



Our children leave Mile Oak thinking big with no limit on their potential. The nursery and wider school family works together to inspire and support every child. They learn and achieve through inspirational teaching in a lively, ambitious environment. Every child is nurtured to gain the creativity, responsibility and full breadth of skills required to take an active and fulfilling role in society.

# Little Oaks Nursery: Complaints Policy

Date	February 2023
Review Date	February 2024

## Introduction

It is in everyone's best interests in our nursery and wider school community to communicate well with one another and to ensure that any concerns and complaints are dealt with as quickly and appropriately as

possible. All issues will be dealt with fairly and sensitively and we welcome any feedback that helps us improve.

Little Oaks Nursery aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or the nursery as a whole, relating to any aspects of the nursery or the provision of facilities or services. This policy sits within the wider complaints procedure of the school.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the nursery provides. This policy outlines the procedure that the complainant and nursery and wider school must follow.

When possible, we will aim to resolve issues informally (see 'how to raise a concern' on page 4). If you need to make a formal complaint, please follow the stages of the complaints procedure carefully to ensure it is dealt with fairly and in accordance with timescales (see pages 6 to 10). **Please do not approach individual governors** to raise concerns or complaints. They have no power to act on an individual basis, and it may prevent them from considering complaints at Stage 2 of the procedure. Once a complaint has been made, it can be resolved or withdrawn at any stage.

### **Definition**

#### **The difference between a concern and a complaint**

- For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ which can be regarding actions taken or a perceived lack of action
- Complaints can be resolved formally or informally dependent on the complainant’s choice
- A concern can be defined as ‘an expression of worry or doubt’ for which reassurance is sought
- Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken

NB. For the purpose of this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

*(Definitions Reference: DfE Model Complaints Procedure for Schools 2019)*

### **Aims and principles of the policy**

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good working relationships between the nursery, the wider school and all stakeholders involved

Key principles of the policy are:

- The legal context of the Complaints Policy
- Accessibility – useable format, free from jargon, assuming no specialist knowledge
- Good communication – clarification of the process involved in dealing with complaints
- Clear and adhered to recommended timescales (where appropriate)
- Clarity over roles and responsibilities of those involved in the process

#### 1. Legal context

- From September 2003, Section 29 of the Education Act 2002 has required governing bodies of all maintained schools and nursery schools in England to have procedures in place to deal with complaints. The governing body must establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere (a list of these can be found in the box below).

#### Complaints that do not fall under this Complaints Procedure

Type of complaint	Who to contact
Matters likely to require a Child Protection Investigation	Complaints about child protection and safeguarding matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. <b>If you have immediate concerns that a child has suffered, or is at risk of suffering <i>significant</i> harm please contact Front Door for Families: Tel 01273290400 (office hours) or 01273 335905 (out of office hours). <a href="https://www.brighton-hove.gov.uk/frontdoorforfamilies">https://www.brighton-hove.gov.uk/frontdoorforfamilies</a></b> The local authority designated officer (LADO) is Darrel Clews: Tel 01273 295643.
Admissions to schools	Please note that attendance at Little Oaks Nursery does, in no way predetermine a place at Mile Oak Primary School. You must follow admissions procedure for Brighton and Hove

