



## ABBEY WOOD NURSERY SCHOOL COMPLAINTS POLICY

### Introduction

Since 1 September 2003 governing bodies of all maintained schools and maintained nursery schools in England have been required, under section 29 of the Education 2002, to have in place a policy which sets out the procedure to deal with complaints relating to their school and to any community facilities or services that the school provides. The law also requires the procedure to be published.

Schools must make all parents aware of the existence of their complaints procedure, so that complainants know how to raise concerns. The best way to do this may be to distribute a leaflet and include a summary of the procedure in the school's prospectus.

It is recommended that the governing body (GB) ensures that any third party offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

The GB has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. The School must make it clear that complainants should direct complaints or concerns to the School rather than the GB in the first instance.

This guidance is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedures if they wish.

When developing these documents, it is important to involve others. For example, school staff should be consulted, as should parents/carers. Governors should also be fully involved in policy development. This guidance relates to general complaints about the school: there are separate procedures for dealing with specific issues such as exclusion, admissions, curriculum, religious education and collective worship or special educational needs and disabilities issues.

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## **Complaints Policy**

Abbey Wood Nursery School aims to be a caring, positive and supportive place where our young children can learn and receive high quality education. School staff are committed to ensuring that the school community feels valued and respected as individuals. We have good transparent communication and a willingness to listen to our children and parents/carers including when they are raising an initial concern or formal complaint. This policy sets out the procedures for dealing with situations where there is a formal complaint or an initial concern from a complainant about an aspect of a child's education and/or experience at school.

This policy will ensure that the school manages initial concerns and formal complaints appropriately, in a timely and transparent way and in a manner that complainants will consider to be fair and objective. In order to investigate your complaint as fully as possible the GB has a staged process.

### **Resolving Initial Concerns and Complaints:**

This policy makes a clear distinction between a 'concern' and a 'complaint'.

A concern is an expression of worry of what may appear to be a very low level issue. It is important to deal with a concern seriously at the earliest stage in order to reduce the likelihood of it developing into a complaint. A matter should be viewed as a concern if it is capable of being resolved locally, is not in writing and does not require a formal written response.

A complaint is a formal expression of dissatisfaction; is in writing and will need a formal written response. The school must deal with any matter as a complaint when the person raising the matter requests it at any point or when informal attempts to resolve the concern have been exhausted and the person who raised the concern remains dissatisfied.

What we will do:

- Encourage resolution of problems by informal means wherever possible
- Ensure that every member of our school staff understands the importance of listening to the school community
- Ensure that all school staff are aware of this policy and their role should a complainant approach them with an initial concern/complaint
- Ensure that all complaints/ initial concerns are taken seriously at the earliest stage and that all points of the complaint/initial concern are considered
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- If all attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further - the formal procedure will be invoked
- If the complainant remains unhappy with the outcome, the Headteacher/Principal will arrange to meet and discuss the complaint/concern. They will review the actions taken to date and the reasons why things are still not resolved.
- Allow swift handling with established time limits for action and keeping all parties informed of the progress of the investigation.

- If the Headteacher is unable to resolve the issue to the satisfaction of the complainant, they will be informed that they have the opportunity to make the complaint formal. We will ensure that the complainant is advised of the process and is given this policy and the parental guidance leaflet.
- We will ensure that the guidance leaflet is written in a way which is accessible and clear, that it is available on our school website and as a paper copy from the school office.
- We will ensure that the individual's confidentiality is respected.
- We will ensure that the formal process is followed fairly and in line with this policy and that the chair/investigating officer will receive any paperwork and evidence which has been gathered during the informal stage and that if necessary they are given the opportunity to speak to any members of staff.
- We will ensure that there is a room available in the school for the investigating officer to meet the complainant and any member of staff. All paperwork pertaining to the complaint will be available, signed and dated.
- Ensure that the complaints panel is convened and an appropriate room will be made available for the meeting and if necessary, a further room for any witnesses to wait.  
Our staff will seek to learn from the process and ensure that any mistakes or weaknesses are used to improve our practices for delivery of high standards of education to all pupils and the care we offer at the school.
- We will ensure that the complainants are confident that we will continue to work with them positively during the process, and that any pupils are not penalised in any way because of the complaint.

## **Equal Opportunities**

Our school values all our children, staff and parents/carers. We celebrate diversity and will not tolerate any forms of discrimination. We are committed to using our policies to ensure that our school has an ethos of openness, fairness and excellent communication.

## **What this policy does not cover**

The complaints policy does not cover admissions, exclusions, curriculum concerns, religious education and collective worship or special educational needs and disability. These areas are covered by other processes.

