

# Madeley Nursery School

Bridle Road, Telford, TF7 5ET, UK



## **COMPLAINTS PROCEDURE**

**May 2017**

If you require a copy of this procedure in a particular format, for example in large print, please contact the School.

At Madeley Nursery School we aim to provide the highest standards of education and care for all our children, and work very hard to build positive relationships with all parents. The nursery has procedures in place in case there are concerns or complaints by parents or carers. This following policy sets out the procedure that the school follows in such cases.

Our nursery aim is to be fair, open and honest when dealing with any concern or complaint. We give careful consideration to all concerns and complaints and deal with them as swiftly as possible. We aim to resolve any concern or complaint through dialogue and mutual understanding and, in all cases we put the interests of the child above all other issues. We aim to provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

We aim to operate in a way that is fair, transparent and promotes equality of opportunity for all.

### **Equal Opportunities**

Equal opportunities is about ensuring that every member of the school community is regarded as being of equal worth and importance, irrespective of culture, race, gender, sexual orientation, learning abilities, sensory or physical impairment, social class or lifestyle; it is about recognising differences, meeting individual needs and taking positive action, so that everyone has equal access to the educational opportunities offered by the school.

## **The complaints process**

### How to share a concern

If a parent or carer is concerned about anything to do with the education and care that we are providing at our school, they should, in the first instance, discuss the matter with their child's key worker or another member of nursery staff. Most matters of concern can be dealt with in this way. All key workers work very hard to ensure that each child is happy at nursery, and is making good progress; they always want to know if there is a problem so that they can take action before the problem seriously affects the child's progress.

### What to do if the matter is not resolved through informal discussion

The formal procedures will need to be invoked 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 headteacher has responsibility for the operation and management of the school complaints procedure. They are the school's 'complaints co-ordinator'. Therefore where a parent feels that a concern has not been resolved through contact with the key worker, or that their concern is of a sufficiently serious nature, they should discuss it with the headteacher. The headteacher considers any such complaint seriously and investigates each case following the procedure set out in this policy. Most complaints are normally resolved at this stage.

### Sharing a concern about the headteacher

Should a parent or carer have a complaint about the headteacher, s/he should first make an informal approach to one of the members of the governing body, who is obliged to investigate it. The governor in question will do all s/he can to resolve the issue through a dialogue with the school, but if a parent is unhappy with the outcome, s/he can make a formal complaint, as outlined below. A list of governors and contact information is available on the information notice board in nursery, on the school website or from the school office.

## **How to take the matter further – The Complaints Procedure**

### **Investigating complaints**

At each stage, the person investigating the complaint (the complaints coordinator), makes 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 or arrange for an independent note taker to record minutes of the meeting.

### **Resolving complaints**

At each stage in the procedure the aim is to keep in mind ways in which a complaint can be resolved. Therefore we might 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 light of the complaint.

We encourage complainants to state what actions they feel might resolve the problem at any stage.

An admission that the school could have handled the situation better is not the

same as an admission of negligence.

We aim to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

The complaints procedure is as follows:

Stage 1 (formal): complaint heard by headteacher

Stage 2 (formal): complaint heard by Chair of Governors

Stage 3 (formal): complaint heard by GB's complaints appeal panel.

Please note that an unsatisfied complainant can **always** take a complaint to the next stage.

### **Stage 1 (formal): complaint heard by headteacher**

If an informal concern fails to resolve the matter a formal complaint is made to the headteacher. This complaint must be made in writing, stating the nature of the complaint and how the school has handled it so far. The parent should send this written complaint to the headteacher. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

The school respects 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 another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

At Stage 1 the headteacher should respond in writing to the complainant within 14 days.

## **Stage 2 (formal): complaint heard by Chair of Governors**

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

The chair of governors must consider all written complaints within 14 days of receipt.

## **Stage 3 (formal): complaint heard by GB's complaints appeal panel.**

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

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

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can 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 would normally be part of the school's complaints procedure:

- It arranges a meeting to discuss the complaint, and invites the person making it to attend the meeting, so that s/he can explain her complaint in more detail. The school gives the complainant at least three days' notice of the meeting.
- They may re-interview relevant others including staff
- They will make a final written decision to the complainant within 28 days of the procedure moving to stage 3.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may 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 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.

There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal 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.

b. 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 that 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.

c. The 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.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure.

## **Roles and responsibilities**

### **The role of the clerk**

The group of governors considering complaints will be clerked. The clerk would 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

## **The role of the Chair of the Governing Body or the nominated governor**

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

## **The role of the Chair of 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;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put 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;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **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 (including the reasons for the decision); within a set deadline of 28 days from the complaint moving to stage 3. The letter will give information of rights of appeal to the Local Authority.

Contact details for the local authority:

Telford & Wrekin Council

Addenbrooke House

Ironmasters Way

Telford

TF3 4NT

Main telephone number 01952 380000.

The final stage of appeal is to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

### **What will the Department for Education do?**

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken.

Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The headteacher keeps a written record of any complaints to school and an account of the action that occurred as a result. Governors examine this log on an annual basis. This record will be kept in school for 3 years and is available to all parents and Ofsted.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This

policy is made available to all parents, so that they can be properly informed about the complaints process.

Status	DRAFT / FINAL
Agreed at:	Curriculum Committee of Governors
Effective from:	23 <sup>rd</sup> May 2017
To be reviewed by:	Finance and Personnel Committee of Governors
Reviewed by:	May 2021
Responsible person:	Louise Lowings / headteacher
Signature:	Wet signature copy held in school.
Role in school:	