



# Complaints Policy

**Date Agreed by Governing Body:**

**16<sup>th</sup> December 2021**

**Date of Next Review: December 2024**

## **What to do if you have a concern or complaint**

It is in everyone's best interests to help ensure that any concerns or complaints can be resolved as quickly and informally as possible, and it is our experience that most concerns can be resolved in this way.

If you have an issue that you would like to discuss, please see your key worker, or the appropriate member of staff – key workers or office staff will be happy to point you to the right person if you are unsure.

It is usually best to arrange a time to meet the staff member involved in advance, rather than catching them in passing, so that you can be assured of their full attention.

If, after meeting staff informally, you feel that you still have a concern or complaint that hasn't been addressed to your satisfaction, the procedure to follow is outlined on the next page.

## **Definitions**

A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

A complaint is an expression of dissatisfaction, however made, with the quality of a service or with the attitude or behaviour of a member of staff.

Redcliffe Nursery School are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. In order to make sure that complaints are addressed to the most appropriate person, the procedure described below follows a staged approach. We anticipate that almost all complaints that arise will be resolved at the early stages of the procedure, and that the later stages will only need to be followed on very rare occasions. The procedure refers to time limits in terms of "school days"; this refers to days the nursery school is open, and therefore excludes weekends and school holidays.

## **Accessibility**

We expect to make all reasonable efforts to make sure that the complaints procedure is fully accessible to all. Help with accessing the procedure in different formats or with following any of the steps in the procedure may be requested at any stage (please see the nursery school administration staff about this).

## **Complaints Procedure**

Complaints from anyone who is not a parent, or from a parent who is concerned only about a whole-school and not personal issue, will follow the same procedure as below, but will omit Stage 1. It is strongly encouraged that anyone with such a concern should make an informal approach to a member of Administration Team or the Headteacher first, but if it is subsequently decided to lodge a formal complaint, it should be addressed to the Headteacher who will follow the steps in Stage 2.

### **Who can make a complaint?**

This complaints policy is not limited to parents or carers of children that are registered at the Nursery School. Any person, including members of the public, may make a complaint to Redcliffe Nursery School about any provision of facilities or services that we provide.

### **Key Principles**

All users of Redcliffe Nursery School have a right to

- raise a concern or complaint
- be heard
- have their concern or complaint resolved as soon as possible.

These procedures are designed to

- be accessible
- promote user satisfaction
- respect people's confidentiality
- reflect the policy to provide a high-quality service.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Room Leader/Deputy Head or Head Teacher will take the lead on handling the concern or complaint. Similarly, if the member of staff directly involved feels unable to deal with a concern or complaint, the Room Leader/Deputy Head or Head Teacher will step in.

If the complaint relates to an allegation about a member of staff with regard to their treatment of a child the complaint will be referred directly to the Head Teacher and the Safe Guarding Policy 'Responding to allegations of abuse made against professionals' will be followed.

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone.

If a complaint is made, services will continue to be offered to the parent and children while the complaint is being investigated. We will always ask the complainant what they think needs to happen to resolve the issue.

## **Complaints Procedure**

## 1. Stage 1: The first contacts

- 1.1. Complainants are asked to speak firstly to the Key person they are most involved with. We will always try to resolve complaints informally and as quickly as possible.
- 1.2. If the complainant feels their concern has not been resolved they should discuss their complaint with a senior member of staff in relevant room (Seagulls or Blackbirds), or a member of the Administration team.
- 1.3. All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. They will check later to make sure the referral has been dealt with.
- 1.4. The member of staff dealing with the concern will make sure that parent is clear what action (if any) or monitoring of the situation has been agreed.
- 1.5. If the matter is brought to the attention of the Headteacher, they may decide to deal with concerns directly at this stage.
- 1.6. If the complaint is against the Headteacher the parent will be advised to contact the Chair of the Governing Body. [See details in Stage 2]
- 1.7. Where no satisfactory solution has been found within **10 school days**, parents will be advised that if they wish their concern to be considered further they should refer their complaint in writing to the Headteacher for investigation as soon as possible, and in any case within **30 school days**.
- 1.8. In all cases the concern or complaint will be recorded on the appropriate form, 'Record of Complaints,' copies of which are kept in the office of the Head Teacher.
- 1.9. The record will be dated and indicate the action to be taken at each stage. If further investigation is needed the Nursery will set new time limits and inform the complainant of the new deadline explaining why further time is necessary.
- 1.10. All telephone calls, conversations and meetings will be logged and the content recorded.
- 1.11. We ask complainants to inform us of their complaint as soon as possible after the incident arises to ensure we can investigate fully and gather as much information as possible.
- 1.12. Complaints need to be raised within **3 months** of the incident, or where a series of associated incidents have occurred within three months of

the last of these incidents. The Nursery will consider complaints made outside of this time frame if exceptional circumstances apply.

