

# Complaints Procedures Policy

## Aims

At Flagg Nursery School, we aim to maintain a caring, supportive and disciplined learning environment where children benefit from the best possible education. All staff are committed to this aim. We would like to know if you think we are not meeting your expectations so that we have an opportunity to respond. We would also like to know your opinion on the things that we do well.

## Summary of the policy

Flagg Nursery School's Complaints Policy includes five levels of the complaints procedure and guidance:

- Level 1/2 – informal – comment to staff / appointment with the Teacher
- Level 3 – informal appointment with the Headteacher
- Level 4 – formal complaint letter to the Headteacher
- Level 5 – formal complaint requesting a Governors' Complaints Panel.

Please note: The complaints procedure also addresses the process to follow when concerns or complaints are raised about a specific governor(s).

## Procedure for handling concerns and complaints at Flagg Nursery School

Each level of the procedure offers the opportunity for concerns and complaints to be resolved as quickly as possible.

### Level 1 – Informal

Parents, carers or guardians should, in the first instance, talk to a member of staff about the concern. It is best to resolve issues at this point.

*Guidance on informal level 1:*

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
- *A member of staff should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

### Level 2 – Informal

Parents, carers or guardians dissatisfied with the result of the discussions with the member of staff should ask for an appointment with the Teacher.

*Guidance on informal level 2:*

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher then he/she can ask for an appointment to meet with the headteacher.*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is hoped that most problems will have been resolved by now.*

### Level 3 – Informal

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the Headteacher. If a resolution to the issue is proving difficult to find, the Headteacher, can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level. If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from Derbyshire County Council.

### Level 4 – Formal

An issue that has not been resolved through the informal levels can become an official complaint. Parents, carers or guardians wishing to move to level 4 must write a formal letter of complaint to the Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved. The Head teacher will acknowledge the written complaint

immediately, consider the complaint and discuss a resolution with the complainant. The Head teacher will respond to the complainant in writing within 10 school days of receipt of the letter.

*Guidance on level 4:*

- *An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.*

### **Concerns or complaints specifically about the Headteacher**

The decision that the Headteacher has made as a result of the level 4 complaint does not become a complaint about the Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 5, a Governors' Complaints Panel. If the concern or complaint is specifically about the Head teacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt and contact a Governor Support Service Officer for advice.

### **Concerns or complaints specifically about a governor.**

#### Complaints against Chairs of Governors

In the event of a formal complaint being made against the Chair of Governors, which is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Vice-Chair of Governors. The school will provide the Vice-Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Vice-Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt.

#### Complaints against Governors

A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate and seek to resolve it. The school will provide Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. A template letter is included as **appendix A** to this complaints procedure. The Chair of Governors should acknowledge the complainant's letter in writing within 10 school days of receipt. A governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If it cannot be resolved by the Chair, the complaint will be considered to be a Level 5 – formal complaint and therefore will be considered by Governors' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Governing Body. If necessary the complaints panel may be composed of governors from another school.

Governors co-opted or elected on to the governing body can be suspended for a period of up to six months. Governors appointed by the Local Authority can be suspended or removed from the governing body.

### **Level 5 – formal complaint requesting a Governors' Complaints Panel.**

#### Time Scales:

Receipt of complainant's letter

Acknowledgement within 10 school days

Governors' Panel meeting within 15 school days (unless this goes into school holidays)

Written documentation sent to Governors' Panel Members, complainant and Headteacher 10 school days before meeting.

Governors' Panel members decision communicated to all concerned as soon as possible but within 10 school days of meeting.

#### Before the meeting:

The Chair of Governors should:

- appoint a clerk to the Governors' Complaints Panel
- acknowledge the complainant's letter in writing within 10 school days of receipt
- arrange for a panel of governors to meet within 15 school days of receipt
- provide the Head teacher with a copy of the complainant's letter, and request written documentation relevant to the complaint from the school.

The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting. The complainant and Head teacher will be invited to attend the Governor's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and Head teacher (or his/her representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points. After the complainant and Head teacher (or his/her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final. The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact Derbyshire County Council for assistance. In this case he/she should ring Governor Services, who will arrange for an officer to contact him/her.

A complaint may be made to the Secretary of State for Education if a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

*Guidance on level 5 - formal:*

*Before the meeting:*

- *The Complaints Panel must be made up of at least three members and a clerk. 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.*

*At the meeting:*

- *The aim of the meeting, 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.*
- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The clerk should take notes of the meeting, including listing who is present:*
  - A *Governors, stating who is the Chair of the Governors' Complaints Panel*
  - B *Headteacher (or his/her representative) and any other members of school staff*
  - C *Parents and anyone accompanying them e.g. friend*
  - D *Clerk*
- *These minutes will remain confidential.*
- *The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The Chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why she/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the complainant's point of view.*

- *The Chair of the Governors' Complaints Panel should request a verbal statement from the Head teacher (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Head teacher's point of view.*
- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The chair of the Governors' Complaints Panel must ask the complainant and the Head teacher (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk.*

*After the meeting:*

- *The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*

*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.*

*When the Panel have reached a decision the clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.*

*The decision of the Governor's Complaints Panel is final.*

Once a Governor's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Vexatious Complainants: it is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

### **Exceptions to the Policy**

The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education, some Special Educational Needs issues and Admission, where Local Authorities have statutory responsibilities. The Headteacher can give information about this, and advice on who to contact in Derbyshire County Council.

There are certain other complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures. Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. Immediate contact must be made by the Headteacher or Chair of Governors with the Local Authority Child Protection Officer.

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. Derbyshire County Council may not take over this responsibility, and appeals against governing body decisions and procedures would be heard by the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.

Extended Schools: the governing body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. If a third party provider's complaints process is exhausted and the matter is not resolved and it will be referred to a Governors' Complaints Panel. This ensures that the Governors are kept aware of complaints about provision.

### **Racial Equality & Equal Opportunities**

All children have equal access and inclusive rights to the curriculum regardless of their age, gender, race, religion, belief, disability or ability. We plan work that is differentiated for the performance of all groups and individuals. Flagg Nursery School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential.

All staff have equal access and inclusive rights to their work regardless of their age, gender, sexual orientation, race, religion, belief, disability or ability. Flagg Nursery School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential.

Policies are available that expand on this further.

APPENDIX A

**Complaint letter template for Flagg Nursery School**

*Please complete and return to the Chair of the Governing Body who will acknowledge receipt and explain what action will be taken:*

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Telephone number(s):**

**Details of the complaint**

**What action, if any, have you already taken to try and resolve your complaint?**

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

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

**Signature:**

**Date:**

**Outcome: Resolved / To be taken further / Needs to be re-visited in future (*delete as appropriate*)**

**Date**

**Signature**

**School Member Parent/Member of Public**

## APPENDIX B

### Information for Parents

Flagg Nursery School wants pupils to be healthy, happy and safe, and do well. Co-operation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

#### ***I have something I would like to discuss with the school...***

Take time to read this policy. Remember that there is usually more than one view about a situation. Make sure that what you want to discuss is clear in your mind. A good tip is to write down the main points so that you don't forget anything.

First consider asking to see a member of staff to discuss the issue. They will be willing to offer an appointment as quickly as possible, which will give you both time to talk about it politely and calmly without being interrupted. Think about what you hope will happen as a result of your discussion and let the teacher or Headteacher know this.

#### **What should I do if I still feel unhappy about the issue?**

If you are unhappy with the outcome of the discussions you can ask for an appointment to see the Headteacher. It is in everyone's interests, particularly those of your child or children, for issues to be sorted out smoothly. It will be best to end on a positive note with no bad feeling even if it is not possible for all your requests to be met. If this is proving difficult the Headteacher can speak to a governor who may be willing to offer some input to help resolve the issue, but there is no obligation for any governor to become involved at this time.

If you are both finding it difficult to resolve the issue then the relevant Local Authority representative may be able to offer information or support. The person to contact will depend on the issue that is the focus of the discussions. This help and advice is designed to help resolve the issue. The Headteacher should know who to ring.

#### **Most problems will have been sorted out by now**

However, if the issue has not been resolved it can become a formal complaint. This is a serious step to take and it is important that you have thought things through carefully. If you wish to follow the process for making a complaint, you must ask the school for a copy of their complaints procedure and write a formal letter of complaint to the Head teacher.

#### **What happens if I have a concern specifically about the Headteacher?**

If you have a concern specifically about the Headteacher (*not the Headteacher's decision*) you should write to 'The Chair of Governors' at the school address, marking the envelope 'urgent, private and confidential', setting out your concern.

#### **What happens if my concern relates to admissions, the curriculum or special educational needs?**

Some issues regarding these areas are covered by statutory regulations. The Headteacher can give you information about these issues.

#### **Weblinks and other useful contact details:**

- Derbyshire County Council [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk)
- Kidscape Hotline advice on bullying issues Tel: 08451 205 204 [www.kidscape.org.uk](http://www.kidscape.org.uk)
- Parentline Plus Free helpline offering support for parents Tel: 0808 800 2222 [www.parentlineplus.org.uk](http://www.parentlineplus.org.uk)
- Advisory Centre for Education (ACE) Ltd 0808 800 0327 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).
- Parent Partnership Tel: 0115 948 2888 or 01623 422223.
- Race Equality Council on 0115 958 6515
- Childline free national helpline for children and young people Tel: 0800 1111 [www.childline.org.uk](http://www.childline.org.uk)
- The Children's Legal Centre National Education Law and Advisory Unit free education law advice  
Tel: 08088 020 008 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)