



Chelwood Nursery School

School Complaints Procedure

This policy was adopted on **7th December 2016** and will be reviewed annually.

Last review date: December 2017

Next review date: December 2018

This policy review was agreed by the Governing body on: **6th December 2017**

Signed: *S. Jeffrey*

Position: *Chair of Governors*

(On behalf of the Governing Body)

Chelwood Nursery School

School Complaints' Procedure

1. Introduction and Overview

- 1.1. Governing bodies are required by law to have a procedure in place to deal with complaints relating to a school or the provision of community facilities or services at the school. The law requires that this procedure must be publicised.
- 1.2. The vast majority of complaints and concerns can be resolved informally.
- 1.3. A complaint can be brought by a parent of a registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. The procedure refers to this person as a complainant.
- 1.4. The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- 1.5. At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- 1.6. A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.
- 1.7. Even when a complaint has been made it can be resolved or withdrawn at any stage.
- 1.8. Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff, however, may not necessarily be the Headteacher.

2. Special Circumstances

- 2.1. Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the head teacher or governing body.

3. Other Solutions to Complaints

- 3.1. Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to statutory assessment of special educational needs and decisions to permanently exclude a child.

3.2. In addition, school reorganisation proposals, child protection investigations, whistleblowing, staff grievance & disciplinary issues and complaints provided by other providers who may use school premises or facilities fall outside the scope of this procedure. In the majority of cases, these issues are covered by separate policies.

4. Dealing with concerns informally

4.1. The complainant should be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made. In smaller schools or on major issues, the Headteacher may be the appropriate member of staff at this stage.

4.2. The complainant should be able to bring a friend to any discussion.

4.3. The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

4.4. This stage should be completed speedily and concluded in writing with appropriate detail.

4.5. Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Headteacher. To assist in this process a complaint form should be provided (see Annexe A).

5. Stage 1 – Referral to the Headteacher for investigation

5.1. The Headteacher should acknowledge the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement.

5.2. The Headteacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

5.3. If the complaint is against a member of staff, the Headteacher should talk to the staff member against whom the complaint has been made.

5.4. If necessary, the Headteacher should interview witnesses and take statements from those involved.

5.5. The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.

5.6. Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

5.7. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

5.8. Stage 1 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher should write to the complainant giving a revised target date.

5.9. Schools will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

5.10. The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

5.11. Complaints against the Headteacher - If the complaint is wholly or mainly about the Headteacher, the Governing Body should consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Governing Body will invite the Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 2 should commence as described in paragraph 2.1 below.

Suzanne Brook
Clerk to the Governing Body of Chelwood Nursery School
Governor Services
London Borough of Lewisham
Laurence House
Catford
SE6 4RU

6. Stage 2 – Consideration by the Governing Body

6.1. If the complainant decides to take the matter further, the Chair of the Governing Body should write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form should be sent to the Headteacher and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).

6.2. Investigating the complaint – If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

6.3. Governing bodies are advised to establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. Where

all (or a majority of governors) are aware of the substance of a complaint before the final stage has been completed, the Governing Body may choose to arrange for the panel hearing the complaint to be made up entirely (or include a number) of independent panel members. In this case, independent panel members may be drawn from another school's Governing Body or from the Local Authority.

6.4. The Headteacher should not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

6.5. The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

6.6. The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

6.7. The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Headteacher.

6.8. The Clerk/Chair of the CAP should confirm the date of the meeting with the other governor(s).

6.9. The complainant and Headteacher should be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Headteacher, within reason. The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

6.10. The Headteacher should also be invited to prepare a written report for the CAP in response to the complaint.

6.11. All relevant correspondence regarding the complaint should be circulated to the CAP; the complainant and the Headteacher in advance of the meeting.

6.12. If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.

6.13. It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.

6.14. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

6.15. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.

6.16. The meeting should allow for:

- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;
- The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;
- The CAP to have an opportunity to question both the complainant and the Headteacher;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the Headteacher and complainant.

6.17. The Chair of the CAP should explain to the complainant and the Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.

6.18. The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

6.19. As in Section 5.9 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

6.20. The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Headteacher.

6.21. Stage 2 should be completed in 15 school days. However, it is recognised that this timetable may prove challenging where complaints are complex. In such cases, the CAP chair should write to the complainant and Headteacher giving a revised target date.

7. Role of the Secretary of State, Department for Education

7.1. If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education (DfE) to intervene. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

7.2. The School Complaint's Unit (SCU) considers complaints relating to Local Authority maintained schools on behalf of the Secretary of State. More information regarding what and how they will consider complaints is set out in the DfE's Best Practice Advice for School Complaints Procedures - a copy of the 2016 toolkit can be downloaded from the Gov.UK website (go to <https://www.gov.uk/government/publications/school-complaints-procedures>)

7.3. More information can be obtained from the SCU by calling the national Helpline on 0370-000-2288 or going online at www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints
Unit 2nd floor,
Piccadilly Gate Store Street
Manchester M1 2WD

7.4. The Gov.UK website also has information on how to complain about a school - go to

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

8. Vexatious, Serial & Persistent or Unreasonable Complaints

8.1. There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Annexe A - School Complaint Form (for Stage 1 complaints)

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. {If your complaint is against the Headteacher you will need to send the form to the Chair of the Governing Body}

Your Name: Address:

Postcode:

Telephone Number (Home):

Telephone Number (Day):

Telephone Number (Mobile):

Name of Child:

Date of Birth of Child:

What is your complaint about and what would you like the Headteacher to do?
Continue on a separate sheet as necessary

When did you discuss your concern/complaint with the appropriate member of staff?
Continue on a separate sheet as necessary

What the result of the discussion?

Signed:

Date:

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body

Dear

Complaint re

Thank you for your letter dated..... setting out the reasons why you are not satisfied with the Headteacher's response to your complaint about

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

{or in the case of complaints against the Headteacher

I have received your complaint against the Headteacher ofSchool.

I write to let you know that I have forwarded a copy of your complaint to the Headteacher with a request that s/he respond within ten school days to the issues raised in the complaint.

A copy of the Headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher's response, I will arrange for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely

Chair of the Governing Body

Cc The Headteacher

The Clerk to the Governing Body

Enc. Complaints Procedure

Policy for Unreasonable Complainants

Chelwood Nursery School is 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.

Chelwood Nursery 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 and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the 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 or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;

- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school 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 headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Chelwood Nursery 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 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 Chelwood Nursery School.

Barring from the School 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 school premises. In serious cases, the Headteacher 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 should 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 Headteacher 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.

Appendix 1

Definition of a Complaint

Chelwood Nursery School recognises that there is a difference between a concern and a complaint

A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

This school believes that it is in everyone's interest that complaints are resolved at the earliest possible stage. We believe that most issues can be resolved informally, without the need to invoke formal procedures.

Chelwood Nursery School takes informal concerns seriously and we make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, our school's formal procedure should be invoked through the stages outlined within this procedure.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that our school provides, unless separate statutory procedures apply (such as exclusions or admissions). In line with guidance Chelwood Nursery School does not limit complaints to parents or carers of children that are registered at the school.

Appendix 2

Complaints not in scope of the procedure (extract fro DfE Guidance January 2016)

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> - Admissions to schools - Statutory assessments of Special Educational Needs (SEN) - School re-organisation proposals - Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