	Admissions Team (local authority): Tel 01273 293653 <a href="mailto:SchoolAdmissions@brighton-hove.gov.uk">SchoolAdmissions@brighton-hove.gov.uk</a> in the first instance, who will advise on the correct procedure to follow.
Statutory assessments of SEN	Special Educational Needs Team (local authority): Tel 01273 293552 <a href="mailto:sen.team@brighton-hove.gov.uk">sen.team@brighton-hove.gov.uk</a>  Our Brighton & Hove Inclusion Support Service (BHISS) Early Years team works with pre-schools and nurseries to help them provide support for children 0 to 5 years old who have special educational needs and disabilities (SEND).  01273 293 481 <a href="mailto:BHISS@brighton-hove.gov.uk">BHISS@brighton-hove.gov.uk</a>
Complaints about other providers who may use the nursery and wider school premises or facilities	Providers should have their own complaints procedure to deal with complaints about the service. Please contact them direct or ask the nursery and wider school office for their contact details.
Staff grievances, capability or conduct	The whole school's internal personnel procedures will be used. You are not entitled to participate in proceedings or receive any detail about the outcome, but you will be informed that the matter is being addressed.
Subject Access Requests and Freedom of Information requests	Refer to the wider school's Data Protection Policy and Freedom of Information policy.
Whistleblowing (for serious wrongdoing that cannot be covered by other procedures)	Refer to the wider school's whistleblowing procedure, which can be used by members of staff and the general public. For those who do not wish to raise matters direct with the school, referrals can be made to the Department of Education: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Early Years Foundation Stage Curriculum content	Contact the Department for Education: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

The wider nursery and wider school policies referred to above can be found on the school website, or you can ask for a copy from the school office. There is further information about different types of complaints at <https://www.gov.uk/complain-about-childcare>.

## 2. Roles and Responsibilities

### **The complainant will:**

- 2.1 Co-operate with the Nursery in seeking a solution to the complaint
- 2.2 Express the complaint and their concerns in full at the earliest possible opportunity
- 2.3 Promptly respond to any requests for information or meetings
- 2.4 Ask for assistance as needed
- 2.5 Treat any person(s) involved in the complaint with respect

### **The complaints co-ordinator, in most instances this is the wider School's Business Manager, will:**

- 2.6 Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure
- 2.7 Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000
- 2.8 Keep up-to-date records throughout the procedure
- 2.9 Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk and chair of governors
- 2.10 Be aware of issues in regards to sharing third party information
- 2.11 Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this

### **The investigator is involved in stages one and two of the procedure; this will be a member of the Senior Leadership Team. Their role includes:**

- 2.12 Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved
- 2.13 Considering all records, evidence and relevant information provided
- 2.14 Interviewing all parties that are involved in the complaint, including staff and children
- 2.15 Analysing all information in a comprehensive and fair manner

- 2.16 Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem
- 2.17 Identifying and recommending solutions and courses of actions to take
- 2.18 Being mindful of timescales and ensuring all parties involved are aware of these timescales
- 2.19 Responding to the complainant in a clear and understandable manner.

**The Panel Chair will:**

- 2.20 Ensure that minutes of the meeting are taken
- 2.21 Explain the remit of the panel to the complainant
- 2.22 Ensure that all issues are addressed and that outcomes are reached based on facts and evidence
- 2.23 Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved
- 2.24 Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy
- 2.25 Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone
- 2.26 Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings
- 2.27 Give the complainant, the nursery and the wider school, the opportunity to state their case and seek clarity without undue interruption
- 2.28 Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material
- 2.29 Organise a short adjournment of the hearing if required
- 2.30 Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly
- 2.31 Help to provide the support necessary where the complainant is a child

**All panel members will be aware that:**

2.32 The review panel hearing is independent and impartial

2.33 No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel

2.34 The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved

2.35 Reconciliation between the nursery, the wider school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously

**The panel can:**

2.36 Dismiss or uphold the complaint, in whole or in part

2.37 Decide on appropriate action to be taken

2.38 Recommend changes that the nursery and wider school can make to prevent reoccurrence of the problem

2.39 Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible

2.40 When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

**The panel clerk will:**

2.41 Continuously liaise with the complaints co-ordinator

2.42 Record the proceedings

2.44 Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved

2.55 Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing

2.56 Greet all parties as they arrive at the hearing

2.57 Ensure that the minutes of the panel hearing are circulated

2.58 Notify the relevant parties of the panel's decision and any other actions to be taken

### **3. Making a complaint**

3.1 Complaints are not restricted to parents of attending pupils. The nursery and wider school will consider all complaints

