Nottinghamshire County Council

Complaints: Policy and Procedures

2019 - 2020

At Banks Road Infant and Nursery School our aim is to provide learning experiences of the highest quality. We want all children to become successful learners, make good progress and attain as highly as they are able, whilst fostering curiosity and enjoyment in the world around them, developing a sense of belonging within the school community and enhancing self-esteem and confidence.

Banks Road Infant and Nursery School

NCC Governor Services - Model complaints procedure

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Bank Road Infant and Nursery School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a 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 defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Bank Road Infant and Nursery School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the head teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. We may ask you for evidence of this consent.

Concerns should be raised initially with either the class teacher or head teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at later stages of the procedure.

Complaints against school staff (except the head teacher) should be made in the first instance, to the head teacher via the school office**.**

Complaints that involve or are about the head teacher should be addressed to the Chair of Governors, via the school office.

Complaints about the Chair, Vice Chair of Governors or any individual governor should be addressed to the Complaints Governor via the school office.

Complaints about the whole or majority of the governing body should be addressed to the Clerk to Governors via the school office.

If your complaint is in writing, please mark the correspondence as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. The Head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation. However, the outcome of any investigation will not be provided to an anonymous complainant.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made during school holidays to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Bank Road Infant and Nursery School. Any third party providers offering community facilities or services through the school premises, or using school facilities, should have their own complaints procedure in place, and complaints about these services will not be considered through this policy.

Complaints that are outside of this procedure will be dealt with under other statutory procedures, including those listed below.

Exceptions to this procedure	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Nottinghamshire County Council.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Tel: 0300 500 8090.
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain directly to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed in line with school's internal procedures.
• Complaints about services provided by other providers who may use school premises	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

or facilities	
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Bank Road Infant and Nursery School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have been concluded.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint at any stage of the procedure, we will ask them to confirm this in writing. Once received, we will confirm in writing to the complainant that this matter is now closed and the complaints process will cease.

Resolving complaints – the procedure.

The majority of concerns from parents, carers and any other interested parties who raise a concern or complaint are handled under the following procedures. At each stage in the procedure, Bank Road Infant and Nursery School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Informal Stage

Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher. If your concerns are in respect of a particular member of staff, you should contact the Head teacher. There is no need at this stage to make your concerns known in writing, but the staff member responsible for resolving the matter will keep a note of the nature of your concerns and any agreed actions.

Once your concern is made known to us, we will contact you by telephone or in writing as soon as possible and we may make arrangements to meet with you to discuss your concerns and desired outcomes in more

detail to gain a better understanding. Any actions or monitoring of the situation that has been agreed will be communicated clearly and confirmed in writing to you.

If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concerns. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further. We would expect that the majority of concerns or complaints will be resolved at this early stage.

If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage (Stage 1).

Stage 1

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined above. You should submit your written complaint within 10 school days at the end of discussions to resolve your complaint at the informal stage.

Normally, your written complaint should be addressed to the Head teacher. If, however, your complaint concerns the Head teacher personally, it should be sent to the school marked "for the attention of the Chair of Governors". Your written complaint should clearly state the reason for your complaint and what resolution you are seeking.

We will acknowledge your complaint in writing as soon as possible after receiving it. This will usually be within three school days. The acknowledgement letter will detail who will be investigating your complaint. This could be the Head teacher, Chair of Governors, Complaints Governor or another suitably experienced and impartial person nominated by the school.

We will enclose a copy of these procedures with the acknowledgement letter or email.

Normally, we would expect to respond in full to your complaint within 15 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint in order to fully understand the matters concerning you and how you feel the complaint can be resolved. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.

The person investigating your complaint may also be accompanied by a suitable person if they wish. A note-taker may also be present.

Following the meeting, the person investigating your complaint will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others present at the time of the incident in question. Witnesses will be reminded that the statements they make, whilst confidential, may be used as evidence later in the procedure and could therefore be seen by other parties considering the complaint (e.g. Governor Complaints Panel members). It may be necessary to redact or remove the identity of the person giving the statement or any third party it may mention e.g. another pupil.

