



ASHMORE PARK
AND
PHOENIX NURSERY SCHOOLS
FEDERATION

COMPLAINTS POLICY

AND
PROCEDURES

Senior Leadership Team/Compliance Governor(s)	Review Date	20.06.2022
Governing Board Approved/Affected		30.06.2022
Signed on behalf of the Governing Board/Committee		
Policy to be Reviewed Date		30.06.2024

INTRODUCTION

All members of staff employed by the Ashmore Park and Phoenix Nursery Schools Federation endeavour to provide the best possible education for all of the children in an open and transparent environment. Staff are proud of the positive relationships, which are formed with each child's Parent(s)/Carer(s) and others. We welcome feedback; however, we accept that not all feedback will be positive. We encourage all of our stakeholders to discuss openly any dissatisfaction that may arise with any aspect, of school life, at either of our Nursery schools. If there is a problem, we aim to settle it as quickly as possible for the benefit of all parties involved. When concerns are raised, the Federation will aim to be:

- Fair;
- Open;
- Prompt; and
- Act Without Prejudice.

In order to apply these principles, the Ashmore Park and Phoenix Nursery Schools Federation has approved the following procedure, which explains what parent(s)/carer(s)/third parties should do if they wish to make a complaint about either school.

COMPLAINTS THAT FALL OUTSIDE OF THIS PROCEDURE

Complaints relating to the following issues are covered by a separate/specific policy:

- Child admissions; please see the Federation's 'Admissions Policy' alternatively contact Wolverhampton City Council;
- Staff grievance, capability or disciplinary; these are covered by the Federation's 'Capability Procedure' which has been adopted under the 'ConnectEd Partnership's - Local Conditions of Service' agreement;
- Where the complaint concerns a third party used by the Federation; please complain directly to the third party themselves; and/or
- For Subject Access Requests and Freedom of Information Requests, please see the Federation's 'Data Protection Policy'.

Statutory policies are available on each school's website and a hard copy of all policies are available on request, directly from the respective school.

RESOLVING CONCERNS INFORMALLY

For the purpose of this procedure:

- A *concern* is 'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'.

The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (please see below). The Governing Board of Ashmore Park and Phoenix Nursery Schools Federation encourages those that have concerns to raise them with the appropriate person at the respective school (e.g. your child's Educator) and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

For the purpose of this procedure:

- A *complaint* is 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

The Federation believes that concerns and complaints are more likely to be resolved informally when all parties commit to working together towards a resolution in the spirit of co-operation and reasonable compromise. In regards to each school, this means staff to whom concerns or complaints are brought against, in the first instance need to be objective, as well as open to understanding the complainant's perspective and what a satisfactory outcome would look like to them.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and/or in cases where individuals wish to raise their concern formally.

COMPLAINTS ABOUT THE HEADTEACHER OR GOVERNOR(S)

Where a complaint is about the Headteacher, the complainant should notify the 'Chair of the Governing Board' (see contact details at the end of the document). The 'Stage One' process (see the formal stages below) will then commence, however, with the 'Chair of Governors' as the individual responsible for the investigation, rather than the Headteacher.

Where a complaint concerns a Governor, the complainant should contact the 'Clerk to the Governing Board', see contact details below. The Clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

THE TIMESCALE FOR MAKING A COMPLAINT

Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted three months after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases, the Headteacher/Chair of the Governing Board/Clerk to

the Governing Board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

MAINTAINING RECORDS

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the respective school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the affected school as a result of the complaint, regardless of whether it has been upheld.

MAINTAINING CONFIDENTIALITY

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained at all times by everyone involved. The Governing Board of Ashmore Park and Phoenix Nursery Schools Federation requests that complaints are not discussed publicly, including via social media platforms e.g. Facebook; Twitter; Instagram etc. as it can impede peoples' impartiality later on during formal proceedings. Vexatious or defamatory claims made towards either School, or a member of Staff will be challenged, and where necessary the Headteacher and/or Chair of Governors will take guidance from the Legal Services department at Wolverhampton City Council.

Actions taken in relation to either school's staff that arise as a result of the complaint will remain confidential to the respective school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

SAFEGUARDING

Wherever a concern indicates that a child's wellbeing or safety is at risk, the respective School is duty bound to report this immediately to the Local Authority. Any action taken will be in accordance with the Federation's 'Safeguarding and Child Protection Policy', which can be located on either school's website.

THE COMPLAINTS PROCEDURE

The Federation hopes that the majority of concerns from parent(s); carer(s) and/or third parties can be dealt with without resorting to the formal stages of the procedure. If, however, an individual does need to raise a concern, please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

There are **two** formal stages of the Federation's complaint's procedure.

STAGE ONE – FORMAL INVESTIGATION BY THE HEADTEACHER

1. A request for a formal investigation of a complaint by the Headteacher (or Chair of the Governing Board as appropriate) should be made in writing and sent c/o the respective school, or by completing the ‘Formal Complaints Form’ that is included as Appendix 1 in this procedure.
2. The Headteacher (or Chair of the Governing Board as appropriate) will acknowledge the request in writing, no later than 10 working days (excluding those that fall in the school holidays) of receiving it.
 - If this is not possible, the school’s representative will write to the complainant to explain the reason for the delay and let them know when they hope to make a full response.
3. As part of the consideration process of the complaint, the Headteacher (or Chair of the Governing Board as appropriate) will consider all relevant evidence, this may include but is not limited to:
 - Obtaining statements from the complainant and those involved with the complaint;
 - Meeting with the complainant and those involved in the complaint;
 - The complainant can ask someone to accompany them to the meeting,
 - The Headteacher (or Chair of the Governing Board as appropriate) may also be accompanied by a suitable person.
 - Reviewing correspondence and other documentation relating to the complaint; and
 - Throughout the process, the Headteacher (or Chair of the Governing Board as appropriate) will keep written, signed and dated records of all meetings, and telephone conversations and any other related documentation.
4. A log of all correspondence in relation to the complaint will be kept in accordance with General Data Protection Principles.
5. Once the facts have been established, and after consideration of the available evidence, the Headteacher or Chair of the Governing Board will:
 - Uphold the complaint and direct that certain action be taken to resolve it;
 - Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken; or
 - Dismiss the complaint entirely.

6. The Headteacher (or Chair of the Governing Board as appropriate) will inform the complainant of their decision in writing. The letter will give an explanation of their decision and the reasons for it. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt, of the complaint (see point 2 above). If follow up action is required, the Headteacher (or Chair of the Governing Board as appropriate) will indicate what they are proposing to do. The written notification shall also advise the complainant of their right to escalate the complaint to Stage Two of the formal complaints procedure if they are not satisfied with the outcome at Stage One.

STAGE TWO – REVIEW BY A PANEL OF THE GOVERNING BOARD

If the complaint has already been through Stage One of the procedure and the complainant is not happy with the outcome, they can request a review is carried out by a panel of the Governing Board. Requests for a review of the decision taken at Stage One should be made in writing to the Clerk of the Governing Board (see contact details on page eight) no later than 4 weeks after the date stipulated on the written notification of the decision.

The request should include:

- a brief summary of the complaint;
- an explanation of why the complainant is dissatisfied with the outcome of Stage One; and
- the outcome they are seeking.

The Clerk will fulfil the role of organising the date/time of the review meeting, once agreed by all parties, the panel will allow a meeting date/time to be re-arranged once, as Governors understand that external factors can impact people's personal plans. In addition the Clerk will:

- invite all attendees to the meeting;
- be responsible for providing a clear timeframe for the submittal of all supporting documentation, from all parties; and
- be responsible for the collation of all documentation from all parties and for distributing the paperwork pack 5 working days in advance of the meeting.

In the event that the complainant does not attend the scheduled meeting, as previously agreed, the panel will adjourn the meeting for an agreed timeframe to allow the Clerk time to contact the complainant. Every effort will be taken by the Clerk to contact the complainant on the day e.g. by telephone, email etc. however, if contact cannot be made and no communication is received from the complainant, the meeting will be held in their absence. Any paperwork submitted by the complainant will be presented for consideration at the meeting.

Minutes of the review meeting will be taken by the Clerk. The complainant will be provided with written notification of the decision taken at Stage Two (see point 8 below).

The following steps are taken at Stage Two:

1. The Clerk will acknowledge the written request for the complaint to be reviewed, no later than 10 working days (excluding those, which fall in the school holidays) after receiving it.
2. The Clerk will convene a panel of three Federation Governors (excluding Governors who are Staff at either school) to review the complaint. All three panel members will have no prior knowledge of the content of the complaint and will, therefore, consider it without prejudice.
3. The review meeting will take place within 20 working days (excluding those, which fall in the school holidays) of receipt of the written acknowledgement from the Clerk (see point 1 above).
4. The panel **may** decide to invite the following to attend the review meeting:
 - The complainant
 - Who will be asked whether they wish to provide any further written documentation in support of their appeal.
 - The Headteacher (or Chair of the Governing Board as appropriate) who investigated the complaint and made the decision at Stage One
 - Who will be asked to provide a written report for the panel.
 - Relevant persons involved in the complaint
 - The panel can request additional information from other sources if necessary.
 - Persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at Stage Two.
5. Where the complainant, Headteacher and/or relevant person involved in the complaint has been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. Legal representatives, however, are not permitted to attend the review meeting.
6. Where the complaint is about a Governor/Governing Board, the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the Governing Board who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the Federation source appropriate individuals to conduct the review.
7. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:

- Uphold the complaint and direct that certain action be taken to resolve it;
- Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken; or
- Dismiss the complaint entirely.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the Federation should take to move forward from the presenting issues, in the best interests of all concerned. The panel may also recommend steps to be taken to reduce the likelihood of a similar complaint being made in the future.

8. The complainant, the Headteacher (or Chair of the Governing Board as appropriate) who investigated the complaint and made the decision at Stage One, and, where relevant, the person complained about, will be informed in writing, of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays), after the review meeting has taken place.

This is the **final stage** at which the Federation will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further, they should refer to the following:

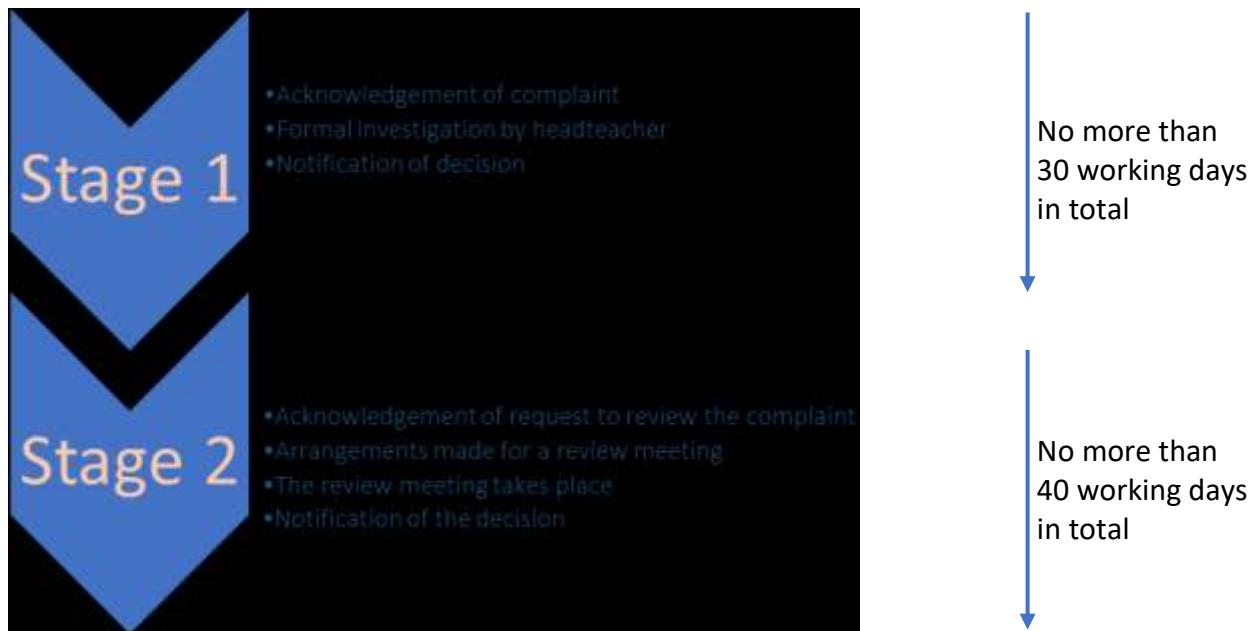
- If the complainant remains dissatisfied with the outcome of the complaints procedure, they may contact the City of Wolverhampton Council, Civic Centre, St. Peter's Square, Wolverhampton, WV1 1SH;
- If the complainant feels that the Governing Board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaint's procedure has been exhausted. Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances;
 - Guidance is available at:
 - <https://www.gov.uk/complain-about-school>
 - <http://www.education.gov.uk/schoolcomplaints>.
- Alternatively, a complaint can be made to OFSTED. Ofsted as well as inspecting schools and monitoring how they perform, also considers complaints if they affect the school as a whole. For example:
 - the school is not providing a good enough education;
 - the pupils are not achieving as much as they should, or their different needs are not being met;
 - the school is not well led and managed, or is wasting money; and/or
 - the pupils' personal development and wellbeing are being neglected.

- You can contact Ofsted by calling its hot desk from 8am to 8pm Monday to Friday on 08456 404045 or by e-mailing: enquiries@ofsted.gov.uk.

CONTACT DETAILS:

CHAIR OF GOVERNORS	CLERK TO THE GOVERNING BOARD
Cllr P Bateman Private & Confidential C/O Ashmore Park Nursery School Griffiths Drive Ashmore Park Wolverhampton WV11 2LH	Services 4 Schools Ltd Private & Confidential Governor Support Services Waterloo House 4 Waterloo Rd Wolverhampton WV1 4BL

TIMESCALE FOR COMPLETING THE FORMAL STAGES OF THE PROCEDURE



Ashmore Park and Phoenix Nursery Schools Federation will endeavor to complete the formal stages of its complaint's procedure in a timely manner and within the timescale for each stage that is referred to above. If, however, it becomes clear that for any reason the Federation is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

SERIAL, PERSISTENT AND UNREASONABLE COMPLAINTS

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that Ashmore Park and Phoenix Nursery Schools Federation will provide no further response.

For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the Headteacher/Chair of the Governing Board/Clerk to the Governing Board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that Ashmore Park and Phoenix Nursery Schools Federation will provide no further response.

Queries regarding any aspect of the complaints procedure should be directed to the Senior Administrator at the following address: Ashmore Park Nursery School, Griffiths Drive, Ashmore Park, Wolverhampton, WV11 2LH.

ASHMORE PARK AND PHOENIX NURSERY SCHOOLS FEDERATION
FORMAL COMPLAINTS FORM

Name	
Name of child, Keyworker and your relationship to them (where applicable)	
Contact Address	
Contact by Telephone State Preferred Day/Time(s)	
Contact Telephone Number	
Contact Email Address	
Details of the Complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What would a satisfactory resolution look like to you?	

Complainant(s) Signatures:		
Dated:		

Official Use Only:

Staff Signature(s):		
Dated:		