



*Rebecca Cheetham Nursery
and Children's Centre*

Complaints Policy

Compiled by: RC SLT using LA guidance

Amended: RC Senior Leadership Team

Date: January 2021

Ratified by governors:

Governor's

signature: _____

Complaints Policy

Concerns and Complaints Procedure

1. Background

This policy is based upon the DfE document “Best Practice Advice for School Complaints Procedures 2016” The law requires schools and nurseries to have a publicised procedure.

The complaints policy for Rebecca Cheetham Nursery and Children’s Centre is the responsibility of the Governing Body and the school will adopt this policy.

2. Raising a concern or 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 generally 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 invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. There are occasions when complainants would like to raise their concerns formally. In those cases, the school’s formal procedure should be invoked through the stages outlined in this policy.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes complaints from parents/carers of SEND and Looked after children.

a) Investigating complaints

Schools must ensure that at each stage, the person investigating the complaint:-

- Establishes what has happened so far

- Identifies who has been involved
- Understands the nature of the concern or complaint
- Knows what issues remain unresolved

- Has contacted the complainant to establish and clarify information
- Has spoken to or interviewed those involved as required
- Conducts meetings with an open mind and be prepared to persist with questioning and finding the answer, and if necessary to arrange for a minute/note taker.
- Complaints must be kept centrally and on file by the Head Teacher or a member of staff who is designated the Complaints Coordinator.

Ø Keeps accurate records of the complaint including notes of any meetings,

b) Resolving complaints

Schools must acknowledge and register complaints from complainants. The possible outcomes of a complaint will be one or more of the following (this list is not exhaustive):-

- An apology
- An explanation of what actually happened with clarification of the facts
- An admission that the situation could have been handled differently or more appropriately
- An assurance that the event complained about will not reoccur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint.

c) **Dealing with vexatious complaints**

On occasions, despite, all stages of the procedures having been followed, the complainant continues to be dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors, as detailed in Stage 4, is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note, however, that should a complainant raise a new, separate complaint, it must be responded to in accordance with the school complaints procedure.

3. The Four Stage Complaints Procedure

Stage 1a – Talk to the Class Teacher (informal) or SENCO

First of all make an appointment to see the key worker. The key worker will know your child well and may already know the details of any incident about which you may have a concern. Please do not try to see the key worker during the school day when lessons are occurring. We are able to accommodate appointments to meet with the key worker but this needs to be arranged in advance so cover may be organized appropriately.

It is hoped that you can reach an agreement that satisfies you but on some occasions the concern raised may require investigation, or discussion with others, in which case the complainant should allow at least 5 days for a response. The majority of concerns are dealt with in this way, however, if this is not the case, please see Stage 1b.

Stage 1b – Meet the Class Teacher or SLT (if the class teacher is the key worker) (informal)

Please contact the school office to arrange to meet with Class Teacher or SLT who will investigate the complaint and reply within 5 working school days. If you are not happy with the outcome at this stage, please see Stage 2.

Stage 2 - Complaint goes to Head Teacher (including Head of School) or Executive Head Teacher (Formal)

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing to the Head Teacher/Executive Head Teacher who will deal with it formally at Stage 2. Where the Head Teacher is the subject of the complaint, the complainant should address the complaint to the Executive Head Teacher. If the Executive Head Teacher is the subject of the complaint, the complainant should be advised to address it to the Chair of the Governing Body. If the complaint is being dealt with by the Chair of the Governing Body this will bypass Stage 2 and go to Stage 3 of the formal procedure and be heard by the Chair of the Governing Body. The complainant must ensure that they include details of why they are still dissatisfied and what action they would like taken in order to resolve the complaint. They can also attach any evidence to support their concerns.

The Head Teacher/ Executive Head Teacher must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state that a further communication will follow within 20 school days that will set out the actions taken to investigate the complaint and the findings.

The Head Teacher/Executive Head Teacher can delegate another senior member of staff to carry out the investigation and report their findings to them. The Head Teacher/Executive Head Teacher will then reach a conclusion based on the investigation. All notes relating to the investigation should be kept on file. The investigating officer may feel it necessary to meet with the complainant. If this happens, then notes should be taken at this meeting.

The investigating officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered by the Head Teacher.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head Teacher/Executive Head Teacher must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated by the Head Teacher/Executive Head Teacher to the complainant in writing or, if they may feel it appropriate, meet with them first to communicate their findings and then confirm in writing afterwards.

Useful model letters are attached in Appendices C and D.

