Kenilworth Nursery School
&
Whitnash Nursery School

Complaints Policy 26-28

(to be read alongside the WCC Complaints Procedures)

ADVICE AND INFORMATION FOR
PARENTS, CARERS & GUARDIANS

Date Written: September 2026
Review Date: September 2027
Committee Responsible: Governing Board
Lead Responsibility: Executive Headteacher

Kenilworth Nursery School & Whitnash Nursery School
Dealing with Concerns and Complaints Policy

The Responsibility of the School

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England, have been required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

The governing body has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. The Executive Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct complaints to the school rather than the governing body in the first instance.

Concerns about allegations of **child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.**

See separate Safeguarding Policy and Disciplinary Policy

Separate Warwickshire procedures also exist for appeals about:
- special needs assessments
- school admissions /Admission Appeals Guide
- exclusions
- guidance on dealing with complaints linked to racism is contained in Warwickshire County Council's Guidance to Schools on Tackling Racial Harassment

Responsibility of other service providers

With the growth of community use of school premises, the school may not be directly responsible for something that a parent or member of the public wishes to complain about.

It is recommended that the governing body ensures that any third-party providers offering community facilities or services through the school premises, or using school facilities [even if it's hiring it out for a wedding reception!], have their own complaints procedure in place.

Schools can expect other service providers to follow similar procedures to those outlined in this document. If a complaint about something for which the school is not responsible comes to the school, the complaint should be redirected and the complainant informed without delay.

Can parents take their complaint further?

Parents cannot take their appeal further than the governing body. The Local Authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint. If a parent feels that the school has acted unreasonably or not followed the correct procedures, they can write to the Secretary of State for Education and Skills, Department for Education and Skills, Sanctuary Buildings, Great Smith Street, London, SW1 P 3BT.

School Complaints Procedure Index

Overview

Section 29 of the Education Act 2002 requires that:
(1) The governing body of a maintained school (including a maintained nursery school) shall –

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or

services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"maintained nursery school" means a nursery school which is maintained by a local education authority and is not a special school;

At Kenilworth and Whitnash Maintained Nursery we follow the procedures detailed below:

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

We aim to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Given a complaint is distinct from any formal disciplinary procedure, any staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. Staff should be offered support before responding to any investigation into a complaint and advised to contact their professional associations.

Should the complaint have the potential to be a disciplinary issue it is for the Head teacher to determine whether it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint. Should the complaint be against the Headteacher, it is for the Chair of Governors to determine the course of action in the wake of advice from the Local Authority.

The Headteacher is the school's 'complaints co-ordinator'.

Investigating Complaints

At each stage of a formal complaint we will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure, we will endeavour to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part.

- We will encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

- An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

Complaints need to be considered, and resolved, as efficiently as possible; we aim to resolve all issues as quickly as possible. We will acknowledge receipt of a complaint immediately wherever possible and will respond the any written complaint within five days. OFSTED are notified of all written complaints within 28 days.

To be effective our complaints procedure will have realistic time limits for each action within each stage according to the nature of the complaint. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

APPENDIX 1

Model Schools Complaints Procedure
Kenilworth & Whitnash Maintained Nursery School

Complaints Procedure

Governors of Kenilworth & Whitnash Maintained Nursery School have adopted the following procedure to deal with formal complaints from members of the school community or general public.

Dealing with concerns at the earliest opportunity

This is the first stage in the DfE guidance

1. When parents, pupils or members of the public have concerns they should:
   a) discuss their concerns with the member of staff most directly involved and, if not satisfied;
   b) discuss their concerns with a senior member of staff and, if not satisfied;
   c) discuss their concerns with the Headteacher.

2. At each stage in the procedure, schools will be mindful of ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
   a) an apology
   b) an explanation
   c) an admission that the situation could have been handled differently or better
   d) an assurance that steps will be taken to ensure the event will not recur
   e) an explanation of the steps that have been taken to ensure that it will not happen again
   f) an undertaking to review school policies in light of the complaint

3. Complainants should be encouraged to state what actions they consider will resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is important to clarify any misunderstandings which might have arisen as this can create a positive atmosphere in which to discuss any outstanding issues.

4. Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors. If the Headteacher considers s/he can do no more to resolve the complaint it should be stated explicitly that the complainant can write to the Chair of Governors if not satisfied. Complainants should be encouraged to take this step.

