



## Spencer Nursery School Complaints Policy

**Adopted by Governors: June 2016**  
**Review Date: June 2018**

### Policy for dealing with complaints about schools

This policy distinguishes two categories of complaints:

1. Complaints about the curriculum falling within Section 409 of the Education Act 1996.
2. Other complaints.

The procedure set out in Section 1 **must** be followed in the case of complaints in category 1 above.

The procedure set out in Section 1 is commended to governing bodies for adoption by them as their procedure for dealing with other complaints for which no other procedure exists.

Sections 2 and 3 provide guidance to support the effective implementation of the procedure.

Appendices A, B and C comprise the leaflets and complaints form which go to the complainants.

The full list of documents forming part of this policy is as follows:

<b>Section 1</b>	Procedure to deal with comments and complaints about schools
<b>Section 2</b>	Formal complaint to a school's governing body: model agenda
<b>Section 3</b>	Advice to school governing body
<b>Appendix A</b>	"I have something to say to the school" : advice to parents (Also available as a leaflet in all Council offices and schools)
<b>Appendix B</b>	Complaint Form
<b>Appendix C</b>	Summary of external bodies dealing with complaints beyond the local authority

### Section 1

#### Procedure to deal with comments and complaints in school

1. **Purpose** – Schools value the generally good relations they enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of the procedure is to provide a structured opportunity to express and resolve concerns and thus to improve the provision for students.
2. **Introduction** – This procedure builds on the legal requirements of Section 409 of the Education Act 1996 and the guidance issued in the Department of Education and Science Circular 1/89: local arrangements for the consideration of complaints. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

3. **Stages** – The procedure has three possible stages, which must begin with the informal stage:
- **Informal:** Most concerns are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion.
  - **Formal complaint to the governing body:** A formal complaint can be made to the governing body, usually after careful attempts have been made to resolve the matter informally.
  - **Formal complaint to the local authority:** If either party believes that the governing body has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to a local authority Review Panel.

4. **Informal Stage**

- 4.1 All schools are happy to receive suggestions and compliments and talk about concerns that help them identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can almost always be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.
- 4.2 Occasionally, despite the best efforts of all parties, these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm in writing to the Head Teacher (see Appendix B : Complaint Form) and it will be formally acknowledged in writing. The Head Teacher will copy relevant papers to any member(s) of staff named in the complaint.
- 4.3 The Headteacher has the right of written reply to the written complaint.
- 4.4 Schools may have a procedure for mediation at this point, which could involve a governor or other person nominated by the governing body who could not subsequently be involved in any part of the procedure.
- 4.5 Any concerns should be raised as soon as possible after the event.

5. **Formal complaint to the governing body**

This would usually be made only if the complainant has:

- sought to resolve the concern through an informal approach to the school,
  - allowed reasonable time (normally up to six school weeks) for investigation of the concern,
  - accepted any reasonable offer by the school to discuss the result of that investigation,
  - put the complaint clearly in writing (normally within six months of the event),
  - taken part in any process of mediation offered by the school.
- 5.1 Each governing body has a complaints committee whose responsibility it is to hear and decide about formal complaints about the curriculum that have not been resolved at the informal stage. This procedure can also be used to deal with complaints where no other procedure exists. Governing bodies are encouraged to adopt it for this purpose.
- 5.2 The complainant should write to the governing body clerk at the school requesting a meeting of the complaints committee. Enclosed with the letter should be a copy of the written complaint form (Appendix B) submitted at the informal stage, indicating which matters remain unresolved. No new complaints may be included.
- 5.3 The governing body clerk will immediately contact the complaints committee clerk nominated by the governing body as part of their committee arrangements. The complaints committee clerk is responsible for making all arrangements for the meeting, including time and place. The complaints committee clerk will immediately send the text of the formal complaint to the Headteacher and chairperson of governors. The school may have up to 10 school days from receipt of this notification to submit its response to the complaints committee clerk. The meeting will be arranged as soon as possible for a date within 15-30 school days of receipt of the complainant's request for a formal meeting. If there is difficulty agreeing a date the chairperson of governors makes the final decision.
- 5.4 Any documents from either the complainant or the Headteacher to be considered by the committee, and the names of any witnesses who might be called must be received by the complaints committee clerk at least seven school days before the meeting. Copies of all

papers submitted plus the agenda will be sent to the complaints committee members, complainant, Headteacher, chairperson of governors and the Strategic Director of Children, Young People and Learning Services at least five school days before the meeting date. The Headteacher will copy relevant papers to any member(s) of staff named in the complaint.

- 5.5 The complainant may bring a friend, supporter or interpreter to the meeting.
- 5.6 The Headteacher may bring a friend or a professional representative.
- 5.7 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.
- 5.8 It is not appropriate for a child/pupil to attend.
- 5.9 The committee will be made up of governors who have not previously had significant involvement with the complaint.
- 5.10 They will consider the complaint on the basis of the papers they receive and what is said at the meeting.
- 5.11 In the event of either party not attending the meeting, the chairperson has discretion to proceed or to adjourn at any stage.
- 5.12 The complaints committee 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.
- 5.13 The committee can:
  - uphold the complaint in full,
  - uphold it in part, or
  - dismiss it

In complex cases they may wish to give a complex response. The complaints committee clerk will send the complainant, Headteacher, chairperson of governors and the Strategic Director of Children, Young People and Learning Services a letter with the outcome of the meeting within seven days of the meeting. The Headteacher will copy relevant papers to any member(s) of staff named in the complaint.
- 5.14 Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.
- 5.15 The Strategic Director of Children, Young People and Learning Services has the right, under this procedure, to have a representative present at all stages of the governing body complaints committee meeting and to have a copy of all associated paperwork.

## 6. Formal complaint to the local authority

- 6.1 If one of the parties (i.e. the complainant or the Headteacher) believes either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then a formal request for a paper review may be made to the local authority. Such a request will be expected to be received within **15** days of the date of the letter from the complaints committee clerk giving the outcome of the meeting.
- 6.2 The local authority **only** has a statutory responsibility to consider a complaint about the curriculum, which has not been resolved by the governing body. It may in practice be difficult to agree whether a complex complaint is or is not about a curricular matter. Governing bodies may therefore decide to adopt the procedure for formal complaint to the local authority for all complaints. The governing body clerk can advise complainants on the procedure adopted by the governing body.
- 6.3 To refer a formal complaint to the local authority either party writes a letter to the Strategic Director of Children, Young People and Learning Services setting out the grounds for dissatisfaction.
- 6.4 The Strategic Director of Children, Young People and Learning Services will, within 5 school days:
  - write to acknowledge the letter,

- forward a copy of the letter to the governing body complaints committee chairperson and to the other party and offer each the right of written reply,
- request the Chief Executive's Group to establish a Review Panel.

Any reply for the chairperson or the other party should be received by the Strategic Director of Children, Young People and Learning Services within ten school days of the date of the Director's letter.

The Review Panel will normally meet within twenty school days of the Strategic Director of Children, Young People and Learning Services' request and will be composed of:

- an independent chairperson with knowledge of education but no involvement with Sutton Local Authority,
- a councillor,
- an independent lay person

In the case of a voluntary aided school an independent lay person from the appropriate diocesan body would be invited to make up the Panel of three.

6.5 The Strategic Director of Children, Young People and Learning Services will arrange for collation of all paperwork and send it to the Chief Executive's Group for distribution.

6.6 The Review Panel will then decide, on the basis of the paperwork, whether or not:

- the correct procedure was followed
- in their view the outcome was reasonable, giving reasons.

The Strategic Director of Children, Young People and Learning Services has a right, through a representative, to attend and advise the Review Panel.

6.7 **IN THE CASE OF CURRICULUM COMPLAINTS ONLY**, the Review Panel can decide to:

- uphold the decision of the governing body; in this case the matter rests,
- recommend the governing body to reconsider in the light of the findings of the review.

In addition the Review Panel may take recommendations to any of the parties involved and will send a letter giving the outcome, normally within ten school days of the panel meeting to the

- original complainant,
- governing body complaints committee chairperson,
- Headteacher (who will copy relevant papers to any member(s) of staff named in the original complaint),
- chairperson of the governing body
- Strategic Director of Children, Young People and Learning Services

6.8 There is no further appeal to the local authority. The ways in which a complainant can pursue the matter further if he or she so wishes are summarised in Appendix C which should be sent to the complainant at this stage.

## 7. Review

The local authority may review and amend this procedure from time to time.

