



St Mary's
Colchester

COMPLAINTS PROCEDURE (including EYFS and Data Protection)

Introduction

St Mary's School has long prided itself on the quality of the teaching and pastoral care it provides to its pupils. However, in the event that parents should have a complaint, they can expect it to be treated by the School with care and in accordance with this procedure.

The School makes its Complaints Procedure available to all parents of pupils and of prospective pupils on its website and in the School office during the school day. It will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and the form in which it is published or available.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, St Mary's School will make available to parents of pupils and of prospective pupils and provide, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

Although this Procedure is made available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils.

Complaints by parents of former pupils will only be dealt with under this Complaints Procedure if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School.

St Mary's School will be mindful of its obligations under the Equality Act 2010 in the application of this policy.

Although St Mary's School endeavours to manage complaints in an open and transparent manner, parents should be aware that there may be circumstances which mean it is unable to share complete details about how a complaint has been handled by St Mary's School, the evidence collated, steps taken in response or other related matters. This could be the case even when a complaint is upheld. For example, this may be because such information constitutes sensitive third-party data (for example belonging to a staff member, pupil or other parent), legal or regulatory requirements prohibit disclosure, or

withholding information is in accordance with specific instructions from a statutory agency. This list is not exhaustive.

In this procedure, "Parent(s)" means the holder(s) of parental responsibility for a current or prospective pupil about whom the complaint relates.

Please note that, for the purposes of this procedure, references to working days means Monday-Friday when the School is open during term time, excluding bank holidays and half term. This means that, during School holiday periods, it may take longer to resolve a complaint, however, the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence.

What constitutes a complaint?

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the School as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the School, is within the scope of this procedure. A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.

Parents can be assured that all complaints will be treated seriously and confidentially. In respect of the latter, there will be times we have to disclose confidential information where, for example, the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to it. There may also be other circumstances in which St Mary's School is required to share information relating to a concern or a complaint in order to comply with its legal and regulatory obligations.

The School is here for your child, and you can be assured that your child will not be penalised for a complaint that you (or your child) make in good faith.

Data Protection Complaints

Complaints relating to data protection are dealt with in accordance with the Data Protection Complaints Policy starting at page 10.

Timescales

Complaints should be lodged with St Mary's School within 3 months of the incident or where a series of events have occurred, within 3 months of the last incident.

Complainants have 3 months starting from the date that is 10 working days from the date the complaint is made to escalate their complaint to stage 2, and 10 working days from receiving the decision at Stage 2 to escalate their complaint to stage 3.

The three-stage Complaints Procedure

Stage 1: informal resolution.

It is hoped that most complaints and concerns will be resolved quickly and informally.

If parents have a complaint, they should normally contact their child's form teacher/subject teacher/class teacher/Kindergarten manager. This contact could be made in person, by telephone, email or letter. The form teacher/subject teacher/class teacher/Kindergarten manager may need to consult or engage with others in order to resolve your complaint. If the Principal or Vice Principal feels it appropriate to engage with the parents at this stage, then they will make it clear that their involvement is on an informal basis. In many cases, we hope that the matter will be resolved straightaway by this means to the parents' satisfaction.

Complaints made directly to the Principal or Vice Principal will normally be referred to the relevant form teacher/subject teacher/class teacher/Kindergarten manager, unless the Principal or Vice Principal deems it appropriate for them to deal with the matter personally.

The form teacher/subject teacher/class teacher/Kindergarten manager will notify the Vice Principal about any complaints raised and will keep a written record of all concerns and complaints and the date on which they were received.

Should the matter not be resolved within 10 working days of the complaint being made, parents may proceed to stage 2 of this procedure.

If the complaint is against the Principal, parents should make their complaint directly to the Chair of Governors or the Deputy Chair in the Chair's absence, who can be contacted via the Clerk to the Governors.