## **Roles and Responsibilities**

### **The Governing Body will:-**

- Ensure that the school has a policy and procedure in place to deal with all complaints relating to their school.
- Ensure that the policy is reviewed every three years
- Will receive a report from the Headteacher termly. They will use this data to evaluate the effectiveness of the policy/procedure and if required review the policy/procedure in advance of the three year review date.
- Will ensure that all members of the school community are fully aware of the expectations of this policy and ensure that if they are approached as an individual by a complainant regarding a concern they will signpost the complainant to the relevant member of staff.
- We will respect the complainant's desire for confidentiality and remain impartial
- We will monitor the nature and level of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary.

### **The Headteacher or other senior member of staff will:-**

- Ensure that all staff are aware of the policy and the procedures they will follow should a complainant approach them with an initial concern or complaint and that it is properly recorded.
- Ensure that all complaints are dealt with fairly and objectively and within the agreed timescales set out in the complaints procedure
- Report annually to GB with statistical data relating to all complaints received, so if required, services can be improved.

### **All our staff will:-**

- Ensure that they are confident in their understanding of what the expectations are if a complainant approaches them with an initial concern or complaint.
- Endeavour to resolve any issues at the first point of contact
- Will ensure that they inform the Headteacher (or other senior member of staff) that they have been approached with a complaint.

## Complaints Procedure

There are four stages available to a complainant:

Stage 1 (informal); initial concern heard by staff member

Stage 2 (informal); concern heard by Headteacher

Stage 3 (formal); written complaint received by clerk to the GB or Chair of GB

Stage 4 (formal); complaint heard by GB's complaint's panel.

1. In most cases the complainant should approach the member of staff concerned to discuss the matter informally. It is essential that all staff know there is a complaints policy and how they should respond to a complainant. If the policy is managed effectively at this stage, the majority of concerns can be resolved at this early stage.
2. If the complainant feels that the matter is not resolved or feels unable to discuss it with the staff member, she/he should then discuss it with the Headteacher or other designated senior staff member. The school office must understand that if a request is made for a complaints leaflet, it should be managed quickly.
3. If the matter remains unresolved, or if the complaint is about the Headteacher, the complainant should write to the Chair of Governors (or designated governor), care of the school, setting out the complaint and the attempts made to resolve it. The Chair (or designated governor) will then investigate the matter and respond to the complainant in writing.
4. If the complainant remains dissatisfied, she/he should write to the Chair or Clerk to the governing body requesting that a panel of governors is convened to hear the complaint. The panel will make a definitive and final response on behalf of the school that is binding upon the Chair of Governors and Headteacher. A swift response to their concerns will assure the complainant that their school is following a fair and transparent process. Letters must be sent within 10 school days.

Should this full procedure fail to lead to a resolution of the issues in the complainant's view, she/he can write to the Secretary of State for Education. The only situation where the DfE is likely to become involved, however, is where the GB is judged to have acted unreasonably or has failed to fulfil its statutory responsibilities by not following their own policy. Internal school matters are not in the Secretary of State's remit.

**The Local Authority has no statutory power to intervene in such issues beyond giving advice or making recommendations. There is no right of appeal to the Director of Children's Services or to Members of the Council. A final stage of appeal is to the Secretary of State for Education.**

## **FLOW CHART FOR COMPLAINTS**

*(Please refer to the following guidance procedure)*

PARENT /CARER HAS AN INITIAL CONCERN

### **STAGE 1**

INITIAL CONCERN HEARD BY STAFF MEMBER



### **STAGE 2**

CONCERN HEARD BY HEADTEACHER/PRINCIPAL



### **STAGE 3**

WRITTEN COMPLAINT RECEIVED BY CLERK TO THE GB OR CHAIR OF GB AND INVESTIGATION CARRIED OUT



### **STAGE 4**

COMPLAINT HEARD BY GB'S COMPLAINT PANEL

IF RESOLVED, COMPLAINT IS FINISHED. IF COMPLAINT IS NOT RESOLVED, THE FINAL STAGE OF APPEAL TO THE SECRETARY OF STATE FOR EDUCATION IS WITH REGARD TO PROCESS AND PROCEDURES ONLY

## **Procedural Guidelines for Each Stage**

*(Please refer to the flowchart)*

### **STAGE 1. INFORMAL STAGE – *Initial Concern raised with Staff Member***

The staff member will give the complainant her/his undivided attention for a reasonable period at an agreed meeting time in order to listen and respond to the concern. If the staff member is unable to do so immediately, she/he will offer the complainant an appointment as soon as possible within 3 school days. If the staff member subsequently needs to investigate the issue before responding, she/he will inform the complainant and state when a response should be available; this should be within 3 school days.

