



## **COMPLAINTS PROCEDURE POLICY**

### **Rationale**

We believe that our school provides a good education for all our children, and that the Headteacher and other staff work very hard to build positive relationships with all parents. However, it is necessary for the schools to have a procedure in place in case there are complaints made by parents and we have based this policy on the guidelines set out in Sunderland City Council's Model School Complaints Procedure (July 2013).

Under Section 29 of the Education Act 2002, the governing body of all maintained schools and nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaint procedure to be publicised.

### **The Law**

(Consult the Education Act 2002 for further details)

- Procedures relating to general complaints do not replace the LA's procedures relating to curriculum and collective worship complaints.
- Certain forms of complaint, e.g. staff grievance or disciplinary procedures, also fall outside the scope of these general complaints procedures.
- Third parties that use school premises for any purpose should be encouraged to adopt their own complaints procedures.
- Schools and governors are encouraged to involve their LA and teachers' associations in drawing up these procedures:
- establish a member of staff who will act as complaints coordinator and who will take the initial responsibility for handling complaints
- take a two-stage (small schools) or three-stage (larger schools) formal procedure to reviewing and resolving complaints
- have formal, published procedures with time limits
- form a governors' committee to deal with complaints that cannot be resolved by the complaints coordinator or the Headteacher
- record complaints so the overall level, nature and outcome of complaints can be reviewed and any necessary steps taken to improve policies and procedures.

### **Aims and objectives**

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

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The school needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases, the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

## **Procedures for Dealing with Formal Complaints**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Headteacher has the responsibility for the operation and management of the complaint.

## **Framework of Principles**

An effective complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to understand and use
- Be impartial
- Allow swift handling with established time limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate re-dress where necessary
- Provide information to the school's Senior Leadership Team so that services can be improved.

## **Investigating Complaints**

At each stage, the person investigating the complaint will make sure they:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview.

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## **Resolving Complaints**

At each stage in the procedure the school will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- 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.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Time Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **The Formal Complaints Procedure**

### **The Stages of Complaint**

The school complaints procedure has well defined stages as indicated. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

Three school-based stages are likely to be sufficient for most schools:

### **Stage One**

The complaint heard by staff member (though not the subject of the complaint). If that staff member does not feel comfortable investigating the complaint, then Stage Two should be taken.

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## **Stage Two**

The complaint is heard by the Headteacher who can delegate the task of collating evidence and information relating to the complaint but the decision on any action to be taken and the response should come from the Headteacher.

## **Stage Three**

If the complainant remains dissatisfied with the outcome, he/she needs to write to the Chair of the Governing body giving full details of the complaint and the reason why he/she remains dissatisfied with previous attempts to resolve the complaint.

The Chair, or a nominated governor, should then convene a Governing Body Complaints Panel which should consist of 3 to 5 governors and should not include all of the school's governors. One of the governors should be nominated as the Chair of the Complaints Panel.

The role of the Chair should include:

- Ensuring that the correct process has been followed
- The remit of the panel is explained to each party at the beginning of the proceedings ie that all parties will have the opportunity to have their say without being interrupted
- That all issues are fully addressed
- Ensure that complainants are put at ease and do not feel intimidated
- Ensure the hearing is conducted informally and that all parties treat each other with courtesy and respect
- The panel is open minded and acts independently
- No panel member has had a previous involvement in the complaint
- All parties are given the opportunity to see any written documentation and to comment on it.

The Chair should also ensure that the complainant is informed of the Panel's decision, in writing, within 15 working days of the Panel hearing. This letter should inform complainant of their right of appeal should they remain dissatisfied (ie Ofsted or The Secretary of State for Education).

A clerk to the panel should be appointed and will be responsible for the following:

- Arranging the time, date and venue for the hearing
- Collating and distributing any written information, including details of the previous stage of the complaint, to all parties in advance of the hearing
- Meeting and welcoming the parties as they arrive
- Notifying all relevant parties of the panel's decision

## **Managing and Recording Complaints**

- The person dealing with the complaint should keep a log of all complaints received as this will help to identify any recurrent trends or themes.
- A file should also be kept containing all written communication in relation to the complaint, together with brief notes of any telephone conversations etc.
- Although there is a legal requirement for each school to publicise their complaints, it is up to the Governing Body to decide how they would like to do this, bearing in mind that the procedure should be transparent and easily accessible.

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A copy of this policy is available on the school's website, [www.oxclosenursery.com](http://www.oxclosenursery.com) and is referred to in the school prospectus.

## Escalation of School Complaints following Stage 3

Should a complainant remain dissatisfied following a Stage 3 complaint they should be advised of their right to escalate their complaint to the following bodies:

### Local Authority

The Local Authority MAY consider complaints in relation to school admissions and allocations, school transport, some aspects of Special Educational Needs, school exclusions, non-delivery of the curriculum, religious worship and tuition at home.

Children's Services Complaints and Feedback Manager  
Commercial and Corporate Services  
Civic Centre  
Sunderland SR2 7DN

Telephone: 0191 5611276

E-mail: [children.complaints@sunderland.gov.uk](mailto:children.complaints@sunderland.gov.uk)

### Secretary of State for Education

If a complainant feels that a school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Secretary of State for Education.

The Secretary of State for Education  
Department of Education  
Castle View House  
East Lane, Runcorn  
Cheshire WA7 2GJ

Telephone: 0370 000 2288

Typetalk: 18001 0370 000 2288

Fax: 01928 738248

Website: [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)

### Ofsted

Ofsted can consider complaints if they affect the school as a whole. Examples of this are:

- if the school is not providing good enough education
- the pupils are not achieving as much as they should or their different needs are not being met
- the school is not well managed or is wasting money
- the pupils' personal development and wellbeing are being neglected.

### Ofsted

Enquiries – National Business Unit  
Royal Exchange Buildings  
St Ann's Square  
Manchester M2 7LA

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Telephone: 08456 404045 (8am to 8pm Monday to Friday)  
E-mail: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
Website: [www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain](http://www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain)

## Local Government Ombudsman

The Local Government Ombudsman currently considers school complaints in relation to school transport, special education needs, school admissions permanent exclusions and children who are out of school

Local Government Ombudsman  
PO Box 4771  
Coventry, CV4 0EH

Telephone: 0300 061 0614 (8.30am to 5pm Monday to Friday)  
Fax: 024 7682 001  
Text 'call back' : 0762 4803014  
Website: [www.lgo.org.uk/forms/showform.asp/fm-fid=62](http://www.lgo.org.uk/forms/showform.asp/fm-fid=62)

## Governing Body Review

1. The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.
2. As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.