

Little Hayes and Speedwell Nursery School Federation



Complaints procedures

We aim to provide a high quality, child centred, efficient and accessible service to children and their parents/carers. At regular intervals, management and staff meet to discuss and review the daily running of the nursery school and children's centre, as well as possible improvements that can be made. We also encourage children, parents and carers to give feedback and suggestions for how services may be improved. However, we recognise that from time to time a complaint may arise about some aspect of the setting, or an individual member of staff. In this case, the following stages should be followed:

Stage One

Misunderstandings often arise through a simple breakdown in communication, and if we do not know of any concerns we can do nothing to resolve them. We hope that any issues of concern can be resolved at this stage by a straightforward informal discussion between those involved.

If you (the complainant) do not wish to speak to the individual concerned, you can ask to speak to the manager appropriate to your complaint:

- The Head Teacher for issues relating to the Nursery School, or
- The Lead for Family Support for issues relating to Children's Centre activities and crèche provision. They may deal with the complaint directly or arrange a meeting with you.

The Board of Governors will not be involved at this stage (unless the Head Teacher is the subject of the complaint and the complainant has contacted the Chair of Governors directly – see Stage Two, section (g)).

No model timescale is set out for resolution at Stage One given the importance of attempting resolution through informal discussion. However, if it is not possible to resolve the issue informally, there is a formal complaints procedure that can be followed. This is laid out below:

Stage Two

If your complaint or problem has still not been resolved satisfactorily, you should put your complaint in writing to the Head, outlining the precise nature of the complaint. If you have problems writing, please telephone us and ask for help with making your complaint. Relevant names, dates, evidence and any other important information on the nature of the complaint should be included.

For most complaints, which are likely to relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. This will normally be undertaken by either the Head Teacher or her/his nominee.

It will normally be sensible to meet with you, the complainant, before a formal investigation starts, in order to clarify the precise nature of the complaint and to discuss ways in which the matter might be resolved.

If a formal investigation is still required, the following general principles should be adhered to:

- a) The complaint must be treated as an allegation only during the investigation stage.
- b) If a member of staff is the subject of the written complaint, s/he should be given a copy (although see (f) below) and advised to contact her/his Trades Union for further advice.
- c) The member of staff should be advised that s/he may be accompanied by a friend at any subsequent interview or hearing.
- d) The Head Teacher should invite all parties (including witnesses) to provide written comments as part of the investigation and will be responsible for ensuring that any meetings have written minutes circulated to those present.
- e) If at any time during the investigation there is a prima facie case for disciplinary action, the school's **disciplinary procedures** must be followed and no further action taken under this Complaints procedure.
- f) If the complaint involves an allegation of a potentially serious criminal nature, the Head Teacher must inform CYPS (Children & Young People's Services) so that it can be recorded and forwarded to the appropriate senior officer who will then contact the school about further action. The member of staff who is the subject of the complaint would normally be advised of the situation immediately although if the complaint involves a **child protection** issue, the child protection investigation arrangements will come into force and this Complaints policy should no longer be followed (**see our Policy for Safeguarding Children and Child Protection, sections on "Allegations Against or Concerns about Staff" and "Allegations Against the Head Teacher"**)
- g) Where the Head Teacher is the subject of the complaint, the complaint must be copied to the Chair of Governors for the Governors to investigate (or to refer to CYPS for investigation as above). The Governors will be responsible for reporting back to the complainant in this instance.

Investigation under Stage Two should normally be completed within 2 weeks of receipt of the complaint. A formal written response to the complaint will be sent to the complainant within 2 weeks of completion of the investigation, giving a target of 4 weeks for completion of Stage Two complaints, unless there are exceptional circumstances.

If the matter has not been resolved to your satisfaction under Stage Two, you may consider proceeding to Stage Three.

Stage Three

In all cases where the Head Teacher is unable to resolve a complaint to the satisfaction of the complainant, the matter will need to be considered by the Governors. The Governors will need to decide how best to consider the complaint, bearing in mind the need to ensure the same Governor cannot be involved at more than one stage of the complaints process. It is therefore essential that individual governors do not take it upon themselves to investigate a complaint outside this procedure.

It is suggested that one or possibly two governors (depending upon the complexity and seriousness of the complaint) be given the task of investigating the complaint. Their function would be to check over the facts of the case again and, if necessary, meet the complainant in order to attempt to resolve the matter amicably. It is recommended that any meetings are officially Clerked. Any further investigation should be undertaken in accordance with the principles outlined in Stage Two above. This may not need to be as thorough, taking into account that evidence will already have been gathered at Stage Two. A full investigation will be needed when the complaint is about the action of a Head Teacher. This investigation should normally be conducted within 3 weeks of receipt of a Stage Three complaint. In serious or complex cases, the investigating governor(s) is strongly advised to contact CYPs at an early stage for advice and guidance.

Following an investigation there are normally be three options available:

- 1) The investigating Governor may be able to take the appropriate action necessary to resolve the complaint, if s/he has been delegated authority by the Governing Body. It is good practice for the investigating Governor(s) to report to the Governing Body for information if no further action is being proposed.
- 2) The matter may need to be referred to a disciplinary panel of the Governing Body if there is considered to be a prima facie case for disciplinary action. The investigating governor may have to present the case to the panel but may not have any other role. If disciplinary action is pursued, no further action should be taken on the complaint until the outcome of the disciplinary hearing is known.

- 3) The complaint may need to be referred for consideration by the Governing Body or one of its committees at a hearing. In procedure, the meeting should be consistent with the format of disciplinary hearings i.e. the complainant is given the opportunity to attend; they may be accompanied and may present a case; the Head Teacher and anyone who is the subject of the complaint may attend and present a case and be accompanied by a friend or their professional association; expert advice may be sought; the panel meets in private to come to a decision and subsequently notifies interested parties and the LEA in writing of the decision. Any hearing should normally be held within 6 weeks of the receipt of the Stage Three complaint and the decision of the Governors' Committee communicated in writing to the complainant within 2 working days of the meeting giving either an apology or, if appropriate, the reasons why the panel was unable to uphold the complaint.

Further rights of appeal

If after these steps one to three have been followed you, the complainant, consider the Governors have not followed this complaints procedure correctly, you have a further right to appeal to the local authority to look into the matter. Although this right will rarely be exercised, it should be remembered that local authorities have a responsibility to ensure the Governors have acted properly in the exercise of their function. Please write to the **CYPS (Children & Young People's Service)** Complaints Department, giving details of the original complaint and why you feel it has not been properly addressed by the governing body. The CYPS Complaints Officer will consider whether the issue has been taken seriously and properly investigated, in line with this Complaints Procedure. CYPS do not have power to overturn the governors' decision.

If you believe procedures have been followed correctly, but you do not feel your complaint has been resolved, you can escalate the complaint to the **Secretary of State for Education**, who has the power to require the school or local authority to take certain actions (including the issuing of instructions to Governing Bodies in appropriate circumstances).

Ofsted (the Office for Standards in Education, Children's Services and Skills) also has a role in investigating complaints about the work of schools & children's centres as a whole, but NOT matters relating to an individual child. Examples are: the school is not providing a good enough education; the children's different needs are not being met; the setting is not well led or managed, or is wasting money; the children's wellbeing is neglected.

Contact information:

Speedwell Nursery School & Children's Centre

Speedwell Road
Speedwell
Bristol BS5 7SY
Tel: 0117 903 0329
Email: speedwell.n@bristol.gov.uk
Web: <http://www.speedwellnurseryschool.com/>

Chair of Governors – Rob Davies

Head of Nursery School & Children's Centre – Lindsey Fuller

CYPS (Children & Young People's Service) Complaints Department

Bristol City Council
PO Box 57
Room U27 Council House
College Green
Bristol BS99 7EB
Tel: 0117 922 3707
Email: cypscomplaints@bristol.gov.uk
Website: www.bristol.gov.uk

Secretary of State for Education

Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Web: www.education.gov.uk

Ofsted National Business Unit

Royal Exchange Building
St Annes Square
Manchester M2 7LA
Tel: 0300123 1231
Website: www.ofsted.gov.uk/parents

Dissemination of this policy:

Displayed on the website for parents to access
Referenced in the nursery handbook, newsletter and other materials for parents

Date reviewed by Governors: March 2015

Reviewed : July 2017

Reviewed – April 2019

