# Royal Spa Nursery School

*We play, we laugh, we learn*

# Complaints Policy

**Review frequency: Annually Approved by the Full Governing Body**

**Approved by the FGB: Autumn 2025**

**Next approval date: Autumn 2026**

## Introduction

It is in everyone's interest that concerns and complaints are resolved as quickly as possible.

We welcome any feedback that helps us improve and all issues will be dealt with fairly and sensitively. When possible, we will aim to resolve issues informally (see 'how to raise a concern' on page 4).

If you need to make a formal complaint, please follow the stages of the complaints procedure carefully to ensure it is dealt with fairly and in accordance with timescales (see pages 6 to 10). **Please do not approach individual governors** to raise concerns or complaints. They have no power to act on an individual basis, and it may prevent them from considering complaints at Stage 2 of the procedure.

There is a summary of the procedure and timescales on page 10.

Before continuing, please refer to page 3, which outlines the complaints that are dealt with under different statutory procedures.

## Complaints that do not fall under this Complaints Procedure

| Type of complaint | Who to contact |
|---|---|
| Matters likely to require a Child Protection Investigation | Please refer to the school's Child Protection & Safeguarding policy, which outlines how these matters are handled in accordance with relevant statutory guidance. If you feel a safeguarding matter has not been handled in accordance with the policy, then a complaint may be made using this complaints' procedure.<br>**If you have immediate concerns that a child has suffered, or is at risk of suffering *significant* harm, please contact Front Door for Families:**<br>Tel: 01273 290400 (office hours) or 01273 335905 (out of office hours).<br>Email: FrontDoorforFamilies@brighton-hove.gov.uk |
| Admissions to schools | School Admissions Team (local authority): Tel 01273 293653 or email SchoolAdmissions@brighton-hove.gov.uk in the first instance, who will advise on the correct procedure to follow. |
| Exclusion of children from school* | Access to Education Team (local authority): Tel 01273 293480 or email attendanceteam@brighton-hove.gov.uk<br>*However, complaints about the application of the behaviour policy **can** be made through the school's complaints procedure. |
| Statutory assessments of SEN | Special Educational Needs Team (local authority): Tel 01273 293552 or email sen.team@brighton-hove.gov.uk |
| Complaints about other providers who may use the school premises or facilities | Providers should have their own complaints procedure to deal with complaints about the service. Please contact them direct or ask the school office for their contact details. |
| Staff grievances, capability or conduct | The school's internal personnel procedures will be used. You are not entitled to participate in proceedings or receive any detail about the outcome, but you will be informed that the matter is being addressed. |
| Subject Access Requests and Freedom of Information requests | Refer to the school's Data Protection Policy and Freedom of Information policy |
| Whistleblowing (for serious wrongdoing that cannot be covered by other procedures) | Refer to the school's whistleblowing procedure which can be used by members of staff and the general public.<br>For those who do not wish to raise matters direct with the school, referrals can be made via the Department for Education's online form. |
| National Curriculum - content | Contact the Department for Education (as above) |

## 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'. *(Ref: DfE Model Complaints Procedure for Schools 2021)*

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing (email, letter or complaint form) or by telephone. It may also be made by a third party acting on your behalf, if they have appropriate consent to do so.

**If you wish to raise a concern,** i.e. seeking reassurance about a particular issue, your first point of contact is usually your child's keyperson. If you have difficulty discussing a concern with a particular member of staff, please contact Mary Ellinger, who will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, they may refer you to another staff member, who may be more senior but does not have to be. It is important your concern is dealt with objectively and impartially. You should expect to receive a written acknowledgement within five school days and a full response within 15 school days of receiving the concern.

**If you wish to make a formal complaint**, you should follow the stages outlined in this procedure (pages 6 to 9). It is helpful if you complete the complaint form at the end of this procedure (Appendix 2) as it ensures the school has all the necessary details about the complaint. However, you may also raise your complaint in person or by telephone, in which case the person you raise the complaint with will complete the form.

## Social media

Your concern or complaint should be kept confidential between you and the school, and not posted on social media, as it could compromise the stages of the formal procedure if governors are exposed to the details.

## Accessibility

In accordance with equality law, we will consider making reasonable adjustments to enable complainants to access and complete this complaints procedure, e.g. providing information in alternative formats, helping to complete the form or holding meetings in accessible locations. Please contact the school office if you require any assistance.

## Who can make a complaint?

Any person, including members of the public, can make a complaint about any provision of facilities or services we provide. This complaints procedure is not limited to parents or carers of children who are registered at the school. However, please check the list on page 3 first to ensure the complaint is not covered by a different procedure.

