BALHAM NURSERY SCHOOL AND
CHILDREN’S CENTRE SERVICES

COMPLAINTS POLICY AND PROCEDURES
2019-2020

Signed: ........................................ (Chair of Governors)
Dated: .............................................

Signed: ........................................ (Headteacher)
Dated: .............................................

Review Date: March 2020
Balham Nursery School & Children’s Centre Services

Complaints Policy and Procedures

Introduction

Balham Nursery School & Children’s Centre Services ("BNSCCS") aims to provide the highest quality level of service and the best possible provision, with children being at the heart of everything we do. The continued confidence and support of all our stakeholders is crucial to BNSCCS and that is why we are asking you to let us know if you are not completely satisfied with us. If initial attempts at resolution of any concerns you may have are unsuccessful and there is a desire to take the matter further, this policy sets out the procedures and timescales for a formal complaint. This complaints procedure follows best practice guidance, issued by the Department for Education in January 2019, for maintained schools, including maintained nursery schools. Although the guidance is non-statutory, it has been written to assist the Governing Body BNSCCS fulfil their obligations and duties in relation to section 29 of the Education Act 2002. This procedure will be also be used for any concern or complaint with regards to the Children’s Centres @Balham, @Fayland and @Nightingale Square.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the School @Balham or nursery provision @Fayland. Any person, including members of the public, may make a complaint to BNSCCS about any provision of facilities or services/activities that we provide. Unless complaints are dealt with under separate statutory procedures, 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. We have a firm commitment to work in partnership with parents/carers and hope that any concerns you may have can be resolved informally by speaking with the relevant person – Class Teacher, Key Person or member of the Children’s Centre staff. BNSCCS takes concerns seriously and will make every effort to respond positively and 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, you should speak with a member of the Senior Leadership Team who will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a
concern, they may consult with a member of the Senior Leadership Team who will refer you to another staff member. This 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, BNSCCS will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

A concern or complaint can be made in person, in writing (either by letter or email) or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

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 Stage 2 of the procedure.

Complaints against a member of either school staff (except the Headteacher) or Children’s Centre staff should be made in the first instance, to Emma Williams, Headteacher via the school office. If making the complaint in writing, please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to Fiona Coombe, Chair of Governors, via the school office. Again, please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to Bryanna Patterson, Clerk to the Governing Body via the school office, marked Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure (Appendix 1). 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. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

**Timescales**

You must raise the complaint within two months of the incident or, where a series of associated incidents have occurred, within two months of the last of these incidents. BNSCCS will consider complaints made outside of this time frame if exceptional circumstances apply.
Complaints received outside of school term times

We will consider complaints made outside of school term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints concerning the school/nursery provision and any other community facilities or services/activities provided by BNSCCS. If we believe your complaint should be dealt with under any other statutory procedure, we will advise you of the contact details of those responsible for carrying out that duty.

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 BNSCCS in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, BNSCCS 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 BNSCCS' policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1 – (Note that all timescales exclude school holidays)

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form – Appendix 1), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.
Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or Investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions BNSCCS will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the Governing Body must be made to the Clerk, via the school office.

If the 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. At the conclusion of their investigation, the independent investigator will provide a formal written response.

**Stage 2 - (Note that all timescales exclude school holidays)**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 -- a meeting with members of the Governing Body's Complaints Committee, which will be formed of the first three, impartial, Governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.
The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Governors from BNSCCS available, the Clerk will source any additional, independent governors through another local school or through their LA’s Governor Services team, in order to make up the Committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the Committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The Committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant’s own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Committee will consider the complaint and all the evidence presented. The Committee can:
• uphold the complaint in whole or in part
• dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Committee will:
• decide on the appropriate action to be taken to resolve the complaint
• where appropriate, recommend changes to BNSCCS' systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and BNSCCS with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Department for Education, (for a school related matter), if they are dissatisfied with the way their complaint has been handled by BNSCCS.

If the 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, co-opted governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions BNSCCS will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps (For Complaints relating to the School only)

If the complainant believes the School did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

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

The complainant can refer their 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.
## Complaint Form

Please complete and return to Emma Williams, Headteacher OR Fiona Coombe, Chair of Governors OR Bryanna Patterson, Clerk to the BNSCCS Governing Body (as appropriate) who will acknowledge receipt and explain what action will be taken.

<table>
<thead>
<tr>
<th>Your name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child's name (if relevant):</td>
</tr>
<tr>
<td>Your relationship to the child (if relevant):</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Postcode:</td>
</tr>
<tr>
<td>Day time telephone number:</td>
</tr>
<tr>
<td>Evening telephone number:</td>
</tr>
</tbody>
</table>

Please give details of your complaint, including whether you have spoken to anybody at BNSCCS 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: 

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Appendix 2

Policy for managing serial and unreasonable complaints and/or unreasonable or persistent contact with BNSCCS

BNSCCS 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 us at either our School or Children’s Centres. 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.

BNSCCS defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant’s contact with the us, 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 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 BNSCCS’ complaints 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 or Centre 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
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
• publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with BNSCCS that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact BNSCCS 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 any BNSCCS premises/sites.
Appendix 3

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 BNSCCS 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 or other public forums and respect confidentiality.

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 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 for the Headteacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body

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, BNSCCS 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.

Committee Chair

The Committee’s Chair, who is nominated in advance of the complaint 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.
- the remit of the committee 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 DPA 2018 or GDPR.
  If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and BNSCCS 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 Committee is open-minded and acts independently
- no member of the committee 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.

Committee Member

Committee 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 Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between BNSCCS 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.
- the welfare of the child or person is paramount.