Principles informing our Complaints Procedure

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow prompt handling with established time limits for action and keeping people informed of the progress
- allow a mediation process if agreed by the complainant
- allow for a hearing by a Panel of Governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue
- provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Management Team so that services can be improved

Making a Complaint to the Governing Body

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors at the school address. The envelope should be marked 'PRIVATE AND CONFIDENTIAL' and staff in the school office must ensure that the letter is forwarded without delay.

On receipt of the complaint the Chair of Governors (or another nominated Governor) will:

- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them
- clarify what the complainant considers would resolve the matter

The Chair of Governors will decide whether the complaint should be referred to the Governors' Complaints Panel or whether a mediation stage should be offered. Mediation can only proceed if the Complainant and the Headteacher are willing to undertake this course of action. Should mediation be unsuccessful, the complaint will be considered by the Governors' Complaints Panel.

<u>Mediation</u>

Mediation can be an effective means by which to resolve a complaint:

- It gives both the complainant and the Headteacher a further opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help the Headteacher and Complainant identify and build on areas of agreement.
- It gives the Headteacher and the Complainant a structure within which to resolve remaining differences.
- As and when the complainant and the Headteacher emerge from the mediation satisfied, this is the best foundation for a continuing positive relationship.
- Should the complaint continue and be referred to a Governors' Panel, the issues to be considered are likely to be clearer following mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgement that the complaint is valid in whole or in part
- an apology
- an explanation
- an admission that the situation could have been managed differently or better

- an assurance that the event will not recur
- an explanation of the steps which have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

Governors' Complaints Panel

Where the complainant remains not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a Panel of Governors.

Establishing a Complaints Panel

- The Governing Body should agree the composition of the Complaint Appeals Panel at the first meeting of the Governing Body each year.
- As Governors may not be available at all times during school times Governing Bodies are advised to agree the names of 4 or 5 possible Governors from whom a Panel of three may be drawn. The decision about the membership of a particular Panel will depend on factors such as availability, whether any Governors have prior knowledge, and any vested interest. The decision as to the composition of the Panel will be made by the Chair of Governors.

When the Clerk of Governors receives a copy of the complaint form s/he will inform the Chair of the Governing Body that a complaint has been received and that it has been passed to the Panel to deal with. No further information about the complaint should be shared with other Governors.
There are several points which any Governor sitting on a Complaints Panel needs to remember:

a) It is important that the appeal hearing is independent, transparent and impartial.
b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
c) The Panel Chair will ensure that the proceedings are welcoming and as informal as possible.

The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.

Remit of the panel – the Complaints 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 problems of a similar nature do not recur

It may:

- Consider and criticise the way in which an operational decision was communicated – but cannot overturn the decision itself.
- Consider the thoroughness with which the Headteacher investigated a complaint about a member of staff – but cannot expect the Headteacher to provide details about confidential discussions with the staff member.
- Consider the manner in which a complaint about any decision was addressed – but cannot expect the Headteacher to have changed the decision.
- Consider and identify limitations in a policy or procedures – but cannot make or improve policy. It can, however, recommend that the policy be reviewed by the Governing Body.
- Consider whether it should recommend that the Governing Body offer appropriate redress

The Complainant and/or the Headteacher may wish to call witnesses

The use of witnesses is discouraged. In nearly every case, a Complaints Panel will want to work with written witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the Panel members and the other party. They will leave the room when their evidence is completed.

Writing the decision letter

The Clerk should ensure that s/he has clear wording stating the Panel decision about each of the issues that the Panel considered before the Panel is allowed to finish. The Clerk will use that wording to draft the decision letter. This should be sent to all members of the Panel for checking. Once approved by all three Panel members, it should be sent to the complainant with a copy to the Headteacher.

The letter should clearly express how seriously the Panel considered the complaint.