3.2 The nursery and wider school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised
- Simple to understand and put into practice
- Impartial and fair to all parties involved
- Respectful of confidentiality duties
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT
- Fairly investigated, by an independent person when necessary
- Used to address all issues in order to provide appropriate and effective responses where necessary

3.3 Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale

3.4 The nursery and wider school uphold a three-month time limit in which a complaint can be lodged regarding an incident

3.5 Complaints made outside this time limit will not be automatically refused and exceptions will be considered

3.6 In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner

3.7 Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form

3.8 All complaints shall be considered whether made in person, by telephone, in writing or electronically via email

3.9 A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure

3.10 Any complaint made against the headteacher shall be initially dealt with by the chair of governors.



3.11 Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to the governing board

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

3.13 **If you wish to raise a concern**, i.e. seeking reassurance about a particular issue, your first point of contact is usually the nursery manager. If you have difficulty discussing a concern with a particular member of staff, please contact the headteacher, who will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, they may refer you to another staff member, who may be more senior but does not have to be. The ability to consider the concern objectively and impartially is important, so you could be referred to a member of the nursery committee. However, that governor cannot then be involved if the concern progresses into a formal complaint. You should expect to receive a written acknowledgement within five working days and a full response within 15 working days of receiving the concern.

3.14 **If you wish to make a formal complaint**, you should follow the stages outlined in this procedure (pages 6 to 10). It is helpful if you complete the complaint form at the end of this procedure (Appendix 2) as it ensures we have all the necessary details about the complaint. However, you may also raise your complaint in person or by telephone, through the Complaints Coordinator.

### 3.15 Timescales

- You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.
- If complaints are made outside of term time or over a weekend, we will record the day received as the first school day back after that time.
- If other public bodies are investigating aspects of the complaint (e.g., the police, safeguarding teams or a tribunal), 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 legal action has been taken against the nursery in relation to the complaint, we may suspend the complaints procedure until those legal proceedings have concluded.

**3.16 Resolving complaints:** Little Oaks Nursery takes concerns seriously and will make every effort to resolve the matter as quickly as possible, by offering an empathetic response, an explanation of events or, if appropriate, a recognition that the situation could have been handled differently or better. If this is the case, we will explain any steps that will be taken to help ensure it will not happen again, with an indication of the timescales within which any changes will be made.

**3.17 Withdrawal of a complaint:** If you wish to withdraw a complaint, please confirm this in writing to the headteacher, via email or letter to the school office.

**3.18 Accessibility** In accordance with equality law, we will consider making reasonable adjustments to enable complainants to access and complete this complaints procedure, e.g. providing information in alternative formats, helping to complete the form or holding meetings in accessible locations. Please contact the school office if you require any assistance.

**3.19 Who can make a complaint?** Any person, including members of the public, can make a complaint about any provision of facilities or services we provide. This complaints procedure is not limited to parents or carers of children that are registered at the nursery. However, please check the list on page 3 first to ensure the complaint is not covered by a different procedure.

**3.20 Anonymous complaints** We will not normally investigate anonymous complaints. The Headteacher and/or chair of the nursery committee will determine whether the complaint warrants an investigation. Please note that any complaints about child protection matters are handled under our child protection and safeguarding policy.

#### **4. Complaints Procedure**

##### **Stage One – Informal concern made to a member of staff**

4.1 A complaint may be made in person, by telephone or in writing

4.2 The member of staff can discuss the concern with the headteacher or complaints co-ordinator in order to seek support

4.3 In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record

4.4 If the concern is about the headteacher, the complaints co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the chair of the governing board

4.5 In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure

4.6 Within school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution

4.7 At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the nursery could have handled the situation better is not an admission of unlawful or negligent action

4.8 If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure

## **Stage two – Formal complaint made to the headteacher**

### **Investigation**

4.9 The headteacher will acknowledge receipt of the complaint in writing (by letter or email) within five school working days. Within this response, the headteacher will seek to clarify the nature of the complaint and what outcome you would like to see. The response will outline who will be investigating the complaint and the date you can expect a response by