We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that they would prefer the parent or carer

not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

The person investigating your complaint will keep written/typed, signed and dated records of all meetings and telephone conversations, and any other related documentation.

Once the person investigating your complaint has established all the relevant facts, they will send you a written response to your complaint. They will give an explanation of their decision and the reasons for it. If follow-up action is needed, they will indicate what the school are proposing to do. You may be invited to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the "Closure of Complaints" section below for further information about this process.

If you are unhappy with the outcome of your complaint, you may wish to proceed to stage two, as detailed below.

If your complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body following the process outlined above.

Stage 2 - consideration by a Governors Complaints Panel

If your complaint has already been through Stage 1 and you are not satisfied with the outcome you can ask for your complaint to be considered at a Governors Complaints Panel. This is a formal process, and the ultimate recourse at school level. Should your complaint be upheld fully by the school at Stage 1 and any residual issues cannot be addressed by the complaints procedure, a request to move to Stage 2 may be refused. You will be advised of this in writing by the Chair of Governors and the decision will be final.

The purpose of Stage 2 is to give you the chance to present your case in front of a panel of 3 governors who have no prior knowledge of the details of the complaint or any connection to you or your family (either formally or informally) and who can, therefore, consider it without prejudice. If necessary, the school can appoint governors (or associate members) from another school to be present on the panel.

The Governors Complaints Panel hearing operates according to the following formal procedures:

Within 10 school days of receiving the outcome of your complaint at Stage 1, you must write to the Chair of Governors clearly stating the reasons for your appeal against that outcome. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

You should state specifically why you are not satisfied with the outcome at Stage 1 and what resolution you are seeking. If the reasons for your appeal against the outcome at Stage 1 are not clear, the school may come back to you for further clarity. If clarification is not received from you, the Chair of Governors may consider that there may be a case to close the complaint without a Stage 2 Governors Complaints Panel, as detailed in the procedure below (Closure of Complaint Section).

A clerk will be appointed who will acknowledge your request to move to Stage 2 and will convene a panel of three governors. The clerk will aim to arrange for the panel meeting to take place within 20 school days of acknowledging your request for a panel meeting (subject to the availability of all parties).

You will be asked by the clerk whether you wish to provide any further written documentation in support of your appeal. You should only provide information that is relevant up to the time of raising your concerns and not issues that have arisen subsequent to the investigation findings. You will also be asked whether you will be calling any witnesses and if you are being accompanied by a companion.

The Head teacher and/or person who investigated your complaint (as appropriate) will also be asked to submit documentation related to the investigation and the outcome in response to your appeal. They will also be asked to provide details of any witnesses that they intend to call and any companions.

Please note that representatives from the media are not permitted to attend.

All parties will be asked for dates when they will be available and you will be informed, at least ten school days in advance, of the date, time and place of the meeting and who will be attending including witnesses and companions. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer. You should advise when you submit your grounds of appeal (or as soon as possible thereafter) if you would prefer for the meeting to take place at an alternative venue.

The clerk will provide all parties with a date to submit the documentation and names of witnesses/companions which **must** be adhered to. Once all the documentation has been received, the clerk will collate and distribute the papers to all parties, **at the same time** at least five days prior to the panel meeting. All parties will receive copies of all the papers presented for consideration by the Governor Complaints Panel.

With the invite letter, you will be provided with a copy of the Procedure for the Complaints Panel Hearing which explains what will happen at the hearing.

If you reject the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from all parties.

The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do their best to put you at your ease.

As a general rule, no evidence (documentary or otherwise) or witnesses previously undisclosed should be introduced into the hearing by any of the participants. If any party wishes to do so, a request must be made to the panel and, if allowed, the hearing will be adjourned so that the other parties have a fair opportunity to consider and respond to the new evidence. The adjournment will be managed by the clerk.

The chair of the panel will ensure that the hearing is properly minuted. The minutes are strictly confidential and should not be shared with parties external to the process. You may not record the meeting without the express permission of the chair of the panel and this is not normally something that is allowed. Such recordings can often be a hindrance and may prevent all parties from speaking freely. It is advisable that no

parties make covert recording of the meeting as this may hinder a satisfactory resolution to the complaint. However, recording may be permitted if a complainant's own disability or special needs require it. Consent must be sought from all parties prior to the meeting and consent will be recorded in any minutes taken.

In closing the hearing, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you by the clerk within 5 school days. However, if this timescale cannot be met, you will be advised accordingly and a new timescale determined.

The panel will then consider the complaint and all the evidence and make the following decisions:

- Dismiss or uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint, if it is upheld in whole or in part
- Recommend changes to the schools systems and procedures to ensure that problems of a similar nature do not reoccur.

The clerk will send you and the Head teacher, the chair of governors and the person who investigated your complaint (as appropriate) a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education – See below.

We will keep a copy of all correspondence and notes on file in the school's records but separate from any pupils' personal records.

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the head teacher and/or the individual's line manager. You are not entitled to participate in those proceedings or receive any detail about them.

If your complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors following the process outlined above. Support will be sought from NCC Governor Services to facilitate this.

Final Steps

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after Stage 2 has been completed.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Bank Road Infant and Nursery School. They will consider whether Bank Road Infant and Nursery School has adhered to education legislation and any statutory policies connected with the complaint.

You can refer your complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Managing serial and persistent complaints

Bank Road Infant and Nursery School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Bank Road Infant and Nursery School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses within a reasonable timeframe to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the

Department for Education

- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

You should try to limit your communication with the school that relates to your complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email, or via social media), as it could delay the outcome being reached.

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with you informally before applying an '*unreasonable'* marking.

If your behaviour continues, the head teacher will write to you explaining that their behaviour is unreasonable and ask you to change it. For complainants who excessively contact Bank Road Infant and Nursery School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Bank Road Infant and Nursery School.

Closure of Complaints

Very occasionally, the school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the Head teacher, Chair of Governors, Local Authority or anyone else – this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

The Chair of Governors will write to the complainant explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed.

After closing a complaint, if the school receives a duplicate (or substantially the same) complaint from a partner, spouse, grandparent, child or other person in a close relationship with the original complainant, the

school can inform the new complainant that the school has already considered the complaint and the process is now complete.

In exceptional circumstances, closure may occur before a complaint has reached Stage Two of the complaint procedure. This is because a Governor Complaints Panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of resolving the complaint.

The Chair of Governors may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that a Governor Complaints Panel would not help to move things forward.

The complainant will be provided with the contact details of the Department for Education (as detailed above) if they wish to take the matter further.

Complaint Form

Please complete and return to the head teacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:** **Email Address:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- 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.

The Role of the Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Clerk to the Complaints Panel

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data

Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Chair of the Governor Complaints Panel

The Chair of the Governor Complaints Panel, who is nominated in advance of the panel meeting, should 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
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel meeting is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the Data Protection Act 2018 or General Data Protection Regulations.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk.