## Anonymous complaints

We will not normally investigate anonymous complaints. The headteacher and/or chair of governors will decide whether the complaint warrants an investigation. The whistleblowing policy may be more appropriate if there is an allegation of serious wrongdoing that cannot be investigated under other policies (see page 3).

## Timescales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

If complaints are made outside of term time or over a weekend, we will record the day received as the first school day back after that time.

If other public bodies are investigating aspects of the complaint (e.g. the police, safeguarding teams or a tribunal), 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 legal action has been taken against the school in relation to the complaint, we may suspend the complaints procedure until those legal proceedings have concluded.

## Resolving complaints

Royal Spa Nursery takes concerns seriously and will make every effort to resolve the matter as quickly as possible, by offering an empathetic response, an explanation of events or, if appropriate, a recognition that the situation could have been handled differently or better. If this is the case, we will explain any steps that will be taken to help ensure it will not happen again, with an indication of the timescales within which any changes will be made.

## Duplicate complaints

After a complaint has been addressed using the complaints procedure, we will not investigate a duplicate complaint from a spouse, partner, grandparent or child on the same subject. This will only be considered if there are new aspects to the complaint that have not previously been investigated.

## Deviation from the procedure

On rare occasions, we may need to deviate from the published procedure. For example, if we receive many complaints based on the same subject, it may be beneficial to consider the complaints together rather than individually, to fully understand the issues. If so, this will be explained to complainants before the investigation, and the same response about the outcome will be sent to all. If there are individual issues that do warrant a separate investigation, this will be discussed with the complainant.

## Withdrawal of a complaint

If you wish to withdraw a complaint, please confirm this in writing to the headteacher, via email or letter to the school office.

## Governing board review of complaints

The governing board will ensure any specific actions for resolution of complaints are completed. In addition to this, at the end of each academic year, the governing board will receive an annual report from the headteacher that outlines the general nature of complaints that year (anonymised). Any learning from complaints can be used to inform the review of the complaints procedure, as well as other procedures and policies within the school.

# Stages of the formal Complaints Procedure
## Stage 1: Investigation

Most concerns can be dealt with informally. However, if you are dissatisfied with the outcome, or wish to make a formal complaint straight away, please follow the procedure below. You should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 2 of the procedure.

**If the complaint is about the actions of, or lack of action by, a member of staff**, you should raise this with the headteacher, by emailing the school office on admin@royalspa.brighton-hove.sch.uk, attaching the complaint form (see Appendix 2). You may also raise your complaint in person or by telephone to the school office, and they will complete the form. You should make it clear that you are raising a formal complaint under the school's complaints procedure. If you send your complaint in by letter, we may ask you to summarise this into the complaint form, which we can help with if required. This helps us to identify the key issue(s) and the resolution you would like to see.

The headteacher will acknowledge receipt of the complaint in writing 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 you would like to see. The response will outline who will be investigating the complaint and the date you can expect a response by.

The headteacher will then investigate the complaint or they may delegate the investigation to another member of the school's senior leadership team. In such cases the headteacher will still make the final decision, based on the investigator's report. During the investigation, the investigator may meet you to establish what has happened, who has been involved and what you feel would put things right. They may also meet separately with all those involved and consider any records and other information available. Anyone being interviewed can be accompanied if they wish, and a written record will be kept of all meetings.

**If the complaint is about the actions of, or lack of action by, the headteacher,** a suitably experienced member of the governing board will complete all the actions above. Such complaints must be made via the clerk to governors, helenhaskew@royalspa.brighton-hove.sch.uk.

**If the complaint is about the actions of, or lack of action by, a member or members of the governing board,** another suitably experienced and impartial member of the governing board will complete the actions above, or an independent investigator if more appropriate. Such complaints must be made via the clerk to governors, helenhaskew@royalspa.brighton-hove.sch.uk .

The headteacher (or governor if applicable – see above) will provide a formal written response to you within 15 school days of the date of receipt of the complaint. If they are unable to meet this deadline, they will provide you 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 response will include an explanation of how to escalate your complaint if you are dissatisfied with the outcome. Please note that any staffing issues that arise from the investigation will be kept confidential and we will not be able to discuss these matters with you.

## Stage 2: Governors' Panel

If you are dissatisfied with the outcome at Stage 1, you can appeal this by requesting a hearing with the governing board's complaints panel.

**Timescale** – you must make the appeal request to the clerk to governors, helenhaskew@royalspa.brighton-hove.sch.uk, within 20 school days of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered in exceptional circumstances. 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.