4.10 The headteacher will then investigate the complaint or they may delegate the investigation to another member of the school's senior leadership team (but not the decision to be taken)

4.11 During the investigation, the headteacher (or investigator) may:

- meet with you if there is any clarification needed about your complaint or the outcome required
- interview those involved in the matter and/or those complained of (allowing them to be accompanied if they wish)

4.12 They will keep a written record of any meetings/interviews in relation to their investigation

4.13 After the investigation, the headteacher will provide a formal written response within 15 school working days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide you 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 the nursery and wider school will take to resolve the complaint. The response will include an explanation of how to escalate your complaint if you are dissatisfied with the outcome.

**4.14 If the complaint is about the headteacher or a member of the governing board,** the chair of governors will complete all the actions at Stage 1. Such complaints must be made via the clerk to governors - [sarahinchcliffe@mileoak.brighton-hove.sch.uk](mailto:sarahinchcliffe@mileoak.brighton-hove.sch.uk).

**4.15 If the complaint is about the chair of governors,** a suitably skilled governor will complete all the actions at Stage 1. Such complaints must be made via the clerk to governors, [sarahinchcliffe@mileoak.brighton-hove.sch.uk](mailto:sarahinchcliffe@mileoak.brighton-hove.sch.uk).

**4.16 If the complaint is about more than one governor or the entire governing board,** an independent investigator will be appointed. Such complaints must be made via the clerk to governors, [sarahinchcliffe@mileoak.brighton-hove.sch.uk](mailto:sarahinchcliffe@mileoak.brighton-hove.sch.uk), who will contact the local authority's Governance Development Team for advice. At the end of their investigation, the independent investigator will provide a formal written response.

**4.17** Where there are communication difficulties, the complaint may be made in person or via telephone

**4.18** In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record

**4.19** In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

**4.20** All discussions shall be recorded by the headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing

**4.22** Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision

4.23 Any further action the nursery and wider school plans to take to resolve the issue will be explained to the complainant in writing

4.24 If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three

### **Stage Three – Investigation by the chair of governors**

4.25 The complainant should submit any complaint in respect of the headteacher's investigation in writing (or via an alternative method if necessary) to the chair of governors

4.26 The chair of governors will carry out an investigation and consider all available evidence

4.27 The complainant and the headteacher will be informed of the outcome within 20 nursery and wider schooldays of the chair of governors receiving the complaint

4.28 If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage four).

### **Stage Four – Complaint appeal panel (CAP)**

4.29 Following receipt of a stage two outcome, the complaint should be made in writing to the chair of governors within 10 nursery and wider schooldays

4.30 Where there are communication difficulties, the complaint may be made in person or via telephone

4.31 In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record

4.32 Written acknowledgement of the complaint will be made within three nursery and wider schooldays. This will inform the complainant that a CAP will hear the complaint within 20 nursery and wider schooldays

4.33 The chair of governors, or another nominated governor, will convene a CAP comprising of three members of the governing board

4.34 If the whole governing board is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint

4.35 If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel. The nursery and wider school will consider the request but ultimately the decision is made by the governing board

4.36 Five days' notice will be given to all parties attending the CAP, including the complainant

4.37 Once the date has been set, the clerk will write to all parties, confirming the following

- Date, time and venue of the hearing
- Aims and objectives of the hearing and how it will be conducted
- The agenda for the hearing
- A request for any documentation either party wishes the panel to consider – the clerk will identify a deadline date that will give them enough time to send all documents to all parties at least five school working days before the hearing
- Clarification about who can accompany both parties – if the attendance of any pupils under the age of 18 is required, parental permission must be sought
- A request for the details of any witnesses or representatives and their role in the hearing, so that all parties can prepare appropriately, access requirements can be checked and the length of the hearing can be estimated
- How and when the panel will reach their decision

4.38 At the hearing, all participants will be given the opportunity to put their case across and discuss any issues

4.39 The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure

4.40 The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish
- The complainant to explain their complaint and the headteacher to explain the reasons for their decision
- The complainant to question the headteacher, and vice versa, about the complaint
- Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned
- Members of the CAP to question both the complainant and the headteacher
- Final statements to be made by both parties involved.