**Formal complaint to a school's governing body : model agenda**

1. Apologies
2. To consider members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure
4. To agree whether the decision will be conveyed orally to all parties at the end of the meeting (as well as in writing afterwards)
5. Invitation to complainant and headteacher to join meeting and introduction to governors (enclosure --)
6. Introduction and explanation of the procedure
7. To note the role of the clerk at the meeting
8. Complainant's presentation and witnesses and questions to both by headteacher and/or governors (enclosure --)
9. Headteacher's response and witnesses and questions to both by complainants(s) and/or governors (enclosure --)
10. Any further questions or points from any of the parties
11. Opportunity for summing up by the headteacher
12. Opportunity for summing up by the complainant
13. Summing up by the chairperson
14. Complainant and headteacher leave the meeting
15. To decide on the complaint. The committee can:
  - uphold the complaint in full,
  - uphold it in part, or
  - dismiss it
16. To consider whether and how to refer issues of principle of general practice to another forum, such as the governing body, or to an individual such as the headteacher.
17. To inform the complainant and the headteacher of the governing body's decision and further rights of representation (if agreed at 5 above).
18. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing bodies papers.

**Section 3****Advice to school governing bodies on the handling of complaints****1. The Role of the Governing Body**

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

**2. Legislation**

Section 409 of the Education Act 1996 deals with complaints against the curriculum and states that "Every local education authority shall, with the approval of the Secretary of State ..... make arrangements for the consideration and disposal of any complaint" (made on or after 1 September 1989). Guidance from the Department of Education and Science on the above legislation has been issued in Circular 1/89 *Education Reform Act 1988: Local Arrangements for the Consideration of Complaints*. This Circular offers advice to local authorities on the establishment of "local arrangements" and requires that they send their proposals to the Secretary of State for approval. Copies of these documents should be available at the school.

**3. School Procedures**

In order to fulfil its role, as outlined above, the governing body should establish that there are clear procedures and structures for dealing with concerns and complaints within the school, and that these are widely understood and accepted for use by all school staff, including support staff and governors. It should be clear to all concerned as to who will deal with complaints, and what will happen at each stage. For example, a later stage in the informal arrangements might involve a school governor or other person nominated by the governing body.

Every effort should be made to deal with any complaint quickly. Experience has shown that this is beneficial for all concerned and it lessens the likelihood of the complainant adding further complaints about the way in which his/her complaint has been handled. A complaint well handled

can result in a complainant having more confidence in a school than he/she had before making the complaint.

**4. Main Role of the Local Authority**

Officers in Children, Young People and Learning Services will advise parents, governors and school staff of the details of the complaints procedure and good practice, but will remain impartial where any individual complaints are concerned.

**5. Governing Body Complaints Committee**

**5.1 Role**

The Committee has the power to make decisions on behalf of the governing body and may:

- uphold the complaint,
- uphold it in part, or
- dismiss it

Where the issue under consideration does not fall within this remit of the Committee, the members may still wish to make recommendations.

A complaints committee should be appointed at the governing body meeting in the Autumn Term. The composition of this committee should be considered carefully. Dealing with any complaints that reach this stage is likely to be challenging but careful planning early on can avoid unnecessary complications. Consider the following:

**5.2 Membership ?**

The most important point to remember is that any complaints committee member should not have had precious significant involvement with a complaint. For example, it would be better not to appoint

- a governor who is likely to be involved in dealing with a complaint;
- a parent- or staff-governor who is likely to have significant involvement with a complaint at the informal stage;
- a governor who is likely to be involved in mediating at the informal stage.

Whoever is appointed should be prepared to attend a meeting at short notice.

It is suggested that a minimum of three governors (excluding the headteacher) form the complaints committee. Substitutes should be appointed to take the place of any committee member who might be unavailable. The minutes of the Autumn Term governors meeting should show exactly who should be called for a meeting and in what order. The complaints committee clerk will then be clear about whom to call from a list.

**5.3 Chairperson**

The governing body should appoint a chairperson for the complaints committee at the same time as they decide on the membership of the committee. This avoids uncertainty all round and allows the chairperson to take control of the situation before the meeting as well as during and after it.

Previous experience of chairing a meeting is preferable. Governors should be aware that these meetings can be difficult and that the unexpected frequently occurs.

**5.4 Clerk**

Children, Young People and Learning Services' School Governance team can ensure that an officer is available to clerk the complaints committee meeting, if governors request this. A decision about this should be made at the same time as the appointment of the committee.

The clerk will draw up the agenda and make all the necessary arrangements for the meeting. If the clerk is a local authority officer the meeting will be set up by Children, Young People and Learning Services School Governance section.

**5.5 Representative of the Strategic Director of Children, Young People and Learning Services**

The Strategic Director of Children, Young People and Learning Services has the right, under the complaints procedure, to have a representative present at all stages of the governing body complaints committee meeting and to have a copy of all associated paperwork.

## **6. Complaints Committee Meeting**

### **6.1 Before a meeting**

A copy of the agenda, the complaint, and any written response from the Headteacher will be sent to complaints committee members and (if not a complaints committee member) the chairperson of governors at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk will organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged.

### **6.2 Practical arrangements**

The tone of a meeting is often set by what happens when the complainant first arrives for the meeting. Therefore it is worth the chairperson considering the following:

- What time will participants be asked to arrive?
- Who will greet participants when they arrive?
- Will anyone wait with them?
- Where will other people wait? (Separate places for complainants and school representatives may be advisable).
- Will there be any refreshments provided?
- Where will the meeting take place?
- How will the meeting room be arranged? (Small informal arrangements are usually best).
- What route will the complainant and school representatives take to the meeting room?
- Does the complainant need an interpreter?

### **6.3 The meeting**

The agenda is based on advice given by the Council of Tribunals and sets out the procedure to be used at the meeting.

The same rules apply as for other committee meetings of governors. For example, governors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedure issues.

### **6.4 Chairperson's role**

#### **6.4.1 During the meeting**

- Take control of the meeting with confidence; use your judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting.
- Convey to all concerned that you are acting impartially by treating all participants even-handedly.
- The committee, the clerk and the representative of the Strategic Director of Children, Young People and Learning Services (if relevant) will be present throughout the meeting.
- The complainant and the headteacher (with their friends/ advocates) will be invited in and asked to leave together.
- At the discretion of the chairperson witnesses will be invited to join the meeting when their input is required and to leave immediately afterwards.
- It is not appropriate for a child/pupil to attend.
- Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the committee who should be invited to speak to the committee and in what order; at no time should the complainant, headteacher or a witness be able to talk to committee members without both the complainant and headteacher being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.

- If witnesses are waiting, the chairperson should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- Once the main participants have joined you, explain the evening's proceedings (see below).
- Begin to hear the complaint being firm about keeping to the agenda and reminding participants as necessary about the procedure; e.g. if interruptions occur.
- Bear in mind that all participants will be under stress; be even-handed in your treatment of all participants.

#### **6.4.2. Explaining the meeting's proceedings**

- Introduce the people round the table.
- Explain that the agenda will be followed.
- Run down the items briefly and let the participants know if they will be able to hear the decision at the end of the meeting.
- If the complaint is complex and there are some aspects of it that fall outside the committee's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the committee; later, you may wish to advise the complainant as to how best to follow up any complaint that could not be dealt with by the committee. Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its remit.
- Make it clear that although you want to be as informal as possible, you will keep to the agenda as this will allow everyone to have a fair hearing.
- Explain, for example, that you will hear the complainant speak without interruption and then ask the headteacher and complaints committee members to ask any questions to clarify any issues raised; then the headteacher's response will be heard, again without interruption, and there will be an opportunity for the committee and the complainant to ask any questions about what has been said and so on.
- Indicate any time limits that you would like to adhere to.

#### **6.4.3 Concluding the discussion**

- It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, (Section 2, item 10) you can move the meeting on by proceeding to the summing up. The complainant and the headteacher are then invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate, in which case items 11-13 (Section 2) can be referred to but not used.
- Confirm the arrangements for the participants to receive the decision of the meeting.
- After the complainant and headteacher have left, write down the decision of the committee so this can be accurately recorded in the minutes
- If the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible

#### **6.4.4 The decision letter and minutes**

- The complaints committee clerk sends a copy of the decision letter to the complainant, headteacher, chairperson of governors and Strategic Director of Children, Young People and Learning Services.
- The complaints committee clerk writes the minutes and sends them to the complainant and the governing body clerk for distribution to the rest of the governing body; the minutes record the procedure followed, the decision reached and any recommendations made.

- It is usual for all documents relating to a complaint to be kept confidential.

**6.5. After the meeting**

The chairperson of the committee will receive a copy of the minutes for confirmation. In case of referral to a Review Panel, the chairperson needs to ensure the clerk has properly collated all papers given to the committee.

**7. Formal Complaint to the Local Authority**

A complainant or headteacher who believes that the governing body has not dealt with the complaint properly or that the outcome is unreasonable may refer the matter to the Strategic Director of Children, Young People and Learning Services. Should this occur, the case will be referred to the Chief Executive in accordance with the procedure.

**“I have something to say to the school”****Introduction**

Often parents and other members of the public would like schools to know their views. Sometimes there are meetings when this is possible. On other occasions a personal comment is more appropriate. Communication, written or spoken, is valued as part of the partnership between home and school. Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in school. Here are some of the questions we frequently receive.

**Should I pay a compliment?**

Certainly. Those at the school are always pleased to learn that things have gone well and compliments are appreciated.

**Should I tell them my concerns?**

Definitely. All members of staff want to know as soon as possible if something concerns you or your child. They can then investigate and give you a response. If need be, they can also take steps to remedy a situation. Misunderstandings can be cleared up. An apology can be given if something is found to be wrong. Everyone benefits from the speedy resolution of difficulties and from suggestions for improvement.

**Should I complain?**

Yes, if you believe that something is seriously wrong. Your view can then be considered and an investigation can establish whether there is something wrong which needs to be corrected. The school's response will be based on the governors' agreed policy and will seek to be fair to all concerned. Writing down your complaint helps to clarify exactly what you are complaining about.

**Who do I contact?**

That depends on the particular situation. Often the teacher is able to deal with the matter. More serious problems will require the attention of a senior member of staff or the headteacher. Mutual courtesy is to be expected and ensures that things go smoothly. There should always be discussion in the hope of solving difficulties informally. Most problems are solved in this way. Certain specific complaints (e.g. about admissions to school) are dealt with separately.

For further advice about where to direct your complaint call the London Borough of Sutton Call Centre on 020 8770 6080.

**What if the matter is still unresolved?**

It will be necessary to write to the school to inform them about this. In response the school may invite you to a meeting to talk together about it. The school may arrange for a suitable mediator to be present. If the matter remains unresolved, you may decide to make a formal complaint to the governing body.

**What is a complaint?**

It is an expression of serious dissatisfaction. This could be about an event that has happened, failed to happen, or the way in which something was handled. You can obtain a copy of your school's full complaints procedure from the school.

**Who will deal with my complaint?**

At first, school staff will respond, and others may assist. If you proceed further with your complaint, a committee of governors (not previously involved with the case) will listen carefully to both sides before reaching an independent decision.

**How do I make a formal complaint to the governing body?**

You submit a copy of your complaint in writing to the clerk of governors, including a request for a formal hearing. You cannot introduce new or different complaints at this stage. You will receive an acknowledgement within five school days. A meeting will follow, with all the relevant paperwork having been circulated at least five school days in advance to everyone involved. You (accompanied by a friend or professional representative) will be invited to speak to the committee and to ask and answer questions. The committee normally allows witnesses to attend part of the meeting. A governing body may decide not to consider a complaint about something which occurred more than six months previously.

**What happens next?**

You will be informed in writing of the committee's decision. If you believe either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then you can make a formal request for a Review Panel appointed by the local authority to check the paperwork and make a recommendation to reconsider its decision if it deems it appropriate. Any such request by you

should be received within 15 days of the date of the letter from the complaints committee clerk giving the outcome of the meeting.

**Remember**

This whole process exists so that your views, and the views of others, can be heard. You have rights. Pupils have rights. Staff and governors have rights. The aim is that the complaint should be properly and fairly dealt with. Communications with school are frequent and are welcome. The later stages of the complaints procedure are used rarely but remain part of the response to compliments, concerns and complaints.

*The procedure explained in this leaflet is followed by all Sutton community, primary and secondary schools. If your complaint is with a foundation or voluntary-aided school, it is likely that their procedure is different. You will therefore need to contact the school directly for their procedure.*





## Summary of external bodies dealing with complaints about schools beyond the local authority

### Local Government Ombudsman

Will investigate complaints about the operation of any general schools complaints procedure, but normally does not look at internal school management matters and expects that the local complaints procedure has been completed prior to any investigation.

Contact details are:

Local Government Ombudsman

Advice Team

PO Box 4771

Coventry CV4 0EH

Tel: (084) 5602 1983 or (024) 7682 1960

Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

Text: 07624 804323

### Ofsted

Ofsted can consider general complaints about the education or care offered by a school as a whole, not about a child's individual circumstances. They will normally only intervene when the school's complaints procedure has been exhausted.

Contact details are:

[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Help desk: 08456 40 4045

### Note

Separate arrangements apply in the case of school admissions appeals and Special Educational Needs or Disability complaints. Further details are available from the local authority.