

# HAVEN NURSERY SCHOOL & CHILDREN'S CENTRE

## GENERAL COMPLAINTS POLICY

### **Mission Statement:**

**Haven's aim is to provide a supportive and encouraging environment, where opportunities are offered to challenge and inspire children and adults through learning that is accessible, meaningful and fun.**

The Governing Body and staff value centre/parent relationships and this policy is to ensure that parents' views and concerns are dealt with fairly. Reference to 'parent' within this document includes carers/guardians of a child at the Centre.

It is important that parents talk with a member of staff as soon as possible if they have a general complaint. Any complaint made informally and formally will only be known to those involved in the investigation. Parents are assured that making a complaint will not adversely affect their child.

This policy does not cover aspects of Centre life where the law sets specific complaints procedures, i.e. exclusions, complaints about the delivery of the curriculum, etc. Parents dissatisfied with the Local Authority's decision about special needs assessments may appeal to the Special Educational Needs Tribunal. Further details about procedures are available in other documents (please refer to the Centre's Special Educational Needs Co-ordinator).

### Aims:

- An accessible and easily understood procedure for complaints
- To resolve concerns through informal discussions at the earliest stage
- To aid communication between parents/carers and the Centre
- Focus on resolving concerns and service review rather than blame
- Be accessible to people with disabilities, special needs or language barriers
- Promote confidentiality and discretion
- Processes of investigation will be fair and transparent for staff and complainants
- Be forthright in dealing with abusive, malicious and anonymous complainants

## **A DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY**

- 1 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the staff, Office Manager, Head of Centre or Chair of Governors, depending on the nature of the complaint.
- 2 Any issue that cannot be dealt with by the first person contacted is to be clearly noted with the date, name and contact address and telephone number of the complainant.
- 3 The staff member will contact the person responsible for the issue raised by the parent passing over the details, etc, checking later that the referral has been successful.
- 4 Informal complaints or concerns made to the Governing Body will be referred to the relevant member of staff or the Chair where appropriate.
- 5 The Head of Centre may decide to deal with concerns directly at this stage on certain major issues.
- 6 Parents with concerns or complaints relating to the Head of Centre are to be advised to write to the Chair of Governing Body.
- 7 The person dealing with the concern makes sure that the parent is clear about what action (if any), or monitoring of the situation, has been agreed. This may be in writing only if this seems the best way of making things clear. A note of the complaint and agreed action is to be kept.
- 8 Where no satisfactory solution has been found parents are to be asked if they wish their concern to be considered further. If so they are to be given clear information, both orally and in writing, about making a formal complaint and any independent advice available to them. 'Guidance for Parents' is available from the Centre office.

## **B STAGE 1 – FORMAL COMPLAINT TO THE HEAD OF CENTRE**

- 1 Upon receipt of a formal written complaint, the Head of Centre (or designate) acknowledges receipt in writing within **3 working days**. The acknowledgement gives a brief explanation of the Centre's complaints procedure and a target date for providing a response to the complainant. This should normally be within **10 working days**; if this proves impossible a letter is sent explaining the reason for the delay and giving a revised target date.
- 2 The Head of Centre (or designate) will arrange a meeting with the complainant to supplement any information provided previously. A friend, relative, representative or advocate, who can speak on their behalf, may accompany the complainant to any meeting. The complainant is to be asked if they have any special requirements the Centre needs to be aware of, for example, wheelchair access, signing, etc.

- 3 The Head of Centre (or designate) should, if necessary, interview witnesses and take statements from those involved. If the complaint centres on a child, the child should also be interviewed. Children would normally be interviewed with parents/carers present. However, in some situations, circumstances may prevent this, for example where this would seriously delay the investigation of a serious/urgent complaint or, where particular circumstances mean that a pupil has specifically said they would prefer that parents or guardians were not involved. In this situation another member of staff with whom the pupil feels comfortable.
- 4 Once all relevant facts have been established, the Head of Centre (or designate) will meet the complainant to discuss/resolve the matter directly. The meeting is to be followed up with a letter giving a full explanation of the decision and the reasons for it. If appropriate, this includes what action will be taken to resolve the complaint. This may prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements. The complainant is also to be advised that if they wish to take the matter further, for example, to the Chair of the Governing Body (Stage 2), they must do so within **20 days** of receiving the outcome letter.