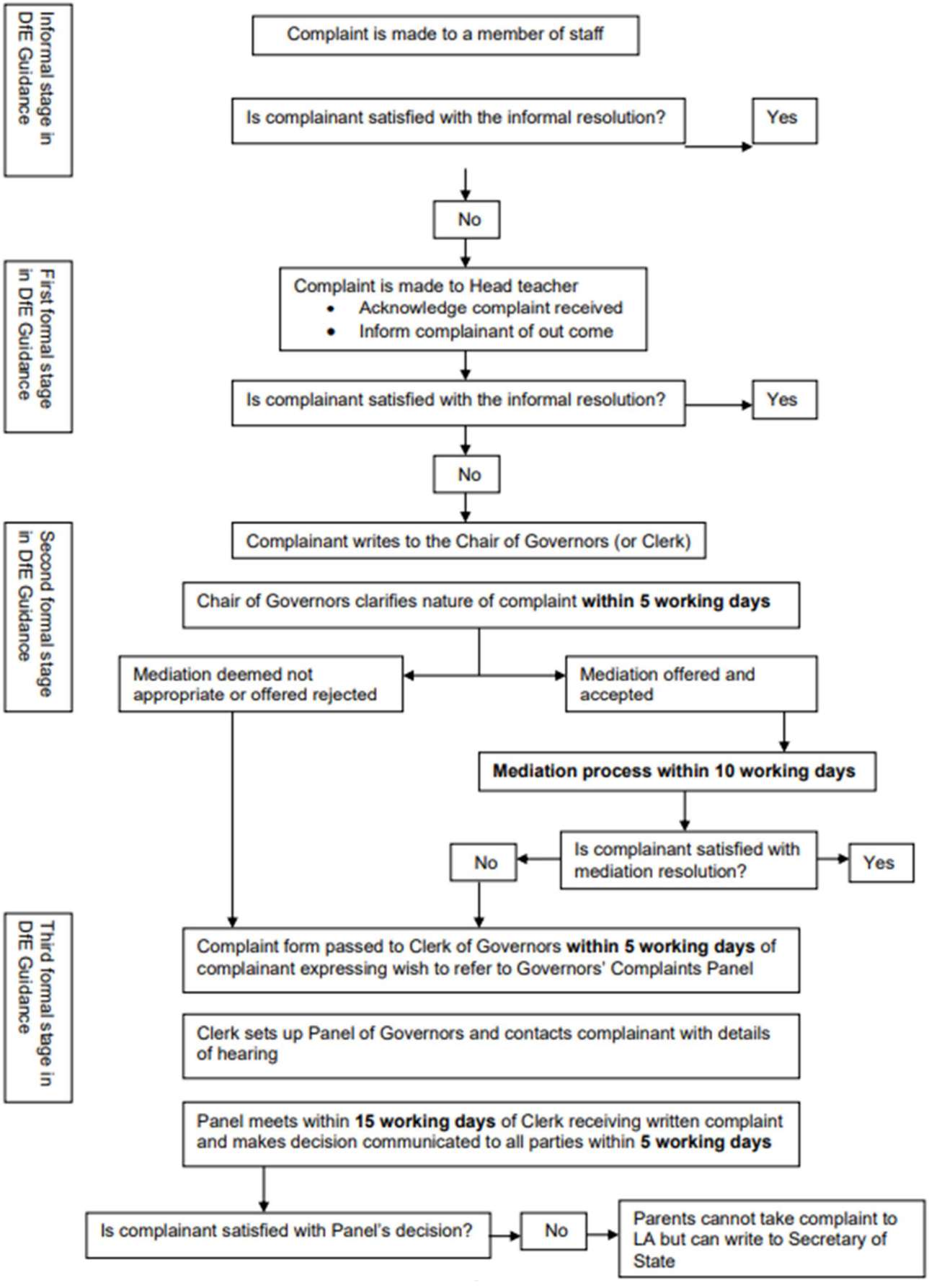
The Clerk should be careful that the letter adheres to the facts and demonstrates impartiality.

The Clerk should ensure that the letter reaches the Complainant and the Headteacher by the deadline stated in the school policy and/or in a statement by the Chair at the end of the hearing (usually within five working days).

Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvement. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the School and Governing Body can be useful in evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

Complaints process from start to finish



School Complaints Procedure

Annex 1 Model Complaint Form

Notes

The Complaint Form can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the Headteacher.

If it is appropriate that it should be dealt with by the Governing Body, it should be returned to the Clerk to the Governors at the school who in turn will notify the Chair of Governors.

School Complaints Procedure

Kenilworth and Whitnash Nursery Schools

Complaint Form

Please complete and return to ……Mrs Rachel Barber…….. who will acknowledge receipt and explain what action will be taken

Your Name: .....

Address: .....

.....

.....

Postcode: .....

Daytime telephone number: .....

Evening telephone number: .....

If applicable, name of child(ren) at school: .....

.....

Please give details of your complaint:

.....

.....

.....

.....

What action, if any, have you already taken to try and resolve your complaint?
(who did you speak to and what was the response?)

.....

.....

.....

.....

School Complaints Procedure

Kenilworth and Whitnash Nursery Schools

Complaint Form

Your relationship to the school, e.g. parent, carer, neighbour, member of the public:

.....

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

.....

.....

.....

.....

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

.....

.....

.....

.....

Signature: .....

Date: .....

Official Use:

Date of acknowledgement sent: .....

By whom: .....

