



Hart Hill Nursery School

Complaints Procedure

Updated Summer Term 2022

Ratified by Governors 7/6/22

Signed *[Handwritten Signature]*

To be updated Summer Term 2025



Rationale

We endeavour to provide the best education possible for all of its pupils, in an open and transparent environment. We welcome any feedback that we receive from parents, children and third parties and we accept that not all of this will be positive. Where concerns are raised, the school intends for these to be dealt with fairly, openly, promptly and without prejudice. In order to do so the Governing Body has approved the following procedure which explains what someone should do if they have concerns about the school. All members of staff will be familiar with the procedure and will be able to assist people as needed.

Specific Concerns

Some concerns you may have are more specific and will not initially be covered by this procedure. Complaints linked to a third party company should be made directly to the company in question. Subject Access Requests and Freedom of Information Requests should be made following the GDPR policy and procedures (available on the school website). Safeguarding concerns should be made to the relevant person (available from the school office or displayed on posters around the school).

Complaint or Concern

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and will make every effort to resolve the concern as quickly as possible.

We understand that there are occasions when complainants would like to raise their concerns formally. In those cases the school's formal procedure will be invoked through the stages outlined in this policy.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy, which is available on the school's website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Hart Hill Nursery School requests the complainants do not discuss complaints publically via social media, such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentially also.

Procedure

Below is the timeline for concerns and complaints and the next step you are invited to take if you are unhappy with the outcome you receive at each stage.

Timeline		
Raising Concerns	Informal and immediate addressing of issues by a relevant staff member	No more than 3 months
Stage 1	Informal investigation by a member of Senior Leadership Team	20 working days total
Stage 2	Formal Investigation by the Headteacher	30 working days total
Stage 3	Formal appeal to the chair of governors	20 working days total
Stage 4	Formal appeal to a panel of Governors	30 working days total
Stage 5	Complaint to the Department of Education	

Raising Concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher in the first instance, via the telephone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue, where this is appropriate. There may be times where a face to face meeting is not appropriate and in this instance the reason for this would be highlighted to yourself at the earliest convenience.

All concerns will be dealt with confidentiality, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Stage 1

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

Complainant contacts a member of SLT. The complainant must explain in writing an overview of the complaint so far, who has been involved, why the complaint remains unresolved and action they would like to be taken to put things right. The member of SLT will respond within 5 working days, excluding those that fall in the school holidays, of having received the written complaint. They will explain what action they intend to take.

The member of SLT will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.

The member of SLT will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 2018.

Stage 2

The complainant may submit a formal complaint to the Headteacher. The Headteacher will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

The Headteacher will consider all relevant evidence, this may include but it is not limited to a statement from the complainant, where relevant a statement from an individual who is the subject of the complaint, any previous correspondence regarding the complaint, any supporting documents and interviews with anyone related to the complaint. The Headteacher may decide to have a meeting with the complainant (and where relevant the subject of the complaint) if they feel that it would be appropriate for the investigation.

After considering the available evidence, the Headteacher can uphold the complaint and direct that certain action be taken to resolve it, reject the complaint and provide the complainant with details of the stage three appeals process or uphold the complaint in part, where one aspect of the complaint is valid, but not another aspect.

The Headteacher must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the school procedure for contacting the Chair of Governors.

Stage 3

If the complainant wishes to appeal a decision by the Headteacher at stage 2 of the procedure, or they are not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision. They must write to the Chair of Governors, as soon as possible after receiving notice of the Headteacher's decision, briefly outlining the content of the complaint and requesting that the Chair of Governors respond. This letter will be written to the Chair of Governors and sent to the school address, who will pass this on to the relevant person.

The Chair of Governors will respond in writing acknowledgement of the complaint in 5 working days of receiving it (not including school holiday days). They will meet with the Headteacher and consider all evidence reviewed in Stage 2.

The Chair of Governors can decide to support the complaint and work with both parties to help resolve the issue, or reject the complaint and confirm reasons why the school is unable to support it. The Chair of Governors must write a response, including the next stage and how to contact the Clerk of Governors to arrange an appeal of the Governing Body, should the complainant not be satisfied with the outcome of the decision in 15 working days (not including school holiday days).

Stage 4

If a complainant wants to appeal a decision made by the Chair of Governors, they must write to the Clerk of Governors, as soon as possible after receiving notice of the Chair's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened. This letter needs to be sent to the school address, addressed to the Clerk of Governors; the school will pass the letter on to the relevant person.

The Clerk of Governors will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Chair of Governor's decision or it will not be considered, except for in exceptional circumstances.

The Clerk will write to the complainant within five working days (not including school holidays) to confirm receipt of the appeal request and detail further action to be taken. The Clerk will convene a panel of three governors, where this is possible in the short time frame given. All three panel members will have no prior knowledge of the content of the complaint.

The appeal hearing will take place within 20 working days (excluding school holiday days) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal. In addition to the panel, the following parties will be invited, where applicable: the complainant and the member of SLT who dealt with the concern at stage 1. Where the complaint regards a member of staff, the staff member who is the subject of the complaint. The complainant is also able to bring a companion with them to the hearing if they wish. The staff member subject to the complaint may bring a companion also. In both cases a companion includes a friend or a colleague. Neither party is able to bring legal representation with them.

The complainant evidence will be heard separately and independently by the panel. The complainant will then leave the hearing.

The appeal panel can make the following decisions:

- 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 occur.

All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding school holiday days).

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. As a school we will consider the request, but the governors have the final decision.

Stage 5

Stage 4 is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, this will be done by contacting the Schools Complaints Unit on 0370 000 2288 or going online at www.education.gov.uk/help/contactus

Staff Capability or Disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or individual line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

Complaints about the Headteacher or a Governor during the stages

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the clerk to the governors. The stage 1 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the member of SLT.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 4 will take immediate effect. The Vice Chair will mediate any proceedings.

Roles and Responsibilities

The complainant or person who makes the complaint will receive a more effective response to the complaint if she or he co-operates with the school in seeking a solution to the complaint, expresses the complaint in full as early as possible, responds promptly to requests for information or meetings or in agreeing the details of the complaint, asks for assistance as needed and treats all those involved in the complaint with respect.

The Headteacher will ensure that the complainant is fully updated at each stage of the procedure. They will ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018 and the Freedom of Information Act 2000. The Headteacher will liaise with staff members, Chair of Governors and the Clerk to ensure smooth running of the complaints procedure. They will keep records and be aware of issues regarding sharing third party information and additional support, including interpretation support.

The member of SLT is the person and the person involved in stage 1 of the concern, the investigator's role can include providing a comprehensive, open, transparent and fair consideration of the complaint through sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved, considered of records and other relevant information, interviewing staff and children and other relevant people linked to the complaint.

They will also need to analyse information, liaise with the complainant and Headteacher as appropriate to clarify what the complainant feels would put things right. The person investigating the complainant should make sure that they conduct interviews with an open mind and be prepared to persist in the questioning and keep notes of interviews or arrange for an independent note taker to record minutes of the meetings.

The Panel Clerk (Clerk to Governors) is the contact point for the complainant for the panel meetings and is expected to set the date, time and venue of the hearing, ensuring that dates are convenient to all parties and that the venue and proceedings are accessible. They will collate any written material and send it to the parties in advance of the hearing. They will meet and welcome the parties as they arrive at the hearing, record the proceedings, circulate the minutes and notify all parties of the panel's decision.

The Panel Chair has a key role in ensuring that the meeting is minuted, that the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption. They will ensure that the issues are addressed and key findings of fact are made. They must ensure that the hearing is conducted in an informal manner with everyone treated with respect and courtesy and that the panel is open-minded and acts independently. They must ensure that no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

Panel members will need to be aware that it is important that the review panel 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. They need to be aware that the aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and complainant.

Recording Complaints

It is common practice to ask for complaints to be made by using a complaint form or in writing, however we are happy to allow alternative methods of contact, as long as the complaint has been made in person, or verbally by the telephone.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and added to the record. We will record the progress of the complaint and the final outcome.

Unreasonable or Serial or Persistent Complaints

Hart Hill 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.

We define 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 process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complainants 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 of 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, 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 limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent, 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 the 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 the school.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. We will therefore act to ensure they remain a safe place for children, staff and other members of the community. If a parent's behaviour is a cause for concern, as a school, we can ask him or her to leave the school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. We will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.