Whitecross Nursery School Records Management and Retention Policy

Reviewed by	Kate Parker
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Approved by School Delegation	

This policy will be reviewed sooner if there is a change to legislation or guidance that may affect it. Any changes will be communicated to all stakeholders.

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1. Definitions and aims

1.1 Definitions

Department for Education (DfE) guidance explains 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 or statement of dissatisfaction however made, about actions taken or a lack of action"

In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

This complaints policy 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 Whitecross Nursery about any provision of facilities or services that are provided.

1.2 Aims

Our school aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect confidentiality, where necessary
- Treat complainants with respect and courtesy
- Make sure that decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns by informal means wherever possible. Where this is not possible, the formal complaints procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to the school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the DfE, including the model procedures for complaints and for managing serial and unreasonable complaints.

In addition, it addresses duties set out in the Early Years Foundation Stage (EYFS) statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage (EYFS) requirements.

3. Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters likely to require a Child Protection Investigation
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline and conduct
- School re-organisation proposals
- Collective worship

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Complaints about the school's delivery of the National Curriculum are within the scope of this policy, but complaints about the content of the National Curriculum should be sent to the DfE.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Explain the complaint in full as early as possible
- Co-operate with the school throughout the process, and respond to deadlines and communication (for example, requests for information or meetings) promptly
- Ask for assistance as needed
- Treat all those involved with respect

- Respect confidentiality
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

4.2 The investigator

This is an individual appointed to investigate the complaint and establish the facts. They will:

- Interview all relevant parties, making clear notes and keeping these securely pending any appeal
- Carefully consider any relevant records, information or evidence
- Provide a comprehensive, open, transparent and fair consideration of the complaint
- Conduct interviews with an open mind and be prepared to persist in the questioning
- Be mindful of the timescales to respond
- Prepare a comprehensive report to the headteacher or complaints panel, which includes the facts and potential solutions 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

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher
- The designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator should :

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority (LA) as appropriate
- Be aware of issues relating to:
    - Sharing third-party information
    - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before the complaints panel hearing
- 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 Regulation (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 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- Notify all parties of the committee's decision
- Arrange the complaints panel hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Panel chair

The complaints panel chair 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
- The remit of the committee 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 UK 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 committee is open-minded and acts independently
- No member of the committee 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)

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time, and the complaint can still be investigated in a fair manner for all involved, however, this would be on a case-by-case basis.

When complaints are made outside of term time, they will be deemed to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits
- Send the complainant details of the new deadline and explain the delay

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 policy or result in the procedure being suspended until those public bodies have completed their investigations.

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

5.2 Withdrawing a complaint

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

5.3 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to our school's fulfilment of the Early Years Foundation Stage (EYFS) requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 11) and make this available to Ofsted on request.

If parents/carers are not satisfied with our response, they can contact Ofsted by:

- Calling: 0300 123 4666
- Emailing: enquiries@ofsted.gov.uk

We will notify parents and carers if we become aware that our school is to be inspected by Ofsted. After the inspection, we will supply a copy of the inspection report card to parents and carers of children attending the setting on a regular basis.

6. Informal concerns

Our school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision, or clarification of information will resolve the issue.

The complainant should raise the concern as soon as possible.

The concern should be addressed to the relevant member of school staff or the headteacher, either in person or by letter, telephone or email. Concerns can also be raised by a third party acting on behalf of the complainant, if they have the complainant's consent to do so.

If the complainant is unclear who to contact or how to contact them, they should contact the school office via email.

The school will acknowledge informal concerns within 14 school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and the headteacher and/or the subject of the concern, if appropriate. A written response will be provided by the school within 7 school days following the informal meeting.

Add any other related information on the school's procedures for informal concerns.

If the concern is not resolved informally, it will be escalated to a formal complaint.

7. Stages of complaint (not complaints against the headteacher or governors)

We have adopted a 2-stage process for dealing with complaints:

- Stage 1 – formal investigation
- Stage 2 – panel hearing

7.1 Stage 1: formal investigation

Formal complaints can be raised:

- By letter or email (this is preferred)
- Over the phone
- In person
- Via a third party acting on behalf of the complainant, if they have the complainant's consent to do so

Complaints should be addressed to the headteacher via the school office, marked private and confidential (if made in writing) Phone Number – 01332 371876

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office Phone Number – 01332 371876.

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 7 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 (or designated member of the senior leadership team) will consider whether a face-to-face meeting is the most appropriate way of clarifying the complaint and to seek a resolution. The complainant may be accompanied to any meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant can arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 14 school days of receipt of the complaint. If the headteacher (or other person appointed by the headteacher for this purpose) is unable to meet this deadline then they will provide the complainant with an updated time scale.

