



Complaints Policy - Nursery

A Legal Requirement, an Independent Schools Inspectorate (ISI) Reporting Standard, a National Minimum Standard (NMS) for Boarding Schools and an OFSTED standard for EYFS providers.

References:

A: ISI Handbook for the Inspection of Schools - The Regulatory Requirements, January 2015 (www.isi.net/)

B: Boarding Schools: National Minimum Standards, January 2013 (www.education.gov.uk)

C: The Early Years Foundation Stage: Statutory Framework, March 2014 (www.education.gov.uk)

Introduction

Altrincham Preparatory School (APS) has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the school with care and in accordance with this procedure. APS makes its Complaints Procedure available to all parents, including parents of prospective pupils, by putting this policy on the school's website and in the school offices during the school day. APS will ensure that parents of pupils, and of prospective pupils, who request it are made aware that this document is published or available and of the form in which it is published or available.

In accordance with paragraph 32(1)(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, APS will make available to parents of pupils and of prospective pupils and provide, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

What Constitutes a Complaint?

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the school as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the school is within the scope of this procedure. A complaint is likely to arise if a parent believes that the school has done something wrong, failed to do something that it should have done or has acted unfairly.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The school is here for your child and you can be assured that your child will not be penalised for a complaint that you, or your child, raises in good faith.

The three-stage Complaint Procedure

Stage 1 - Informal Resolution

- It is hoped that most complaints and concerns will be resolved quickly and **informally**.
- If parents have a complaint they should normally contact the Nursery Manager. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the Nursery Manager cannot resolve the matter alone it may be necessary for him/her to consult the Head Master.
- Complaints made directly to the Head Master will usually be referred to the Nursery Manager unless the Head Master deems it appropriate for him/her to deal with the matter personally.
- The Nursery Manager will make a **written record of all concerns and complaints and the date on which they were received**. Should the matter not be resolved within **7** days or in the event that the Nursery Manager and the parent **fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with stage 2** of this procedure.
- If, however, the complaint is against the Head, parents should make their complaint directly to the Chairman of Governors.

Stage 2 - Formal Resolution

- If the complaint cannot be resolved on an informal basis then the parents should put their complaint in writing to the Head Master. The Head will decide, after considering the complaint, the appropriate course of action to take.
- In most cases, the Head Master will meet the parents concerned, normally **within 7 days** of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- It may be necessary for the Head Master to carry out further investigations.
- The Head Master will **keep written records** of all meetings and interviews held in relation to the complaint.
- Once the Head Master is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Head Master will also give reasons for his decision.

- If the complaint is against the Head Master, the Chairman of Governors will call for a full report from the Head and for all the relevant documents. The Chairman may also call for a briefing from members of staff, and will in most cases, speak to or meet with the parents to discuss the matter further. Once the Chairman is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chairman will give reasons for his/her decision.
- If parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3 - Panel Hearing

- If parents seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to Professor Boardman who has been appointed by the Governors to call hearings of the Complaints Panel.
- The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the school. Professor Boardman, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 14 days.
- If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties normally not later than 7 days prior to the hearing.
- The parents may attend the hearing and be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- If possible, the Panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.
- After due consideration of all facts they consider relevant, the Panel will make findings and may make recommendations.
- The Panel will write to the parents informing them of its decision and the reasons for it, normally within 7 days of the hearing. The decision of the Panel will be final. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, and, where relevant, the person complained about as well as the Chairman of Governors and the Head Master.

Timeframe for Dealing with Complaints

All complaints will be handled seriously and sensitively. They will be acknowledged within five working days if received during term time and as soon as practicable during holiday periods. It is in everyone's interest to resolve a complaint as speedily as possible: the school's target is to complete the first two stages of the procedure within 28 days if the complaint is lodged during term-time and as soon as practicable during holiday periods.

Stage 3, the Appeal Panel Hearing, will be completed within a further 28 days, if the appeal is lodged during term-time and as soon as practicable during holiday periods.

Recording Complaints

Following resolution of a complaint, the school will keep a written record of all complaints and whether they are resolved at the preliminary stage or proceed to a panel hearing. At the school's discretion, additional records may be kept which may contain the following information:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)

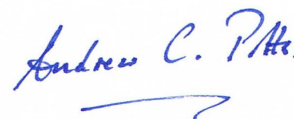
Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph 33(k) of Schedule 1 to the Education (Independent Schools Standards) Regulations 2014.

APS will provide ISI/Ofsted, on request, with a written record of all complaints made within its EYFS setting during any specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept for at least three years.

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/ or ISI:

- Ofsted may be contacted on 0300 1234 234 or by email: [enquiries@ofsted.gov.uk]
- ISI may be contacted on 020 7600 0100 or by email: [concerns@isi.net]

During the course of the academic year 2014/2015, there were no parental complaints that necessitated resolution at stage 2 or above, i.e. none have been made in writing under the formal part of the procedure (ISI Regulatory Handbook 352).



Head Master

7th September 2015

Addendum (for internal school reference only):

THE REGULATORY FRAMEWORK

All independent schools are required by law to draw up and implement a complaints procedure for parents of pupils pursuant to Part 7 of The Education (Independent School Standards) Regulations 2014 ("ISS Regulations").

The January 2015 edition of the ISI's "Handbook for the Inspection of Schools" provides details on its inspection framework applicable to schools, including their EYFS settings.

The notion of a complaints procedure for schools is not a new one. Indeed, the Children Act 1989 and the NMS for Boarding Schools both anticipated a formalised means of handling complaints in boarding schools. In addition, both the rules of natural justice and the European Convention on Human Rights protect the right to a fair hearing and thereby underpin a modern culture that recognises a need for the open, fair and independent handling of complaints. Although in theory the ISS Regulations do not guarantee that the rules of natural justice and Convention Rights, to the extent that they apply, will be satisfied, in practice they will almost certainly do so.

The "manner in which complaints are to be handled" is set out in Part 7 of Schedule 1 to the ISS Regulations. Schools must ensure that they have in place a complaints procedure that complies with those provisions. Schools will also need to be aware that details of the complaints procedure, and of the number of complaints registered under the formal procedure during the preceding school year, will have to be "made available" to parents of pupils and of prospective pupils and provided, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, in accordance with the provision of information requirements in Part 6 of Schedule 1 to the ISS Regulations.

The attached complaints procedure is intended as an example of a procedure that meets the requirements of Part 7 of Schedule 1 to the ISS Regulations. Inevitably elements of it extend beyond those requirements and schools should feel free to adapt those elements as they see fit (subject to consulting their legal advisers).

These final points should be noted:

(1) Any matter about which a parent of a pupil is unhappy and seeks action by the school is a complaint, and in the scope of the procedure; however the school labels it. Attempts to limit matters to be covered under the school's complaints procedure can put the policy at risk of not meeting the ISS standard; namely to deal with complaints.

The complaints procedure does not necessarily need to cover appeals against exclusions, provided that schools have a process for dealing with these. However, schools can if they wish deal with appeals against exclusions under the final stage of their complaints procedure (i.e. Stage 3 of the model policy), in which case it should be made clear to parents in correspondence that that the appeal will be dealt with under the final stage (i.e. the full, three stage process is not available if the complaint is in fact an appeal against exclusion).

(2) Whilst schools must make details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year available to prospective parents, the ISS Regulations do not require that the complaints procedure actively applies to prospective pupils and their parents. The ISI Handbook issued in January 2015 advises that this is at the individual school's discretion and that the complaints procedure will not apply to parents of prospective pupils unless the procedure categorically states that it does; in which case it must be applied fairly to them, as for registered pupils.

Since operating a fair admissions process is an important function of any school, it may be appropriate to provide parents of prospective pupils with full access to the school's complaints procedure even though there is no strict legal obligation to do so, in order to enable parents to challenge admissions decisions internally, and formally. If schools choose not to make their complaints procedures available for use by prospective parents, their admissions procedures should be amended to include a mechanism for appealing admissions decisions.

(3) The Regulations are silent as to whether schools must permit parents to use the complaints procedure after their child has left the school and, if so, whether schools can reserve the right not to follow the procedure if a lot of time has elapsed between the events complained of and the complaint being presented. However, the ISI Handbook issued in 2015 states that the complaints procedure only applies to past pupils if the complaint was initially raised while they were still a registered pupil. A strict legal analysis suggests that 'pupils' for the purposes of the complaints procedure also includes former pupils if they have been excluded and the complaint relates to their exclusion (i.e. they must be permitted access to a complaints procedure or equivalent appeal procedure in connection with their exclusion). Parents of former pupils whose complaints do not relate to exclusions do not, therefore, appear to be entitled to use the complaints procedure, but these issues are not dealt with explicitly in the attached complaints procedure in order that schools can retain some flexibility in this regard.

There may be circumstances in which it is sensible to deal with a complaint under the complaints procedure even if it is not strictly necessary to do so from a legal perspective, as this might help prevent the dispute from escalating further. In other cases, especially if a complaint is presented by parents of a former pupil long after the events complained of came to light and with no legitimate explanation for the delay, it might be appropriate to say that this is not a legitimate use of the complaints procedure. We would, however, advise against including a specific 'time bar' provision (e.g. complaints must be presented within three months of the events complained of).

(4) Under the Statutory Framework for the EYFS, EYFS providers are required to provide parents with a complaints procedure. Additional requirements apply for EYFS settings beyond those which apply to other parts of the school. Written complaints about the fulfilment of the EYFS requirements must be investigated and the complainant notified of the outcome of the investigation within 28 days. The record of complaints must be made available to Ofsted and ISI on request. This procedure is considered to satisfy the requirements of the Statutory Framework; draft text is included in this model policy for inclusion or deletion as necessary by individual schools.

(5) The DfE has given the following advice on the selection of an "independent panel member" for involvement at the final stage of the complaints procedure:

"Our general view is that people who have held a position of responsibility and are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered."

Former governors or staff of the school could be appointed as the independent panel member. The ISS Regulations do not preclude this since the stipulation is that the person must be "independent of the management and running of the school". Clearly former governors or staff would not have any such involvement. However, schools should bear in mind that they may be subject to criticism that such people would remain too close to the school and would not be truly independent.

Schools should bear in mind the need for independence to be real and should use this guidance as appropriate. It is assumed that existing governors will, in the normal course of events, qualify for the other places on the Panel provided they have not been directly involved in the matters detailed in the complaint - a prerequisite for any Panel member.

(6) At Stage 2 - Formal Resolution, schools will need to consider who would be appropriate to undertake an impartial investigation, what form of evidence would be most appropriate, who should be sent the investigator's written report at the conclusion of the investigation and what the timescale should be for the investigation.

(7) As from January 2015, the ISS Regulations only require schools to keep a written record of complaints made in writing under the formal part of the procedure, and whether they are resolved at the preliminary stage or proceed to a panel hearing. It is up to individual schools to determine whether or how they also wish to keep a record of informal complaints. Many schools will want to ensure records are kept, even of informal complaints, for management purposes and to enable patterns of concern to be monitored.

We are aware that in some circumstances schools may wish to keep additional information about a particular complaint and this procedure gives schools discretion to do so. However, schools should always be mindful of their obligation under the Data Protection Act 1998 to keep such information for no longer than necessary.

(8) With effect from 1 October 2015, schools are required by The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 ('the ADR Regulations') to provide parents at conclusion of the final stage of the complaints procedure with the name and address of a certified alternative dispute resolution ('ADR') entity (such as a mediation or arbitration body) which would be competent to deal with any unresolved dispute, should both parties wish to engage in ADR. Schools are not required to include information about ADR in the complaints procedure itself.

A list of ADR providers certified by the Chartered Trading Standards Institute can be found here:

<http://www.tradingstandards.uk/advice/ADRApprovedBodies.cfm>

Schools will note that there is currently no schools-specific certified ADR provider.

On providing information about a certified ADR provider, schools are also required to notify the parents whether the school is obliged and/or prepared to enter into ADR. Unlike organisations in certain other business-to-consumer sectors, schools are not required to enter into ADR. However, the ADR Regulations still require schools to provide the information specified above to parents on conclusion of the final stage of the complaints procedure, **even if the school is not prepared to engage in ADR**. Some suggested wording for inclusion in the Stage 3 decision letter in circumstances where the school does not wish to engage in ADR is set out below:

The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 require the School to provide you on conclusion of the final stage of the School's complaints procedure with the name and address of an alternative dispute resolution provider who has been certified by the Chartered Trading Standards Institute as competent to resolve consumer disputes. These details are set out below. However, please note that the School is not obliged to enter into alternative dispute resolution through [name of ADR entity], and nor is it willing to do so in this instance.

[Insert name and address of certified ADR entity]