4.41 The complainant will receive a written response explaining the panel’s findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed

4.42 Where relevant, the person complained about will receive a summary of the panel’s findings and recommendations.

4.43 Once the complainant and the headteacher have withdrawn, the panel will deliberate and come to a decision whether:

- any fault was found (i.e. complaint upheld in whole or in part)
- no faults were found (i.e. complaint not upheld)

4.1 If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school’s systems or procedures to prevent similar issues in the future

### **Final Stage – Appeal**

4.44 If you believe the nursery did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after completing Stage four

4.45 The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable nursery and wider school or governing board could act in the circumstances.

- You can refer your complaint to the Department for Education via an online form at <https://www.gov.uk/contact-dfe>  
Alternatively, you can write to: Department for Education, Piccadilly Gate Store Street Manchester M1 2WD, Tel 0370 000 2288

### **5. Interviewing Witnesses**

5.1 When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious

complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

5.2 The nursery and wider school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation

5.3 The nursery and wider school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

5.4 All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

5.5 Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

5.6 The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

5.7 The interviewee will sign a copy of the transcription of the interview.

## **6. Recording a complaint**

6.1 A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations
- Whether the complaint was resolved following an informal route, formal route or panel hearing
- Actions taken by the nursery and wider school as a result of the complaint (regardless of whether the complaint was upheld).

6.2. All records are made available for inspection on the nursery and wider school premises by the proprietor and the headteacher.

6.3. The nursery and wider school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

6.4. Where there are communication difficulties or disabilities, the nursery and wider school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.



6.5. Details of any complaint made shall not be shared with the entire governing board unless completely necessary, in case an independent panel is needed to hear the complaint

6.6. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000

6.7 The nursery and wider school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection request to access them.

## **7. Policy for Unreasonable Complainants**

7.1 Mile Oak Primary Nursery and wider school 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 the school; 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 nursery and wider school define unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

7.2 A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 school's complaints procedure has been fully and properly implemented and completed including referral to the DfE
- Seeks an unrealistic outcome
- Makes excessive demands on nursery and wider school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

7.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

7.4 Complainants should limit the numbers of communications with a nursery and wider school while a 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

7.5 If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the nursery and wider school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months

7.6 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

## **8. Exceptional circumstances**

8.1. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children's Social Care and/or to the LA

8.2. If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure

8.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child

## **9. Serial and persistent complainants**

9.1. The nursery and wider school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the nursery and wider school to reconsider their position

9.2. If a complainant attempts to re-open an issue, which has previously fully completed the complaints procedure, the chair of the governing board will inform the complainant that the matter is now closed

9.3. If the complainant contacts the nursery and wider school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the nursery and wider school does not have an obligation to respond

9.4. The nursery and wider school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure

9.5. The nursery and wider school will not take the decision to stop responding to an individual lightly. The nursery and wider school will ensure that:

- They have previously taken every reasonable step to address the problem
- They have provided the complainant with a statement of their position
- The complainant is contacting the nursery and wider school repeatedly with the same complaint

9.6. If the nursery and wider school believes that the complainant is continuously contacting the nursery and wider school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the nursery and wider school has the right to not respond to the correspondent

9.7. Once the nursery and wider school decides to no longer respond to a complainant, the individual will be informed of this decision in writing

9.8. If the nursery and wider school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.

9.9. The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure

9.10. Any new complaint made by a 'serial' complainant will be responded to.

9.11. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant

9.12. The nursery and wider school will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.

## **10. Barring from the premises**

10.1. Nursery and wider school premises are private property and therefore any individual can be barred from entering the premises

10.2. If a parent's behaviour is cause for concern, a nursery and wider school can ask the individual to leave the premises

10.3. The headteacher will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make

10.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them

10.5. This decision to bar will be reviewed, taking into account any discussions following the incident

10.6. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place

10.7. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors

10.8. Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts

### **11. Standard of fluency complaints**

11.1. As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils

11.2. The nursery and wider school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question

11.3. The nursery and wider school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff

11.4. If a member of the nursery and wider school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in section 5 of this policy.

