



Batford Nursery School & Day Care

BATFORD NURSERY SCHOOL Complaints Policy

Version	1.0
Based on Model Policy	HCC Herts Schools' Model Policy and Procedure, Sep 2017
Review body:	Headteacher
Date issued:	February 2019
Review frequency:	Three years
Target audience:	Parents

Version	Date	Notes
V1.0	February 2019	New Statement

Batford Nursery School and Day Care is committed to:

- Safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.
- Eliminating discrimination, advancing equality of opportunity and fostering good relations between different groups. These factors were considered in the formation and review of this policy and will be adhered to in its implementation and application across the whole school community.
- Promoting the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs: any school member or visitor expressing opinions contrary to fundamental British Values, including 'extremist' views, will be actively challenged.

BUILDING STRONG FOUNDATIONS FOR OUR CHILDREN

Batford Nursery School and Day Care, Holcroft Road, Harpenden AL5 5BQ

Complaints Policy

This policy is designed to cover complaints made by Parents or Carers of children who attend the school. All complaints should be made promptly; we will not normally consider complaints made three months or more after the events complained of.

The school has procedures for complaints made other than by current parents: these are summarised in Appendix 2.

We care about what you think

Each day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning.

You may want to talk to us about a particular aspect of this school, though not actually make a complaint; you just want to get something 'off your chest'.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel free to contact us.

Our aims

- Your complaint will be dealt with honestly, politely and in confidence.
- Your complaint will be looked into thoroughly and fairly.
- If your complaint is urgent we will deal with it more quickly.
- We will keep you up to date with progress at each stage.
- You will get an apology if we have made a mistake.
- You will be told what we are going to do to put things right.
- You will get a full and clear written reply to formal complaints within 28 school days (5½ weeks).

How to make a complaint

In the first instance – informal stage

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about Special Needs.

We know that it can feel uncomfortable to question or challenge something, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. If the member of staff you speak to in the first instance is unable to attempt to resolve the matter, you should make an appointment with the Headteacher. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step.

First - formal stage

Request a meeting with the Headteacher who will investigate your complaint and aim to inform you of the outcome within 10 school days (2 weeks).

If your first contact is with individual governors, they will advise you to take up your concerns with the appropriate member of staff or Headteacher. A Governor should not be made aware

of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be impartial.

If your complaint is about the Headteacher, you should write to the Chair of Governors. If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

Second - formal stage

If you remain dissatisfied following Stage 1 and wish to take your complaint further, you will be asked to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining.
- Say who you have spoken to already.
- Explain what you want to happen as a result of your complaint.

The Chair of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the Governing Body. This should involve a Panel of Governors at a hearing where the complainant and the respondent are invited to attend.

If the Chair of Governors or another Governor has been involved in discussions to help settle the matter at Stage 1, she should arrange for another Governor to take charge of the situation. Neither the Chair of Governors nor the Governor in charge should sit on the Panel themselves and they should instead ensure that a Panel is convened in line with the timeframes and guidance set out in the school's complaints procedure.

The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns. It is not advisable for a Panel to investigate and conclude matters without giving the Complainant and Respondent the opportunity to respond. Therefore a formal hearing with all in attendance is most preferable.

You should make sure that the Governors' Complaint Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish.

The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell you who this person is before the meeting.

If any member of staff is required by the Governing Body to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, we will inform you in advance.

When the Panel has fully investigated your complaint, the Chair of the Panel or the Governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the Governing Body. The Chair of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken.

Our Governing Body will aim to deal with your complaint within 28 school days (5½ weeks).

Vexatious Complaints

Occasionally a complainant may remain dissatisfied even though the school has made every effort to resolve an issue or they may react in an inappropriate verbal or aggressive manner. In this case the school reserves the right to restrict contact. Any restrictions will be appropriate and proportionate. The complainant may be asked to:

- Communicate via letter or email
- Communicate via the Headteacher
- Contact the school on specific days only or restricted times
- Enter into an agreement about contact with the school

If a complainant attempts to reopen an issue that has already been examined through the complaints procedure, the Chair of Governors will inform them in writing that the procedure has been exhausted and the matter is now closed.

Further recourse

Most complaints are resolved by the process outlined in this policy. Should your complaint not be resolved, your further options are as follows:

You can complain to the Secretary of State at the Department for Education:

The Secretary of State Department for Education
Sanctuary Buildings Great Smith Street London
SW1P 3BT

Website: www.education.gov.uk Telephone: 0370 000 2288

In the case of complaints about Special Educational Needs provision, you may complain further to the Local Authority. This should be done by writing to the Children's Services Complaints Manager.

It should be noted however that if you wish to pursue this route, you must do so within 20 working days (4 weeks) of receiving the written outcome of the hearing into your complaint. After 20 working days (4 weeks), neither the school nor the Local Authority is under any obligation to investigate or progress your complaint any further.

Appendix 1: Useful Contacts

Advisory Centre for Education

Education Advice & Training
72 Durnsford Road
London
N11 2EJ
Web: www.ace-ed.org.uk
Phone: **0300 0115 142**

Children's Legal Centre

Riverside Office Centre
Century House North
North Station Road
Colchester
Essex
CO1 1RE
Web: www.childrenslegalcentre.com
Phone: **0345 345 4345**

POhWER

Hertlands House
Primett Road
Stevenage
SG1 3EE
Web: www.pohwer.net
Phone: **0300 456 2370**

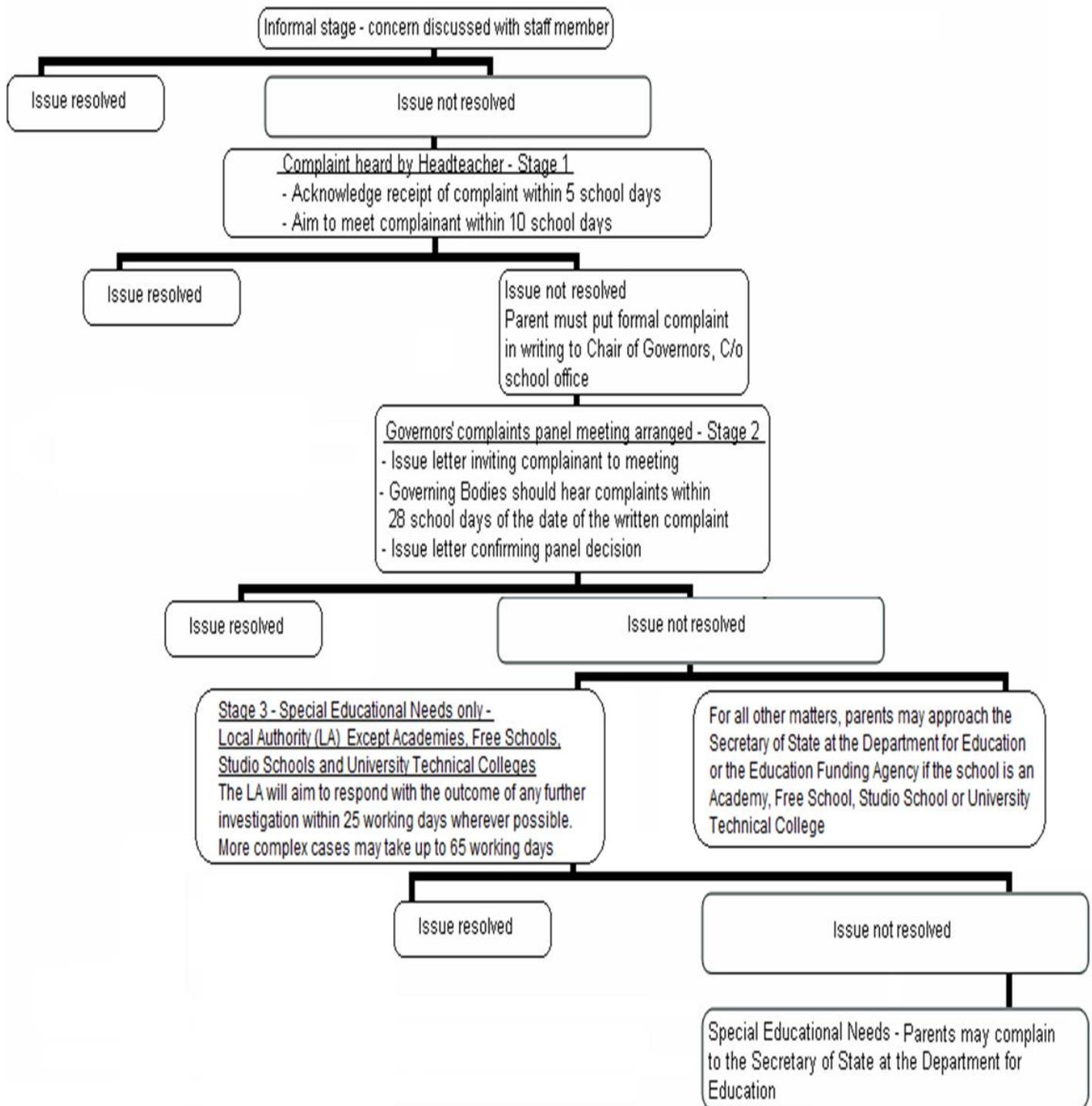
National Youth Advocacy Service (NYAS)

Egerton House
Tower Road
Birkenhead
Wirral
CH41 1FN
Web: www.nyas.net
Phone: **0345 345 4345**

Special Educational Needs & Disability Information Advice Support Service (SENDIASS)

Web: www.hertfordshire.gov.uk/sendias
Email: SENDIASS@hertfordshire.gov.uk
Phone: **01992 555847**

Appendix 2: Complaints Procedure Flowchart



NB School days are term time only, whilst working days are weekdays throughout the year.

Appendix 3: Complaint/appeal procedures not covered by this document

This document does not cover:

- Child Protection Procedures – see www.hertfordshire.gov.uk/childprotection
- Appeals about admissions
- Complaints about fixed term or permanent exclusions from school – see www.hertfordshire.gov.uk/schoolappeals
- Staff Disciplinary Procedures –see www.thegrid.org.uk
- Whistleblowing Policy – see www.thegrid.org.uk

Complaint by a Parent whose child no longer attends the school

The purpose of the school's complaints process is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where Parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and will review the circumstances to satisfy themselves that no one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's Complaint Panel, it is good practice to inform Parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body. If a child is removed from roll after a complaint has been made, it is at the discretion of the Chair of Governors as to whether to proceed with a full Governors Complaint Panel or a Governor Review.

Hertfordshire County Council will not investigate any complaints further where the child no longer attends the school in question as there is no tangible benefit in doing so beyond the school's complaints procedure.

Complaint by a member of the public (not a Parent)

Complaints from members of the public will be dealt with by the Headteacher and beyond that the Chair of Governors.

Complaints regarding compliance with Data Protection and Freedom of Information legislation

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Hertfordshire County Council is not responsible. If the school receives a complaint concerning Data Protection or Freedom of Information compliance, the complaints process outlined in this document should be followed. Advice and guidance about DP and FOI can be found at www.ico.org.uk

Complaint made by one member of Staff against another (including the Headteacher)

Complaints from members of Staff are not covered by this procedure. They should be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance).

Complaint made by a Governor about a member of Staff

This should be dealt with through the complaints process outlined in this document. Clearly the Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of Staff, it would be more appropriate to invoke the School's Disciplinary Procedures.

Complaint by a Governor about another Governor (including the Chair of Governors)

Complaints by a Governor about another Governor should be dealt with informally in the first instance to try and resolve the matter as swiftly as possible. In most cases, this should be handled by the Chair of Governors. If however, the complaint is about the Chair of Governors, the Vice Chair of Governors should handle the matter. Should it remain unresolved, a Panel of Governors should be convened as per the guidance on process set out in this document to hear the complaint.

Should the Governor handling the matter consider that it is not possible to convene a Panel of impartial Governors, it may be possible to convene a Panel comprised of Governors from other schools. Should this situation ever arise, the Governor handling the matter should contact School Governance on 01438 843082 for advice.

Governors should be mindful of their behaviour and attitude throughout their tenure in the role. Useful guidance from the Committee on Standards in Public Life regarding the 7 principles of public life can be found at the following link: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

Complaint by a member of Staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as per the complaints process outlined in this document.

Complaint by a member of Staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.