

**Kenilworth Nursery school &  
Whitnash Nursery School  
And Early Years Teaching School**



## **COMPLAINTS POLICY 2019**

<b>Approved by:</b>	<b>Head teacher</b>	<b>Rachel Gillett</b>
	<b>Chair of Governors</b>	<b>Alison Paveley</b>
<b>Last reviewed on:</b>	<b>December 2019</b>	
<b>Next review due by:</b>	<b>September 2021</b>	

## 1. Background

Kenilworth Nursery School and Whitnash Nursery School are committed to providing the very best education for our young children and we want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible.

The Head teacher will be the first point of contact when following the complaints procedure.

## 2. Legal framework

2.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The School Information (England) Regulations 2008
- The Education (Pupil Information) (England) Regulations 2005

2.2. This policy also has due regard to guidance including, but not limited to, the following:

- (Updated for March 2019 version) DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

2.3 This policy will be implemented in accordance with the following school policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy

### 3. Aims and Principles of the Policy

This Policy aims to:

- ✓ Encourage the resolution of concerns and complaints by informal means wherever possible
- ✓ Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- ✓ Provide effective and appropriate responses to concerns and complaints
- ✓ Maintain good relationships between the School and all those involved

Where concerns are raised, the School intends for these to be dealt with fairly, openly and promptly. The Governing Board has approved the following procedure which explains what the Complainant (or person who makes the complaint) should do if they have any concerns about the school.

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 policy and make it available on the school website.

Where appropriate, the School **may** offer mediation to resolve a concern or complaint at any stage of the process. The School may also use someone independent from the School to investigate a complex issue and to report back to the Head teacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

Throughout the process, we will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

Should the need arise, such as a complaint reaching Stage 4 of the process, the Complaint Appeal Panel (CAP) may consist of, or include, governors from any of the 6 Warwickshire Nursery Schools that we have a Joint Hearing Panel Agreement.

#### 4. Scope of this Complaints Procedure

School Governing Boards are required under Section 29(1) of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. This procedure covers all complaints about any provision of community facilities or services by **Kenilworth and Whitnash Nursery Schools** other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs under Children &amp; Families Act 2014</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <b>Warwickshire County Council</b></p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>Any child protection complaints should be directed to the LA designated officer (LADO) or the Multi-Agency Safeguarding Hub (MASH). <b>Contactable via telephone: MASH, 01926 414144</b>  <b>LADO: 01926 743433 or via e-mail: lado@warwickshire.gov.uk</b></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Complaints about pupils being excluded from school should be dealt with by following the process explained at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p>
<ul style="list-style-type: none"> <li>• Staff grievances, conduct and disciplinary procedures</li> </ul>	<p>Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedures.</p> <p>In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>School has an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>Staff may also contact Jean Lockley, our Safeguarding Governor via e-mail: <a href="mailto:jeanlockley@jthursby.com">jeanlockley@jthursby.com</a></p> <p>Complaints of this nature should <b>not</b> be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on 0300 123 3155 or via email at <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p> <p>Volunteers who have concerns about the school should make their complaint in line with this policy. Volunteers</p>

	may also be able to complain direct to the LA or DfE, depending on what the complaint is about.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
<ul style="list-style-type: none"> <li>National Curriculum – RE and RSE</li> </ul>	<p>Complaints about how the school delivers RE and RSE <b>will</b> be dealt with using this complaints procedure.</p> <p>Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.</p> <p>Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

Arrangements for handling complaints from parent of children with Special Educational Needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the SENDCo/Headteacher, Rachel Gillett; they will then be referred to the complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

## 5. Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm
- Pupils are missing education
- A complainant is being prevented from having their complaint progressed through the school's complaints procedure
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a Social Services authority decides to investigate a situation, the head teacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to formal assessment of SEND and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 6. Roles and responsibilities

6.1 The **Complainant** (or person who makes the complaint) will receive a more effective response to the complaint if they:

- Co-operate with the school in seeking a solution to the complaint.
- Express the complaint / concern in full at the earliest possible opportunity, including the outcome they are looking for.
- Promptly respond to any requests for information or meetings or in agreeing the details of the complaint / concern.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

6.2 The **Complaints co-ordinator is Rachel Gillett, Headteacher**

The Complaints co-ordinator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely **on the school's ICT system** and retained in line with the school's **Records Management Policy**.
- Liaise with staff members, Head teacher, Chair of Governors, Clerk and LA (if appropriate) to ensure the smooth running of the complaints procedure
- Be aware of issues regarding sharing third party information.

- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this

6.3 The **Investigator** (*the person involved in stages 1 and 2 of the procedure*) will

- Provide a sensitive, open, transparent and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Consider all records, evidence and relevant information provided.
- Interview all staff and **children as appropriate for their age and stage of development** and other people that are involved in the complaint.
- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Analyse all information in a comprehensive and fair manner.
- Liaise with the complainant and **complaints co-ordinator** to clarify an appropriate resolution to the problem.
- Keep notes of interviews or arrange for an independent note taker to record minutes of meetings.
- Ensure that any papers produced during the investigation are kept securely pending any appeal.
- Be mindful of timescales and ensuring all parties involved are aware of these timescales.
- Prepare a comprehensive report for the Head teacher or Complaints Appeal Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- Respond to the complainant in plain and clear language.

The **head teacher** will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

6.4 The **Chair of the Complaint Appeal Panel** will:

- Ensure that both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

- Ensure written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk **and complaints co-ordinator** to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

6.5 All **Complaint Appeal Panel Members** will remember that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make

recommendations to reassure the complainant that their case has been taken seriously.

- The aim of the meeting (which will be held in private) will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his / her complaint has been taken seriously.

The Complaint Appeal Panel can:

- ❖ Dismiss or uphold the complaint, in whole or in part.
- ❖ Decide on appropriate action to be taken.
- ❖ Recommend changes that the school can make to prevent reoccurrence of the problem.

Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel members should respect the views of the **child** and give them equal consideration to those of adults.

If the **child** is the complainant, the panel members should ask in advance if the support is needed to help them present their complaint.

If the **child's** parent / carer is the complainant, the panel members should give the parent / carer the opportunity to say which parts of the meeting, if any, the **child** needs to attend.

However, the parent / carer should be advised that agreement might not always be possible if the parent wishes the **child** to attend a part of the meeting that the panel members consider is not in the **child's** best interests.

The welfare of the **child** is paramount.

6.6 The **Panel Clerk** will be the contact point for the complainant and the Complaints Appeal Panel (CAP) members. He / she will circulate the relevant papers and evidence before the CAP meeting and will:

- Provide procedural advice and guidance.
- Continuously liaise with the **complaints co-ordinator**.

- Record the proceedings.
- Provide administrative support for the meeting, including convening it.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Produce a record of the Complaints Appeal Panel Meeting.
- Act in accordance with the policy and procedure.

## **7. Making a complaint**

7.1 Complaints are not restricted to parents of attending pupils. The school will consider all complaints.

7.2 The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised on the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

7.3 Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

7.4 The school upholds a **3-month** time limit in which a complaint can be lodged regarding an incident.

7.5 Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

7.6 In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

7.7 Complaints should be made using the appropriate channels of communication, including the use of the Complaint Form (*Appendix 2*).

7.8 All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

- 7.9 A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.
- 7.10 Any complaint made against a member of staff will be initially dealt with by the Head teacher, and then by a committee of the governing board.
- 7.11 Any complaint made against the Head teacher shall be initially dealt with by a suitably skilled member of the governing board and then by a committee of the governing board.
- 7.12 Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to the governing board.
  
- 7.13 Any complaint made against the entire governing board, or complaints involving the chair and the vice chair, should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.
- 7.14 Under some circumstances, it may be necessary to deviate from the complaint’s procedure. Any deviation will be documented.
- 7.15 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