The complainant must also be informed that, should they continue to be dissatisfied with the outcome, they can write to the Chair of the Governing Body outlining why they are still unhappy.

c) **Stage 3 – Formal (if not resolved at Stage 2)**

The complaint is heard by the Chair of the Governing Body (this will be delegated to the vice-chair or other nominated member of the Governing Body if appropriate).

If the complainant is dissatisfied with the response from the Head Teacher/Executive Head Teacher at Stage 2 they should be advised to put their complaint in writing to the Chair of the Governing Body for consideration at Stage 3 of the procedure.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

On receipt of a complaint at Stage 3 the CEO (of The Tapscott Learning Trust) must also be informed, and if necessary, work with the Chair of the Governing Body to help to resolve the complaint.

The Chair must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

The Chair of the Governing Body will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Useful model letters are attached in Appendices C and D.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair will notify the complainant in writing of the conclusion.

The conclusion could be:

- The evidence indicates that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part and then state what action will be taken
- The complaint is not substantiated by the evidence and therefore not upheld

The complainant will also be informed that should they still be dissatisfied that they may write to the Trustees of the Trust.

d) **Stage 4 – Formal (if not resolved at Stage 3)**

The complaint is heard by the Governing Body. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Chair of Governing Body (or Vice-Chair) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the Governing Body at Stage 4.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

The complaint will then be considered by a panel of members of the Governing Body. The panel must be independent and impartial. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. The panel must have a cross-section of categories of governors who are sensitive to the issues of race, gender and religious affiliation.

The panel must convene a meeting to discuss the complaint and to look at all of the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of

the meeting and records must be kept. A useful checklist for a panel hearing is attached in Appendix 2.

The Head Teacher/Executive Head Teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the Governing Body. The remit for this panel is to consider the complaint with regard to whether the Head Teacher/Executive Head Teacher has followed the relevant school policies; it is not to substitute its own operational judgement for that of the Head Teacher/Executive Head Teacher.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.
- Possible outcomes for the Panel
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similar incidents do not occur.
- An outcome letter will be sent to the complainant within 20 school days of the meeting. A model response letter is attached in Appendix F.

4. Further information

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedure. If the complainant is dissatisfied with the process, they are able to contact:-

The Department for Education
The School Complaints Unit (SCU) Department for Education

2nd Floor, Piccadilly Gate
Manchester
M1 2WD

The SCU will examine if the school complaints policy and any other relevant processes were followed. The SCU will also examine policies to determine if they adhere to education legislation. However, the SCU will not re-investigate the substance of the complaint.

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

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

Signature:

Date

OFFICIAL USE

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix B

Model paragraph for inclusion in school policy/prospectus

Raising concerns and resolving complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "Complaints Procedure".

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality

- Allow problems to be handled swiftly
- Address all the points at issue
- Revise future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the School Office.

Appendix C

Model letter - Complaint Not Heard

Dear ,

Following receipt of your communications and after careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure. The reason for this is that:

- You have not identified any specific actions of which you complain.
- Your concerns are presented as conclusions rather than specific actions of which you complain.

- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of (Stage 3 / Stage 4) of the procedure by writing to the Clerk to the Governing Body, care of the school.

Yours sincerely,

Head Teacher

Appendix D

Model letter – Decision Notification

Dear ,

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

The concern is not substantiated by the evidence in that

OR

The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher

Appendix E

Model letter – Review outcome

Dear ,

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Head Teacher/ Principal followed the Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Committee has concluded that the Head Teacher/ Principal followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Committee

c.c. Head Teacher

Appendix F

Checklist for a panel hearing

The panel needs to take the following points into account:

The hearing is as informal as possible.

Witnesses are only required to attend for the part of the hearing in which they give their evidence.

After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.

The Head Teacher/ Executive Head Teacher may question both the complainant and the witnesses after each has spoken.

The Head Teacher/ Executive Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.

The complainant may question both the Head Teacher/Executive Head Teacher and the witnesses after each has spoken.

The panel may ask questions at any point.

The complainant is then invited to sum up their complaint.

The Head Teacher/Executive Head Teacher is then invited to sum up the school's action and response to the complaint.

Both parties leave together while the panel decides on the issues.

The Chair explains that both parties will hear from the panel within a set time scale.

The process set out above is based on the Head Teacher and complainant being present at the same time. There are occasions where this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the Head Teacher/ Executive Head Teacher at a later stage. At the separate meeting with the complainant, the principles set out above should b