

ASHCROFT INFANT AND NURSERY SCHOOL

Providing the best start in life for all children



Complaints Policy

Headteacher: _____

Chair of Governors: _____

Person Responsible for Policy and Review: Headteacher

Policy Type: Statutory

DOCUMENT AND VERSION CONTROL

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1 Purpose and aims

1.1 Definitions

A concern is an expression of worry or doubt about an issue for which reassurance is sought. A complaint is an expression of dissatisfaction, however made, about an action taken or a lack of action.

Most concerns can be resolved informally. A person may, however, make a formal complaint without completing the informal stage where that is appropriate.

This policy is not limited to parents and carers of children currently registered at Ashcroft. Any person, including a former parent or carer, a pupil or a member of the public, may complain about facilities or services provided by the school unless a separate statutory procedure applies.

1.2 Aims

Ashcroft Infant and Nursery School aims to resolve concerns as early as possible while giving complainants access to a clear, fair and complete procedure. We will:

- act impartially, independently and without an adversarial approach
- investigate complaints fully and fairly where this is necessary
- address each point raised and explain our findings and reasons
- treat everyone involved with respect and protect confidentiality as far as possible
- keep complainants informed and use realistic timescales
- make reasonable adjustments so that the procedure is accessible
- make decisions that are lawful, rational, reasonable, fair and proportionate
- use learning from complaints to improve school practice

The policy will be published on the school website and paper copies will be available from the school office.

2 Legal framework

This policy meets the requirements of section 29 of the Education Act 2002. The governing board must establish and publish procedures for complaints about the school and any community facilities or services it provides, and must have regard to guidance issued by the Secretary of State.

It has been prepared with regard to the Department for Education guidance School complaints procedures guidance for maintained schools and the model procedure for managing serial and unreasonable complaints.

Because Ashcroft provides early years education, this policy also addresses the complaints requirements in the current Early Years Foundation Stage statutory framework for group and school-based providers.

The school will also meet its duties under the Equality Act 2010, the Data Protection Act 2018, the UK General Data Protection Regulation and the Freedom of Information Act 2000.

3 Scope

This procedure covers complaints about the provision of facilities or services by Ashcroft, including complaints about the delivery of the curriculum and the application of school policies.

The following matters have separate routes and are not dealt with under this procedure:

Admissions and admission appeals. Contact Staffordshire County Council, the admission authority, or follow the relevant admission appeal procedure. Complaints about the administration of nursery admissions by the school will be considered under this policy where no separate statutory procedure applies.

Education health and care needs assessments and plans. Raise concerns with the local authority. Complaints about the support the school provides for a pupil with SEND remain within this policy.

Suspension and permanent exclusion. Use the statutory review arrangements. Complaints about the application of the behaviour policy are within this policy.

Child protection matters requiring investigation. These will be handled under the school safeguarding procedures and referred to the appropriate safeguarding agency where necessary.

Whistleblowing by employees. Use the school whistleblowing procedure. Volunteers may use this complaints policy.

Staff grievances. Use the school grievance procedure.

Staff disciplinary action. A complaint about a member of staff may be investigated under this policy. Any resulting disciplinary procedure is separate and confidential, and the complainant will not be given details of disciplinary action.

School reorganisation proposals and collective worship. Follow the relevant local authority, diocesan or statutory route.

Freedom of information and data protection requests. Use the school information rights procedures.

Complaints about services provided by another organisation using the school premises must be directed to that provider. Complaints about the content of the National Curriculum should be sent to the Department for Education. Complaints about how Ashcroft delivers the curriculum are covered by this policy.

Where another body such as the police, a safeguarding team, tribunal or court is investigating related matters, the school may suspend or adapt this procedure. We will explain any decision and keep the complainant informed.

4 General principles and responsibilities

4.1 Raising a complaint

A complaint may be made in person, by telephone, by letter or by email. A third party may act for a complainant with the complainant's consent. The school will record oral complaints and confirm the substance with the complainant.

The school office can help a complainant put a complaint in writing and will arrange interpretation, accessible communication or other reasonable adjustments where needed. A child or young person making a complaint will be supported in an age-appropriate way.

