



# Complaints Policy

*Children's House and Rachel Keeling Nursery School  
Federation*

## Spring 2022

**To be Reviewed Spring 2023**

## **Introduction**

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England are required under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school, and to any community facilities or services that the school provides. The law also requires the procedures to be publicised. This procedure is based on the Tower Hamlets Council model school complaints procedure.

Some complaints fall outside the Governing Body complaints procedure, for example staff grievance or disciplinary procedures. These are dealt with by separate procedures which are available to staff.

\*If a complaint concerns the welfare, safeguarding or protection of a child this will immediately trigger child protection procedures

The Governing Body of Children's House and Rachel Keeling Nursery School recommends that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

The school's workforce union representatives have been involved in the development of this policy.

## **Making a complaint**

A complaint is an expression of significant dissatisfaction by a parent/guardian about any aspect of their child's education; this includes the practices or policies of the school, the conduct of members of the school community and about the quality of teaching.

It is important to remember that not all expressions of concern constitute a complaint. Problems and expressions of concern should be dealt with as far as is possible, at the point of first contact. Prior to a complaint being raised initial concerns may be expressed and if these concerns are taken seriously they can often reduce the matters that develop into a formal complaint. Concerns raised informally can be dealt with and often resolved immediately by the staff on the spot. This can include apologising where necessary.

We therefore ask parents in the first instance to talk to their child's key person or class teacher. If attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied the matter can be taken further through the complaints procedure.

A complaint against the head teacher should in the first instance be raised with the head teacher and if the outcome is not satisfactory be referred to the Governing Body

## **Responsibilities**

Any complaint should be dealt with in an impartial and non-adversarial way within set time limits for action and keeping people informed of the progress. Confidentiality should be maintained and a full and fair investigation undertaken by an independent person where necessary.

The points at issue should be addressed and an effective response and appropriate redress provided.

The Head teacher is responsible for investigating complaints if not resolved by the Key Person Team although this might be by referring complaints to other appropriate members of staff.

The Governing Body may be called upon to consider, resolve and/or adjudicate if complaints are referred to them by the Head teacher or by a complainant who is not satisfied with the result of the informal process.

If a complaint is not resolved at school level the interested parties have recourse to the LA Director of Education or to the legal process. In a small minority of cases complainants can become vexatious, despite all stages of the school procedures having been followed, the complainant remains dissatisfied. In these extreme circumstances the complainant should be referred to the LA.

In the event of a complaint being made to a member of the Governing Body, the complainant should be advised to speak to the Head teacher, so that an attempt can be made to resolve the matter informally. Governors must not prejudice themselves by giving any view or opinion on the complaint as this would prevent their participation in a panel at a later stage and may make it more difficult for the Head teacher to resolve the complaint.

If at any point it appears that there are issues regarding school staff, which may need to be dealt with under the disciplinary or other staffing procedures, personnel advice should be sought.

## **Investigating and Resolving a Complaint**

The person investigating a complaint should establish what has happened and who was involved. It is essential to clarify the nature of the complaint and what remains unresolved. This can be done in a meeting with the complainant or through telephone contact. Asking the complainant what would make things right is a way of clarifying what the complainant feels. Interview all concerned allowing those involved to be accompanied if they wish. Keep notes of the interviews and conduct the interview with an open mind and be prepared to question. Allow interviewees to check the notes, so they can verify and confirm accuracy.

Once a complaint has been received, the best way to resolve it should be considered at each stage. It could be that an apology is made to the complainant. An admission by the school that they could have handled a situation better is not the same as an admission of negligence. An explanation of what happened and why, and an assurance that steps have been taken to

ensure that it will not happen again, or an undertaking to review school policy in the light of the complaint are all possible responses.

Complaints need to be considered and resolved as quickly and efficiently as possible. Realistic timescales should be set for each stage of the procedure. Where further information is needed the timescales can be reset and the complainant given an explanation for the delay.

### **Recording Complaints**

All complaints will be recorded centrally so that their progress can be monitored and the final outcome recorded. All complaints no matter how they are received should be recorded in writing, as a note of a telephone call or meeting. Complaints should be viewed positively and as an opportunity to improve services for users.

The Governing Body Complaints' Committee will monitor and review complaints as part of their evaluation and further development of services and school improvement. Complaints can help to identify underlying issues that need to be addressed.

### **Publicising the Complaints Procedure**

The complaints procedure must be published. Publicity should be available in a variety of ways, so it is meaningful to all members of the community. The Governing Body accepts the suggested text for a leaflet given in Appendix 1 and reference to the complaints procedure will be made in:

- the school prospectus
- the information given to new parents when their child joins the school
- the information given to children
- the home-school agreement
- home-school bulletins or newsletters
- a specific complaints leaflet which includes a form on which complaints can be made
- posters displayed in areas of the school that will be used by the public such as reception or the main entrance
- the school website

### **Possible Outcomes at Informal Stage:**

- I. resolution of matter
- II. if the complaint is found by the Head teacher to be valid and appropriate who would take appropriate action.
- III. if the matter cannot be resolved the Head teacher or the complainant will refer the matter to the Governing Body for their consideration.

## **The Formal Procedure**

If informal attempts to settle the complaint have failed to satisfy the complainant, s/he should set out the complaint fully in writing and submit this to the Chair of Governors via the school. Where this is not possible because of literacy or second language considerations, arrangements will be made for the complaint to be written down using an interpreter or other adult as appropriate.

The Chair or Vice Chair or clerk will acknowledge the receipt of this written complaint. A copy of this policy will accompany the acknowledgement.

The Governing Body will arrange for the complaint to be heard by a panel of three governors who have no direct interest or prior involvement in the case.

At least five days' notice of the hearing will be given to all parties who may, if they wish, be accompanied by a friend or representative.

The Head teacher (or Chair of Governors if the complaint is against the Head teacher) will explain what has been done to resolve the complaint and the outcome of any investigation.

Then:-

- The complainant will present their case and call any relevant witnesses
- The panel and Head teacher will have an opportunity to question the complainant and witnesses
- The Head teacher will have the opportunity to respond to the complainant and call witnesses if appropriate
- The panel and the complainant (at the discretion of the Chair) will have the opportunity to question the Head teacher and witnesses
- The Head teacher and the complainant will summarise their positions
- All but the members of the panel will withdraw while the panel reach their decision.

The panel's decision will be conveyed in writing to the head teacher and complainant giving an explanation of their conclusions. This will be done within a maximum of five working days of the panel's meeting.

If the complainant is not satisfied by the outcome of the Governing Body Panel investigation they can write to the Director of Education of the LEA with copies of relevant correspondence. The LEA will look into the matter and give a written reply.

## **The Complaints Process**

The Governing Body believes it is in everyone's interest that complaints are resolved at the earliest possible stage. The first contact between the complainant and the school is crucial in determining whether the complaint will escalate.

Children's House Nursery School respects the views of a complainant and welcomes comments from parents, guardians and pupils. If there are concerns these should, if possible, be raised with the member of staff. All comments should be recorded and reviewed by the

Senior Management Team on a regular basis. This record should then be used to provide evidence to the Governing Body.

If a member of staff feels unable to deal with the complaint, or the complainant feels unable to raise their concerns, they should complete a comments/complaint form available from the school office and mark this for the Head teacher's attention. If the complainant wants a verbal complaint recorded or help in completing the form, a member of the school's administration team could be nominated to help.

### Stage One – Complaint Heard by Senior Staff Member

The member of staff (not the person the complaint is about) should log the complaint and investigate. Clear and accurate records of actions must be kept. If it is possible to resolve the complaint this should be done. If the complainant remains dissatisfied they should be referred to the Head teacher.

### Stage Two – Complaint heard by Head teacher

All members of staff and governors should view comments/complaints as helpful in improving services. Once a complaint is received it should be logged and an investigation carried out. The head may delegate the task of collating the information to another staff member but the decision on the action to be taken must be made by the head teacher. If the complainant remains dissatisfied with the way their complaint has been resolved they can be referred to the Governing Body's Complaints Appeal Panel.

### Stage Three – Complaint heard by Governing Body Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body's Complaints Panel.  
Governing Body's Complaints Appeal Panel

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

The governing body will nominate a number of members with delegated powers to hear complaints.

These include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals is part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three to five people. The panel will choose their own chair.

## **The remit of the Complaints Appeal Panel**

The Panel can:

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

The appeal hearing is independent and impartial and must be seen to be so.

No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Governing Body will try and ensure that it is a cross-section of the categories of governor and are sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing, which needs to be held in private to maintain confidentiality, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.

The Governing Body accepts that an effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

The layout of the room will set the tone to be informal and not adversarial.

## **Roles and Responsibilities**

### The Role of the Clerk

Any panel or group of governors considering complaints will be clerked. The clerk will be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings and notify all parties of the panel's decision

### The Role of the Chair of the Governing Body or the Nominated Governor

- check that the correct procedure has been followed; and
- if a hearing is appropriate, notify the clerk to arrange a panel

### The Role of the Chair to the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- the complainant feels at ease
- the hearing is conducted in an informal manner with each party
- treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions; and written material is seen by all parties.

#### Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; usually within 5 working days. The letter needs to explain if there are any further rights of appeal, and, if so, to whom they need to be addressed.

Appendix 1

TEXT FOR LEAFLET: COMMENTS, CONCERNS AND COMPLAINTS ABOUT THE SCHOOL

If you have a comment, concern or complaint

We would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us your concern as soon as possible. It is difficult for us to investigate properly an incident that happened some time ago.

We aim to respond at each stage within ten working days.

### **What to do first**

Most concerns and complaints can be sorted out quickly by speaking to your child's key person.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you.

They will ask what you would like to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides to the question. It may also help to prevent a similar problem arising again.

### **What to do next**

If you are dissatisfied with the response you can raise the matter with the head teacher. This should be done in writing. If your complaint is about an action of the head teacher personally, then you should refer it to the Chair of Governors. You can contact him in writing via the school office.

You may also find it helpful at this stage to have a copy of the full statement of the Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The head teacher will ask to meet with you for a discussion of the problem.

You may take a friend or someone else with you if you wish. The head teacher will conduct a full investigation of the complaint and may interview any members of staff and pupils involved. You will receive a written response to your complaint.

### **If you are still unhappy**

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to make contact with the Chair of the Governing

Body to ask for a referral of your complaint to a Governors' Complaints

Appeal Panel. It will then be heard by a group of three to five governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Head teacher will also attend. The Complaints Procedure explains how these meetings operate.

### **Further action**

Complaints about school problems are almost always settled within school but in exceptional cases it may be possible to refer the problem to an outside body such as the Local Authority or Ofsted