Governor Complaints Panel Members

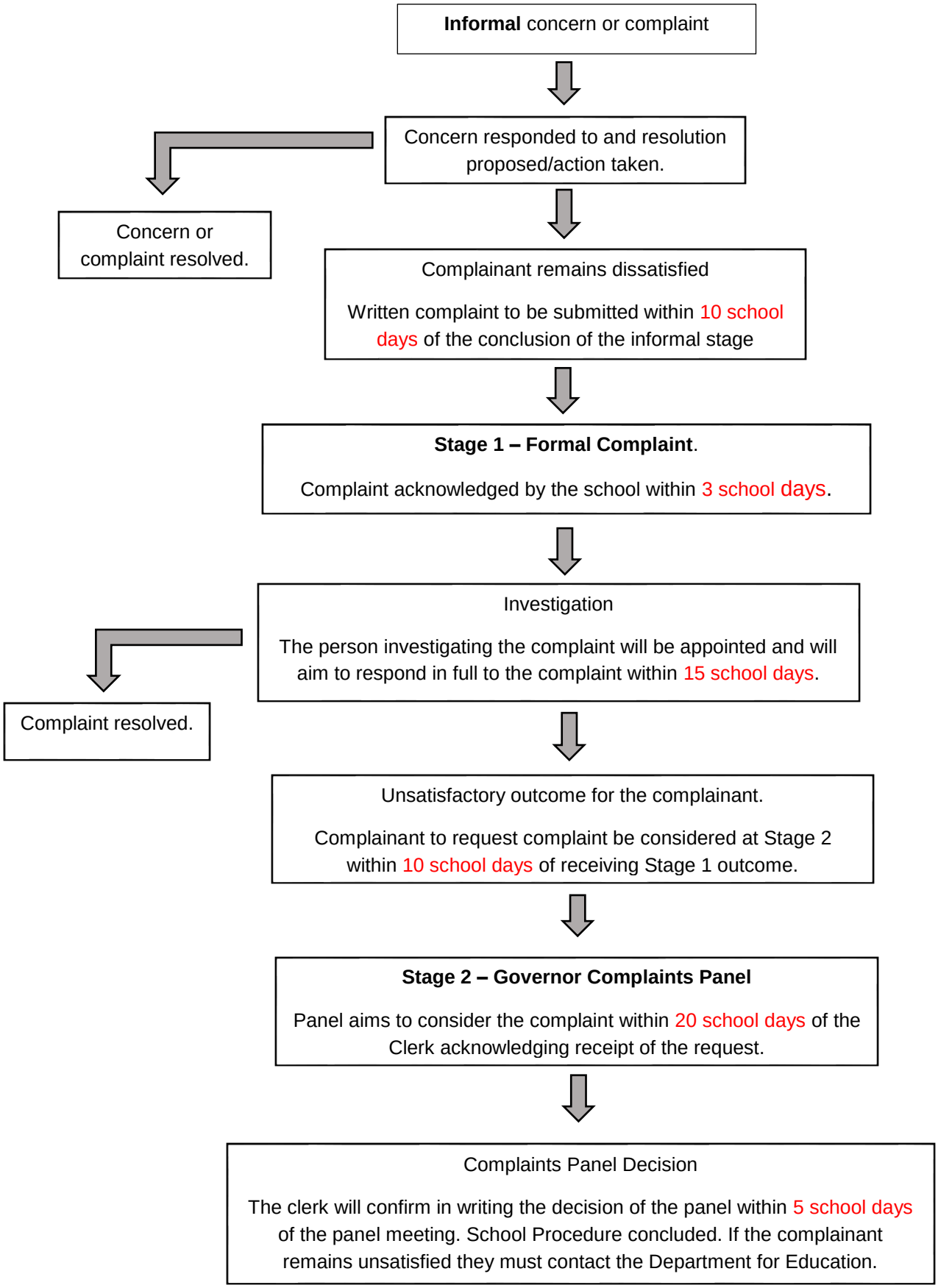
Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it or have any family/personal connection with the complainant.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise 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.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child. Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- **the welfare of the child/young person is paramount.**

BANKS ROAD INFANT AND NURSERY SCHOOL

"A Home for Learning, Laughing, Caring and Trying"

COMPLAINTS PROCEDURE



BANKS ROAD INFANT AND NURSERY SCHOOL

"A Home for Learning, Laughing, Caring and Trying"