11.5. For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints

11.6. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy

11.7. In addition to the processes outlined in this policy, the nursery and wider school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question

11.8. To assess the merits, the nursery and wider school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question

11.9. If the complaint is upheld, the nursery and wider school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

11.10. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing

11.11. Records of complaints regarding fluency will be kept in accordance with the processes outlined in section 7 of this policy

## **12. Role of the school complaints unit (SCU)**

12.1. If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State

12.2. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably

12.3. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the nursery and wider school acting unlawfully

12.4. When making a final decision about a complaint, the nursery and wider school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint

## **13. Availability**

13.1. A copy of this Complaints Procedures Policy will be published on the wider school website in accordance with the school Information (England) (Amendment) Regulations 2016.

## **14. Reviewing the procedure**

14.1. The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE. Responsibility for reviewing the procedure belongs to a committee of the governing board, an individual governor or the headteacher

14.2. All projected review dates will be adhered to

14.3. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process

14.4. The monitoring and reviewing of complaints will be used to help evaluate the school's performance

## **Appendix 1: Summary of procedure & timescales**

	<b>Who to Contact</b>	<b>Timescale to receive response*</b>
<b>Raising a concern (informally)</b> – i.e. seeking reassurance about an issue	Contact the nursery manager, who may be able to address your concern straight away or will arrange a meeting to discuss the matter with you at a mutually convenient time. If this person is not appropriate, you may contact the Headteacher, who will refer you to another member of staff to deal with your concern.	Written acknowledgement within five nursery and wider schoolworking days and full response within 15 nursery and wider schoolworking days of receiving the concern.

<b>Formal complaint: Stage 1 (investigation)</b>	<p>Contact the Headteacher, who will investigate your complaint. They may delegate the investigation to another member of the school’s senior leadership team, but the Headteacher will provide the response. If the complaint is about the Headteacher or the governing committee, contact the clerk to governors who will direct your complaint to the most appropriate person to carry out the investigation (see page 6).</p>	<p>Written acknowledgement within five nursery and wider schoolworking days and full response within 15 nursery and wider schoolworking days of receiving the complaint.</p>
<b>Formal complaint: Stage 2 (governors’ panel)</b>	<p>If you are not satisfied with the response at Stage 1, you can appeal the outcome by requesting that a panel of governors hear the complaint. Contact the clerk to governors within 20 nursery and wider schoolworking days of receiving the Stage 1 response and the clerk will arrange the hearing.</p>	<p>Written acknowledgement within five nursery and wider schoolworking days. Hearing will be arranged for within 15 nursery and wider schoolworking days of receiving the complaint. Decision to be sent in writing within five nursery and wider schoolworking days of the hearing.</p>
<b>Next step: Department for Education</b>	<p>If you remain dissatisfied, you can contact the Department for Education via <a href="https://www.gov.uk/contact-dfe">https://www.gov.uk/contact-dfe</a>.</p>	

\*If it is not possible to meet the timescales above, then you will be contacted to discuss reviewing these

## Appendix 2

### Complaint Form

Please complete and return to Lynne Szkolar (School Business Manager) - [lynneszkolar@mileoak.brighton-hove.sch.uk](mailto:lynneszkolar@mileoak.brighton-hove.sch.uk), who will acknowledge receipt and explain what action will be taken. If you require help in

completing the form, please contact school office. You can also ask third party organisations like the Citizens Advice to help you.

This form is provided for ease of use – you may also raise your complaint in person or by telephone, in which case the person you raise the complaint with will complete the form.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Tel no:</b>
<b>Email:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the nursery/school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date: