



Complaints Policy

Review Date: September 2016
Next Review: September 2017

Complaints Policy

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Hirst Wood Nursery School values the very good relationship it enjoys with parents and the community. These good relations are based on mutual respect and a willingness to listen to others points of view. We aim to provide the best possible services.

The purpose of our complaints policy is to provide a framework for the governing body to adopt giving a structured opportunity for all concerned to express and resolve concerns and so to improve provision.

The procedure follows the Local Education Authority's (LEA) model procedure for dealing with complaints and the DFE guidance (August 2014). It can be used to resolve complaints about, the way the school is run or the way the policy has been implemented. It cannot be used to resolve matters where other legal procedures already apply, for example staff discipline.

Procedure

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage. We believe an effective Complaints Procedure should:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicized.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.
- 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 redress, where necessary.
- Provide information to the senior management team so that services can be improved.

At any stage in the process, any party may consult the LEA or for impartial advice on matters of procedure. (Contact Pupil Access on 01274 385616)

Hirst Wood has adopted the following procedure

The procedure has four stages, but every effort will be made to resolve issues at the earliest possible stage:

Stage 1 – Staff Member

Many concerns are the result of a misunderstanding and can be resolved informally by discussion with a member of staff: more difficult or complex concerns may take more than one discussion. We are happy to receive suggestions and to talk about concerns which help us to identify areas of success and areas in which we could improve. In the first instance, we encourage concerns to be raised with an appropriate member of staff.

All concerns will be taken seriously. The staff member should consider if it is appropriate to:

- Offer an explanation or apologies.
- Admit that the situation could have been handled differently.
- Give an assurance that the event will not recur.
- Give an explanation of the steps to ensure this.
- Give an undertaking to review school policy/practice.

Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The matter should then be raised formally in writing to the Headteacher (or Chair of Governors if about the Headteacher).

Stage 2 – Investigation by Headteacher or Chair of Governors

If the complaint is directed at the Headteacher, then the Chair of Governors (or other named governor) should take on this stage.

The complainant should receive an acknowledgement of the complaint within five working days.

The Headteacher or Chair of Governors will:

- 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 if 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.

The headteacher/governor will then provide a formal response to the complaint.

Stage 3 – Complaint to the Governing Body

This can be made only if the complainant has:

- Sought to resolve the concern through approaches as described in stages 1 & 2.
- Allowed reasonable time (normally no more than four working weeks) for investigation of the concern.
- Accepted any reasonable offer by Hirst Wood to discuss the result of the investigation.
- Taken part in any process of mediation offered by the school.
- Put the complaint clearly in writing (normally within two months of the event).

The complainant should write to the Chair of Governors or the governing body clerk requesting a meeting of the complaints panel. No new complaint may be included at this stage.

The clerk will respond to the complainant within 24 hours of receipt of the letter and will immediately send the text of formal complaint to the Headteacher and the Chair of Governors.

The Headteacher may have up to ten working days from receipt of this notification to submit a response to the clerk.

If the complaint remains unresolved, a complaints panel consisting of three governors, including a named chair, will be selected from the full governing body. Its purpose will be to hear and decide about the formal complaint. None of the governors on the panel should have been previously involved in dealing with the complaint. Staff and teacher governors will not serve on the panel due to the potential for conflict of interest, nor should the Headteacher be a member of the panel

The clerk will be responsible for arranging a meeting of the panel, including time and place. This should be arranged as soon as possible, and normally no later than 20 working days after receipt of the complainant's request for a formal meeting. If there is difficulty agreeing a date, the chair of the panel will make the final decision.

At the meeting, the panel will discuss the complaint and decide what information they need, who they may need to interview in addition to the person(s) complained of and what questions will need to be asked.

Any documents from either the complainant or the Headteacher to be considered by the panel, and the names of any witnesses or friends who might attend, must be received by the clerk at least seven working days before the meeting. Copies of all papers submitted plus the agenda will be sent to the complaints panel members, complainant, Headteacher and Chair of governors ten working days before the meeting date. The Headteacher will copy any relevant papers to any member/s of staff named in the complaint.

Separate interviews will be held so that there is no confrontation between the complainant and the member of staff. There should be no longer than a week between the interviews.

The interviews will proceed with prepared questions followed by other questions if necessary, and the people being interviewed will be asked if they have anything to add.

Answers to the questions will be carefully recorded and the people being interviewed should be asked to sign the record of answers.

The interview will be as informal as possible.

Witnesses will only be required to attend the part of the interview in which they give evidence.

Following interviews with staff it may be necessary to ask for further information from the person making the complaint.

The complainant and the person(s) who is the subject of the complaint will be informed if there is any delay in the investigation process.

The complainant may also bring a friend, interpreter or advocate to the meeting. The Headteacher may bring a friend or professional representative.

If teachers or other members of staff are asked by the Headteacher to be present at a complaints committee meeting, they have a right to bring a friend or professional representative. It is not appropriate for a child/pupil to attend.

The panel will consider the complaint on the basis of the papers they receive and what it said at the meeting. In the event of either party not attending the meeting, the panel chair has discretion to proceed or to adjourn at any stage.

The panel chair controls the meeting and will aim to complete all the business at a reasonable hour without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, and by being courteous throughout. The clerk should take full minutes which must be confidential.

The clerk will send the complainant, Headteacher and Chair of governors a letter with the outcome of the meeting within seven days of the meeting.

The LEA has the right, under this procedure, to have a representative present at all stages of the governing body complaints panel meeting and to have a copy of all associated paperwork.

No further appeal to the governing body is available in the matter of the complaint.

Stage 4 – Complaint to Secretary of State or Local Government Ombudsman

If a complainant wishes to pursue the complaint, s/he has recourse to the Secretary of State. The LEA will advise on the procedure to be followed in those cases.

General advice on the handling of complaints

The role of the governing body

As well as our responsibility for the general conduct of the school, a key role of the governing body is to influence the ethos of the school, its general atmosphere and philosophy. This influence carries with it an equivalent responsibility to support the Headteacher and the staff and to ensure fairness to them as well as to pupils, parents and those in the community who come into contact with Hirst Wood. Complaints, if dealt with properly, can enhance the reputation of the school. The governing body has an important role to play in handling complaints well.

The governing body should not deal with complaints until the Headteacher has had an opportunity to resolve them.

The Remit of the Complaints Appeal Panel

Every effort should be made to help the complainant feel relaxed and comfortable. The membership of the panel should be seen as fair to all. **It is important that everyone understands that the panel is acting for the governing body, and that the governing body will not re-hear the case.**

The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit in on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favor. 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.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- The governors sitting on the panel need to be aware of the complaints procedure.

The Role of the Chair of the Panel

The chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may be not used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

Appendix A

Checklist for a Panel Hearing

It is the responsibility of the Clerk to ensure that the hearing is conducted properly and fairly and that all parties are given adequate opportunity to present their case and ask questions. The panel needs to take the following points into account:

The hearing is as informal as possible.
If witnesses are called they are only required to attend for the part of the hearing in which they give their evidence.
After introductions, the chair should explain that none of the panel has any previous involvement with the complaint. He or she should reassure the complainant that whatever is said will be as far as possible done in complete confidence. The complainant is invited to explain their complaint, and be followed by their witnesses if they wish to call any.
The Headteacher and the panel may question both the complainant and the witnesses after each has spoken.
The Headteacher is then invited to explain the school actions and be followed by the school witnesses if any are called.
The complainant and the panel may question both the Headteacher and the witnesses after each has spoken.
The complainant is then invited to sum up their complaint
The Headteacher is then invited to sum up the school actions and response to the complaint.
The chair explains that both parties will hear from the panel within a set time scale of 7 working days.
Both parties leave together while the panel decides on the issues