



**Chestnut
Nursery
School**



Wynstream
Primary School

Complaints procedure

Exeter Children's Federation

Approved by: Martyn Boxall
**Executive
Headteacher**

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

Be impartial and non-adversarial

Facilitate a full and fair investigation by an independent person or panel, where necessary

Address all the points at issue and provide an effective and prompt response

Respect complainants' desire for confidentiality

Treat complainants with respect

Keep complainants informed of the progress of the complaints process

Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which 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.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

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.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Admissions

Statutory assessments of special educational needs (SEN)

Safeguarding matters

Exclusion

Whistle-blowing

Staff grievances

Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to Head of Inclusion, Mrs Alison Betts; they will then be referred to this complaints policy. Our [SEN policy and SEN report] includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. Principles for investigation

When investigating a complaint, we will try to clarify:

What has happened

Who was involved

What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5. Stages of complaint (not complaints against the headteacher or a governor)

Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the head of school as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 3 working days, and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and the Head of School or the Head of Inclusion if the complaint relates to SEN provision.

If the complaint is not resolved informally, it should be escalated to a formal complaint.

Stage 2: formal

Inform the Head of School in writing

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Head of School will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Head of School will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this (or other person appointed by the head for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Executive Head in writing within 5 working days.

Stage 3: submit the complaint to the Executive Headteacher to

Inform the Executive Headteacher in writing

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint and how they feel the previous stages of the procedure has not addressed their complaint sufficiently.

The Executive Headteacher will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Executive Headteacher will then conduct their own investigation. In carrying out the investigation the Executive Head will check that relevant legislation has been complied with, that the Federation policies have been implemented as agreed and that reasonable judgements and decisions have been made by the Head of School or Head of Inclusion in the previous stages of the complaint. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 5 working days.

Stage 4: submit the complaint to the Governors review panel

Inform the chair of governors in writing,

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stages of the procedure has not addressed their complaint sufficiently.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of Governors in writing within 5 working days.

The review panel consists of members of the Governing Board. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel

meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Executive Headteacher.

The school will inform those involved of the decision in writing within 10 working days.

<u>ECF Manager and Staffing Structure to investigate complaints</u>	
Complaint brought against:	Manager
Executive Head	Chair of Governors
Chair of Governors	Executive Head
Governor	Chair of Governors
Head of School or Head of Inclusion	Executive Headteacher
School related complaint	Head of School
SEN related complaint	Head of Inclusion

6. Complaints against the Head of School or the Head of Inclusion

Complaints made against the Head of School or Head of Inclusion should be directed straight to the Executive Headteacher. These complaints will follow stages 1 and 2 and will be carried out by the Executive Head. Should the complainant wish for this to be reviewed, the Chair of Governors (or their delegated representative) will carry out stage 3. If stage 4 is needed, the Chair or their representative will not be eligible to sit on the appeal panel.

Where a complaint is against the Executive Head, Chair of Governors or any member of the Governing Board, it should be made in writing to the clerk to the governing board in the first instance.

The Clerk to the Governors will seek advice from Governor services on how to proceed with these complaints.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

The school has taken every reasonable step to address the complainant's needs, *and*

The complainant has been given a clear statement of the school's position and their options (if any), *and*

The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*

The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*

The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Unreasonably persistent complaints

- The school has reason to believe the individual is contacting it with the intention of causing disruption or inconvenience
- The individual's letters/emails/telephone calls are often or always abusive or aggressive
- The individual makes insulting personal comments about or threats towards staff

The schools should not stop responding just because an individual is difficult to deal with or asks complex questions. Complainants have a right to have any new complaint heard and schools must ensure that they are acting reasonably.

Informing the complainant of the decision

Once a school has decided that it is appropriate to stop responding, it must inform the complainant of this decision in writing. This can be in the form of a hard-copy letter, or email.

Where complaints are abusive, aggressive or vexatious, or causing distress, the school will seek advice from the Human Resources and appointed solicitors as necessary.

9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 7 years.

10. Learning lessons

The Governing Board will review any underlying issues raised by complaints with the Executive Headteacher, respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Chair of Governors will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by Debbie Damous; Senior Administrator

This policy will be reviewed by Executive Headteacher every September

At each review, the policy will be approved by Governing Board

12. Links with other policies

Policies dealing with other forms of complaints include:

Child protection and safeguarding policy and procedures

Admissions policy

Exclusions policy

Staff grievance procedures

Staff disciplinary procedures

SEN policy and information report

Previous complaints managed prior to the adoption of this policy will be collected and filed in the central Federation office by the September 30th 2018