	Caverstede Nursery School **Complaints Procedure Statement** Statutory policy – recommended to be reviewed annually
	Reviewed & Agreed: Children's Welfare & Equalities Committee 23.03.2021 ***Review Due: March 2023***

Introduction
The fundamental objective of the school is to create and maintain a safe, happy and healthy learning environment where every pupil can achieve their full potential. Our ethos is to work in a spirit of co-operation between parents/carers, staff and governors.

It is recognised that from time to time parents/carers may have issues with the way the school discharges its responsibilities to meet its obligations, and these issues may be raised as complaints directly with the school.

Section 29 of the Education Act 2002, states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. Our procedure is based on guidance for schools regarding complaints procedures from the Department for Education (DfE), including the model procedure for dealing with complaints and unreasonable complaints. In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

When responding to complaints, we aim to:

- Promote an open door policy where every parent/carer can express their concerns to any member of staff.
- Encourage resolution of problems by informal means wherever possible.
- Resolve all issues swiftly to established timescales, impartially and in a spirit of cooperation.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Provide an effective response and appropriate redress where necessary.
- Ensure that the Governing Board regularly monitors written complaints received by the school.

The DfE guidance explains the 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 defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedures. Caverstede Nursery School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Parent/carer discusses their concerns with child's keyperson, class teacher, or if they prefer another member of the school's classroom staff, either in person or by telephone.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office, either in person or by telephone.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the school office. Please mark as Private and Confidential.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints about the Chair of Governors, any individual governor or the whole governing Board should be addressed to the Clerk to the Governing Board via the school office. Please mark as Private and Confidential.

If you wish to raise a concern or complaint on someone else's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves. For example, they are too young, they have a disability that prevents them from complaining on their own behalf or who may not have English as their first language.

Anonymous complaints
We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales
You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time
We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure
This procedure covers all complaints about any provision of community facilities or services by Caverstede Nursery School, other than complaints that are dealt with under other statutory procedures, including those listed below:

- Safeguarding
- Whistleblowing
- Staff grievances
- Staff discipline

Please see separate policies relating to these types of complaint.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Caverstede Nursery School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats or assisting complainants in raising a formal complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

How to raise a concern or make a complaint

Stage 1 (informal)

Parent/carer discusses their concerns with child's keyperson, class teacher, or if they prefer another member of the school's classroom staff, either in person or by telephone.

If a resolution cannot be sought at this level or the complainant is dissatisfied at the outcome the parent/carer should request an appointment to see the Headteacher. This will be as soon as reasonably practical to avoid any possible worsening of the issue. The Headteacher will investigate fully and communicate findings and/or resolution to the complainant verbally.

The complainant will be asked at this stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of lawful or negligent action).

If a resolution cannot be sought at this level or the complainant is dissatisfied at the outcome of these initial discussions then the parent/carer may wish to escalate the complaint to the next level of the procedure.

This informal approach is nearly always the quickest and most effective way of resolving your concerns.

Stage 2 (formal)

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, by telephone or in writing (preferably on the Complaint Form). If made in writing please mark as Private and Confidential to the headteacher.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Clerk to the Governing Board.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days during term time.
Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Caverstede Nursery School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, or a member of the governing Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

If the complaint is:
- jointly about the Chair and Vice Chair or
- the entire governing Board or
- the majority of the governing Board

stage 2 will be considered by an independent investigator appointed by the governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3
If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing Board's complaints committee,

which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Caverstede Nursery School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee.
Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend, legal representation is not allowed.

Representatives from the media are not permitted to attend.

Before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

Any written material will be circulated to all parties before the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought to allow such recordings, before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Caverstede Nursery School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Caverstede Nursery School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing Board or
- the majority of the governing Board

Stage 3 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Caverstede Nursery School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Resolving complaints

At each stage in the procedure, Caverstede Nursery School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Caverstede Nursery School. They will consider whether Caverstede Nursery School has adhered to education legislation and any statutory policies connected with the complaint.
The complainant can refer their complaint to the Department for Education online at:
www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Telephone number:** **Email address:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Roles and Responsibilities

Complainant
The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator (this could be the headteacher/member of Senior Leadership Team or a Governor)
The investigator's role is to establish the facts, prepare a report identifying solutions and recommended course of actions by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - interviewing all relevant parties keeping notes
  - consideration of records and other relevant information and keep securely
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and

communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Board

The Clerk is the contact point for the complainant and the complaints committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the UK General Data Protection Regulations (GDPR);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; circulate relevant paperwork and evidence, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- make a written record of the proceedings;
- circulate the minutes of the meeting;
- notify all parties involved of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
  If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require an adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk.

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
  - No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
  - We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
  - Parents/carers often feel emotional when discussing an issue that affects their child.
- the parent should be advised that agreement might not always be possible if the parent wishes their child/young person to attend.

Serial and unreasonable complaints

The school is committed to dealing with all complaints and requests for information fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our 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 and threatening.
If, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied and attempts to reopen the same issue, they will be informed that the procedure has been completed and that the matter is now closed. Correspondence about a complaint will not be viewed as 'serial' or 'persistent' until the complaint process has concluded, unless our published serial complaint criteria applies.

The school will never take the decision to stop responding lightly and will only do so in the following circumstances:

- Every reasonable step has been taken to address the complaint;
- The complainant has been given a clear statement of the school's position and aims;
- The complainant contacts us repeatedly, making substantially the same points each time;
- The complainant's emails, letters or telephone calls are often or always abusive or aggressive;
- They make insulting personal comments about or threats towards staff;
- The school has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience.

The school will not stop responding just because the complainant is difficult to deal with or asks complex questions. The school will act reasonably and consider any new complaint and we recognise that anybody has the right to raise a new complaint at any time.

Communication Strategy

In exceptional circumstances the school reserves the right to implement a tailored communication strategy if an individual's behaviour is causing a significant level of disruption. For example, we can:

- restrict the individual to a single point of contact via an email address;
- limit the number of times they can make contact.

Regardless of any communication strategy, the school will provide parents and carers with the information they are entitled to under The Education (Pupil Information) Regulations 2005.

Barring from school premises

In additional exceptional circumstances the Headteacher may make the decision to bar an individual from entering school premises. In such circumstances advice from the Local Authority will be taken before implementing a ban.