Complaint referred to: .....

Date of referral: .....

Sharing your concerns about your child's education

A Parents'/Carers' Guide

Kenilworth and Whitnash Maintained Nursery School's recognise that at times things can go wrong. The guidance will help you understand how to resolve concerns you may have about your child's education. The school has procedures for dealing with concerns or complaints and we value any feedback about our services, including compliments and suggestions. If you are concerned about any aspect of your child's education you should contact (Headteacher) Mrs Rachel Barber at the school.

The School's Governing Body has overall responsibility for the school and for ensuring the well-being of pupils and that all pupils receive an appropriate and high standard of education.

The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. You should contact the school if you are concerned about an issue such as:

- your child's academic progress
- special education needs provision
- your child's welfare
- bullying
- an incident involving your child which has happened in school

How do I complain to the school?

First, we hope you will speak to the relevant member of staff, (e.g. Family Key Person in Nursery Schools), as soon as you have a concern. This informal approach is nearly always the quickest and most effective way of resolving your concerns. Should you consider that your concern has not been resolved, it is important to speak to or write to the Headteacher who will look into your concern.

Should you remain unhappy with the Headteacher's response you need to write with your complaint to the Chair of Governors at the school address. Mark your envelope 'FOR IMMEDIATE ATTENTION' and 'PRIVATE AND CONFIDENTIAL'.

This is how your complaint will be handled:

Within 5 working days the Chair of Governors will clarify the nature of your complaint by asking you to submit this in writing.

Within 5 working days of receiving the form the Chair will decide whether mediation should be offered to help you and the Headteacher explore possible resolution.

If mediation is agreed, the Chair of Governors will endeavour to set up the meeting within 10 working days. Should that timescale not be possible you will be told the reason.

Should mediation be not deemed appropriate or unsuccessful, the Chair of Governors will set up a panel of Governors to meet within 15 working days to consider your complaint. The Clerk will provide details of the hearing and will request any further information you may wish to provide.

The Complaints Panel will consist of three Governors who (as far as possible) will have no prior knowledge of the events. The Panel will be supported by a Clerk who will take notes during the hearing and will stay with the Panel while they make their decision in case. Governors need to be reminded about responses to a particular question.

The Panel will hear the complaint impartially and make their decision.

Five working days before the hearing the Clerk will send to you, the complainant, the Headteacher and the three Panel members, copies of all papers submitted by both sides so that there is sufficient time to read the evidence before the hearing.

Can I take my complaint further?

For most complaints, you cannot take your complaint to the Local Authority. The Local Authority cannot investigate school matters on a parent's behalf, nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedure, you can write to the Secretary of State for Education:
http://www.education.gov.uk/help/contactus/dfe

APPENDIX 2

Mediation

The benefits of mediation

Mediation can be an effective way to resolve a complaint:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help Headteacher and complainant explore and build on areas of agreement.
- It gives Headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a Governors' Panel, the issues to be considered should be much clearer.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgement that the complaint is valid in whole or in part.
- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution – it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed in paragraphs 6, 7 and 8.

In-house mediation

Many Chairs of Governors and other Governors already have the skills – or can acquire the skills – to conduct a mediation process between their Headteacher and a complainant. The skills and attributes include:

- ability to listen impartially to both sides
- ability to control a dialogue so that both sides listen to each other
- ability to summarise the arguments and focus the dialogue
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved
- understanding that mediation does not always work and there is a further step available to complainants

School Complaints Procedure

If the Governing Body requires outside help

Governor Services offers a mediation service where a trained Clerk, Governor or Adviser acts as a mediator.

The mediation 'package' consists of the following elements:

- Familiarisation with the background and nature of the complaint (including the reading of supporting documentation and interviews with the complainant, staff and Governors as appropriate. These may be 'face to face' or by telephone);

- A mediation meeting between the complainant and a representative of the school;

- A written summary of the mediation meeting including, where appropriate, recommendations in relation to school policies, procedures and actions.

Mediation will be undertaken by a trained Clerk, Governor or Adviser not directly linked to the school in order to ensure complete impartiality.

This service can be accessed on a consultancy basis. The standard cost of the above package is a half day unit. The cost to schools which subscribe to Governors Services will be discounted by 10%. Where the process of familiarisation with the background to the complaint indicates that a half day of consultancy is likely to be inadequate, the school will be advised of this fact before proceeding further.

To access the mediation service contact Governors Services on 01926 412259; email: governors@warwickshire.gov.uk ; or write to PO Box 9, Shire Hall, Warwick, CV34 4RR.