



**Policy for hearing and dealing with complaints**

September 2016

REVIEWED:  2017	REVIEWED:  2018	REVIEWED:  2019
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**STATEMENT OF POLICY**

We are committed to working in close partnership with all members of the school community and as such place great value on the role which parents and carers can play in supporting children’s learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school. We also desire to have good relations with our neighbours and the wider community.

Governing bodies of all maintained schools and maintained nursery schools in England are required, under section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

We aim to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- make sure everyone within the nursery knows what to do if a complaint is received
- ensure all complaints are investigated fairly and in a timely way
- make sure that complaints are, wherever possible, resolved and that relationships are repaired
- gather information which helps us to improve what we do

Our complaints procedure is detailed on the following pages and informed by the Department of Education’s ‘Best Practice Advice for School Complaints Procedures 2016 - Departmental advice for maintained schools, maintained nursery schools and local authorities’

The Governing Body adopted this policy on: to be ratified on 7<sup>th</sup> September 2016

This policy will be reviewed by the Full Governing Body

Review frequency: annually (unless updates are published earlier)

**Signed:** **Date:** **Headteacher – Laura Jeffs**

**Signed:** **Date:** **Chair of Governors – Paula Roan**

## **Who can raise a complaint?**

Complaints may come from any person or organisation that has an interest in the school. This policy does not cover complaints from staff who should follow the relevant internal policy.

## **Timescales from submitting a complaint**

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible, usually within 3 months. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly. Early Years Regulations require providers to give an account of the findings of the investigation into the complaint and, any action taken, to the parent who made the complaint, within 28 days of the date of the complaint.

## **Confidentiality**

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

## **Investigating Complaints**

At each stage the Head Teacher (complaints co-ordinator) or the person delegated by them to investigate the complaint will:

- establish what has happened and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview. It is good practice to arrange for an independent note taker to record minutes of the meeting.

## **Resolving Complaints**

At each stage in the procedure keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It can be helpful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the nursery could have handled the situation better is not the same as an admission of negligence. We will hope to identify areas of agreement between the parties and to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;

- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

## **COMPLAINTS PROCEDURE**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the nursery can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible.

We operate a 4 stage complaints procedure outlined below. If your complaint is about the head teacher, you should refer your formal written complaint to the Chair of Governors to be dealt with under Stage 3 of this procedure.

Where the following procedure refers to the head teacher, they may delegate any of these functions to another member of appropriate staff if appropriate. In exceptional circumstances, the head teacher may commission an independent investigator to undertake an investigation on behalf of the school.

### **Stage 1: Informal concern/complaint**

An initial concern should be raised with the class lead or the member of staff concerned. This can be done in writing, by telephone or in person by appointment. The vast majority of concerns can be dealt with at this informal stage. It would be helpful to identify at this point what outcome you are looking for in order for us to address your concern quickly and effectively.

If you are not a parent/carer of a child at our school, please start at Stage 1 and make contact with the head teacher to discuss your concerns.

### **Stage 2: Formal complaint to the head teacher**

If your concern is not resolved at the informal stage you can make a formal complaint to the head teacher, within 10 school days of Stage 1 being concluded. Your complaint should usually be made in writing indicating your desired outcome from the complaint (a form is enclosed for this purpose).

Your complaint will be acknowledged within 5 school days and may include an indicative date for a written response. The head teacher will be responsible for ensuring that your complaint is investigated appropriately. They may meet with you to clarify details of your complaint and the resolution that is being sought. The head teacher will investigate the complaint further and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter will either continue to be dealt with through the school complaints procedure, or by other procedures such as the disciplinary or safeguarding procedures. If this happens you will be informed of this fact but you will not be advised of the outcome of these proceedings. Written records will be kept in relation to all complaints.

On conclusion of the investigation the head teacher will write to you with all appropriate information in relation to the complaint and information on any outcome(s). The response will also inform you of the next stage of the procedure in case you are not satisfied with the response. It is a requirement of the EYFS requirements that we notify complainants of the outcome of the investigation within 28 days of having received the complaint. The record of complaints will also be made available to Ofsted.

### **Stage 3: Formal complaint to the chair of governors**

If you are dissatisfied with the head teacher's response or your complaint concerns the conduct of the head teacher then you can make a formal complaint to the chair of governors.

Your complaint should be made in writing to the Chair of Governors, care of the school, within 10 school days of the date of the head teacher's response to you. Please provide a copy of the written complaint, a copy of the head teacher's letter concluding Stage 2 and give details in writing of why you are not satisfied with the outcome.

At this stage the Chair of Governors will generally handle the complaint but can delegate this to a nominated governor. In exceptional circumstances, the Chair of Governors may commission an independent investigator to undertake an investigation on behalf of the school.

You will receive an acknowledgment of receipt of your complaint within 5 school days and an indicative timescale for response.

The Governor will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or further information is necessary.

On conclusion of the investigation you will receive a written response of the outcome reached and the process for appeal.

### **Stage 4: Formal complaint to the complaints appeal panel**

If you remain dissatisfied with the response to your complaint you may request that it is reviewed by the complaints appeal panel by writing to the clerk to the governing body within 10 school days of the date of the letter notifying you of the outcome of Stage 2.

The clerk will write to acknowledge receipt of your complaint within 5 school days. The letter will explain the process which is to be followed and information about how the panel will operate.

The clerk will convene a governing body complaints appeal panel and ask you to provide details of your appeal and any relevant supporting evidence.

The panel will usually consist of 3 governors from the school. These governors will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made and communicated to you. They may meet with you if they need clarification or further information is necessary.

The remit of the complaints appeal panel is to:

- dismiss the complaint in whole or in part;

- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

You will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal.

