

**ROTHESAY NURSERY SCHOOL**

**DEALING WITH COMPLAINTS**

## **DEALING WITH COMPLAINTS**

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The governing body of Rothesay Nursery School adopted this policy in September 2016 and it will be reviewed in September 2019.

## INTRODUCTION

1. The School Standards and Framework Act 1998 establishes a duty on the governing body to establish and publicise procedures for dealing with complaints relating to the school, other than those that are covered by legislation and formal procedures elsewhere.
2. **An effective complaints procedure is designed to:**
  - **Encourage resolution of problems by informal means wherever possible;**
  - **Be easily accessible and well-publicised;**
  - **Be simple and easy to use;**
  - **Ensure that concerns are dealt with quickly, fully and fairly, within clearly defined time limits;**
  - **Provide effective response and appropriate redress;**
  - **Confirm good working relationships between all people involved with the school.**
3. Schools' governing bodies are free to set their own procedures but it is important for the governing body to draw up clear procedures for handling complaints to ensure that parents are aware of them. The school's complaints procedures should be included in the School Prospectus or Parents Handbook.
4. Complaints about a school by parents or members of the public should be taken up with the school itself. The Council will normally pass on all complaints about a school to the school immediately without further intervention. The Council would only become involved in the process in exceptional circumstances and then not until the school's own procedures have been exhausted. However, schools that buy into the Council's governor support service may wish to seek advice and support from the Council at any stage of the process.
5. All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved. Governors have an important role to play in considering complaints and it is therefore important that individual governors do not act unilaterally by investigating complaints outside the procedure adopted by the governing body. Parent governors may be approached for advice by parents on how to present their concern at Stage 1 of the process. This advice would be of a general nature only and the governor should not become directly involved at this stage in case they have to play a formal role in the process later.
6. This guidance does not refer to areas where the Council has the lead role and for which set procedures must be followed e.g. Admissions, or School Transport.
7. Child protection issues, criminal investigations and employee grievances will also need to be handled differently. The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all

concerned. There may be occasions where a complaint gives rise to disciplinary procedures and this aspect should then be dealt with under the appropriate school personnel procedure. In these circumstances, the complainant should be informed accordingly. Any non-disciplinary aspects of the complaint will continue to be dealt with through the usual complaints procedures. However, where a decision is taken to apply the disciplinary procedure, this becomes a management issue, and the outcome is confidential. If another procedure is more appropriate than the complaints procedure for a given situation the complaints procedure should not be used.

8. The procedure may be used by anyone who has a concern or complaint about the school. In the main this means the parents and carers of the school's pupils, but may include neighbours of the school, representatives of local businesses or members of the local community.
9. Complainants can request an investigation by the Council where they feel that their complaint has not been investigated fairly by the governing body, although it is anticipated that this will occur only rarely. The Council has limited powers to investigate internal school matters but it does retain a responsibility to ensure that governors have acted properly in the exercise of their functions. This stage does not represent a general right of appeal and the Council cannot carry out an investigation solely because the complainant disagrees with the decision of the governing body. The Council can only investigate inappropriate procedure; it is not able to re-investigate the original complaint, nor can it intervene to overturn the governing body's decision.
10. Schools may already have well-developed and well-used procedures of their own and if so it is entirely appropriate that they continue to use them. However, schools seeking to review or develop their policies and procedures for handling complaints may wish to draw on and adapt for their own use the attached guidance.
11. Schools and governing bodies are recommended to adopt a four stage procedure, of which the first stage comprises dealing with issues and concerns informally, although they may wish to adapt this model to suit their own circumstances. Further recourse to the Council, the Secretary of State or the Local Government Ombudsman is available to complainants but lies outside the scope of the school's own procedures. Governors would not be involved in a complaint until Stage 3, with the possible exception of being approached informally for general advice, for example as a parent governor, at Stage 1. At each stage the complainant should be provided with information on how to take the matter further if necessary.
12. At all but the informal Stage 1, the proper recording and communication of complaints and actions is a vital part of the process. The aim is not to create a bureaucratic record of complaints but deal with the genuine concerns of the complainant at the lowest level of formality that is appropriate. A record of complaints and the actions that result from their resolution is an important management tool. Schools and governing bodies should keep accurate records to ensure that they can demonstrate that their decisions have been arrived at properly and impartially.

## **MODEL COMPLAINTS PROCEDURE FOR SCHOOLS**

The school welcomes feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint the school will endeavour at all times to deal with the issues responsively and reasonably and if necessary put things right as quickly as possible.

### **STAGE 1: Dealing with concerns and complaints informally**

- (i) The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, form tutor, head of house or year, head of department, school secretary, other member of staff or Headteacher, depending on whom the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.
- (ii) It may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.
- (iii) The person who raised the issue should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.
- (iv) If the person is dissatisfied with the response they have been given, they should be provided with a copy of the school's complaints procedure and informed about how to take their complaint to Stage 2, by referring it to the Headteacher, usually in writing.

### **STAGE 2: Referral to the Headteacher**

- (i) The issue is referred to the Headteacher for investigation, usually by the complainant writing to the Headteacher. It is generally at this stage that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes as outlined in the Guidance for Parents. If the latter is the case, the Headteacher will need to inform the complainant of this and the way in which the complaint will be handled.
- (ii) At this stage it has become clear that the concern is a definite complaint. Any complaint received by the Headteacher under this process, whether orally or in writing, should be acknowledged and a meeting held within 5 school days with a full written response within 15 school days. Complainants should also be given the opportunity to meet with the Headteacher, accompanied by a relative or friend if they so wish, to discuss their complaint. A written record of meetings with complainants and with staff or witnesses should be kept by the Headteacher.
- (iii) In the letter conveying the outcome, the complainant should be informed of the process for referral to the Chair of Governors if they wish to take their complaint

further. Any such referral should be made within 10 school days after receipt of the Headteacher's letter.

### **STAGE 3: Review by the Chair of Governors**

- (i) The complainant requests a review of their complaint by writing to the chair of governors, making it clear why they are complaining, who they have already spoken to and what they want to happen as a result of their complaint. Complaints received by the Chair should be acknowledged within 7 school days with a substantive response within 20 school days. The Chair may need to hold interviews with the Headteacher and possibly other members of staff and notes should be kept of those meetings. Chairs may also wish to take advice on particular issues from relevant officers of the Council. At this stage the LEA's governor support team should be informed that the governing body is dealing with a complaint at this level.
- (ii) Again, the letter conveying the Chair's findings should include details of the next stage of the procedure.
- (iii) This stage should also serve as the first point at which complaints specifically about the Headteacher, an individual governor or the actions of the governing body should be considered (should the complaint be about the Chair, the Vice-Chair should undertake the investigation).
- (iv) In acknowledging any complaint, the Chair may need to explain the powers of the governing body in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's class placement. Whilst the governors can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of a governing body to change a decision, it may make a recommendation for the Headteacher to consider.

### **STAGE 4: Review by Governing Body Complaints Committee**

- (i) Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. Where the clerk to the governors receives a complaint under these procedures, he or she would arrange for a complaints committee to meet within 10 school days from receipt of the letter. (The governing body should have nominated three members to serve on the committee and reserves to ensure that sufficient governors are available to hold a meeting within the specified time period. The chair of governors should not be a member of the committee as they will have been involved at the previous stage).
- (ii) The Headteacher should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing. At this stage the Council's governor support team should be informed that a hearing was taking place.

- (iii) On issuing notification of the date and time of the hearing, the clerk will need to advise the complainant and the Headteacher that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 5 days prior to the hearing. The complainant should be advised that they may be accompanied by a relative or friend.
- (iv) Notification of the hearing should also include details of the way in which the hearing will be conducted. (A specimen of such procedures is included in this guidance). The hearing should be minuted and the clerk should keep copies of all relevant correspondence and notes on file.
- (v) The findings of the committee should be notified to the complainant and the Headteacher in writing within 5 school days of the hearing.
- (vi) When considering the membership of the complaints committee, the governing body should have regard to whether it would be advisable to include governors who are employed at the school. If this were the case, it may be perceived by the complainant that those governors would be unlikely to amend or overturn a decision taken by the Headteacher. In those circumstances, the complainant might regard this as grounds to complain to the Council or the Secretary of State.

## **FURTHER RECOURSE**

If the complainant is dissatisfied with the governing body's handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

### **To the Council**

- (i) If, having been given the governing body's decision, a complainant believes that a complaint was not handled according to the school's complaints procedure, they can write to the Children and Learning Department.
- (ii) The complainant should explain their complaint, and give evidence that shows that the school did not follow its complaints procedure. The Department will acknowledge the complainant's letter within 3 working days and inform the appropriate School Improvement Adviser that a complaint has been received. The SIA will investigate whether the school has dealt with the complaint according to its procedure and respond to the complainant within 10 working days.
- (iii) The Council is not able to re-investigate the original complaint nor can it seek to substitute the Council's judgement for that of the governing body if the governors have followed a proper procedure and considered the complaint reasonably. If the results of an investigation show that there had been a breach of procedure the matter will be referred back to the governing body, with a copy to the Headteacher and the complainant will be informed of the outcome of the investigation. The governing body may consider re-investigating the original complaint.

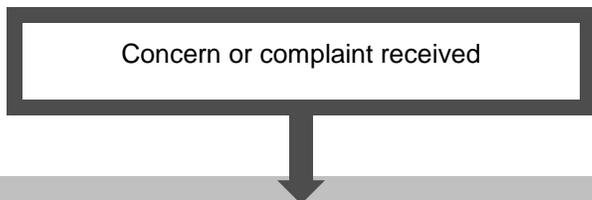
## **To the Secretary of State for Education**

- (i) Complainants have a right of appeal to the Secretary of State for Education and Skills under sections 496 or 497 of the 1996 Education Act if they believe that the Council has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DfES has the power to require the Council to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.
- (ii) The Secretary of State would not take action until the school and Council procedures have been completed.

## **The Local Government Ombudsman**

- (i) If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
- (ii) The Ombudsman would not take action until the school and Council procedures have been exhausted.

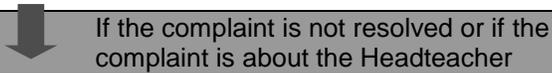
## SUMMARY OF THE COMPLAINTS PROCEDURE



Stage	Action required
Stage 1: Informal discussion with the class teacher or other relevant member of staff (possibly the Headteacher) usually resulting in resolution of the issue.	The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedures and information on how to proceed to stage 2 with their complaint.



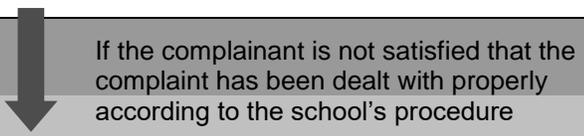
Stage 2: The complaint is submitted, either verbally or in writing, to the Headteacher.	The Headteacher acknowledges receipt and arranges meeting within 5 school days and provides a full written response within 15 school days. If necessary the complainant should be informed of how to contact the chair of governors.
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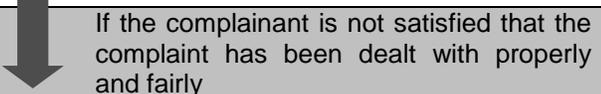
Stage 3: A written complaint is submitted to the chair of governors.	The chair acknowledges receipt within 7 school days. Chair of governors provides full written response within 20 school days. Information is provided to complainant if required on how to progress complaint to stage 4. School notifies Council governor support team.
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Stage 4: Complainant writes to the clerk to the governors requesting that a complaints committee of governors hear the complaint.	Clerk arranges for complaints committee to meet within 10 school days from receipt of letter and informs complainant of findings within 5 school days of hearing. School notifies Council governor support team. School tells complainant how to contact the Children & Learning Department if required.
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Complainant writes to the Council's Children & Learning Department's complaints officer with evidence that the school did not follow its complaints procedure.	Children & Learning Department acknowledges letter within 3 working days and informs the complainant about what will be done, making it clear that the department can only investigate inappropriate procedure, not the complaint itself.
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Complainant writes to the Secretary of State for Education and Skills, or the Local Government Ombudsman.	The Secretary of State may intervene if a governing body or a Council has not carried out a statutory duty or has acted unreasonably. The Ombudsman only investigates issues of maladministration.
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## **OUTLINE PROCEDURES FOR COMPLAINTS COMMITTEE HEARINGS**

### **Before the hearing**

1. The complainant and the Headteacher should be provided with details of the way in which the hearing will be conducted.
2. If necessary, support for the complainant should be arranged. For example, translation of any of the papers provided by the school or any arrangements necessary to give the complainant full access to the proceedings.
3. The members of the committee should elect one of their number to act as Chair of the committee for the hearing.

### **The hearing**

4. The complainant and the Headteacher should simultaneously be invited into the room where the hearing is being held. At this point the Chair may wish to reiterate the scope of the governing body's powers and clarify the aims of the hearing, i.e. to resolve the complaint, reconcile differences between the complainant and the school and to help identify the way forward.
5. The Chair should introduce all those present and ensure that all parties have been advised of the way in which the hearing will be conducted.
6. The complainant to begin by explaining the basis of their complaint and the Headteacher to respond by stating the reasons for the school's response.
7. Members of the committee to have the opportunity to ask questions of either the complainant or the Headteacher.
8. The complainant and the Headteacher to be given the opportunity to make any final statement.
9. The Chair to confirm that a decision will be issued within 5 school days.
10. The complainant and the Headteacher should then leave the hearing.

### **The decision making process**

11. The committee should then consider a decision based on the information and evidence presented to them. It should decide whether or not to uphold the complaint, suggest any actions which may be taken to resolve the complaint and consider whether it would be appropriate to suggest a review of any school policies in the light of issues raised in the course of the complaint. The committee should reach a unanimous or majority decision on the complaint.

### **Communicating the decision**

12. The findings of the committee should be notified to the complainant and the Headteacher in writing within 5 school days of the hearing.

# A MODEL GUIDE FOR PARENTS ON THE SCHOOL BASED COMPLAINTS PROCEDURE

## What to do if you have a concern or complaint about a School

At (insert name of school), we like to be told about how we are doing, whether well or badly. If you have a concern or complaint we always try to deal with it helpfully and reasonably. If we need to, we try to put things right as quickly as possible. If you have a concern or complaint you need to take it up with the school itself. The Council would not usually get involved in a complaint about a school unless the school had completed its own procedures first.

This complaints procedure is for general complaints. The school must follow other procedures for complaints or appeals about the curriculum; special educational needs provision, exclusions and admissions. Staff disciplinary action, child protection issues or criminal investigation will also need to be handled differently. We shall tell you which is the right process when you discuss your concern with us.

The complaints procedure has four stages. You will be told what to do at each stage if you wish to take your complaint further.

*Stage 1 of the process is informal:*

### STAGE 1

If you have a concern about the school, try to talk to someone at the school, preferably the person who is most closely involved. If you get in touch with one of the governors first of all they can only give you general advice. They may need to ask you to take up your concerns with the member of staff best able to help you, or with the Headteacher.

Your concern can usually be settled quickly and without fuss by contacting the right person in the school. This could be your child's teacher, another member of staff or the Headteacher.

*If your concern cannot be sorted out in this way or you are not happy with the way it has been dealt with you should take it to stage 2:*

### STAGE 2

You should complain to the Headteacher who will investigate your complaint. You would normally do this in writing. If your complaint is about the Headteacher you can complain directly to the chair of governors (see Stage 3).

The school will let you know that it has received your complaint and a meeting held within 5 school days. You will be given the results of the Headteacher's investigation in writing within 15 school days.

*If your complaint has still not been resolved to your satisfaction you may take it to stage 3:*

### STAGE 3

You can complain in writing to the chair of governors for the school. You should make it clear why you are complaining, who you have already spoken to and what you want to happen as a result of your complaint.

The chair of governors will let you know that he or she has received your complaint within 7 school days and will then investigate it.

You will be told about the outcome of the chair of governors' investigation in writing within 20 school days.

*If you are still not satisfied after receiving the chair of governor's report, you can ask to have your complaint referred to a complaints committee of the governing body at stage 4.*

### STAGE 4

You can write to the clerk to the governors care of the school. You should say exactly why you are unhappy with the chair of governor's findings and ask that a complaints committee be set up to look at the complaint.

The committee will meet within 10 school days after the clerk to the governors receives your letter. You will be told in advance about the process and what will happen at the meeting of the committee. You can attend and bring a relative or friend to support you if you want to. You will be told in writing about the committee's findings within 5 school days from the date of the meeting.

### **What you can do if you are still not satisfied with the governing body's decision**

*You may believe that your complaint was not handled fairly according to the school's own complaints procedure. In this case, you can ask the Council to investigate.*

You can write to the Children & Learning Department at this address.

2nd Floor, Town Hall Extension  
Upper George Street  
Luton, LU1 2BQ

You should explain your complaint and say why you think the school did not follow its complaints procedure properly. Wherever possible you should give evidence for why you think this.

The Department will acknowledge your letter within 3 working days and let you know the name of the officer who will investigate the complaint. However, the Council cannot do anything until the school itself has finished considering your complaint.

The investigating officer will investigate whether the school had dealt with the complaint properly according to its own procedures but will **not** investigate your original complaint all over again. The Council cannot make the school come to a different judgement on your case if the governing body has considered your complaint in a reasonable way.

The investigating officer will tell you the outcome of the investigation in writing. If the conclusion is that the school did not follow its procedures properly, the matter will be referred back to the chair of the governing body. The governing body should then re-investigate the complaint.

*If you believe that the Council has acted unreasonably you may appeal to the Secretary of State for Education and Skills:*

The Secretary of State for Education and Skills  
Sanctuary Buildings  
Great Smith Street  
London, SW1P 3BT

The Secretary of State could step in if a governing body or a Council had not carried out its legal duty or had acted unreasonably. The Secretary of State would not do anything until the school and the Council had finished looking into the complaint.

*If you feel that there has been a fault in the way your complaint has been dealt with, you can take this to the Local Government Ombudsman:*

The Local Government Ombudsman  
21 Queen Anne's Gate  
London, SW1H 9BU

The Ombudsman will only investigate where there has been a fault in the way the process was handled by the school or Council. He can investigate complaints about how something has been done. This could be giving the wrong information, not dealing with letters or taking too long to do something. He cannot question what has been done just because someone does not agree with the result. The Ombudsman cannot investigate how schools and colleges are run. The Ombudsman could not do anything until the school and the Council have finished looking into your complaint.

## SCHOOL BASED COMPLAINTS – PROCEDURAL FLOWCHART

You have a concern or complaint

<b>What you should do</b>	<b>What will happen</b>
Stage 1: Discuss your concerns with the class teacher or other relevant member of staff (which may be the Headteacher). This will usually resolve the issue.	The member of staff concerned will deal with your issues or make sure you have the information you need if you feel you want to take the matter further.

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If you are not satisfied with the response

Stage 2: Complain to the Headteacher, either verbally or in writing.	Your complaint will be acknowledged and a meeting held within 5 school days with a full written response within 15 school days.
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If you are not satisfied with the headteacher's response or if the complaint is about the headteacher

Stage 3: Complain to the chair of governors in writing.	Your complaint will be acknowledged within 7 school days with a full response within 20 school days
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If the complaint is not resolved

Stage 4: Write to the clerk of the governing body requesting that your complaint be heard by a complaints committee of governors	The complaints committee will meet within 10 school days from receipt of your letter. The committee's decision is final and you will be told of its findings within 5 school days of the hearing.
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If you are not satisfied that your complaint has been properly dealt with

Write to the Council Children & Learning Department complaints officer, giving evidence that the school did not follow its complaints procedure	The complaints officer will acknowledge your letter within 3 working days and tell you what will be done. The department can only investigate inappropriate procedure, not re-visit the complaint itself. A response will be made within 10 working days.
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If you are not satisfied with the response

Write to the Secretary of State for Education and Skills, or the Local Government Ombudsman.	The Secretary of State may intervene if a governing body or a Council has not carried out a statutory duty or has acted unreasonably. The Ombudsman only investigates issues of maladministration.
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