## **C STAGE 2 – CHAIR OF THE GOVERNING BODY**

- 1 Upon receipt of the written letter of complaint, the Chair will acknowledge the complaint within **3 working days** indicating that it is standard practice to investigate the complaint and prepare a response within **20 days**.
- 2 To provide an opportunity for achieving conciliation between all parties, an informal discussion between the Chair of the Governing Body and the Head of Centre is necessary to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the agreement.
- 3 The Chair of the Governing Body will decide who is responsible for dealing with the issues involved, and therefore what powers are available to the Governing Body with respect to the particular complaint. Are the issues related to the responsibilities that:
  - are delegated to the Head of Centre by the Governing Body
  - fall within the Governing Body's remit only
  - are within the Head of Centre's terms and conditions of employment and relate to internal organisation, management and control of the Centre?
- 4 The Chair may look at the whole issue afresh if delegated responsibilities and matters are within the remit of the Governing Body.
- 5 If the matters relate to the Head of Centre's conduct, the Chair of the Governing Body will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice will be sought from the LEA complaints adviser or education personnel services.

- 6 For matters that are the Head of Centre's responsibility, the Chair of the Governing Body is only empowered to look at whether the Head of Centre's decision or action was reasonable in the light of the information available at the time (see Stage 3, paragraph D2).
- 7 In the rare circumstance that a parent is unhappy with the outcome, the Chair of the Governing Body may offer a right of appeal to the Governing Body Complaints Panel.

#### **D STAGE 3 – GOVERNING BODY'S COMPLAINTS PANEL – Reconsideration or Review**

- 1 The Clerk to the Governing Body acknowledges receipt of the parent's appeal letter, responding within **3 days** enclosing an Appeal form and the powers of the Governing Body. As at Stage 2, the appeal would be a reconsideration or review.
- 2 **Reconsideration** (considering afresh)  
When the issues relate to the delegated responsibilities, the panel can reconsider the matter. The members will look at matter afresh with any new information that the Head of Centre may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the Head of Centre to give the matter further consideration.  
Complaints about a governor should also be subject to a reconsideration of the issues.
- 3 **Review**  
If the matter falls within the Head of Centre's decision-making remit by virtue of his or her terms and conditions of employment, then the panel will only have the power to review the decision not to consider the matter afresh. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational; a decision and properly taking into account the facts of the case before him or her would make.

The panel will need to consider the facts as they were known to the Head of Centre at the time and then consider whether the Head of Centre:

- failed to take account of a relevant consideration;  
and/or
- took into account an irrelevant consideration;  
and/or
- make a 'perverse' decision in the light of the evidence available at the time.

If new evidence does come to light, the panel should refer it back to the Head of Centre, who may consider amending the decision in the light of that new information.

In deciding whether the Head of Centre's decision was perverse, the panel will need to judge whether the decision was one that, on the facts, was open to the Head of Centre to make; that is, within a reasonable range of responses in the light of the evidence available.

- 4 The Clerk to the Governing Body will arrange and facilitate the meeting (following the guidance in the publication 'Developing a general complaints procedure' (Hampshire County Council, November 2002).
- 5 The panel will consist of three Governing Body with no prior involvement in the matter and the chair of the panel will be designated before the meeting. The meeting is to be held in an informal atmosphere but will follow a formal agenda.
- 6 The clerk will inform the complainant in writing of the panel's decision, within **2 Centre days** following the meeting. The letter will include:
  - a summary of the issues
  - an outline of the main points of the discussion
  - the reasons for the decision
  - proposed actions or outcomes
- 7 The panel's letter may suggest that the parents meet the Head of Centre again to agree a way forward.
- 8 Parents can appeal further to the Local Education Authority on issues related to the national curriculum.
- 9 This is the final stage of the Centre's general complaints procedure. If a parent believes that the Head of Centre and Governing Body's actions have been unreasonable or correct process has not been adhered to, the only resource is to the Secretary of State. Parents will be advised to seek advice from the Local Education Authorities complaints adviser at this point.

## GOOD PRACTICE – HANDLING COMPLAINTS

- 1 Handling complaints effectively will ensure that parents feel confident that staff will respond to any future complaint in a sensitive, non-defensive and sympathetic manner. Parents need to feel assured of confidentiality and that their child will not be adversely affected.
- 2 Centres may consider designating a specific member of staff or governor to co-ordinate any concerns that have developed into complaints. The co-ordinator could advise on the process, keep track of developments and keep the complainant informed of progress.
- 3 An individual member of the Governing Body should not respond to or investigate a complaint unless designated to do so.
- 4 When a parent approaches a member of staff about a concern that has not been resolved at the informal stage, it is good practice to:
  - listen sympathetically without comment
  - explain the procedures; that is, what will happen next and who will deal with the issue.
- 5 The appropriate member of staff will need to create a file and record the relevant details. It is advisable to keep records in the file of any meetings or conversations, with a chronological record of events.
- 6 It is good practice to acknowledge written complaints or forms within five days and respond in full within 20 days.
- 7 It is particularly helpful to establish the desired outcomes at an early stage. Responses might include an apology, a review of the decision, an explanation, an assurance that the incident will not be repeated, a meeting with a member of staff or an official investigation.
- 8 If a complaint is complex and lengthy, the parents should be kept informed of progress either by telephone or letter.
- 9 At the conclusion, the complainant should receive:
  - a specific response rather than standard reply
  - feedback on any outcomes such as an improvement in service or an agreement to review or amend a policy
  - advice on any further recourse or the telephone number of the Local Education Authority complaints adviser.

This policy has been formulated following advice contained in 'Developing a General Complaints Procedure', Guidance for Centres in Hampshire, November 2002, Hampshire County Council.

## GUIDANCE FOR PARENTS

We welcome suggestions and assure parents that no matter what the concern or complaint is, our support and respect for you and your child will not be affected in any way. Please tell us of your concern as soon as possible as it is difficult for us to investigate properly an incident or problem, which has happened some time ago.

We will make sure that we understand what you feel went wrong and will explain our own actions to you. We will ask what you would like the Centre to do to put things right and explain what we intend to do. This does not mean that in every case you will be satisfied with our response, but it will help us all to understand the situation. It may also help to prevent a similar problem arising again.

### **HOW TO SHARE A CONCERN** (informal stage)

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the staff, office manager, Head of Centre or Chair of the Governing Body depending on the nature of the complaint. It is usually best to discuss the problem face-to-face. You may need an appointment to do this and can make one by ringing or calling into the Centre Office. You may take a friend or relation to the appointment if you wish.

If you are unhappy with the outcome, you can contact the Head of Centre.

### **STAGE 1 – Contacting the Head of Centre**

It is best if you put in writing details of the concern or complaint, a brief note of the outcome of the informal meeting with the staff/office manager concerned and asking for an appointment. The Head of Centre will write back to you and a meeting will be arranged for a discussion of the problem. You may take a friend, relation or someone else with you. The Head of Centre will conduct a full investigation of the complaint and may interview any members of staff or children involved. You will receive a written response to the complaint.

### **STAGE 2 – Contacting the Chair of the Governing Body**

Write to the Chair of the Governing Body at the Centre if your complaint is about an action or decision of the Head of Centre. Include an outline of the complaint, the reasons for writing to the Chair after the Head of Centre's response and enclose any paperwork. The Chair of Governing Body will speak to the Head of Centre. A meeting will then be arranged for both parties to try and resolve the problem. Parents are reminded not to write to all members of the Governing Body individually as this may make it difficult to set up a complaints panel of three members of the Governing Body who have had no prior involvement with the complaint.

### **STAGE 3 – Governing Body Review**

In the rare circumstance that a parent is unhappy with the outcome at Stage 2, The Chair of the Governing Body may offer a right to appeal to the Governing Body complaints panel. You will be asked to write to the Clerk of the Governing Body, who will acknowledge receipt of the request to you within **3 days**, enclosing a form and procedure for the setting up of the complaints panel.

### **STAGE 4 – Local Education Authority**

Concerns and complaints about the Centre problems are almost always settled internally. In exceptional cases it may be possible to refer the matter to an outside body such as the Local Education Authority. If they are unable to resolve your problem they will explain the process of contacting the Secretary of State for Education.