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 Whitecross Nursery 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 1.

How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board via the school office within 10 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complainants can do this:

- By letter or email (this is preferred) clerk to governors email address - clerk@whitecross.derby.sch.uk
- Over the phone
- In person
- Via a third party acting on behalf of the complainant, if they have the complainant's consent to do so

The complainant should provide details of how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 school days.

7.2 Stage 2: panel hearing

Convening the panel

The complaints panel will consist of the first 3 members of the governing board available who don't have direct knowledge of the complaint. The governors will select a panel chair from among themselves.

If not enough impartial governors are available, we will seek panel members from other schools or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the panel hearing. The clerk will aim to find a date within 7 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

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 committee at least 5 school days before the meeting

Any written material will be circulated to all parties at least 2 school days before the date of the hearing.

The committee 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 ensure that the hearing is properly minuted.

At the hearing

The hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in minutes taken.

At the panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but we will consider it on a case-by-case basis. For instance, if a school employee is called as a witness, they may wish to be supported by their union and/or legal representation.

Representatives from the media are not permitted to attend.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

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.

This hearing will deal with the matters that have progressed from stage 1 only. The panel will not consider any new complaints or unrelated evidence at this stage. Any new complains must be dealt with from stage 1.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

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 the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The panel will inform those involved of the decision in writing within 5 school days. Where appropriate, this correspondence will include details of the actions that the school will take to resolve the complaint.

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 DfE after they have completed stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Whitecross Nursery. The DfE will consider whether Whitecross Nursery has adhered to education legislation and any statutory policies connected with the complaint.

8. Complaints against the headteacher, a governor or the governing board

The information below is taken from the DfE's best practice guidance and model complaints procedure for maintained schools.

As set out in section 7 of this policy, complaints can be raised:

- By letter or email (this is preferred)
- Over the phone
- In person

- Via a third party acting on behalf of the complainant, if they have the complainant's consent to do so

8.1 Complaints against the headteacher

Complaints that involve or are about the headteacher should be addressed to the clerk to the governing board via the school office, marked private and confidential (if made in writing).

A suitably skilled member of the governing board (usually the chair of governors) will then carry out the steps of stage 1 set out in section 7.1 above.

The complainant can escalate the complaint as set out in section 7.1. The complaint will then be considered by a complaints panel, as set out in section 7.2.

8.2 Complaints against the chair of governors or any individual governors

These complaints should be addressed to the clerk to the governing board via the school office, marked private and confidential (if made in writing).

A suitably skilled member of the governing board will then carry out the steps of stage 1 set out in section 7.1 above.

The complainant can escalate the complaint as set out in section 7.1. The complaint will then be considered by a complaints panel, as set out in section 7.2.

8.3 Complaints against the entire governing board or majority of the governing board or complaints involving both the chair and vice chair

These complaints should be addressed to the clerk to the governing board via the school office, marked as private and confidential (if made in writing).

The clerk will then determine the most appropriate course of action, which will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete stage 1 (set out in section 7.1) and a committee of independent governors to complete stage 2 (set out in section 7.2).

The complainant can escalate the complaint as set out in section 7.1.

9. Unreasonable and persistent complaints

9.1 Unreasonable complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- 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 that 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 DfE
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person (either in writing, by email, phone or text) 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

Please note: the above list is not intended to be exhaustive, and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either in writing, by email, phone or text), as it could delay the outcome being reached.

Steps we will take

We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above), wherever possible.

Whenever possible, the headteacher or chair of governors 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, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term

- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

In response to 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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

9.2 Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

The schools will not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

9.3 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which, in the view of the school, warrants further consideration, the procedure outlined in section 6, 7 or 8 (as appropriate) will be repeated.

9.4 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, we may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with our handling of the situation, they can contact the DfE as per section 9 of this policy.

10. Record keeping and confidentiality

Our school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or the panel hearing.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of UK GDPR the Data Protection Act 2018, or where the material must be made available to Ofsted with regard to complaints from parents of pupils at the school

Records of complaints will be processed to be in line with our requirements and protections set out in the UK General Data Protection Regulation, Data Protection Act as amended by the Data (Use and Access) Act 2025. These will also be kept securely, only for as long as necessary and in line with data protection law and our privacy notices and records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a panel hearing needs to be organised at a later point. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations to respond.

Where the governing board is aware of the substance of a complaint (that is not about the board) before the panel hearing stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The governing board will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Clerk to Governors will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Clerk to Governors will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by Clerk to Governors.

This policy will be reviewed by the School Business Manager every year.

At each review, the policy will be approved by the Chair of Governors.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices