

Bognor Regis Nursery School

Complaints Policy

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Complaints Policy

(Parents/Carers)

Status: Statutory, pursuant to Chapter 1 of Part 3 of the Education Act 2002, Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009, and the Complaints Against Schools (England) Regulations 2010.

Purpose: This Complaints Policy applies to a complaint or complaints against a School that a child or a parent of a child has sustained injustice in consequence of an act or omission of the Governing Body of the School or an exercise of, or failure to exercise a prescribed function of the Headteacher of the School. It does not apply to a decision about admissions to the School, or a matter in respect of which the parent has or had a prescribed right of appeal. An act is to be treated as an act of the Governing Body of the School where a person acts on behalf of the Governing Body, or is a person to whom the Governing Body has delegated any functions. An act is also to be treated as an act of the Governing Body if the Governing Body exercises a function by arrangement with another person, and the act is done by or on behalf of the other person carrying out the arrangement. The School and Governing Body aim to deal with all complaints openly, fairly, promptly and without prejudice.

Relationship with other policies: This Complaints Policy should be read in conjunction with the policy on Complaints (General) and all other School policies in force at the relevant time.

Who was consulted? All staff and parents, and the Local Authority were consulted before adopting this policy.

Roles and responsibilities: The relevant Key Worker should attempt to resolve all complaints by parents involving the education and well being of children in the School. If the relevant Key Worker is unable to resolve the complaint, it will pass to the Headteacher. If the complaint is about a member of School staff, this should be dealt with by the Headteacher. If the Headteacher and is unable to resolve the matter, or the complaint is about the Headteacher, the complaint will pass to the Chair of Governors and the final stage in the process is for the Governing Body to investigate the complaint. Please see the separate procedure for dealing with complaints available from the School.

Arrangements for monitoring and evaluation: This policy and the associated procedures will be reviewed by the Governing Body on an annual basis.

Complaints Policy

(General: Other than Parents/Carers)

Status: Statutory, pursuant to Chapter 1 of Part 3 of the Education Act 2002, Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009, and the Complaints Against Schools (England) Regulations 2010.

Purpose: This Complaints Policy applies to any complaint relating to the School or the provision of facilities or services not covered under the Complaints Policy (Parents/Carers), or any other prescribed right of appeal. The School and Governors aim to deal with all complaints openly, fairly, promptly and without prejudice.

Relationship with other policies: This Complaints Policy should be read in conjunction with the policy on Complaints (Parents/Carers) and all other School policies in force at the relevant time.

Who was consulted? All staff, pupils and parents, and the Local Authority were consulted before adopting this policy.

Roles and responsibilities: The **School Business Manager** should deal with all complaints not covered by the Complaints Policy (Parents/Carers). If the School Business Manager is unable to resolve the complaint, it will pass to the **Headteacher**. If the Headteacher is unable to resolve the complaint it will pass to the Chair of Governors. The final stage in the process is for the Governing Body to investigate the complaint. The **Chair of Governors and/or the Governing Body** will deal with complaints about the Headteacher. Please see the separate procedure for dealing with complaints available from the School.

Arrangements for monitoring and evaluation: This policy and the associated procedures will be reviewed by the Governing Body on an annual basis.

Bognor Regis Nursery School

Complaints Policy

Complaints Procedure

Stage 1 [Informal] – Complaint heard by staff member

Where a complaint is raised by a parent/carer the Key Worker will receive the complaint. In the case of a complaint from any other individual in respect of any community facility or service provided by the School, the School Business Manager will receive the complaint.

- 1.1 In the first instance the complainant should make an appointment to discuss their concern with the appropriate member of staff.
- 1.2 The complainant can bring a companion with them to any proposed meeting.
- 1.3 As good practice a written record will be made of the meeting. All parties will have access to the record (*Informal Complaints form - see Appendix 1*).
- 1.4 The person facilitating the meeting will ensure all parties are clear about any actions that have been agreed as a result.
- 1.5 This stage will be dealt with as speedily as possible and concluded in writing, as appropriate.
- 1.6 If no satisfactory resolution is reached the complainant can refer the complaint to the Headteacher, Siân Rees Jones (if she was not the member of staff the concern was initially discussed with at point 1.1).
- 1.7 If the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complaint to another member of staff. The member of staff may be more senior but this is not a requirement. The ability to consider the complaint objectively and impartially is crucial.
- 1.8 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. It would be useful if governors did 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.