Stage 2: formal resolution

If the complaint cannot be resolved on an informal basis, then, except where the complaint is about the Principal, the parents should put their formal complaint in writing to the Principal. All emailed complaints must be sent to: principal@stmaryscolchester.org.uk. The Principal may, in some circumstances, deem it appropriate to nominate a staff member to hear the complaint and manage the Stage 2 complaints process rather than it being heard and managed by the Principal.

The Principal, or their nominee (as the case may be) may require further information from the parents to help clarify the scope and nature of their concerns.

The Principal, or their nominee (as the case may be) will decide, after considering the complaint, the appropriate course of action to take. This may involve a further investigation, either by the Principal (or their nominee), a nominated member of the School's Senior Leadership Team or someone external to the School. Such an investigation

may include a meeting with, or speaking to, the parents concerned.

Once the Principal or their nominee (as the case may be) is satisfied that, so far as is practicable, all of the relevant facts have been ascertained and established, a decision will be made, and parents will be informed of this decision in writing. The Principal or their nominee (as the case may be) will also give reasons for the decision. In most cases, the Principal or their nominee (as the case may be) will make their decision and provide the parents with reasons within 20 working days of the complaint being put in writing for the purposes of Stage 2 of this procedure, or, if the Principal or nominee (as the case may be) requests further clarificatory information from the parents to determine the scope and nature of their concerns, 20 working days from the date on which such information is received from the parents.

The Principal or their nominee (as the case may be) will keep written records of all meetings and interviews held in relation to the complaint.

If the complaint is against the Principal, parents should make their complaint directly to the Chair of Governors. Complaints should be marked for the attention of the Chair of Governors and sent to clerk@stmaryscolchester.org.uk, the Clerk to the Governors, who will forward the correspondence directly onto the Chair. The Chair of Governors will nominate someone to determine the complaint. The Chair may nominate themselves. The Stage 2 process described above will then be followed as if the references to the Principal (or their nominee) is to the individual nominated by the Chair of Governors to determine the complaint against the Principal.

If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3: Complaints Panel hearing

If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they should do so in writing within 10 working days of receiving the decision at Stage 2, setting out their grounds of appeal to the Governors via email to clerk@stmaryscolchester.org.uk, the Clerk to the Governors, who will forward the correspondence directly. Any supporting evidence which the parents wish to rely on should also be provided with their grounds of appeal. To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances which have impeded the parents from taking action, the parents should request an extension in writing. Such a request should be made in writing to the Governors via email to clerk@stmaryscolchester.org.uk in advance of the original deadline, setting out the further time period requested and the reason for this. In the event the parents are unable to provide their complaint within the time period stipulated (including to the extent applicable any extensions if agreed) the School reserves the right to conclude the complaint process and not progress the matter to Stage 3.

The matter will then be referred to the Complaints Panel for consideration. The Board of

Governors approves the Panel who will consist of at least three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the School. The Governors will appoint one Panel member to act as Chair of the Panel. The complaint will be acknowledged within 10 working days and a hearing scheduled to take place, normally within 20 working days of the Stage 3 complaint being received by the School or as soon as practicable during holiday periods.

If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing or further investigation carried out. Copies of such particulars shall be supplied to all parties not later than 5 working days prior to the hearing.

The parents may attend the hearing and be accompanied to the hearing by one other person if they wish (this may be a relative or friend). The Stage 2 decision taker shall also be entitled to be accompanied to the hearing by one other person if they wish (this may be a relative, teacher or friend). Legal representation will not be appropriate and neither the parents' companion nor the Stage 2 decision taker's companion may be a lawyer. The identity of the companions should be confirmed to the Panel as soon as possible and by no later than 3 working days before the hearing. The Panel will decide whether it would be helpful for witnesses to attend.

The remit of the Panel shall be at the discretion of the Chair of Governors and the manner in which the hearing is conducted shall be at the discretion of the Panel.