Complainants should explain the issue as fully and as early as possible, provide relevant evidence, say what outcome they are seeking, respond to reasonable requests and treat those involved with respect. Complaints should not be taken directly to individual governors because this may prevent a governor from serving impartially at Stage 2.

4.2 Investigation and administration

The person investigating will establish what happened, who was involved and what the complainant believes would put matters right. They may meet or speak with the complainant and relevant staff, pupils or witnesses, consider records and other evidence, and prepare a written response or report.

The complaints co-ordinator will normally be the Headteacher or a staff member designated by the Headteacher. The Clerk to the Governing Board will administer Stage 2 and any complaint which must be directed to the governing board. Those involved will protect third-party information and keep accurate, secure records.

No person will investigate or determine a complaint if they have prior involvement, a conflict of interest or if there is another reasonable basis to doubt their impartiality. Any necessary departure from this published procedure will be documented and explained.

5 Timescales

Complaints should be raised within three months of the incident or, for a series of related incidents, within three months of the most recent incident. The school will consider a later complaint where there are valid reasons for delay and a fair investigation remains possible. There will be no blanket refusal of late complaints.

A complaint received outside term time will be treated as received on the first school day after the holiday. A school day is a day on which the school is open to pupils. If a deadline cannot be met, the school will explain the reason, provide a revised date and keep the complainant updated.

Stage	Action	Normal timescale
Informal	Acknowledge concern	Within 3 school days
Informal	Written response after meeting or discussion	Within 10 school days
Stage 1	Acknowledge formal complaint	Within 3 school days
Stage 1	Send investigation outcome	Within 15 school days
Escalation	Request Stage 2	Within 10 school days of Stage 1 outcome
Stage 2	Acknowledge request	Within 3 school days
Stage 2	Hold panel hearing	Normally within 20 school days
Stage 2	Send panel outcome	Within 5 school days of hearing

6 Informal concerns

Concerns should normally be raised as soon as possible with the relevant member of staff or the Headteacher. They may be raised in person, by telephone, by letter or by email. If the complainant is unsure whom to contact, the school office will help.

The school will acknowledge the concern within three school days and explain how it will proceed. The informal stage will usually involve a discussion or meeting with the relevant member of staff and/or the Headteacher. A written response will normally be provided within ten school days of that discussion or meeting.

The school will try to resolve the concern through explanation, agreed action, an apology where appropriate or another practical remedy. A complainant may move directly to Stage 1 or ask for the matter to be escalated if it is not resolved informally.

7 Stage 1 Formal investigation

7.1 Making a formal complaint

A formal complaint should be addressed to the Headteacher via the school office and marked Private and Confidential if sent in writing.

School office contact details: Ashcroft Infant and Nursery School, Mildenhall, off Wigginton Road, Tamworth, B79 8RU. Email office@ashcroft.staffs.sch.uk. Telephone 01827 213760.

The complaint should set out relevant dates, people and events, include any supporting information and explain what outcome is sought. The school will assist anyone who needs help to raise the complaint.

7.2 Investigation and response

The Headteacher will acknowledge the complaint within three school days, clarify the issues and desired outcome where necessary, and decide who will investigate. The complainant may be accompanied at a meeting by a suitable companion. The school may refuse a particular companion where there is a conflict of interest or another sound reason and will explain this promptly so an alternative can be arranged.

The investigator will consider the complaint openly and fairly. The written Stage 1 response will normally be issued within fifteen school days of receipt and will:

- identify the matters investigated and the steps taken
- set out the findings and the reasons for the decision
- state whether each part of the complaint is upheld, partly upheld or not upheld
- explain any action the school will take, where appropriate
- explain how and by when the complainant may request Stage 2

If the complainant wishes to proceed to Stage 2, they should contact the Clerk to the Governing Board via the school office within ten school days of the Stage 1 outcome. The request should explain which matters remain unresolved, why the Stage 1 response is considered insufficient and the outcome sought. Late requests will be considered where exceptional circumstances apply.

8 Stage 2 Governing board panel hearing

8.1 Convening the panel

The Clerk will acknowledge the Stage 2 request within three school days. The hearing will normally take place within twenty school days. The panel will consist of three impartial governors with no prior knowledge or involvement in the complaint. The panel will choose its chair.

If three impartial governors are not available, the governing board will seek suitably skilled and independent governors from another school, the local authority or the diocese as appropriate. If

the governing board has significant prior knowledge of the complaint, an independent panel will be arranged where reasonably practicable. A complainant may request an independent panel and provide evidence of likely bias; the governing board will not unreasonably refuse the request.

The panel will consider the complaint afresh. It will not be restricted to reviewing how Stage 1 was conducted. It will consider only the matters that have progressed from Stage 1; a new and unrelated complaint must begin at Stage 1.

8.2 Preparing for the hearing

The Clerk will offer reasonable dates and give at least ten school days' notice of the hearing where possible. If a complainant rejects three reasonable proposed dates without good reason, the Clerk may set a date and the panel may proceed on the written evidence.

Further written evidence should be submitted to the Clerk at least seven school days before the hearing. The Clerk will circulate the papers to the panel and both parties at least five school days before the hearing, subject to lawful redaction of confidential or third-party information.

The hearing will be private and properly minuted. The complainant may attend and be accompanied by a suitable companion. Legal representation is not normally necessary but will be considered case by case. Media representatives may not attend.

Electronic recording is not normally permitted unless it is required as a reasonable adjustment and all parties have agreed in advance. Covert recordings will not normally be accepted as evidence.

8.3 At the hearing

The Panel Chair will explain the procedure and ensure that the hearing is respectful, informal and non-adversarial. The complainant and the school representative may make written or oral submissions, present relevant evidence, call appropriate witnesses and ask and answer questions through the Chair. Both parties will leave together before the panel considers its decision in private.

8.4 Outcome

The panel may uphold the complaint in whole or in part, or not uphold it. It may recommend an apology, explanation, practical remedy, review of a policy or procedure, staff learning or another action intended to prevent recurrence. The panel cannot impose disciplinary sanctions through this procedure.

Within five school days of the hearing, the Clerk will send the complainant and, where relevant, the person complained about:

- the panel's decision and reasons
- its findings and recommendations
- any action the school will take, where it is lawful and appropriate to disclose this
- a copy of the approved minutes, subject to necessary redactions
- information about referring the handling of the complaint to the Department for Education

A copy of the panel's findings and recommendations will be available for inspection by the Headteacher. Stage 2 completes the school's complaints procedure.

9 Complaints about the headteacher or governors

The same Stage 1 and Stage 2 principles and timescales apply, with the following changes to protect impartiality:

- A complaint about the Headteacher must be addressed to the Clerk to the Governing Board via the school office, marked Private and Confidential. A suitably skilled and impartial governor, usually the Chair of Governors, will complete Stage 1.
- A complaint about the Chair of Governors or an individual governor must be addressed to the Clerk. A suitably skilled and impartial governor will complete Stage 1.
- A complaint about the Clerk must be addressed to the Chair of Governors via the school office.
- A complaint about the whole governing board, a majority of the board, both the Chair and Vice Chair, or the Headteacher and Chair together must be addressed to the Clerk. The Clerk will arrange the most appropriate impartial process, which may include an independent Stage 1 investigator and independent governors for Stage 2.
- No person who is the subject of the complaint or has prior involvement will investigate it or sit on the Stage 2 panel.

10 Referring a complaint after the school procedure

If the complainant believes Ashcroft did not follow this policy or acted unlawfully or unreasonably in carrying out its education duties, they may contact the Department for Education after completing Stage 2.

The Department for Education will not normally reinvestigate the substance of the complaint or overturn the school's decision. It will consider whether the school followed its procedure, relevant statutory policies and education law, and whether it acted reasonably.

Information and the online referral route are available at www.gov.uk/complain-about-school. This information will be included in the Stage 2 outcome letter.