**Purpose** – the panel will be considering the complaint afresh from an independent perspective. They will read the complaint, the report of the Stage 1 investigation and any associated evidence, then use the hearing to ask questions to clarify any queries.

**Panel members** – the complaints panel will consist of three governors with no prior knowledge of the complaint and who do not have a vested interest in the outcomes. If there are fewer than three governors available, the clerk will source suitably skilled governors or associate members from another governing board. In certain circumstances, a panel may be convened made entirely of governors from other schools, for example if the complaint is against one or more members of the governing board, or if there are not enough impartial governors from the school.

**Setting a date** – the clerk will offer you three possible dates for the hearing, which should all be within 15 school days of receiving the Stage 2 complaint. They will also check if you have any access requirements. If the timescales cannot be met then they will explain why and keep you informed. Every effort should be made to achieve an outcome within acceptable timescales, so you will be given a deadline to choose one of these dates. If they have not heard from you or you cannot make any of the dates, the panel has the discretion to go ahead with the hearing on the basis of written submissions from both parties so as not to delay any further.

Once the date has been set, the clerk will write to all parties, confirming the following:

- Date, time and venue for the hearing
- Aims and objectives of the hearing and how it will be conducted
- The agenda for the hearing
- The names of the panel members
- A request for any documentation either party wishes the panel to consider (see below)
- Clarification about who can accompany both parties (see below)
- How and when the panel will reach their decision

**Documentation** – the clerk will give a deadline date for you to submit this, that gives them enough time to organise and circulate it to all parties at least five school days before the hearing. The documentation from all parties must be distributed at the same time, so it can be considered together by everyone preparing for the hearing.

**Witnesses and representatives** – the clerk will ask you for details of anyone coming with you and their role in the hearing, so that all parties can prepare appropriately, access requirements can be checked, and the length of the hearing can be estimated. You may bring a relative or friend to provide support, but ideally, neither party should feel the need to be represented by lawyers, as the purpose of the hearing is to consider the complaint and

work towards a resolution. It is not a form of judicial process, and the presence of lawyers can work against the spirit of openness and problem-solving. School employees called as witnesses may choose to be supported by a union representative. Representatives from the media are not permitted to attend. If the attendance of any pupils under the age of 18 is required, parental permission must be sought. Witnesses and representatives only attend to give their supporting information and may leave once they have done so.

**Electronic recordings** – these are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent to electronic recordings must be sought from all parties attending before all meetings or conversations take place. Consent will be recorded in any minutes taken.

**New complaints** – the panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1.

**Procedure for the hearing** – the clerk meets both parties, ensuring there is appropriate separate waiting space. Both parties must enter the hearing at the same time, and it will be held in private. Although the panel will follow formal procedures, the chair will conduct the meeting as informally as possible, making sure all parties feel at ease and treat each other with respect. Extra care will need to be taken if a child or young person is present.

1. The chair of the panel will introduce everyone and explain that they are there to review the complaint with the aim of reaching a resolution for the complainant and the school.
2. The chair of the panel will give the complainant the opportunity to put their case forward without undue interruption. The complainant may bring in any witnesses or representatives to give supporting information.
3. The panel and the Stage 1 investigator can then ask any questions of the complainant and/or their witnesses to establish facts and further their understanding. This is not an opportunity for cross examination.
4. The chair of the panel will then give the Stage 1 investigator the opportunity to put their case forward without undue interruption. The Stage 1 investigator may bring in any witnesses or representatives to give supporting information.
5. The panel and the complainant can ask any questions and clarify any points with the Stage 1 investigator and/or their witnesses.
6. The complainant will then be invited to sum up their complaint.
7. The Stage 1 investigator will then be invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time.

Once the complainant and the Stage 1 investigator have withdrawn, the panel will deliberate and come to a decision whether:

- any fault was found (ie complaint upheld in whole or in part)
- no faults were found (ie complaint not upheld)

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 decision will be communicated in writing to all parties within five school days. If it is not possible to meet this deadline, the panel chair will contact both parties with a revised dat

## Next step

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after completing Stage 2.

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. You can refer your complaint to the Department for Education via their online form.

