

St. Mary's Community Nursery School

School Complaints Policy

Rationale

Section 29 of the Education Act 2002 requires that:

(1) The Governing body of a maintained nursery school shall –

(a) Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) Publicise the procedures so established

(2) In establishing or publicising procedures under subsection (1), the Governing Body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Initial Concerns

We need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases individual members of staff will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Staff should try to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal Procedures

The formal procedures will need to be evoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Mrs V Barnard will be the school's "complaints co-ordinator"

Framework of Principles

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect peoples desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress where necessary
- Provide information to the school's senior management team so that services can be improved

Investigating Complaints

At each stage the person investigating complaints must make sure that they:

- Establish what has happened so far, 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

Resolving complaints

At each stage in the procedure schools will want to 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. 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 the light of the complaint

The school aims to deal with all complaints promptly and effectively. Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. Areas of agreement should be identified and any misunderstandings should be clarified. These actions can help to create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed a good complaints procedure will limit the number of complaints that become protracted. However there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and the matter is now closed.

Time Limits

Complaints should be considered, and resolved, as quickly and efficiently as possible. Realistic time limits for action should be set at each stage. However, where further investigations are necessary, time limits can be set and the complainant sent details of the new deadline and explanation for the delay.

Informal Complaint Time Limits

It is hoped that these would be dealt with immediately. If this is not possible the staff member should inform the complainant of what they intend to do and when they will report back.

Formal Complaints Stage One

The SCC should offer to meet with the complainant within two working days. If this is not possible the SCC should explain why in writing. The complainant may delay the meeting to meet at a time more convenient to them; in this case the original offer of a meeting and the reasons for the delay should be recorded.

Formal Complaints Stage Two

Upon receipt of the complaints form or a letter outlining the complaint, the headteacher should offer to meet with the complainant within five working days. If this is not possible the headteacher should explain why in writing. The complainant may delay the meeting to meet at a time more convenient to them; in this case the original offer of a meeting and the reasons for the delay should be recorded.

Formal Complaints Stage Two

Upon receipt of the complaints form or a letter outlining the complaint, the Chair or other nominated Governor should convene the Complaints Committee, appoint a clerk and a chair of the committee then offer to meet with the complainant within ten working days. If this is not possible the Chair should explain why in writing. The complainant may delay the meeting to meet at a time more convenient to them; in this case the original offer of a meeting and the reasons for the delay should be recorded

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Complaints Procedure

Whilst our aim is for the children in our care, and their families, to have an enjoyable experience at St Mary's we appreciate that from time to time parents may need to voice a complaint. The following procedure is intended to clearly identify how to complain to the school.

If you have a complaint to make:

Informal Complaints

- In the first instance the parent should talk to a member of staff, making him/her aware of the problem. The member of staff will note the complaint and, if possible, deal with it immediately.
- If it is not possible to deal with immediately the member of staff will investigate the complaint and report back to the parent.

If it is not possible to resolve the complaint at this stage we will move on to formal procedures.

Formal Complaints Procedure

Due to the important role they hold in the complaints procedures Governors, other than the Chair in the case of a complaint regarding the headteacher, should not become involved in any complaints as this may compromise their ability to act impartially at a later stage should that be necessary. Governors should always refer the complainant to the SCC in the first instance.

Stage One: Complaint Heard by the School's Complaints Co-ordinator (SCC)

The complainant will be asked to complete a complaints form to ensure everyone is clear what the complaint is about. The form should be handed to Mrs Barnard the school's Complaints Co-ordinator (SCC).

If the complaint is in regard of the headteacher the SCC should refer the complainant to the Chair of Governors. If the complaint is not in regard of the headteacher the following action should be taken.

The SCC will meet with the complainant within two working days of the receipt of the complaint.

The SCC will seek to resolve the issue with the complainant.

The SCC will record the meeting and its outcome and the record. Both parties to the complaint should agree the record. The record should include the original complaint and what has been done to resolve the complaint. The record should typed up at the end of the meeting and a copy given to the complainant at the earliest opportunity. A copy of the record will be filed in the school complaints file with any other paperwork/documents associated with the complaint.