11 Unreasonable persistent and duplicate complaints

11.1 Unreasonable behaviour

Most complaints are raised reasonably and will be treated seriously. A complaint or the way it is pursued may become unreasonable if, for example, the person:

- refuses to identify the complaint or desired outcome despite offers of help
- refuses to co-operate with the procedure or insists on a process that conflicts with it
- repeatedly changes the basis of the complaint or raises irrelevant matters
- makes excessive demands through frequent, lengthy or repetitive contact
- seeks an unrealistic outcome or repeatedly pursues a matter already concluded
- uses abusive, offensive, discriminatory or threatening language or behaviour
- knowingly provides false information or publishes inappropriate personal information

This list is illustrative, not exhaustive. The school will not label a complainant as unreasonable simply because they are persistent, ask difficult questions, contact their MP or refer the matter to an external body.

Where possible, the Headteacher or Chair of Governors will discuss the behaviour before restrictions are applied. Proportionate steps may include a single point of contact, agreed

communication times or a reasonable limit on frequency. The school will explain the decision in writing and continue to consider genuinely new complaints. Freedom of information, data protection and parental information rights remain subject to their own statutory rules.

Aggression, violence or credible threats may be reported to the police and may lead to restrictions on access to the premises. Any barring decision will follow the relevant procedure, allow representations and be reviewed by the Chair of Governors or a committee of governors.

11.2 Persistent and serial complaints

The school may stop responding on a concluded issue only when it has taken every reasonable step to address the concerns, provided a clear statement of its position and options, and the person continues to make substantially the same points. The person will be told in writing. Any materially different or unconnected complaint will still be considered.

11.3 Duplicate complaints and complaint campaigns

If another person raises a complaint already concluded, the school will check for any new aspect or information. If there is none, it will explain that the local procedure is complete and provide the Department for Education route. If there is new substance, the relevant stage of this policy will be followed.

Where a large volume of complaints is received on the same subject, particularly from people unconnected with the school, Ashcroft may publish a single response on the website or send a standard response. The response will still explain how a complainant may contact the Department for Education.

12 Records confidentiality and learning

12.1 Records and confidentiality

The school will record each complaint, the evidence considered, action taken at each stage, the stage at which it was resolved and the final outcome. Records will include relevant letters, emails and notes of meetings or telephone calls.

Complaint records will be stored securely, separately where appropriate, and accessed only by those who need them for the investigation, hearing, governance oversight or a lawful request. They will be retained only as long as necessary in line with data protection law, the school privacy notices and the records retention schedule.

Details will not be shared with the full governing board while a complaint is live, so that impartial governors remain available for Stage 2. The exception is a complaint about the whole board where the governors need sufficient information to respond.

Information may need to be disclosed to the Secretary of State, Ofsted, another statutory body, or in response to a lawful freedom of information or data protection request. Personal and third-party information will be protected and redacted where required.

12.2 Early Years Foundation Stage complaints

Ashcroft will keep a written record of concerns and complaints from parents and carers about the early years provision and their outcomes. It will investigate every written complaint about how the school is meeting the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receipt. These records will be made available to Ofsted on request.

Parents and carers who believe Ashcroft is not meeting the Early Years Foundation Stage requirements may contact Ofsted on 0300 123 4666 or through www.gov.uk/contact-ofsted. If the school becomes aware of an Ofsted inspection, it will notify parents and carers and will provide the inspection report to those whose children attend regularly.

12.3 Learning lessons

The governing board will review themes and underlying issues arising from complaints with the Headteacher, while protecting confidentiality. It will consider whether school practice, communication, systems, training or policies should be improved to reduce the risk of recurrence.

13 Monitoring and linked policies

The Headteacher is responsible for the complaints log. The governing board will monitor the number, nature and outcome of complaints and the effectiveness of this procedure. This policy will be reviewed annually, or sooner if legislation or guidance changes, and approved by the Full Governing Board.

This policy should be read alongside the Safeguarding Policy; admissions information and Staffordshire admission arrangements; Behaviour Policy and exclusion procedures; Special Educational Needs Policy and Information Report; Whistleblowing Policy; Staff Grievance and Disciplinary Procedures; Freedom of Information Policy and Publication Scheme; privacy notices and Equality Information and Objectives.