The governor considering the complaint will write to the complainant to advise of the outcome. There will be no further right of appeal for complaints against an individual governor.

### **FURTHER RIGHTS OF APPEAL**

If you have completed the school procedure and remain dissatisfied, you have the right to refer your complaint to the Secretary of State through the School Complaints Unit (SCU). The Secretary of State will usually not consider any complaints until the school's complaint procedure has been exhausted.

The SCU will not normally re-investigate the substance of the complaint. They will look at whether the complaints policy and any other relevant statutory policies were adhered to and comply with education legislation.

The SCU can be contacted on 0370 000 2288, or in writing to: Department for Education School Complaints, Unit 2nd Floor, Piccadilly Gate, Store Street, Manchester. M1 2WD

### **COMPLAINTS AGAINST AN INDIVIDUAL GOVERNOR**

If your complaint concerns the chair of governors or an individual governor you should write to the clerk to the governing body. The clerk will acknowledge receipt of your complaint within 5 school days. The letter will explain the process that will be followed and the expected timescale for response.

The chair of governors will consider complaints about an individual governor and the vice chair will consider complaints against the chair. If for any reason this is not appropriate then another governor will be nominated.

On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.

### **TIMESCALES FOR RESPONSE**

Our aim is to address your complaint in a timely and efficient manner. However, there may be occasions when we are unable to achieve the timescale indicated. In this event, we will write to you outlining the reason for the delay and provide you with a new timescale for the conclusion of that part of the process.

## **UNREASONABLE / VEXTATIOUS COMPLAINANTS**

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically, in a manner which is malicious, aggressive, uses threats, intimidation or violence, uses abusive, offensive or discriminatory language, knows it to be false, uses falsified information or involves publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the setting while a 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 head teacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the head teacher will write to the complainant explaining that their behaviour

is unreasonable and asking them to change it. For complainants who excessively contact the setting causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from setting.

There may be occasions when, despite all the stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors can inform them in writing that the procedure has been exhausted and that the matter is now closed as far as the school is concerned but refer them to the Department for Education or Ofsted. The complainant should also be advised that no further correspondence will be entered in to on the subject of the complaint. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

The chair of governors has the right to regard a complaint as vexatious if there is an unreasonable delay or if a complainant brings forward numerous trivial matters which after careful consideration by the chair, are considered to be vexatious.

It is recognised that determining what a “trivial” matter is can be subjective and careful judgements must be used in applying this criteria. Objectively considering the complaint ensures we are better able to respond in a measured and professional way. Where an individual’s behaviour is causing a significant level of disruption the setting may wish to implement a tailored communications strategy such as restricting the method of communication or putting in place a single point of contact.

### **BARRING FROM THE NURSERY PREMISES**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. If a parent’s behaviour is a cause for concern, a school can ask him/her to leave premises. In serious cases, the head teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the head teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school’s own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **MONITORING**

The governing body will monitor the level and general nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. This policy will be reviewed every two years which will enable any new guidance issued by the Department for Education or legislative changes to be considered.

Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the head teacher.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, underlying issues that need to be addressed may be identified and lessons can be learned. The monitoring and review of complaints by the school and the governing body will be a useful tool in evaluating the school's performance.

**APPENDIX 1**

<b>COMPLAINT FORM – The Menphys Centre Wigston / Sketchley Hill Menphys Nursery</b>	
<b>Complainant's name:</b>	
<b>Pupil's name:</b>	
<b>Complainant's relationship to pupil:</b>	
<b>Address of complainant:</b>	
<b>Daytime tel:</b>	<b>Mobile:</b>
<b>e-mail:</b>	
<b>Please give details of your complaint:</b>	
<b>What action, if any, have you already taken to try and resolve your complaint. (who did you speak to, when and what was the response?):</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? if so, please give details.</b>	
<b>Signed:</b>	<b>Date:</b>

<b>Official use:</b> <b>Date acknowledgement sent:</b> <b>By who:</b>
<b>Complaint referred to:</b> <b>Date:</b>

## **APPENDIX 2**

### **COMPLAINTS RECORD - The Menphys Centre Wigston / Sketchley Hill Menphys Nursery**

Name of complainant:

Date of complaint:

#### **SOURCE OF COMPLAINT**

- Parent (in writing, including email)\*
- Parent (in person)
- Parent (phone call)
- Staff member
- Anonymous
- Ofsted (include complaint number if known)

#### **NATURE OF COMPLAINT**

- Learning and Development
- Assessment
- Safeguarding and Welfare
- Staff Qualifications, Training, Support and Skills
- Key Person
- Staff child ratios
- Health Safety and Well being
- Safety /Suitability of Premises, Environment /Equipment.
- Special Educational Needs and Disabilities
- Information and Records

**Please give details of the complaint:**

*\*Regulations require providers to investigate all complaints notified to them, in writing, by a parent of a child attending the setting.*

**HOW IT WAS DEALT WITH**

- Internal investigation
- Investigation by Ofsted
- Investigation by other agencies

Please give details of any internal investigation or attach any outcome letter from Ofsted:

**ACTIONS AND OUTCOMES**

- Internal actions
- Actions agreed with Ofsted
- Changes to conditions of registration
- Other action taken by Ofsted
- No action
- Actions imposed or agreed with other agencies

Please give details:

Has a copy of this record been shared with parents? Yes or No

Name of Recorder:	Outcome notified to parent (within 28 days) ** Date:
Position: Name: Signature:	Date Completed:

*\*\* Regulations require providers to give an account of the findings of the investigation into the complaint and any action taken to the parent who made the complaint, within 28 days of the date of the complaint.*