



# THE WANDSWORTH FEDERATION OF MAINTAINED NURSERY SCHOOLS

## COMPLAINTS POLICY AND PROCEDURES 2021-2022

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

Dated: .....

Signed: ..... (Executive Headteacher)

Dated: .....

Review Date: June 2022

# **The Wandsworth Federation of Maintained Nursery Schools**

## **BALHAM AND EASTWOOD NURSERY SCHOOLS**

### **Complaints Policy and Procedures**

#### **1. General Scope of Policy**

The Wandsworth Federation of Maintained Nursery Schools ('the Federation') is dedicated to providing the best possible education and support for all its children who are at the heart of everything we do. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the schools or day nursery within the Federation so that any issues that arise can be dealt with as swiftly and effectively as possible. This procedure can be used by parents, children or third parties. Any person, including members of the public, may make a complaint to the Federation about any provision, facilities or services that we provide.

All school and day nursery staff will be made aware of the complaints procedures and the policy will be regularly reviewed by the Governing Body. Staff will be expected to be familiar with our process of dealing with complaints so that they can be of the most assistance when an issue is brought to their attention.

This document explains the Federation's procedure for making and dealing with complaints. The steps as outlined should be referred to and followed by all parents or parties concerned whenever an issue arises that causes them concern or should they wish to make a formal complaint.

This policy does not apply to complaints related to safeguarding or staff disciplinary matters. Safeguarding matters should be raised with the appropriate Designated Safeguarding Lead. If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the schools or day nursery may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the schools or day nursery and outlined in this policy.

For more information on the schools' and day nursery provision for protecting our children, refer to the Safeguarding and Child Protection Policy.

## 2. Dealing with Concerns Parents/Carers

We would hope that if you have a general concern about your child you would first want to approach your child's key person. This is the person best placed to help with your concern and we encourage all our parents to approach the key person initially with any concerns they may have about their child/children. 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. We take concerns seriously and will make every effort to resolve all issues with open dialogue and mutual understanding. You may make this approach in person, in writing, by telephone or emailing the relevant school or the day nursery as follows:

Eastwood Nursery School	<a href="mailto:admin@eastwood.wandsworth.sch.uk">admin@eastwood.wandsworth.sch.uk</a>
Eastwood Day Nursery	<a href="mailto:admin@edn.wandsworth.sch.uk">admin@edn.wandsworth.sch.uk</a>
Balham Nursery School	<a href="mailto:admin@balham-nursery.wandsworth.sch.uk">admin@balham-nursery.wandsworth.sch.uk</a>

If your concern is about a member of staff, you should first raise this with the Deputy Headteacher either in person or in writing via the school. Please mark all such communications confidential and place in an envelope and hand to a member of staff in the school office. If your complaint is about the Deputy Headteacher, you should raise your concern with the Executive Headteacher in writing. If your complaint is about the Executive Headteacher, you should raise your concern in writing via the school with the Chair of Governors. The Chair of Governors may refer complaints that are taken straight to them back to the Deputy Headteacher or Executive Headteacher if they do not warrant the Governing Body's involvement at that point.

### A. Once a concern has been raised:

- The appropriate member of staff will make the time to speak to you. You may be invited to attend an informal meeting to address your concern, or a telephone call maybe appropriate.
- You are welcome to bring a friend or partner to any meeting for support or to support you if English is not your first language. These meetings will normally be held without children present unless the child is the complainant.
- The schools have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.
- All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the Deputy Headteacher using our formal complaints procedure.
- If you have difficulty discussing a concern with a particular member of staff, we will respect your views and, you should speak with a member of the Senior Leadership Team who will refer you to the most appropriate 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.

## **B. Concerns By Members of the Public or Third parties**

If you have a concern we ask that you email as follows:

Eastwood Nursery School	<a href="mailto:admin@eastwood.wandsworth.sch.uk">admin@eastwood.wandsworth.sch.uk</a>
Eastwood Day Nursery	<a href="mailto:admin@edn.wandsworth.sch.uk">admin@edn.wandsworth.sch.uk</a>
Balham Nursery School	<a href="mailto:admin@balham-nursery.wandsworth.sch.uk">admin@balham-nursery.wandsworth.sch.uk</a>

## **C. Scope of this Complaints Procedure**

A complaint can be made in person by handing in or emailing the completed complaint form at Appendix 1. The complaint may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. The template complaint form is provided for ease of use but if you require help in completing the form, please contact the School Business Leader. You can also ask third party organisations like the Citizens Advice to help you.