If possible, the Panel will resolve the complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

After due consideration of all facts they consider relevant, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:

- Dismiss the complaint(s) in whole or in part;
- Uphold the complaint(s) in whole or in part; and
- Make recommendations for the School to consider. Stage 3 Panels cannot require that any financial compensation is paid to parents or otherwise obligate the School to take particular steps.

The Panel will write to the parents informing them of its decision and the reasons for it, within 10 working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). **The decision of the Panel will be final.**

A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents and, where relevant, the person complained about, as well as the Chair of Governors, the Principal, and the Stage 2 decision taker, if not the Principal. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governors and the

Principal.

Where a parent has indicated a wish to engage Stage 3 of this procedure, the Panel hearing should take place unless the parent indicates at least 2 working days prior to the hearing date that they are now satisfied and do not wish to proceed with the hearing. In the event the parent indicates their satisfaction and preference not to proceed to a Panel hearing less than 2 working days prior to the hearing date, the hearing should proceed notwithstanding that the parent may decide not to attend. If necessary, the Panel should consider the complaint *in absentia* and issue findings on the substance of the complaint, thereby bringing the matter to a conclusion. The requirement for the Panel hearing to proceed does not prevent the School from accommodating parental availability for dates or considering comments concerning Panel composition.

Timeframe for dealing with complaints

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first two stages of the procedure within 30 working days, and as soon as practicable during holiday periods.

The School's target is to complete Stage 3, the Complaints Panel Hearing, within a further 30 working days, if the appeal is lodged during term-time.

Recording Complaints and use of personal data

Following resolution of a complaint, the School will keep a written record of all complaints, whether they are resolved at the informal stage (Stage 1), the formal stage (Stage 2) or proceed to a panel hearing (Stage 3) and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld).

The School processes data in accordance with its Privacy Notice, which is available on the School website. When dealing with complaints, the School (including any panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes of the hearing
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's Privacy Notice and UK GDPR & Data Protection Policy but potentially including sensitive data such as information relating to physical or mental health) where this is necessary owing to the nature of the complaint. This data will be processed in accordance with the School's Privacy Notice and GDPR & Data Protection Policy.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its Privacy Notice, GDPR & Data Protection Policy and Retention of Records Policy, but in most cases for a period of at least six years after the pupil leaves the Lower School or date of birth + 25 years if leaving the Senior School.

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 Education and Skills Act 2008 requests access to them. In addition to where requested in these circumstances, there may be other instances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (e.g. in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

Written complaints relating to the requirements under the statutory framework for the Early Years Foundation Stage (EYFS)

St Mary's School prides itself on having an 'open door' policy which encourages any complaint parents may have to be dealt with in an informal way. However, parents who feel they have a formal complaint, should follow the School's complaints procedure.

Parental complaints about the school's fulfilment of the requirements of the EYFS will be investigated by the School and the parent making the complaint will be notified of the outcome of the investigation within 28 days.

St Mary's School will, on request, provide ISI or Ofsted with a written record of all complaints made during any specified period and the action which was taken as a result of each complaint. The record of any such complaints will be kept in accordance with its Privacy Notice, GDPR & Data Protection Policy and Record Keeping and Retentions Policy.

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/ or the ISI:

Ofsted may be contacted on 0300 1234 234 or by email: enquiries@ofsted.gov.uk. The address for Ofsted is Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.

ISI may be contacted on 020 7600 0100 or by email: concerns@isi.net. The address for ISI is ISI, CAP House, 9-12 Long Lane, London, EC1A 9HA.

Record Keeping

A central, electronic log of informal and formal complaints is kept which relates to all sections of the school. These records state whether complaints are resolved or whether they proceed to the next stage. This log is monitored electronically each term by the senior leadership team to monitor any patterns. This report is submitted to the Governors.

From 2020, the DfE as regulator has advised that complaints which do not have safeguarding implications should be retained for a minimum of 7 years. Where there is a safeguarding angle records must be preserved for the term of the Independent inquiry into Child Sexual Abuse and at least until the accused has reached normal pension age or for 10 years from the date of the allegation if it is longer.

Serial, vexatious and unreasonable complainants

The School is committed to dealing with all complaints fairly and impartially. We will not normally limit the contact complainants have with our school. However, we do not expect to be subject to vexatious complaints or our staff to tolerate unreasonable behaviour and will take action to protect staff from such complaints and behaviour, including that which is abusive, offensive or threatening.

St Mary's School 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 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
- 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 (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will address any concerns with the complainant informally before applying a 'vexatious' or 'unreasonable' marking. If the concerns remain after they are addressed informally, the Principal will write to the complainant explaining that their complaint is vexatious and/or their behaviour is unreasonable and explain what the complainant needs to do and/or not to do to address the concerns. For complainants who do not change their approach after the Principal has written to them, or 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.

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 the School.

Parental Complaints – Academic Year – 2024-2025

In the academic year 2024-2025, 2 parental complaints were made under the formal stages of the policy (Stage 2).

1 parental complaint was made under Stage 3.

Reviewed/Approved: January 2026
Next Review: Autumn 2026

St Mary's School (Colchester)

Data Protection Complaints Policy

1. Policy Statement

- 1.1 St Mary's School Colchester ("**school**") is committed to protecting the personal data of pupils, parents/carers, staff and other individuals in accordance with UK GDPR, Data Protection Act 2018, and the Data Use and Accountability Act 2025 (**DUAA**).
- 1.2 We aim to handle any concerns or complaints relating to personal data promptly, fairly and transparently.

2. Purpose of this Policy

- 2.1 This Policy sets out how individuals can raise a complaint relating to data protection, defines how the school will respond, investigate and resolve complaints, outlines rights of escalation, and supports the school's obligations under the DUWA to maintain clear accountability and transparency.

3. Scope

- 3.1 This Policy covers complaints relating to data protection matters, including:
 - 3.1.1 The collection, use, storage, sharing or disposal of personal data;
 - 3.1.2 Subject Access Requests or other data rights requests;
 - 3.1.3 Alleged unlawful processing or improper handling of data;
 - 3.1.4 Data breaches or concerns about data security; and
 - 3.1.5 Failure to follow statutory requirements or internal policies.
- 3.2 Complaints about general school matters are covered by the school's complaints policy.

4. Definitions

- 4.1 **Personal data:** Any information relating to a person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.
- 4.2 **Data subject:** The identified or identifiable living individual to whom personal data relates.
- 4.3 **Processing:** In relation to personal data, means any operation or set of operations which is performed on personal data or on sets of personal data (whether or not by

automated means, such as collection, recording, organisation, structuring, storage, alteration, retrieval, consultation, use, disclosure, dissemination, restriction, erasure or destruction).

4.4 **DPM:** The school's Head of Finance & Operations

4.5 **DPO:** IGS (information Governance Service)

5. Responsibilities

5.1 The DPM has overall operational responsibility for complaints handling.

5.2 The DPO acts as independent oversight of this complaints policy where required.

5.3 All staff: required to report data protection related concerns immediately and cooperate with these investigations.

6. How to raise a complaint

6.1 Complaints should ideally be submitted as follows: by email to the DPM: dpm@stmaryscolchester.org.uk, although we acknowledge they may be raised in other ways, such as verbally by a staff member.

6.2 Complaints should include the complainant's name and contact details, details of the issue, relevant dates and supporting information and documentation, and what outcome they are seeking.

6.3 Anonymous complaints will only be considered where there is sufficient detail to allow for an investigation.

7. Proof of identity

7.1 We may ask you to provide proof of identity or authority.

7.2 This may include:

7.2.1 Signed authority of the data subject;

7.2.2 Passport;

7.2.3 Driving licence;

7.2.4 Utility bill;

7.2.5 Council tax bill.

8. Timescales

8.1 We will acknowledge your complaint within 15 days. The 15 days will start the day after the day the complaint is received.