- 1.13. Formal withdrawal of complaints must be made in writing to the Heads Teacher.

## **2. Step 2: Referral to the Head Teacher for Investigation**

- 2.1. The Headteacher (or designated person) will acknowledge the complaint in writing within **3 school days** of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within **15 school days**. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2. The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously. It will be made clear to the complainant that if they wish they can be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. The Head Teacher may also have scribe to make notes. The meeting can take place in person or virtually, arranged in consultation with the Head Teacher.
- 2.3. Investigating complaints can take time. After the meeting, the Head Teacher may suggest a further meeting, or else they will arrange to write to the complainant with the outcome. The outcome could be that no further action is required on the part of the Nursery or it could be that certain actions will be taken to ensure there are no further concerns.
- 2.4. If necessary, the Headteacher will interview witnesses and take statements from those involved.
- 2.5. If the complaint centres on a child, the voice of the child will be captured in a manner that supports the child's best interests.
- 2.6. The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- 2.7. Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. At the Headteacher's discretion, a follow-up meeting with the complainant may be arranged.

**2.8. Complaint Resolution.** 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.

**2.9.** If the complainant is unsatisfied with the response and they wish to take the complaint further, they should notify the Chair of Governors ([c.bell@bristol-schools.uk](mailto:c.bell@bristol-schools.uk)) in writing within **20 school days** of the date of the Headteacher's written response.

### **What if the complaint is about the Headteacher?**

If the complaint is against the Headteacher, or if the Headteacher has been closely involved at Stage 1, the Chair of the governing body will carry out all the Stage 2 procedures. (If the Chair of the governing body has prior knowledge of the complaint, this role will be carried out by the Vice-Chair or a nominated Governor.)

### **What if the complaint is about a Governor?**

The complainant should still contact the Chair of Governors who will investigate the concerns. If the complaint is about the Chair of Governors the complainant should be referred to the Vice Chair. If the complaint is about the governing body as a whole, the complainant should be referred to the Strategic Director, Children, Young People and Skills, Bristol City Council.

### 3. Stage 3: Review by the Governing Body

- 3.1.** It is important that matters have been thought through carefully, and that every possible attempt has been made to solve any concerns by other means. If you are not happy with the outcome of your complaint to the worker, the room leader, the Deputy Head or the Head Teacher then you have the right to complain to the governing body.
- 3.2.** The Chair of the governing body will write to the complainant within **5 school days** to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that a panel of three members of the school's governing body will hear the complaint within **20 school days** of receiving the complaint. If a complaint requires additional investigation or legal advice before the panel can meet, then the complainant will be advised of any delay in setting the panel date. The letter of acknowledgement will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members (as soon as possible and at least **five school days** prior to the meeting).
- 3.3.** A meeting of the Governors' Complaints Panel will be convened by the Chair of Governors and a clerk to the panel will be appointed.
- 3.4.** The Complaints Panel can be drawn from the whole governing body. Governors with prior involvement must not be included on the panel. If they have not previously been involved the Chair of Governors can Chair the panel. However, this does not need to be the case. It is up to the Complaints Panel to decide who should be its chair. When deciding on the make-up of the panel, bear in mind the advantages of including a parent Governor and if possible having a balance of race and gender. It is not appropriate for the Headteacher to sit on the panel. Careful consideration will need to be given whether it is appropriate for staff Governors to be appointed as panel members; in many instances this may lead to a conflict of interest.
- 3.5.** The Chair of the Complaints Panel will ensure the panel hears the complaint within **20 school days** of receiving the letter. If a complaint requires additional investigation or legal advice before the panel can meet, then the complainant will be advised of any delay in setting the panel date. All relevant correspondence relating to the complaint will be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to panel members. It may be due to unforeseen circumstances that if further investigation is needed the Nursery will set new time limits and inform the complainant of the new deadline explaining why further time is necessary.

- 3.6.** The Clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least **5 school days** in advance of the date, time and place of the meeting. The notification will also inform the complainant of their right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted.
- 3.7.** The Headteacher will be invited to attend the panel meeting and will be asked to prepare a written report for the panel in response to the complaint. The report will contain a chronological account of the incident and the investigations. All concerned, including the complainant, should receive any relevant documents including the Headteacher's report, at least **5 school days** prior to the meeting. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or person.
- 3.8.** The meeting should allow for:
- The complainant to explain their complaint and the Headteacher to explain the school's response.
  - The opportunity for both parties to ask questions of each other about the complaint.
  - Panel members to have an opportunity to question both the complainant and the Headteacher.
  - Any party to have the right to call witnesses (subject to approval of the Chair) and all parties having the right to question all the witnesses.
  - The panel may need to recall the complainant, headteacher or witnesses at any stage to seek clarification.
  - Final statements by both the complainant and the Headteacher.
- 3.9.** It is the responsibility of the Clerk of the panel to ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. The notes do not need to be verbatim but should be sufficient to remind the panel of the evidence that has been presented and the reason for the decision.
- 3.10.** The Chair of the Panel will explain to the complainant and Headteacher that the panel will consider its decision and that a written decision will be sent to both parties within **10 school days**. The complainant, Headteacher, other members of staff and witnesses will then leave. It may be due to unforeseen circumstances that the decision will be delayed, a new time limits will be set and the complainant will be informed of the new deadline explaining why further time is necessary.



**3.11.** The panel will then consider the complaint and all the evidence presented and

- Reach a majority decision on the complaint;
- Decide upon any appropriate action to be taken; and, where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again;
- Aim to achieve reconciliation between the school and the complainant.

**3.12.** However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing 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 or her complaint has been taken seriously and investigated thoroughly.

**3.13.** A written statement outlining the decision of the panel must be sent to the complainant and Headteacher. The letter to the complainant should also explain how a further appeal can be made (see Stage 4).

**3.14.** The school should ensure that a copy of all correspondence and notes relating to the complaint are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

**If a complaint is made against the Chair, Vice-Chair or any other Governor**

This will be investigated by an independent investigator appointed by the Governing Body or advice sought from the Local Authority. At the conclusion of the investigation the independent investigator will provide a formal written response.

**If a complaint is made about the Governing Body**

A committee of governors will be called together to hear the case, and all sides will be invited to submit a written statement. The complainant will also be asked to attend a hearing to present their side of the story. The decision of the governing body's Hearing Committee will be confirmed in writing, and may include recommendations for action to help resolve matters.

**4. Stage 4 Contacting the Local Authority**

**4.1.** If after this, if the complainant is still unsatisfied, they could contact the Local Authority Ofsted or the Department for Education

## **Procedure regarding unreasonably persistent complainants and unreasonable complainant behaviour**

We are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. We are sure that you will understand the need to behave in a similar way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible. However, the Nursery school does not expect its staff or Governors to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and they will take action to protect staff and Governors from any such behaviour if it occurs.

The Nursery 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 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 complaint's investigation process and within the stated timelines
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- 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 by telephone while the complaint is being dealt with

- uses threats to intimidate staff or uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information and/or publishes unacceptable information on social media or other public forums.

Also, there may be complainants who, because of the frequency of their contact with the school, hinder our consideration of their, or other people's, complaints and potentially the running of the school.

We anticipate that such behaviour will be a very rare occurrence, but if we consider a complainant's behaviour is unacceptable or unreasonably persistent, we will tell them why and ask them to change it. If the behaviour continues, we may take action to restrict the complainant's contact with the school.

The decision to restrict access to the school will be taken by the headteacher and Chair of Governors. Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. Any restrictions imposed will be appropriate and proportionate. They may include:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff or Governor;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into a written agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is unacceptable or unreasonably persistent, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or Governors, we will consider other options, for example reporting the matter to the Local Authority, the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainants' policy will be treated on their merits.

#### Record Management and Data Protection

All aspects of the complaint's procedure must adhere to the requirements of the Equality Act 2010, the General Data Protection Regulations 2016 and the Freedom of Information Act 2000. Any personal information obtained in relation to a complaint is only used for that purpose.

For further information on the Complaints, Comments & Compliments please refer to Bristol County Council.

## Summary of Redcliffe Nursery School Complaints procedure

If for any reason you have anxieties or issues relating to the service you or your child has received in the Centre please use the following procedure:

1. Speak to a member of staff about your complaint, letting them know what you would like to happen to resolve your complaint. (It is helpful in the first instance to speak to your child's worker or a worker well known to you).

2. If your complaint is not resolved, speak to a senior staff member in relation to your area of complaint.

- Under 3's room lead - Kerry Maynard
- Over3's Room Lead - Claire Sammons
- Deputy Head - Laura Trott
- Head Teacher - Jeanette Hill

3. If you feel the issue still hasn't been resolved and you would like further advice then please contact the Deputy Head or Head Teacher.

4. If you are still unsatisfied you can contact the Chair of Governors via the Clerk to the Governors.

5. If after this, you are still unhappy, then you may want to contact the Local Authority, the Secretary of State for Education.

## Complaints Procedure