Stage 2 [Formal] – Complaint heard by Headteacher or by Chair of Governors if the complaint is about the Headteacher.

- 2.1 A Formal Complaint form will be given to the complainant to complete and return to the School office marked Private and Confidential to the Headteacher or Chair of Governors (*see Appendix 2*). The Headteacher, will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.
- 2.2 If resolution not found, the Headteacher will meet with the complainant and/or subject of the complaint, if appropriate.
- 2.3 The Headteacher will meet, as appropriate, with any witnesses and take statements from those involved.

- 2.4 Notes will be kept of all meetings, conversations and of the receipt of any documentation.
- 2.5 After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The Headteacher may meet with the complainant to discuss their findings as she decides is appropriate.
- 2.6 The written record and response will include a full explanation of the decision reached and the reasons for this. If any action is to be taken at the School, this will also be identified.
- 2.7 The Stage 2 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The Headteacher will keep the complainant informed in writing of the on-going time scale.
- 2.8 If the complainant is not satisfied with the outcome of the Stage 2 investigation, or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Stage 3 [Formal] - Complaint heard by the Chair of Governors or another nominated governor

- 3.1 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, Emma Priest, to request that their complaint is considered at Stage 3.
- 3.2 Once the complaint has been received, the Chair of Governors (or another governor nominated by the Chair of Governors) will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.
- 3.3 The Chair of Governors (or nominated governor) will meet with the complainant and/or subject of the complaint, if appropriate.
- 3.4 The Chair of Governors (or nominated governor) will meet, as appropriate, with any witnesses and take statements from those involved.
- 3.5 Notes will be kept of all meetings, conversations and of the receipt of any documentation.
- 3.6 After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The Chair of Governors (or nominated governor) may meet with the complainant to discuss their findings as she decides is appropriate.
- 3.7 The written record and response will include a full explanation of the decision reached and the reasons for this.
- 3.8 The Stage 3 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The Chair of Governors (or nominated governor) will keep the complainant informed in writing of the on-going time scale.
- 3.9 If the complainant is not satisfied with the outcome of the Stage 3 investigation the complainant should write to the Clerk to the Governing Body, Lisa Collins, c/o the School Office and marked 'Private and Confidential' to request that their complaint is considered by a Complaints Appeal Panel.

Stage 4 [Formal] – Complaint heard by Governing Bodies Complaints Appeal Panel

- 4.1 The complainant should write to the Clerk to the Governing Body, Lisa Collins, c/o the School Office and marked 'Private and Confidential' giving full details of the complaint and requesting the Complaints Appeal Panel consider the matter. The Clerk to the Governors should acknowledge receipt within five school days.
- 4.2 The Chair of Governors, or if the Chair has been involved at any previous stage in the process, another nominated governor, will convene a Governing Body Complaints Appeal Panel.

Individual complaints would not be heard by the whole Governing Body 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.

- 4.3 In line with good practice a Clerk will be appointed to the Governing Body Complaints Appeal Panel at the start of Stage 4 to support the process and be the point of contact for the complainant. It would be good practice to notify the Headteacher of the complaint at this stage if they have not previously been involved in the process.
- 4.4 The Clerk to the Governing Body Complaints Appeal Panel will:
 - set a convenient date, time and venue for the complaint to be heard;
 - deal with all administration of the procedure;
 - take notes at any meetings;
 - be a single point of contact to facilitate communication between all parties;
 - draft and despatch letters as required;
 - liaise with the Local Authority and other agencies for support/advice as requested.
- 4.5 The Complaints Appeal Panel must be established by drawing on governors with no prior or direct involvement with the complaint. It should also aim to provide a cross section of governors. If this is not possible from its own membership the Governing Body will consider approaching and appointing governors from neighbouring maintained schools.
- 4.6 The Headteacher must not serve on the Complaints Appeal Panel. The Chair of Governors must not serve on the Complaints Appeal Panel if she has had any prior involvement with the complaint.
- 4.7 Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors.
- 4.8 The Complaints Appeal Panel will be provided with any collated written material, reports, and relevant information and will consider the complaint on the basis of the written evidence available. The Complaints Appeal Panel may decide to request further clarification from the complainant and Headteacher before writing and notifying them of the arrangements for the formal panel meeting. Any additional information received by the Complaints Appeal Panel must be shared with all parties prior to the meeting.
- 4.9 The Panel members will decide how the meeting will be conducted and who is present. The panel should decide whether to meet each party individually or invite all to attend at the same time.

4.10 The Clerk will write to all relevant parties informing them of the date and time of the meeting, whether the Panel will consider written evidence only or will be inviting them to attend and give an outline of how the meeting will be conducted. The Clerk must include a copy of all relevant documents, policies or procedures that will be considered by the Panel at the meeting. Notification of the Panel meeting must be sent not less than five school days before the meeting.

All parties should acknowledge receipt of the meeting notification and all related documentation itemised in the accompanying letter.

4.11 Within reason, the Clerk will arrange a date and time for the Panel meeting that is convenient to the complainant and other relevant parties if they are attending in person.

4.12 The complainant has a right to be accompanied to the meeting by a friend/representative.

The friend/representative may:

- confer with the complainant during the meeting;
- ask questions of witnesses;
- sum up the complainants complaint if requested by them.

The friend or representative may not:

- answer questions on the complainants behalf;
- address the Panel if the complainant does not wish it;
- prevent the complainant from summarising the complaint.

4.13 Good practice requires all written evidence to be submitted prior to the meeting wherever possible so that it can be considered by all parties.

4.14 If necessary the Panel meeting will be adjourned if there is insufficient time to consider extra evidence received at the start of the meeting to enable it to be circulated and considered by all parties.

4.15 The Panel may wish to call witnesses to the meeting.

4.16 The complainant, and other parties previously involved in the complaint if invited, can expect the following process to be followed:

- the hearing will proceed in an informal, but appropriate manner;
- witnesses shall be present only for the part of the hearing relevant to their involvement and may not remain for the entire hearing (at the discretion of the Chair of the Panel);
- introductions shall be made by all parties present;
- the complainant will be invited to explain the complaint;
- the Headteacher will be invited to explain the reasons for decisions reached up to this point;
- if all parties are in attendance together, the complainant may then question the Headteacher;
- if all parties are in attendance together, the Headteacher may then question the complainant;
- the Panel may ask questions of any party at any time;
- witnesses, subject to prior approval by the chair of the complaints appeal panel, to be called;
- all parties to have the right to question all witnesses;
- the complainant will be invited to sum up their complaint, and then the Headteacher will be invited to sum up the school's position and response to the complaint.

- 4.17 At the conclusion of the Complaints Appeal Panel hearing the Chair of the Panel will inform the complainant and the Headteacher that the Panel will consider its decision in private and will send a written response within 10 school days. At this point all parties other than Panel Members and the clerk must vacate the room.
- 4.18 The Panel will consider the original written complaint, along with all subsequent evidence that has been presented both orally, and in writing. The remit of the Panel is to:
- (a) dismiss the complaint in whole or in part;
 - (b) uphold the complaint in whole or in part;
 - (c) decide what, if any, action should be taken to resolve the complaint;
 - (d) recommend any changes, if appropriate, to the School's processes or systems to ensure similar complaints do not arise again in the future.
- The Panel will present their findings in writing.
- 4.19 The Clerk or Chair of the Panel will ensure the written findings outlining the Panel's decision are sent to both the complainant and the Headteacher.
- 4.20 Stage 4 should be completed in 25 School days. However, this may not always be possible, especially if a complaint is complex, and where that is the case, the Clerk will ensure both parties are written to and advised of the revised target date.
- 4.21 There is no right of appeal against the Governing Body Complaints Appeal Panel decision. If the complainant remains dissatisfied and believes the Panel has acted unreasonably in response to the complaint, the complainant should be advised to contact The Secretary of State, Department for Education, Sanctuary Buildings, London, SW1 or in some circumstances, Ofsted if the complaint is likely to lead to a determination there is a need to inspect. Ofsted cannot seek to resolve any individual complaint.

Role of The Secretary of State, Department for Education

For The Secretary of State to become involved, he would need to be sure that:

The school has acted or is proposing to act unreasonably in the exercise of performance of its functions imposed by or under the Education Act 1996.

Or

The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

If the complainant believes that this is the case they should refer to the Department for Education website where guidance can be found to support the next part of the process. The relevant guidance can be found at: <https://www.gov.uk/complain-about-school>

The complainant may find the following useful:

- Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or by going online at: www.education.gov.uk/help/contactus;
- The complainant must complete a complaints form and return it online or by post to the Department for Education, School Complaints Unit, Second Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD;
- Copies of relevant documentation relating to the complaint may be sent with the form;
- The DfE will inform the complainant who will be handling the case and a timescale for the process when they have received the form;
- The DfE aim to initially respond within fifteen working days but update the complainant if the timescale is longer.

If the complainant remains unhappy with the service given by the DfE in processing the complaint they would need to contact the DfE complaints department and follow the DfE complaints procedure.

Role of Ofsted

It **will not** investigate cases to do with individual pupils.

A complainant can complain to Ofsted about any state school if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

Ofsted have an on line form and aim to respond within 30 working days. Their initial response will tell you if Ofsted will investigate or not, and why.

<https://www.gov.uk/complain-about-school>

For concerns and complaints about the Orchard Room provision or Daycare for children aged 3-5 (outside the child's core hours) please contact Ofsted on 0300 123 1231 or write to: Applications, Regulatory and Contact (ARC) Team, Ofsted, Piccadilly Gate, Store Street, Manchester. M1 2WD

Serial and Persistent Complaints

There will be occasions when, despite all stages of the School's complaints procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the process by writing to the Chair of Governors, or any member of school staff, with the same complaint, the Chair of Governors may respond to them in writing that all stages of the School's complaints procedure have been exhausted and that the matter is now closed.

Unreasonable Complainants

Bognor Regis 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.

Bognor Regis 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 try to limit the numbers of communications with the 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 Bognor Regis 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 Bognor Regis Nursery School.

Further guidance about how to deal with such complaints can be found on page 10 of the Best Practice Advice for School Complaints Procedures 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/BestPracticeAdvice_for_School_Complaints_2016.pdf

Date amended: July 2018

Date for Review: July 2019

Bognor Regis Nursery School

Record of Complaint (Informal)

A: Source of complaint				
Parent	Letter		Staff	
	In person		Anonymous	
	Phone call		Ofsted	
	Parent/carer		Other	Via email

B: Nature of complaint (tick all the standards that the complaint relates to)				
<i>Standard</i>				
1	Suitable Person		8	Food and Drink
2	Organisation		9	Equal opportunities
3	Care, Learning and Play		10	Special needs
4	Physical environment		11	Behaviour
5	Equipment		12	Working in Partnership with Parents and Carers
6	Safety		13	Child protection
7	Health		14	Documentation

Details of the complaint

C: How it was dealt with		
Internal investigation (School complaints procedure)		
Give details of any internal investigation.		
D: Actions and outcomes		
Internal actions		
Actions imposed or agreed with other agencies		
No Action		
Details		
Has a copy of this record been shared with the parents? Yes or No		
Name of recorder	Outcome notified to parent Yes / No	
	Date:	
Position: Signature:		
Date Completed:		

Bognor Regis Nursery School

Formal Complaint Form

Please complete and return to the School office marked Private & Confidential to the Headteacher or Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Child's name:

Your relationship to the child:

Address:

Postcode:

Day time 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)?

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:

By whom:

Complaint referred to:

Date:

Complaints not in scope of the procedure

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 School provision • 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: Whistleblowing Hotline (WBHL), Ofsted Piccadilly Gate Store Street Manchester M1 2WD. 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>

Bognor Regis Nursery School

Who to go to if you have any concerns?

We really care that both you and your child feel confident with us and that you access the highest quality of service as soon as you pick up the phone or step through the door of our School.

Stage 1

If you have any concerns of any kind, we ask that you first speak to your child's Keyworker or the member of staff that is offering the service to see if the issue can be addressed informally by talking it through.

Stage 2

If parents/ carers feel that they cannot do this or that the issue is more serious they should arrange to meet with Joe Knutson (Headteacher).

You can do this directly, by emailing head@brns.org or by asking the reception office for an appointment.

At this meeting we would look for solutions and agree any actions that may be necessary.

Stage 3

If you still feel that situation remains unresolved, parents/carers should make a formal Complaint, in writing, to the Chair of Governors, Mrs Emma Priest, c/o Bognor Regis Nursery School and it will be passed to her ASAP.

Stage 4

If you are not satisfied with the outcome of the Stage 3 investigation, parents/carers should write to the Clerk to the Governing Body, Lisa Collins, c/o the School Office and marked 'Private and Confidential' to request that their complaint is considered by a Complaints Appeal Panel.

The Chair of Governors, or if the Chair has been involved at any previous stage in the process, another nominated governor, will convene a Governing Body Complaints Appeal Panel.

**Your views are important and we urge you to raise any concerns directly with us.
We will always listen to you and action any improvements where appropriate.**