



Complaints Policy & Procedure

Excellence for All

Policy reviewed/updated	February, 2024
Next update	July, 2025
Committee	F&GP

Revision date	Author of changes	Summary of changes
17/02/24	BGW	Date change, review, fixed typos.



A Procedure for Handling Concerns and Complaints **Fernwood Primary & Nursery School**

Under section 29 of the Education Act 2002, the governing body of all maintained schools and nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaint procedure to be publicised (see appendix B). At Fernwood Primary & Nursery School the Complaints Procedure is publicised on the school website.

The exceptions to this requirement are complaints relating to the curriculum, collective worship and Religious Education, some Special Education Needs issues and admissions, where Local Authorities have statutory responsibilities. The Executive Headteacher of Fernwood Primary & Nursery School can give information about this and advise on whom to contact within Nottingham City Council.

There are certain other complaints which fall outside the remit of the governing body's complaints procedure, for example: staff grievances or disciplinary procedures. Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures. The details of such an investigation will remain confidential.

Allegations of abuse against a member of the school staff must be reported to the Executive Headteacher immediately. Allegations of abuse against the Executive Headteacher must be reported to the Chair of Governors immediately.

In these cases, immediate contact must then be made by the Executive Headteacher or Chair of Governors with the Local Authority Child Protection Officer/Local Authority Designated Officer (LADO).

For complaints that do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. Nottingham City Council may not accept this responsibility and appeals against governing body decisions and procedures would then be heard by the Secretary of State.

Vexatious Complaints

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. Each complaint should be investigated on its own merits.

Unreasonable Complainants

We are 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.

This school defines 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'*.

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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on 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.

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.

Complainants should limit the numbers of communications with a 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 Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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



the 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. 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 school.

Fernwood Primary & Nursery School

Complaints Procedure

Each level of the procedure offers the opportunity for concerns and complaints to be resolved as quickly as possible.

Level 1 – Informal

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about the concern. It is hoped that the majority of concerns can be resolved at the informal stage. However, if the complaint involves a child protection issue, child protection arrangements will come into force.

Guidance on informal level 1:

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
- *A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

Level 2 – Informal

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the Head of School. The Head of School will make every effort to arrive at a suitable resolution to the concern raised. However, if the complaint involves a child protection issue, child protection arrangements will come into force.

If a resolution to the issue is proving difficult to find, the Head of School will liaise with the Executive Headteacher to attempt to find a resolution to the concern raised. However, if this is not possible the Executive Headteacher can speak to one member of the governing body who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If none of the parties involved are able to resolve the issue then it may be necessary to ask for information or support from Nottingham City Council. The issue that is the focus of the complaint will determine the person contacted. The Executive Headteacher should advise the complainant on who is appropriate to contact in relation to the nature of the complaint.

Guidance on informal Level 2:

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the class teacher then he/she can ask for an appointment to meet with the Head of School.*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*

- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for the Head of School or Executive Headteacher to write a letter to parents summarising what has been agreed regarding the issue.*
- *The Executive Headteacher may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.*
- *The advice from a Children's Services Representative will be designed to help facilitate a resolution to the problem as quickly as possible.*

It is hoped that the majority of problems will have been resolved by this stage.

Level 3 – formal complaint letter to Executive Headteacher

An issue that has not been resolved through the informal levels 1 and 2 may be taken forward as an official complaint.

Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the Executive Headteacher. The letter will need to set out clearly the issues which have previously been discussed, any action suggested and/or taken and why the parent, carer or guardian considers the issue to remain unresolved.

The Executive Headteacher should consider the complaint and meet and/or discuss a resolution with the complainant. The Executive Headteacher should then respond to the complainant in writing within 5 school days of receipt of the letter.

Guidance on Level 3 – formal:

- *An unresolved issue may be taken forward as a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned should strive to negotiate an agreement and concentrate on finding a resolution to the issue.*

Complaints that are considered at Level 3 – Formal:

- **Concerns or complaints specifically about the Executive Headteacher**

If the concern or complaint is specifically about the Executive Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'Urgent, Private and Confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice on how to proceed with the complaint. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If the complaint cannot be resolved by the Chair, it will then be considered to be a Level 4 – Formal Complaint and therefore will be considered by the Governors' Complaint Panel. (See below for guidance on a Level 4 – Formal Complaint).

Concerns or complaints specifically about a governor

- **Complaints against Governors**

A formal complaint against a governor other than the Chair, should be referred to the Chair, who will investigate and seek to resolve it. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'Urgent, Private and Confidential'. The Chair of Governors should acknowledge that complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice. The governor who is the subject of the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If the complaint cannot be resolved by the Chair, it will then be considered to be a Level 4 – Formal Complaint and therefore will be considered by the Governors' Complaints Panel. If necessary the complaints panel may be composed of governors from another school within Nottingham City. (See below for guidance on a Level 4 – Formal Complaint). Complainants will be informed of the powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the governing body. *In the most serious of cases governors co-opted or elected onto the governing body can be suspended for a period of up to six months. Governors appointed by the Local Authority can be suspended or removed from the governing body.*

- **Complaints against Chair of Governors**

In the event of a formal complaint being made against the Chair of Governors, which has not been resolved at the informal stages via the Executive Headteacher, then it will be necessary for the complainant to formally complain to the Vice-Chair of Governors. The school will provide the Vice-Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'Urgent, Private and Confidential'. The Vice-Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

The governor who is subject to the complaint would normally be advised of the situation immediately. However, if the complaint involves a child protection issue, child protection arrangements will come into force. If the complaint cannot be resolved by the Vice-Chair, the complaint will then be considered to be a Level 4 – Formal Complaint and will be considered by the Governors' Complaints Panel. Complainants will be informed of the powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the governing body. If necessary the complaints panel may be composed of governors from another school within Nottingham City. (See below for guidance on a Level 4 – Formal Complaint).

- **Complaints against jointly the Chair and Vice Chair, the entire governing body or the majority of the governing body** will be considered by an independent investigator appointed by the governing body via the Local Authority Governor's Section. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Level 4 – formal complaint requesting a Governors’ Complaints Panel

Timescales:

Receipt of complainant’s letter	Acknowledgement within 5 school days
Receipt of complaint’s letter	Governors’ Panel meeting within 15 school days (unless this goes into school holidays)
Written documentation sent to Governors’ Panel Members, complainant and Executive Headteacher	5 school days before the meeting
Governors’ Panel members decision communicated to all concerned	As soon as possible, but within 10 school days of meeting.

Complainants wishing to move to Level 4 of the formal complaints procedure will need to write to the Chair of Governors/Vice-Chair of Governors to request that a Governors’ Complaints Panel meet to hear the complaint. This formal complaint, written on Appendix A, must be received within 20 school days of the last meeting with the Executive Headteacher/Chair of Governors/Governor concerning the issue. The complainant should write to the Chair of Governors/Vice-Chair of Governors at the school address marking the envelope ‘Urgent, Private and Confidential’. The complaint will need to set out the matter that has previously been formally discussed with the Executive Headteacher and show why it remains unresolved. Additionally it should detail what actions the complainant considers would resolve the complaint.

Before the meeting:

The Chair of Governors or Vice-Chair of Governors should:

- Appoint a clerk to the Governors’ Complaint Panel
- Acknowledge the complainant’s letter in writing within 5 school days of receipt
- Arrange for a Panel of Governors to meet within 15 school days of receipt
- Provide the Executive Headteacher/Chair of Governors/Governor with a copy of the complainant’s letter and request written documentation relevant to the complaint from the school.

The clerk should send both the complainant’s letter and the school documentation to the Governors’ Complaints Panel members, complainant and Executive Headteacher/Chair of Governors/Governor (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Executive Headteacher/Chair of Governors/Governor will be invited to attend the Governors’ Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and Executive Headteacher/Chair of Governors/Governor (or his/her representative) should provide all the relevant information they wish and the Governors’ Complaints Panel members should clarify any points. After the complainant and Executive Headteacher/Chair of Governors/Governor (or his/her representative) have provided all the information they wish, the Chair of the Panel will ask all parties to leave except the panel members and the clerk.

After the meeting:

The panel will make a decision and inform everyone concerned as soon as possible, but in any event the decision will be confirmed in writing within 10 school days of the panel meeting.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the school and the governors have not followed the school's complaints procedure correctly, he/she can contact Nottingham City Council for assistance. In this case he/she should ring Governor Services on 0115 8764589, who will arrange for an officer to contact him/her.

A complaint may be made to the Secretary of State for Education if a person believes that a governing body of LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision.

Guidance on level 4 – formal:

Before the meeting:

The Complaints Panel must be made up of at least three members and a clerk. It is important that the appeal hearing is independent and impartial and that it is seen to be so. The members of the panel must not meet beforehand. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that a cross-section of the categories of governor are represented being sensitive to the issues of race, gender and religious affiliation. This may require the use of governors from another school within the City of Nottingham.

At the meeting:

The aim of the meeting, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- *Although this is a formal meeting, every effort should be made to make it as comfortable as possible for all concerned.*
- *Everyone attending should be in the room at the same time.*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and at ease.*
- *It may be necessary to ensure there are ante rooms to adjourn to during the meeting for either party.*
- *The clerk should take notes of the meeting, including listing who is present:*
 - *Governor, stating who is the Chair of the Governors' Complaints Panel*

- Executive Headteacher/Chair of Governors/governor (or his/her representative) and any other members of school staff
- Parents and anyone accompanying them e.g. friend
- Clerk

These minutes will remain confidential.