Complainants should not approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent that Governor considering complaints at Stage 2 of the procedure.

If we believe your complaint should be dealt with under any other procedure, we will advise you of the contact details of those responsible for carrying out that duty.

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.

## **D. Resolving complaints**

At each stage of the process, the Federation wants to resolve the complaint as quickly and efficiently as possible.

## **E. Withdrawal of a Complaint**

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

## **F. Anonymous complaints**

We are not normally able to investigate anonymous complaints. However, the Executive Headteacher or Chair of Governors, if appropriate, will make the final determination on whether the complaint can be investigated.

## **G. 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. The Federation will consider complaints made outside of this time frame if exceptional circumstances apply.

If a complainant commences legal action against the Federation in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

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.

## **H. Complaints received outside of school term times**

We will consider complaints made outside of school term times subject to the time scales detailed above.

In order to ensure that complaints are processed efficiently and effectively, the Federation deals with formal complaints in two stages:

## **3. Formal Complaints Procedure**

### ***Stage 1: Complaint to Deputy/Executive Headteacher (timescales exclude school holidays)***

If you are not satisfied with the outcome of any concern raised at the informal stage as described above or feel that the matter is serious enough to warrant a formal complaint, you can make a formal complaint in writing to the Deputy/Executive Headteacher. The Federation has a standard complaints form which is attached at the end of this policy.

- The Deputy/Executive Headteacher may delegate the investigation to another member of the Federation's senior leadership team but not the decision to be taken.
- The Deputy/Executive Headteacher should acknowledge your complaint in writing within 7 school days. They may already be aware of the situation. They will outline their decision if there is one to be made at this point and any action to be taken as a result of your complaint.
- The Deputy/Executive Headteacher or person dealing with the complaint may call you in for a meeting to discuss the issue, outcome, possible solutions, or to explain what has or will happen as a result of your complaint.
- A record will be made of all interactions with you on this matter and you should receive an outcome in writing within 15 days of the date from which the complaint was received.
- If the Deputy/Executive Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- The outcome letter 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 what actions from the relevant school or the Federation as a whole are taking or have taken to resolve the complaint.
- If the complainant is dissatisfied with the outcome of the complaint, there is a right of appeal. The Deputy/Executive Headteacher's outcome letter will advise the complainant how to make an appeal should they wish to do so.
- If the complaint is against a member of staff and is not a disciplinary or safeguarding matter, the Deputy/Executive Headteacher will speak to that employee using the complaints procedure.

- Complaints that involve or are about the Executive Headteacher should be addressed to Fiona Coombe/Adam Ockelford, Co-Chairs of Governors, via either school office. Please mark envelopes **Private and Confidential**. The process for dealing with the complaint will be the same as outlined under Stages 1 and 2 of the complaints procedure. One of the Co-Chairs (not the Executive Headteacher) will deal with Stage 1 and a panel of Governors will hear any appeal at stage 2.
- If you are not satisfied with the outcome at Stage 1 of the formal process you have the right of appeal to a panel of the governing body.
- Stage 2 is the final stage of the complaints procedure.

If the complaint is:

- jointly about one of the Co-Chairs 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: Governors' Appeal Panel*** (Note that all timescales exclude school holidays)

### **Appeals Administration**

1. The appeal must be made in writing within 5 school days of the date of the outcome letter. Your appeal should be addressed to the Clerk to Governors at the school office in an envelope marked private and confidential
2. The Clerk will normally acknowledge the appeal in writing within 5 working days of receipt.
3. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
4. The Clerk will write to the complainant to inform them of the date of the meeting where one is to be convened. Meetings will usually be convened within 20 school days of receipt of the Stage 2 appeal. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
5. Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The Appeal Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
6. The Clerk will organise an Appeal Panel made up of a minimum of three governors. The Governors must have no former knowledge or have had any involvement with the case or the complainant.
7. The Appeal Panel 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.
8. If the complainant is invited to attend the meeting, they may bring someone with them to provide support. This can be a relative or a friend. The meeting will be held in private. Electronic recordings of meetings or

conversations are not permitted until a complainant's own disability or special need requires 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.

## **Appeals procedure**

The procedure for an appeal is as follows:

1. The complainant and Deputy/Executive Headteacher/respondent will enter the hearing together, where both parties are invited to attend a meeting.
2. The Chair of the Appeal Panel will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The Appeal Panel will not allow new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with under Stage 1 of the procedure.
5. The Deputy/Executive Headteacher/respondent and panel may in turn question the complainant.
6. The Deputy/Executive Headteacher or respondent will explain the school's actions.
7. The complainant and panel will question the Deputy/Executive Headteacher or respondent.
8. The complainant will sum up their complaint.
9. The Deputy/Executive Headteacher or respondent will sum up the school's actions.
10. The Chair of the Appeal Panel will draw this part of the hearing to a close and advise both parties on next steps - (the Appeal Panel will debate and come to a decision and provide a written response in 10 school days).
11. Both parties will leave the meeting together while the Appeal Panel comes to a decision
12. The Clerk will remain with the Appeal Panel until a decision is reached. The Clerk will provide full minutes of the meeting.
13. The complainant will be notified of the decision by the Chair of the Appeal Panel within 10 school days of the appeal hearing. 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 the Federation and it seems appropriate to do so
14. The Federation will also be provided with a copy of the outcome letter.

## **The Appeal Possible Outcomes**

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on any appropriate resolution action to be taken
- evaluate all the evidence available and recommend if appropriate changes to the schools'/Federation systems or procedures as a preventative step against similar problems arising in the future.

The Federation will review and evaluate *all* complaints no matter how far they are taken or what the outcome to ensure that similar issues are avoided in the future where possible or to see if issues could have been managed any more effectively.

If the complaint is:

- jointly about the Co-Chairs and Vice Chair or

- the entire Governing Body or
- the majority of the Governing Body

Stage 2 will be heard by an Appeal Panel consisting 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 the Federation will take to resolve the complaint.

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

## **Conclusion and Final Steps**

The Stage 2 Appeal Panel's decision is final. If the complainant is unhappy with the outcome the complainant is entitled to take their complaint to the Secretary of State for Education in certain circumstances as follows and after exhausting Stage 2

- the complainant believes the Governing Body or Local Authority is acting unreasonably. The test for this is that no reasonable authority or Governing Body, acting with due regard to its statutory duties, would have reached that decision.
- intervention is expedient (i.e., there is an instruction the Secretary of State can give to one or other party that would put matters right).
- The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Federation. They will consider whether the Federation has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education at: <https://www.gov.uk/complain-about-school> and following the instructions on completing the online form.



## Complaint Form

Please complete and return to school office of either Balham Nursery School or Eastwood Nursery School in a sealed envelope marked for the attention of the Deputy Headteacher OR If the complaint concerns the Deputy Headteacher to Emma Williams, Executive Headteacher OR if the complaint concerns the Executive Headteacher to Fiona Coombe/Adam Ockelford, Co-Chairs of Governors OR if the complaint concerns Governors to the Clerk to the Wandsworth Federation of Maintained Nursery Schools. You will receive an acknowledgement of receipt and advice on next steps in accordance with the complaints procedure

<b>Your name:</b>
<b>Child's name (if relevant):</b>
<b>Your relationship to the child (if relevant):</b>
<b>Address:</b>    <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the Federation about this matter</b>

**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:**

## **Policy for managing serial and unreasonable complaints and/or unreasonable or persistent contact with the Wandsworth Federation of Maintained Nursery Schools ('the Federation')**

The Federation 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 of our schools or day nursery. 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.

The Federation defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with 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 the Federation's 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 the schools' or day nursery 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 the Federation 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 Deputy/Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

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

## 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 the Federation 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 Deputy/Executive Headteacher or Appeal Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Deputy/Executive Headteacher or Appeal Panel 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 Appeal Panel 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, Federation 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 Appeal Panel's decision.

### **Appeal Panel Chair**

The Appeal Panel'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 Appeal Panel 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 Data Protection Act 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 the Federation 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 Appeal Panel is open-minded and acts independently
- no member of the Appeal Panel 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.

### **Appeal Panel Member**

Appeal Panel 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 the Federation 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.