MANAGING SCHOOL COMPLAINTS

Complaint relates to:	Informal	Stage 1 Formal (Investigation)	Stage 2 Complaint Panel
Pupils, parents or staff (other than the Head teacher)	The appropriate member of staff	Head teacher or other Senior Manager	Panel appointed by the Chair of Governors
The Head teacher	No informal stage (go to Stage 1)	The Chair of Governors, Complaints Governor or impartial person nominated by the Chair	Panel appointed by the Chair of Governors (or Vice Chair if the Chair has had previous involvement).
A Governor or group of Governors (other than the Chair of Governors)	The Chair of Governors	Another nominated non-staff governor (which could include a governor/associate member from another school).	Panel appointed by the Chair of Governors (or Vice Chair if the Chair has had previous involvement) (The panel could include a governor/associate member from another school).
The Chair of Governors (or a group of governors including the Chair of Governors)	The Vice Chair of Governors (or other impartial governor if the Vice Chair is included in the complaint)	Another nominated non-staff governor (which could include a governor/associate member from another school).	Panel appointed by the Vice Chair of Governors. (The panel could include governors or associate members from another school).
The whole body of Governors	No informal stage (go to Stage 1)	School to refer the complaint to Nottinghamshire County Council Governor Services who will nominate an investigating officer.	Nottinghamshire County Council Governor Services to nominate an independent panel of governors or associate members.

COMPLAINT PROCEDURE

Concerns

Concerns will generally be informal, arising from day-to-day matters, misunderstandings or clarification of action already taken and is undertaken by the Head Teacher or other members of staff as appropriate.

	ACTION	DEADLINE	COMPLETE
1.	When the class teacher receives a concern she will deal with it, if possible on the same school day.		
2.	The class teacher informs the Head Teacher as a matter of course.		
3.	Should the person raising the concern not be happy with the response, the matter will then be dealt with as a complaint.		

Stage 1

The Head Teacher is the Complaints Officer. However on occasions when she is not in school, or it is deemed more appropriate, the Head Teacher may delegate the role of Complaints Officer to an Assistant Head Teacher.

DATE COMPLAINT RECEIVED	
5 SCHOOL DAY DEADLINE	
EXTENSION TO DEADLINE NOTIFIED	

	ACTION	DEADLINE	COMPLETE
1.	Complaints Officer will discuss the complaint with the complainant in private and in person on the same day that the complaint is received.		
2.	The complainant is asked to set out their desired resolution.		
3.	The complaint will be logged on the Complaint Database.		
4.	The Complaints Officer will acknowledge receipt of the complaint in writing within 1 school day. The letter will inform the complainant of the action she intends to take, and provide a timescale for her investigation.		
5.	The Complaints Officer will carry out her investigation and respond to the complainant within 5 school days.		

6.	If the Complaints Officer is unable to adhere to that timescale, she will keep the complainant informed of her progress and the reason for any delay.		
7.	The Head Teacher will record the outcome of the complaint and report it to the Senior Management Team and the Governing Board.		

Stage 2

If a complainant is dissatisfied after the Head Teacher's investigation, they can ask the Complaints Governor to make a judgement on the way the investigation has been carried out. The complaints governor for the school is the Chairman of the Governing Board.

DATE COMPLAINT RECEIVED	
20 SCHOOL DAY DEADLINE	
EXTENSION TO DEADLINE NOTIFIED	

	ACTION	**DEADLINE**	**COMPLETE**
1.	Complaints Governor will inform the full Governing Body in general terms if he becomes involved in a complaint. The Complaints Governor does not discuss the complaint or the investigation with any other members of the Governing Board, as they may be involved later in the process.		
2.	The Complaints Governor will write to the complainant giving a timeline for his review of the process, within 3 school days following receipt of the complaint.		
3.	The Complaints Governor will receive all paperwork regarding the original complaint from the Head Teacher within 2 school days of his request.		
4.	The Complaints Governor will meet with the Head Teacher to ascertain whether the correct procedures have been followed.		
5.	After consideration, the Complaints Governor will reach a decision, either that the matter has been treated seriously and dealt with properly, or that there remain concerns regarding the outcome or process of the original investigation.		
6.	If the Complaints Governor believes that the complaint has been dealt with properly, he should inform the complainant of this decision in writing		
7.	If the Complaints Governor determines that concerns remain regarding the outcome or process of the original investigation, he can request that the Head Teacher re-opens the investigation and undertakes a more thorough		

	consideration. The Head Teacher must then report the fresh outcome(s) to the Complaints Governor within an agreed timeline.		
8.	The Governor and Head Teacher should agree the outcome and the Governor should inform the complainant.		
9.	Should the Complaints Governor consider that there has been a dereliction of duty by the Head Teacher, he must decide whether disciplinary action is necessary.		
10.	The Complaints Governor should aim to complete his investigation within 20 school days. If he is unable to adhere to that timescale, he should keep the complainant informed of his progress and the reason for any delay.		

Stage 3

If a complainant remains dissatisfied, a Complaints Panel will be convened. The Panel will consist of three governors from the Governing Body, who have had no part in the previous proceedings. The Panel will review the procedures followed by the Head Teacher and the Complaints Governor.

DATE COMPLAINT RECEIVED	
5 DAY DEADLINE - CONVENE HEARING	
HEARING DATE	
10 DAY DEALINE PRIOR TO HEARING	
3 DAY DEADLINE - DECISION NOTIFICATION	

	ACTION	**DEADLINE**	**COMPLETE**
1.	The Panel is convened by the Chairman of Governors no more than 5 school days after the complainant expresses their continued dissatisfaction.		
2.	The Panel Chair may appoint a Local Authority Clerk, who will communicate with the complainants and the Panel Chair to convene a suitable date for a formal hearing.		
3.	The Clerk will request that all relevant parties provide any supporting documentation to the Hearing Panel for consideration not later than 10 school days prior to the hearing date; and distribute to all parties accordingly.		
4.	At the Hearing the Hearing Protocol is followed and the Clerk formally records confidential minutes.		

5.	The role of the Panel is to decide whether the complaint has been investigated properly and/or the action taken was appropriate.		
6.	The Clerk will inform the complainant, the Head Teacher and the Complaints Governor of the Panel's decision, in writing, within three school days.		

Secretary of State Review

If a complaint has completed all the local procedures (described above) and the complainant remains dissatisfied, the have the right to appeal to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

	ACTION	DEADLINE	COMPLETE
1.	Head Teacher to report to the Governing Board if a review decision is notified by the Secretary of State.		

HEARING PROTOCOL

In order to inform the panel's decision, the complainant, Head Teacher and complaints governor separately present their views to the panel. Witnesses may be included in the proceedings if deemed necessary.

	ACTION	DEADLINE	COMPLETE
1.	The Clerk will set a date for the Hearing to take place, within 20 school days following receipt of the complaint.		
2.	At least 10 days prior to the Hearing Date, the Clerk will distribute any relevant paperwork and submissions to all parties involved in the Hearing process		
3.	At the Hearing, the Governor acting as Chair of the Complaints Panel will welcome the individual parties separately to the Hearing, make the necessary introductions and explain the purpose of the Hearing.		
4.	The parties will be heard in the following order: 1. Complainant(s) followed by their witnesses if required 2. Head Teacher / Complaints Officer 3. Complaints Governor 4. Any other witnesses The Panel may ask questions of any party at any point.		

5.	All parties leave the room after presenting their views, but should be prepared to be recalled by the Panel for further discussion should it be deemed necessary.		
6.	The parties will be notified that the decision of the Panel is final and that they will receive the decision in writing within five school days.		
7.	The Panel will deliberate its decision in private. It is the role of the panel to examine what the school should have done against what the school did do and determine if the school has acted correctly. The purpose of the Hearing is to determine whether: 1. the Complaints Officer has dealt with the complaints process correctly; 2. the Complaints Officer has properly investigated the complaint; and 3. the action taken was appropriate.		
8.	If it is found that the correct procedures were not followed, the panel must consider why that was so and determine what should be done to put it right.		
9.	The Clerk will inform the complainant, the Head Teacher and the Complaints Governor of the Panel's decision, in writing, within five school days.		

BANKS ROAD INFANT AND NURSERY SCHOOL

"A Home for Learning, Laughing, Caring and Trying"

THE SCHOOL COMPLAINTS POLICY WILL BE REVIEWED ANNUALLY.
DATE OF REVIEW BY GOVERNING BODY: December 2020
This policy was reviewed and ratified by the Governing Board in December 2019 September 2014 September 2015 September 2016 November 2017 November 2018 Signed: Chair of Governors_____ Date: _____