- 8.2 We will update you periodically on the progress of your complaint.
- 8.3 We will provide a full response within 45 school days (this may be extended because, for example, it is a complex complaint, and we will inform you of this).

9. Investigation process

- 9.1 The school will:
 - 9.1.1 Record the complaint;
 - 9.1.2 Assess nature and severity;
 - 9.1.3 Establish the facts through proportionate investigation;
 - 9.1.4 Consult with the DPO; and
 - 9.1.5 Provide a clear written outcome with reasons.
- 9.2 Where a personal data breach is identified, the school will follow its data breach procedure.

10. Possible outcomes

- 10.1 Possible outcomes from the complaint include:
 - 10.1.1 Confirmation that data was handled correctly;
 - 10.1.2 Recommendations for improvement;
 - 10.1.3 Corrective actions (e.g. updating records, revising processes);
 - 10.1.4 Formal apology;
 - 10.1.5 Notification to the affected individuals (if relevant); and
 - 10.1.6 Notification to the ICO (if required).

11. Escalation routes

- 11.1 If dissatisfied with the outcome, individuals may escalate to:
 - 11.1.1 The DPO – Information Governance Support service who can be contacted by email on igs@essex.gov.uk or by telephone on 03330 322970;
 - 11.1.2 ICO – <https://ico.org.uk/>

12. Monitoring and review

- 12.1 All complaints will be logged and monitored and will be dealt with in accordance with the Data Protection Complaints Procedure at Appendix 1.

12.2 This Policy will be reviewed annually or upon legislative changes.

13. Contacts

13.1 If you have any enquiries in relation to this Policy, please contact the DPM via dpm@stmaryscolchester.org.uk.

14. Serial, vexatious and unreasonable complainants

14.1 Please see the main body of the School's Complaints Procedure for details on how the School will respond to complaints it deems to be serial, vexatious and/or unreasonable.

Reviewed & Approved: June 2026
Next review: Autumn 2026

APPENDIX 1

Data Protection Complaints Procedure

1 Receiving a complaint

- 1.1 The complaint is received via email to the DPM or via a staff member.
- 1.2 Staff will forward the complaint to the DPM on dpm@stmaryscolchester.org.uk.

2 Logging the complaint

- 2.1 The complaint will be recorded in the school's data protection and complaints log.
- 2.2 The date received will be noted, as well as other matters including complainant details, nature of complaint, and staff assigned.

3 Acknowledgment

- 3.1 The complaint will be acknowledged within 15 days.
- 3.2 We will provide the expected timeline and named contact handling the complaint.

4 Initial assessment

- 4.1 The DPM will:
 - (a) Confirm if the complaint relates to personal data;
 - (b) Identify whether an urgent action is required (e.g. if involving a potential data breach); and
 - (c) Decide whether immediate containment or risk mitigation steps are necessary.

5 Investigation steps

- 5.1 Such steps may include:
 - (a) Review relevant data systems, records, and policies.
 - (b) Interview staff involved, if required.
 - (c) Consult technical teams if systems or security issues are involved.
 - (d) Refer to existing school Data Protection Policies as required.

6 Determining outcome

The outcome will address each element of the complaint, confirm whether the school has complied with legislation and school policies, and detailed corrective actions or improvements.

7 Communicating the outcome

7.1 Provide a written response within 45 school days or explain why any delay is necessary (for example because the complaint is complex).

8 Escalation handling

8.1 If you are unhappy:

(a) The DPO will review the case independently.

(b) If still unresolved, the matter can be escalated to the governing body.

(c) Final external escalation is to the ICO.

9 Recording and learning

9.1 All complaints and outcomes will be logged.

9.2 Any systematic failings will be corrected and staff retrained if necessary.

10 Retention

10.1 Complaint records must be retained according to the school's retention schedules and the principles in any Data Protection Policy.