- *The Chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting, to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The Chair of Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why she/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the complainant's point of view.*
- *The Chair of the Governors' Complaints Panel should request a verbal statement from the Executive Headteacher/Chair of Governors/governor (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Executive Headteacher's/Chair of Governor's/governor's point of view.*
- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The chair of the Governors' Complaints Panel must ask the complainant and the Executive Headteacher/Chair of Governors/governor (or his/her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the Governors' Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk.*

After the meeting:

- *The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*
- *The panel can:*
 - *Dismiss the complaint in whole or in part*
 - *Uphold the complaint in whole or in part*
 - *Decide on the appropriate action to be taken to resolve the complaint*
 - *Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.*



- *When the Panel has reached a decision, the clerk will inform everyone concerned as soon as possible, but in any event, this will be confirmed in writing within 10 school days of the panel meeting. The letter needs to explain if there are any further rights of appeal and if so, to whom they need to be addressed.*

N.B. The decision of the Governors' Complaints Panel is final.

Once a Governors' Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.



APPENDIX A

Please complete and return to the Chair of the Governing Body who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Telephone number(s):

Details of the complaint:

What action, if any, have you already taken to try and resolve your complaint?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.



Signature:

Date:

APPENDIX B

Publicising of complaints procedure

There is a legal requirement for the Complaints Procedures to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- The school prospectus;
- Any report/communication from the governors to parents;
- The information given to new parents when their children join the school;
- The information given to the children themselves;
- The home-school agreement;
- Home school bulletins or newsletters;
- Documents supplied to community users including course information or letting agreements;
- A specific complaints leaflet which includes a form on which a complaint can be made;
- Posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- The school website.

APPENDIX C –a guide

Information for Parents

Take time to read this policy.

Remember that there is usually more than one view about a situation. Make sure that what you want to discuss is clear in your mind. A good tip is to write down the main points so that you don't forget anything.

First consider asking to see the class teacher to discuss the issue. He/she will be willing to offer an appointment as quickly as possible, which will give you both time to talk about it politely and calmly without being interrupted. Think about what you hope will happen as a result of your discussion and let the class teacher know this.

What should I do if I still feel unhappy about the issue?

If you are unhappy with the outcome of the discussion you can ask for an appointment to see the Head of School. The Head of School will liaise with the Executive Headteacher. It is in everyone's interests, particularly those of your child or children, for issues to be sorted out smoothly. It will be best to end on a positive note with no bad feeling even if it is not possible for all your requests to be met. If a solution is proving difficult the Executive Headteacher can speak to a governor who may be willing to offer some input to help resolve the issue but there is not obligation for any governor to become involved at this time.

If you are both finding it difficult to resolve the issue then the relevant Local Authority representative may be able to offer information or support. The person to contact will depend on the issue that is the focus of the discussions. This help and advice is designed to help resolve the issue. The Executive Headteacher should know who to ring, if not, you can ring the Governors' Team on 0115 8764589 or email: rachael.harvey@nottinghamcity.gov.uk

It is hoped that the majority of problems can be resolved at the informal stages.

However, if the issue has not been resolved it can be taken forward as a formal complaint. This is a serious step to take and it is important that you have thought things through carefully. If you wish to follow the process for making a complaint, you must ask the school for a copy of their complaints procedure and write a formal letter of complaint to the Executive Headteacher.

What happens if I have a concern specifically about the Executive Headteacher?

If you have a concern specifically about the Executive Headteacher you should write to the Chair of Governors at the school address, marking the envelope 'Urgent, Private and Confidential', setting out your concern.

What happens if I have a concern specifically about a member of the Governing Body.

You should, in the first instance, contact the Executive Headteacher who will advise you of the appropriate way forward dependent upon the nature of your particular concern or complaint in accordance with the Procedure for Handling Concerns and Complaints.

What happens if my concern relates to admissions, the curriculum or special educational needs?

Some issues regarding these areas are covered by statutory regulations. The Executive Headteacher or Head of School can give you information about these issues.

Weblinks and other useful contact details:

- Nottingham City Council www.nottinghamcity.gov.uk
- Kidscape Hotline advice on bullying issues Tel: 08451 205 204
www.kidscape.org.uk
- Parentline Plus Free helpline offering support for parents Tel: 0808 800 2222
www.parentlineplus.org.uk
- Advisory Centre for Education (ACE) Ltd Tel: 0808 800 0327 or at www.ace-ed.org.uk
- Parent Partnership Tel: 0115 948 2888 or 01623 422223
- Nottingham Black Families in Education Tel: 0115 8413896
- Childline free national helpline for children and young people Tel: 0800 1111
www.childline.org.uk
- The Children's Legal Centre for National Education Law and Advisory Unit - free education law advice Tel: 08088 020 008 www.childrenslegalcentre.com

Child Protection/Safeguarding matters are dealt with according to the statutory procedures.