If it proves impossible to meet this deadline, the staff member will contact the complainant and explain the reasons for the delay and give a further time limit for their response. The staff member should consider the advisability of asking a third person to be present, and is encouraged to speak with their line manager. The response to the complainant should include actions and timelines and a further meeting to check that issues are now resolved.

If the complainant is dissatisfied, at this stage, the School should refer the complainant to the appropriate person and advise them about the procedure.

### **STAGE 2. INFORMAL STAGE - *Meeting with the Headteacher or other senior staff***

Upon receiving the complainant's request for a meeting, the Headteacher will offer an appointment within 5 school days. If the Headteacher subsequently needs to investigate the issue before responding, she will inform the complainant and state when a response should be available; this should be within 5 school days. If it proves impossible to meet this deadline, the Headteacher will contact the complainant and explain the reasons for the delay and give a further time limit for their response.

The Headteacher will inform the complainant that should she/he remain dissatisfied, she/he has recourse to the GB and should write to the Chair of Governors within 10 school days. For further guidance regarding the role of the Headteacher please refer to appendix A.

### **STAGE 3. FORMAL STAGE – *Written complaint received by chair of governor***

Upon receipt of a complainant's letter of complaint, the Chair of Governors will write to the complainant within 3 working days acknowledging the letter and stating that the matter will be investigated. The Chair will inform the complainant that a full response will be made in writing within 10 school days. If it proves impossible to meet this deadline the Chair will write to the complainant and explain the reasons for the delay and give a further time limit for the full response.

The Chair will send a copy of the school's complaints policy to the complainant with the initial acknowledgement.

The complainant can be offered the opportunity for their complaint to be considered in full by an Investigating Officer (this can be the Chair but does not have to be). The Investigating Officer must ensure that they have access to all documents and statements from the complainant/s and any staff. The Investigating Officer should be given all relevant policies, such as anti – bullying policy, behaviour policy to demonstrate that the school has followed any agreed procedures.



The Investigating Officer must ensure that they build time into their process to speak with any staff concerned and the complainant to gather any further information. Once the investigation has been completed a report must be prepared, which will set out the Investigating Officer's findings and final decision. The final decision will be one of the following: the original complaint is upheld in full or in part, or the original complaint is overturned in full or in part.

The complainant and Headteacher should receive the report within 10 working days of the completion of the investigation. The Investigating Officer will also send a covering letter informing the complainant of their right to appeal, if they remain unhappy with the outcome of the investigation for a meeting of the GB complaints meeting for further guidance on the role of the Investigating Officer please refer to appendix B.

#### **STAGE 4. FORMAL STAGE - *Complaint heard by GB complaint's panel.***

If the complainant is dissatisfied with the findings and decision of the report from the Chair of Governors (or designated governor) or if the Chair fails to respond as outlined above, the complainant may write to the Chair or Clerk of the GB within a further 10 school days requesting that a panel of governors be convened to hear the complaint. The letter should be acknowledged within 3 school days, and the panel convened to hear the complaint within a further 15 school days. The Clerk should liaise with the complainant to agree mutually convenient times.

#### **Constitution of Panel**

The panel will consist of three governors, none of whom have detailed prior knowledge of the complaint or are involved personally in any way. In deciding the makeup of the panel, governors should try to ensure there is a cross section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. It would be unusual for staff governors to be included; however, if they have not been involved and have no prior knowledge of the incident, they can sit on the panel.

The hearing is not a public hearing and will be held in private.

#### **Panel Procedure**

The hearing will be formally minuted by the Clerk who will act as an advisor to the panel. A panel member will be appointed as Chair. The complainant may be accompanied by someone of their choosing and should notify the clerk/panel of the name of the individual in advance of the panel hearing.

The panel chair will ensure that the proceedings are informal. The layout of the room will set the tone and care is needed to ensure the setting is not adversarial.

The suggested format of the hearing is as follows:

- Introduction by the Chair who will outline the process
- Complainant outlines their complaint
- Panel members are given opportunity to question complainant
- The Investigating Officer will explain their findings as set out in their report.
- Headteacher outlines school's response to complaint
- Complainant and panel members are given an opportunity to question Headteacher
- Each side may ask witnesses to speak as appropriate

- Complainant and Headteacher have an opportunity to summarise their case

The Chair will end the meeting. The panel will consider its findings and issue a letter containing its findings and decision to the Complainant and Headteacher within 10 school days

- The final decision letter must set out the decision of the panel against each point of the complaint. The Panel can dismiss the complaint in whole or in part or uphold the complaint in whole or in part. They can also make a finding on the appropriate action to be taken to resolve the complaint; they can recommend changes to the school's systems and procedures to ensure that problems of a similar nature do not recur.
- The letter, drafted by the clerk on school headed note paper, will be signed by the chair of the panel and sent to the complainant and the Headteacher within 10 working days. The letter should inform complainant of their further right of appeal, and if so, to whom it would need to be addressed. This would be to the Secretary of State (SoS).
- If an appeal is made to the SoS they will/may ask for all the documentation and a copy of the school policy and procedures for dealing with parental complaints. The SoS would consider whether the governors have complied with their own policy and if the process followed by the school and governing body was fair.

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## **APPENDIX A**

### **THE ROLE OF THE HEADTEACHER**

The Headteacher/Principal must ensure that all staff are fully aware of the school complaints policy. It is essential that staff respond appropriately when approached by a complainant with a concern.

If the complainant still feels aggrieved after a meeting or discussion with a member of staff, they should be advised to speak to the school office to arrange a meeting with the Deputy Headteacher or Headteacher.

During both stages of the complaints process there is an opportunity to offer support and a solution to the complainant. Any agreement or undertaking should be followed up by a letter and the offer of a further meeting to discuss how things have improved and to review the position.

If the complainant feels that they have had regular communication and that their concerns are taken seriously and that all steps are being taken to ensure the matter is being resolved, it is likely the complaint will be resolved at this early stage.

If the complainant is not happy and the process becomes more formal the Headteacher must ensure that all statements are signed and dated. Teachers' statements must be written in a professional way, which reflect the good management of the school.

The Headteacher would be expected to be interviewed for the informal stage- Stage 2.

The Headteacher would be expected to attend the formal hearing. 12

## **APPENDIX B**

### **THE ROLE OF THE INVESTIGATING OFFICER**

The Chair of Governors is often the Investigating Officer, but does not need to be.

If the Chair carries out the investigation or nominates another governor to act as the Investigating Officer he/she will not be able to sit on the complaints panel due to having prior knowledge of the matter.

The Investigating Officer should not be a staff governor, or a co-opted member of the staff.

The Investigating Officer must receive all the relevant documentation including the written formal complaint, any statements and evidence already gathered. They must arrange to meet with the Headteacher and any other staff involved. It is imperative that the complainant is offered a meeting with the Investigating Officer, even if they have already been given a full report of the complaint. If the complainant is not available to meet, they should be offered a telephone conversation. The role of the Investigating Officer is to ensure that everyone involved has an opportunity to explain what they know, and the complainant needs to feel they have had the chance to speak to someone independent of the school staff in order to resolve their complaint.

Once the investigation has been completed, a full report must be written which clearly sets out the findings and decision. This will be that the complaint is upheld in part, or in full, or if the complaint is overturned in full or in part. The complainant and Headteacher should receive the decision within 10 working days of the completion of the investigation. A covering letter will be sent to the complaint with the report and it will inform the complaint if they are not happy with the final decision of the investigation, they can request a meeting of the governing body complaint's panel.

If the complainant chooses to request a Governors' Panel Hearing, they must write formally to the Clerk to confirm that they are not happy with the outcome and would like a Governor's Panel Hearing to be convened.

## **APPENDIX C**

### **THE ROLE OF THE CLERK**

The Clerk will only become involved in the process if the complainant is dissatisfied with the outcome of the Investigating Officer's investigation.

The complainant will be informed that they must write to the Chair or Clerk within 10 school days of receiving the outcome letter requesting that a panel of governors be convened. The letter should be acknowledged within 3 school days and the panel convened within a further 15 school days.

The clerk will contact the complainant and the chair/Investigating Officer for their available dates and times, the clerk should allow approximately 3 hours for the whole process.

The clerk will contact governors who are able to sit on the panel. (Any governors who have been involved in the complaint at an earlier stage cannot sit on the panel.) The panel must consist of 3 governors. It is good practice for the composition of the panel to reflect the mix of the governing body, such as a LA governor, a parent governor and a co-opted governor, gender and ethnicity should be considered if possible.

The School and the complainant will send their evidence and relevant documentation to the clerk. The clerk will send a completed bundle of documents to the complainant and the Headteacher and governors' panel at least 5 days in advance of the meeting.

Any evidence or documentation submitted to the Clerk after the receipt of the final bundle can only be presented at the hearing with agreement from all parties. If evidence is submitted late, the hearing may be adjourned for a short time to allow either party to consider the new evidence.

The clerk must ensure that the complainants, governors and Headteacher are clear about the process, so a short meeting with each party is recommended before the hearing.

The clerk must ensure that the school representatives, complainants and, if appropriate, the Investigating officer are all invited into the meeting room at the same time. All parties must remain in the room together so if someone needs to leave, the meeting must be adjourned.

The clerk will prepare a short agenda for the meeting; an example of an agenda is:

### DRAFT AGENDA

1. Introductions and welcome by the chair of the panel
2. Chair to confirm that all parties have received the paperwork (bundle of documents) in advance and that they have had an opportunity to read the documents;
3. Chair sets out the process and the ground rules, such as treat each other with respect and courtesy and no use of inappropriate language;
4. Complainant sets out their complaint to the panel and why they are not content with the outcome of the Investigating Officer investigation;
5. The school representatives (Headteacher or the Investigating Officer) and governors have an opportunity to ask questions;
6. The school representatives explain the actions they have taken, and the reasons for decisions made.
7. Complainant and panel members have an opportunity to ask questions;
8. The chair will confirm with all parties that they have every opportunity to make their case and ask questions
9. The chair will ask the complainant and the school representative to sum up their case.
10. The chair will inform the complainant and school representatives that they will receive a decision letter within 10 school days and ask them to leave the room
11. The panel deliberates

The clerk will minute the meeting formally. A copy of the minutes will be checked and approved by the Chair of the panel. The clerk will send the decision letter to the complainant setting out the findings and final decision. The letter will also contain the complainant right of appeal to the Secretary of State should they remain dissatisfied with the Panel's decision.

## **APPENDIX D**

### **The Panel Meeting Process**

The panel should be made up of 3 governors who have no prior knowledge or involvement of the complaint. It is good practice to try and ensure that the committee is made up of the different categories of governors on the governing body, and that consideration be given to gender and ethnicity.

The date of the meeting needs to be arranged by the Clerk after discussion with the panel, the complainant and any school staff who may be called as witnesses. The complainant must receive a confirmation letter explaining when and where the meeting will be held, advice that they are able to bring a friend/family member to support them and that any papers they wish to have considered must be sent to the Clerk for circulation in advance of the meeting. The complainant, Headteacher/Chair/Investigating Officer and panel must all receive the same papers. The panel meeting is a private meeting and not held in public. This should take place in a room where privacy is ensured and can accommodate all the parties and any representatives comfortably.

The Clerk will recommend the panel of governors to meet 15 minutes in advance of the published start time. The Clerk will ensure that the governors understand their role and to confirm who the chair of the panel will be.

The Clerk will meet with the complainant in advance of the meeting to explain the process.

The Clerk will ensure that the complainant, Headteacher/Investigating Officer will all enter the meeting room at the same time.

The Chair of the panel will welcome everyone and introductions are made. The chair will explain the process and agenda for the hearing.

The Investigating Officer/Headteacher will be asked to explain how they conducted the investigation and what the outcome was. The governors' panel and complainant have an opportunity to ask questions. The complainant will explain why they are not happy with the findings of the Investigating Officer's report. The governors/Headteacher can then ask questions.

The chair of the panel should ensure that all parties are given equal opportunity to speak and ask questions. The complainant must leave the meeting feeling that they have been given their right to be heard and been allowed to present their case to the panel. The chair will ask all parties to sum up their case and make any final points.

The Chair of the Panel will end the meeting and inform parties that a decision will be issued within 10 school days. All parties will leave except for the governors' panel and the Clerk who will deliberate and make a decision based on a balance of probabilities.

A letter explaining the governors' decision must be sent to the complainant within 10 school days. The letter should set out the complainant's right to make an appeal to the SoS if they remain dissatisfied.

**APPENDIX E**

<b>ABBEY WOOD NURSERY - COMPLAINTS FORM</b> <i>(Please complete and return to the school office)</i>	
<b>Your Name:</b>	
<b>Pupil's Name:</b>	
<b>Your relationship to the Pupil:</b>	
<b>Email address:</b>	
<b>Telephone Number:</b>	
<b>Please give details of your complaint here:</b>	
<b>What actions have you taken e.g. who have you spoken to, to try and resolve the problem informally?</b>	
<b>Are you providing any evidence/ paperwork with this form?</b>	
<b>Signature / Date</b>	
<b>For Office Use</b>	Date Acknowledgement Sent: Who Sent the acknowledgement: Who was the complaint referred to: