 will be considered by an independent investigator appointed by the governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response – See Appendix 3 for roles and responsibilities.

### **14.3 Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three governors or Trustees who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school (i.e. not on the local governing board of that school and not on the Trust Board).

This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the Trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least five school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least seven school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and

without the informed consent of all parties being recorded.

The panel will also not review 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.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

#### **14.4 Complaints escalated to / about the Trust, CEO or Trustee**

If a complaint is escalated to Attenborough Learning Trust "the Trust" or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated via [info@attenboroughlearningtrust.org.uk](mailto:info@attenboroughlearningtrust.org.uk)

The CEO will write to the complainant acknowledging the complaint within 5 school days of the date that the

written request was received. The acknowledgement will either confirm that the complaint will be investigated under stage 2 of this policy and will confirm the date for providing a response to the complainant, or redirect the complaint to the school as appropriate.

Following the investigation, the CEO will write to the complainant confirming the outcome within 10 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 8 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 15 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy

Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review 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.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar

issues in the future.

The Chair of the Panel will provide the complainant and Attenborough Learning Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by Attenborough Learning Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Attenborough Learning Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 14.5 Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the DfE via [Complain about a school](#) to the Department for Education

## Appendix 1

### Serial and Unreasonable Complainants

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The school will not normally limit the contact complainants have with our school. However, the school does not expect any staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable behaviour is defined as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.
- making public derogatory comments inside and outside the school grounds
- seeking to influence or inflame other members of the school community by sharing details of your complaint or the complaints process

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 individual dealing with the complaint will discuss any concerns with the complainant

informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. The school may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, the school will immediately inform the police and communicate our actions in writing. This may include barring an individual from the premises.

## Appendix 2

### Complaint Form

Please complete and return to Rhian Jones (*Headteacher*) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

## Appendix 3 - Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.
- should a complaint relate to a member of staff, the investigator will advise that person of the complaint made against them, unless there is an overriding reason why this would be inappropriate.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the Headteacher or CEO or Head of Governance/ designated complaints governor or Trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors or the Clerk and to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## Clerk to the Governing Board/Trust Board

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1+2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

## Panel Chair

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no Governor or Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

## Appendix 4

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

#### Introduction

Sparkenhoe Community Primary School 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 use and access, in accordance with the Data (Use and 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 use 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, DUAA 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 use or access complaint.

#### Scope

This policy applies to all individuals who have dealings with Trust 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/Trustees
- 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 use 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 the complaint form attached.

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

## Data (Use and Access) Act 2025 – Complaint Form

*To be completed by the complainant*

*Please return this form to Sparkenhoe Community Primary School and  
office@sparkenhoe.thealt.org.uk*

### Part 1: Complainant's Details

Please provide your full contact information so we can communicate with you regarding your complaint.

<b>Full Name:</b>	
<b>Relationship to the trust/school:</b> (e.g. student, parent/carer, staff member, former student, volunteer, contractor)	
If student:	
year group:	
form/class:	
If parent/carer:	
student's full name:	
student's year group:	
<b>Contact telephone number:</b>	
<b>Email address:</b>	
<b>Postal address:</b>	
<b>Preferred method of contact:</b> (e.g. email, phone or post)	

### Part 2: Details of the complaint

Please provide a clear and concise description of your complaint.

<b>Date(s) of the incident(s)</b>	
When did the misuse occur or when did you become aware of it?	
<b>Nature of the complaint</b>	
Please tick all that apply and provide details below:	
Unauthorised access to personal data	
Unauthorised disclosure of personal data	
Incorrect or inaccurate personal data	
Unlawful processing or use of personal data	
Failure to respond to a data subject request	

e.g. Subject Access Request or Right to Erasure	
Other (please specify)	
<b>Description of the incident(s)</b>	
What happened? Provide a detailed narrative of the events.	
Who do you believe was involved? e.g. specific staff member, department, external party	
What personal data was involved? e.g. name, address, medical information, academic records, disciplinary records, financial details, sensitive personal data	
How do you believe your data was misused or accessed inappropriately?	
Where did the incident occur (if applicable)	
Has there been any previous attempts to resolve this issue informally? e.g. discussed with a teacher, GDPR lead, member of the school's leadership team.	<b>Yes or No</b>
If yes, please provide details of who you spoke to and when.	

### Part 3: Supporting evidence

Please list and attach any evidence that supports your complaint. This could include:

- emails or correspondence
- screenshots
- dates and times of relevant events
- witness statements (if applicable)

*Please list attached documents here:*

**Part 4: Desired outcome**

Please specify the resolution that you are seeking as a result of this complaint?

<input type="checkbox"/>	Investigation and explanation of what happened
<input type="checkbox"/>	Correction of inaccurate data
<input type="checkbox"/>	Deletion of unlawfully processed data
<input type="checkbox"/>	An apology
<input type="checkbox"/>	Assurance that similar incidents will not occur in the future
<input type="checkbox"/>	Other (please specify):

**Part 5: Declaration**

I understand that the trust/school will investigate this complaint in accordance with its Data (Use and Access) Act 2025 Complaint Process.

**Signature:**

**Date:**