## Summary of procedure & timescales*

| | Who to contact | Timescale to receive response* |
|---|---|---|
| **Raising a concern (informally) –** ie seeking reassurance about an issue | Contact the key person , who may be able to address your concern straight away or will arrange a meeting to discuss the matter with you at a mutually convenient time. If this person is not appropriate, you may contact the headteacher, who will refer you to another member of staff to deal with your concern. | Written acknowledgement within five school days and full response within 15 school days of receiving the concern. |
| **Formal complaint: Stage 1 (investigation)** | Contact the headteacher, who will investigate your complaint. They may delegate the investigation to another member of the school's senior leadership team, but the headteacher will provide the response.<br><br>If the complaint is about the headteacher or the governing board, contact the clerk to governors who will direct your complaint to the most appropriate person to carry out the investigation (see page 6). | Written acknowledgement within five school days and full response within 15 school days of receiving the complaint. |
| **Formal complaint: Stage 2 (governors' panel)** | If you are not satisfied with the response at Stage 1, or have not received a response within the published timeline, you can request that a panel of governors hear the complaint. Contact the clerk to governors within 20 school days of receiving the Stage 1 response and the clerk will arrange the hearing. | Written acknowledgement within five school days.<br><br>Hearing will be arranged for within 15 school days of receiving the Stage 2 complaint.<br><br>Decision to be sent in writing within five school days of the hearing. |
| **Next step: Department for Education** | If you remain dissatisfied, you can refer your complaint to the Department for Education using their online form. | |

*****If it is not possible to meet these timescales, you will be contacted to discuss reviewing them.

# Roles and Responsibilities

**The school** will ensure the complaints' procedure is up to date (in line with the policy review schedule) and easily accessible on the school website and via the school office. A hard copy will be provided if requested by the complainant. The school will send the complaints procedure (or link) to the complainant immediately upon receipt of a complaint, or upon notification of an impending complaint, whichever is sooner.

**The complainant** will receive a more effective response 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/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

**The Stage 1 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, who has been involved and what they feel would put things right
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information

**The Stage 1 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
- 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 clerk to governors** is the contact point for the complainant and the panel and should:

- organise the hearing as set out in the Stage 2 procedure
- collate any written material relevant to the complaint and send it to all parties at the same time, at least five school days before the hearing
- take minutes of the proceedings as a full account of what was said, especially responses to questions (draft version may need to be referred to during deliberations)
- send the typed version to the governors on the panel for checking – please note this is a governors' panel, so only they need to check the minutes
- circulate the agreed minutes to all present, stating that these are to be kept confidential – if the complainant disputes their accuracy then the query will be attached to the agreed minutes
- notify all parties of the panel's decision within five school days of the date of the hearing
- file papers appropriately, disposing of additional copies securely

**The chair of the panel** (one of the panel members must agree to act in this role) should ensure that:

- 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 conducted in an informal manner, is not adversarial, and that everyone is treated with respect and courtesy
- complainants who may not be used to speaking in this type of environment are put at ease – this is particularly important if a child or young person is in attendance
- the purpose of the hearing is explained to all
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the Data Protection Act 2018 or General Data Protection Regulation (GDPR) – if a new issue arises, the panel will consider whether to accept the new information and if so, a short adjournment of the meeting may be required to review this
- the procedure/agenda for the hearing is followed (as set out on page 8)
- the panel is open-minded and acts independently
- the governing board is informed of the outcome of the complaint (not the details, which remain confidential), and should ensure that recommendations are being actioned, eg policy updates, staff training etc

**Panel members** should be aware that:
- the meeting must be independent and impartial, and should be seen to be so
- no governor 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
- 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
- the welfare of children and young people is paramount so extra care needs to be taken when a child/young person is present during all or part of the meeting – careful consideration of the environment and proceedings should ensure the child/young person does not feel intimidated
- the views of the child/young person should be respected and given equal consideration to those of adults
- if a child/young person is attending, there should be a mutual agreement between the panel and the parent as to which part of the meeting it is most appropriate for them to attend

# Appendix 1

## Serial and persistent complaints

Royal Spa  is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who submit a complaint. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Royal Spa defines unreasonable behaviour 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 considered 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

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 (by letter, phone or email), as it could delay the outcome being reached.

Whenever possible, the headteacher (and/or chair of governors, if appropriate) will discuss any of the above issues 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.  For complainants who excessively contact the school, causing a significant level of disruption,

we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

Any threat or action of aggression or violence will be reported to the Health and Safety department at the local authority.

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

# Appendix 2

## Complaint Form

Please complete and return to the school office, who will acknowledge receipt and explain what action will be taken. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

This form is provided for ease of use – you may also raise your complaint in person or by telephone, in which case the person you raise the complaint with will complete the form.

| |
|---|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address:<br>Tel no:<br>Email: |
| Please give details of your complaint, including whether you have spoken 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:<br><br>Date: |
| Official use |
| Date acknowledgement sent: |
| By who: |
| Complaint referred to: |
| Date: |