If more time is needed to investigate the complaint the SCC should inform the complainant of the expected time needed to complete the investigation.

Following the SCC's investigation if the complaint is found to be groundless the SCC should inform the complainant in writing that no evidence to substantiate the claim has been found.

If the complaint is upheld then the SCC may take one or more of the following actions on behalf of the school:

- Issue an apology
- Issue an explanation
- Admit that the situation could have been handled differently or better
- Assure the complainant that the event complained of will not recur
- Outline the steps that have been taken to ensure it will not recur
- Undertake to review school policies in the light of the complaint

All actions must be recorded.

If the SCC and the complainant can not agree or the complainant is dissatisfied with the outcome the complaint may be referred to the headteacher (Stage Two).

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to the headteacher. Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant directly to the headteacher. The ability to consider the complaint objectively and impartially is crucial.

Stage Two: Complaint Heard by Head teacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint.

The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Upon receipt of the 'Complaints Form' the headteacher will record the complaint and inform the complainant that the complaint is being investigated. The receipt of the form may involve an initial meeting where the complainant may state their case if they so wish. If this happens it must be recorded.

The headteacher should offer to meet with the complainant within five working days of the receipt of the complaint to allow for the complaint to be investigated. If more time is needed to investigate the complaint the complainant must be informed. The headteacher should report his findings to the complainant at the planned meeting and should seek to resolve the complaint. The outcome of the meeting should be recorded and a copy of the record handed to each party.

Following the headteacher's investigation if the complaint is found to be groundless the headteacher should inform the complainant in writing that no evidence to substantiate the claim has been found.

If the complaint is upheld then the headteacher may take one or more of the following actions on behalf of the school:

- Issue an apology
- Issue an explanation
- Admit that the situation could have been handled differently or better
- Assure the complainant that the event complained of will not recur
- Outline the steps that have been taken to ensure it will not recur
- Undertake to review school policies in the light of the complaint

All actions must be recorded.

If the headteacher and the complainant can not agree or the complainant is dissatisfied with the outcome the complaint may be referred to the Governing Body Complaints Committee.

Stage Three: The Governing Body Complaints Committee

The Governing Body has a nominated Complaints Committee.

The Complainant needs to write to the Chair of Governors enclosing a copy of the complaints form or explaining the substance of the complaint and outlining how the complaint could be resolved to their satisfaction. The Chair or a nominated Governor will convene the Complaints Committee.

School staff (apart from admin staff) cannot convene the committee or be involved with the Committee or its processes at any stage.

No Governor who has been involved in the complaint at any earlier stage may sit on the Committee. If necessary an additional Governor may be nominated to take their place.

When the nominated members of the Governing Body Complaints Committee are informed that a complaint is being made they should:

- Appoint a chair of the panel
- Appoint a clerk (this may be the school secretary or a nominated Governor)
- Arrange to meet to discuss the complaint and investigate if necessary. This may involve reading statements, interviewing staff, checking the building and the outside area or checking maintenance or health and safety records.
- Write to the complainant offering to meet within ten working days.
- Meet with the complainant.

An unsatisfied complainant can always take a complaint to the next stage by requesting a review by the Secretary of State.

Remit of the Complaints Committee

The Committee may:

- 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

Records of all actions must be kept.

There are several points which any governor sitting on the Complaints Committee needs to remember:

- It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to 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.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- 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 and care is needed to ensure the setting is informal and not adversarial.
- The governors sitting on the panel need to be aware of the complaints procedure.

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Checklist for a Complaints Committee Hearing

The Committee needs to take the following points into account

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The Committee may ask questions at any point
- The complainant is then asked to sum up their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair of the Committee explains that both parties will hear from the panel within a set time scale, and outline that timescale.

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Complaint Form

Please complete this form and return to the School's Complaints Co-ordinator (Mrs V Barnard) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Post Code:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

Continued overleaf

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so please give details.

Signature:

Date:

Official use only.

Date acknowledgement sent (copy attached):

By whom:

Complaint referred to:

Date: