Complaints Policy for St Margaret Clitherow Nursery

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STATEMENT OF INTENT

It is the intention of St Margaret Clitherow Nursery to deal swiftly and fairly with any complaints received regarding any aspect of the nursery. In the first instance, the Nursery Manager will be responsible for dealing with any complaint received. We will endeavour to negotiate any resolution using informal procedures in a spirit of fairness, truthfulness, and open dialogue with all those concerned. The complaints procedure is reciprocal and includes complaints received by the nursery, members of the public, parents and all nursery staff. It is our intention to remain true to the nursery's mission and the spirit of mutual respect for people and their rights.

This policy outlines the procedures for complaints made by:

- Parents/Carers of children that are registered at St Margaret Clitherow Nursery
- Persons who are children at the nursery at the time they make a formal complaint
- Members of the public in relation to nursery provision

CITATION, COMMENCEMENT AND APPLICATION

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

As a maintained nursery, we also comply with the statutory framework for the Early Years Foundation Stage (EYFS), which requires us to have a written procedure for dealing with complaints from parents and to investigate written complaints relating to our fulfilment of EYFS requirements and notify complainants of the outcome of the investigation within 28 days of receiving the complaint.

This policy operates alongside the complaints policy of St Margaret Clitherow Catholic Primary School and the Mother Teresa Catholic Academy Trust.

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1. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at St Margaret Clitherow Nursery. Any person, including members of the public, may make a complaint to the nursery about any provision of facilities or services that are provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the nursery will use this complaints procedure.

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2. The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. St Margaret Clitherow Nursery takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of nursery staff, we will respect your views. In these cases, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The staff member may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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3. How to raise a concern or make a complaint

A concern can be raised in person, in writing or by telephone. They may also be made by a third party acting on behalf of the person with the concern, so long as they have appropriate consent to do so. Concerns should be raised with the Nursery Manager.

If the issue remains unresolved, the next step is to make a formal complaint to the Headteacher of St Margaret Clitherow Catholic Primary School, using the Complaint form (Appendix A).

If you require assistance with completing the form, please contact the nursery office.

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at a later stage of the procedure.

Contact details:

Nursery Manager: Miss I Costin
Email: izzy.costin@smc-bracknell.com
Phone: 01344 424030

Headteacher: Mrs Anne Mulholland
Email: head@smc-bracknell.com
Phone: 01344 424030

School address:
St Margaret Clitherow Catholic Primary School
Penbroke Hanworth
Bracknell
RG12 7RD

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

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4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Nursery Manager, Headteacher, or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

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5. Timescale for making a complaint

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this period only if exceptional circumstances apply.

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6. Complaints received outside of term-time

We will consider complaints made outside of term-time to have been received on the first school day after the holiday period.

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7. Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

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8. Deviation from the procedure

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. In these cases, the complainant will be kept informed and reasons for the deviation given.

9. Scope of this complaints procedure

This procedure covers all complaints about any provision of facilities or services by St Margaret Clitherow Nursery, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
Exclusion of children from nursery	These will be handled in accordance with our Exclusions Policy and EYFS requirements.
Whistleblowing	We have an internal whistleblowing procedure for all nursery employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about the nursery should complain through the nursery's complaints procedure.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the nursery's/school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use nursery premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

Exceptions	Who to contact
Complaints about EYFS requirements	If your complaint relates to our fulfilment of EYFS requirements, we will investigate and notify you of the outcome within 28 days. You also have the right to contact Ofsted if you believe we are not meeting EYFS requirements.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against St Margaret Clitherow Nursery or St Margaret Clitherow Catholic Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

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10. Resolving complaints

At each stage in the procedure, the nursery wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation.
- an admission that the situation could have been handled differently or better.
- an assurance that we will try to ensure the event complained about will not recur.
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.
- an undertaking to review nursery policies in light of the complaint.
- an apology.

In addition, mediation can provide a helpful mechanism for discussion when a complaint is raised and can help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been complete.

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11. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

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12. Concerns and informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis, within 10 school days.

Concerns should be raised with the Nursery Manager.

The Nursery Manager will:

- Listen to your concern and seek to understand the issue
- Discuss the matter with relevant staff members
- Investigate the concern as appropriate
- Provide you with an explanation and/or proposed resolution
- Keep a record of the concern and how it was resolved

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

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13. Formal Complaints

Formal complaints procedure overview:

Stage 1: Headteacher Investigation

- Acknowledgement of receipt of complaint to be sent within 3 school days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 15 school days of receipt of the formal complaint.

Stage 2: Governor Investigation

- If the complainant believes that their complaint has not been fully addressed at Stage 1, they may request to move to Stage 2. This request must be made within 10 school days of the receipt of the outcome letter at Stage 1.
- Acknowledgement of receipt of complaint to be sent within 3 school days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 15 School days of receipt of the Stage 2 formal complaint.

Stage 3: Panel Hearing

- If the complainant believes that their complaint has not been fully addressed at Stage 2, they may request to move to Stage 3. This request must be made within 10 school days of the receipt of the outcome letter at Stage 2.
- Acknowledgement of receipt of request to escalate complaint to Stage 3 to be sent within 5 school days.
- Hearing to be held within 30 school days of receipt of request to go to Stage 3.

- Paperwork for Stage 3 hearing to be received from all parties at least 10 school days before the hearing.
- Paperwork for Stage 3 hearing to be sent to all parties at least 5 school days before the hearing.
- Outcome letter from panel to be received by complainant within 10 school days of the hearing.

Note: In all cases, timescales refer to school days so exclude weekends, school holidays and INSET days.

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14. Stage 1 – Headteacher Investigation

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), using the Complaint form (see Appendix A for a copy of the form).

For nursery complaints, the complaint form should be submitted to:

Headteacher: Mrs Anne Mulholland
Email: head@smc-bracknell.com

Address: St Margaret Clitherow Catholic Primary School, Penbroke Hanworth, Bracknell RG12 7RD

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another appropriate person, but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **15 school days** of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the nursery/school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the Governing Body must be made to the Clerk of the School, via the school office.

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15. Stage 2 - Governor Investigation

The Chair of Governors should decide who is the most appropriate Governor to undertake the investigation. If appropriate, it may be helpful to arrange for a Governor from a different school to undertake the investigation e.g. if there is no one appropriate on the school's own Governing Body. When identifying a Governor to undertake the investigation, the following points should be considered:

- Is the Governor impartial, with no previous involvement in the issues raised?
- Does the Governor have the time to complete the investigation within the timescale?
- Is the Governor fully conversant with the complaints procedure (preferably having attended training), and do they have the relevant skillset?

Planning the Investigation

The investigator may wish to use Appendix A as a template for planning their investigation. Investigators should remember that their actions will be considered in detail if the complaint is escalated, and therefore a structured plan and structured report format may be helpful.

Meeting with Complainant

We recommend that the investigator should meet with the complainant at the outset of the investigation, in order to:

- Gather details about the specific issues involved in the complaint (e.g. dates, names of those involved etc.)
- If there has been a Stage 1 investigation, to establish the element(s) of the complaint that the complainant believes have not been addressed.
- Establish desired outcomes.
- If possible, identify a resolution or way forward.

The investigator may wish to invite the Area Schools Officer to attend the meeting, in order to offer impartial procedural advice to both parties.

Notes should be taken at the meeting, ideally by a designated note-taker rather than any of the participants. The notes should be circulated to all parties after the meeting. If the complainant disputes the content of the notes, and the matter cannot easily be rectified, the school may offer to retain the complainant's version on file alongside the school's version.

At the beginning of the meeting, it may be helpful to state that electronic recordings will not be permitted, unless a complainant's own disability/special needs require it. Prior knowledge and consent of all parties attending must be obtained before recording takes place. Consent (or the

fact that it was not given) will be recorded in the notes. Investigators should bear in mind, however, that the complainant may record the meeting anyway.

The investigator should ensure that all parties have received a copy of the nursery's current complaints procedure.

The investigator should approach the process with an open mind, and as an opportunity to improve practice. A genuine intention to investigate the complaint fully and openly should be demonstrated, with no indication of any predetermined outcomes.

At the end of the meeting, the investigator should thank the complainant for attending, and summarise their concerns, areas for investigation and/or agreed actions. Ideally the complainant should be asked to sign this summary at the conclusion of the meeting.

Conducting discussions with children/young people

Consideration should be given to ensuring that routine record keeping procedures are robust enough to support a potential complaints investigation at a later date. This particularly applies to complaints about bullying and behaviour management issues.

It may not always be possible to conduct an interview/discussion with a pupil in case it prejudices another procedure e.g. referral to the Local Authority Designated Officer (LADO) or police investigation.

For nursery-aged children (2-4 years), particular care must be taken given their age and developmental stage. In most cases pupil witness statements will be obtained by staff and shared with the investigating Governor as appropriate. If the investigating Governor needs to meet with the child of the complainant, care should be taken to create a supportive atmosphere in which the child is able to talk freely about their concerns and their feelings and wishes. The discussion should take place in the presence of an appropriate member of staff or the parent. If the parent is not present their prior consent should be obtained.

Conducting Interviews with Staff/Other Witnesses

The investigator should explain the complaint and their role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.

Staff may have a colleague present to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The investigator should:

- Use open, not leading questions.
- Not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary, and not be afraid to ask the same question twice. Make notes of each answer given.

- Deal with conflicting evidence by seeking corroborative evidence. Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

It should be noted that any written information could form part of the evidence considered at further stages of the complaint and may be disclosable as part of a Subject Access Request (SAR).

Outcomes

The investigator should provide the complainant with their findings in writing within **15 school days** of receipt of the complaint. Within this formal written response there should be a clear statement of the evidence considered, the reasons why the investigator has reached their conclusions, and next steps to be taken/recommendations. Conclusions should be based on the balance of probabilities. In some cases, it may not be possible to reach a definitive conclusion about an issue, and this should be clearly stated in the letter.

Complaints that Result in Staff Capability or Disciplinary

If it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or their outcome.

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16. Stage 3 - Panel hearing

If the complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This consists of a Panel hearing with at least three Governors who were not directly involved in the matters detailed in the complaint or in any previous investigation, with consideration being given to one of whom being an independent Governor. Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide evidence of bias in support of their request, as it is the panel's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that the panel grants such requests. This is the final stage of the school's complaints procedure.

Timeline

A request to escalate to Stage 3 must be made to the Clerk of the School, via the school office, within **10 school days** of receipt of the Stage 2 response. Requests received outside of this period will only be considered if exceptional circumstances apply and are explained to the Clerk at the same time that the request for a Stage 3 hearing is made.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **30 school days** of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. In this case the Panel will meet, with the Clerk and Area Schools Officer in attendance and consider the complaint on the basis of written submissions from both parties, with neither party being present.

At least **15 school days** before the meeting, the Clerk will:

- confirm and notify both parties of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible; and
- inform both parties that copies of any further evidence should be submitted to the clerk at least **10 school days** before the meeting. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the panel, whose decision is final.

Any written material will be collated and circulated by the clerk to all parties so that it is received at least **5 school days** before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Attendees at the meeting

The Clerk will invite the following parties:

- a panel of three Governors, one or more of whom may be independent of the school
- the complainant
- the Headteacher
- the Nursery Manager
- investigating member of SLT (if appropriate)
- the investigating Governor who dealt with the complaint at Stage 2
- relevant witnesses
- Area Schools Support Service representative (procedural advice).

The complainant may ask to be accompanied to the meeting by a supportive companion, interpreter, or advocate. It is not advisable for this person to be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the Clerk to the Complaint Review Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the Chair of the Panel. If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion, they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Panel.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing. The Panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

Representatives from the media are not permitted to attend.

Note: Given the age of nursery children (2-4 years), it is highly unlikely that children would attend a panel hearing. Any discussions with children would be conducted by appropriately trained staff prior to the hearing, with findings reported to the panel.

Conduct of the meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the nursery/school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations. Financial compensation is not a possible outcome of the process.

The panel hearing will consider the complaint as was submitted at Stages 1 and 2. Any new issues will need to be dealt with by a separate complaint procedure.

The Panel will not only consider the handling of the complaint at the previous stages but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

The meeting will be held in private and is confidential. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or additional needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent will be recorded in any minutes taken.

The format of the meeting is that the complainant is given a set amount of time to make their case. The Panel and the nursery/school may then ask the complainant questions for clarification. The nursery/school then has the same amount of time to make their case. The Panel and complainant then have the opportunity to seek clarification from the nursery/school. Both parties then leave the meeting, and the Panel will deliberate.

The Panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities.

The Panel can:

- uphold the complaint in whole or in part;

- dismiss the complaint in whole or in part;
- determine that all or part of the complaint is out of their scope to consider.

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint;
- where appropriate, recommend changes to the nursery's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the nursery/school with a full explanation of their decision and the reason(s) for it, in writing, and a copy of the minutes of the Panel hearing, within **10 school days**.

The letter to the complainant will include details of how to contact the Department for Education if they believe that their complaint has been handled unreasonably or unlawfully by the nursery/school.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the nursery/school will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by post, electronic mail or otherwise given to the complainant and, where relevant, the person complained about, with a copy to the Headteacher.

The complaint investigator / the Chair of the Complaint Review Panel will ensure that a copy of all relevant information relating to the complaint is kept at the nursery/school in a secure, confidential* file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR). The complainant should be informed that this will be done.

- Please note that the Secretary of State or a body conducting an inspection under S109 of the Education and Skills Act 2008 may request access to complaints documentation.

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17. Complaints about Governors

If the complaint is:

- jointly about the Chair and Vice-Chair; or
- the entire Governing Body; or
- the majority of the Governing Body,

Stage 3 will be heard by a committee of Governors who are independent of the school.

In such cases, the complaint may be escalated to the Mother Teresa Catholic Academy Trust Board of Directors.

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18. Next steps

If the complainant believes the nursery/school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the nursery/school. They will consider whether the nursery/school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaints about EYFS requirements

If your complaint relates specifically to whether the nursery is meeting the requirements of the Early Years Foundation Stage (EYFS), you also have the right to contact Ofsted:

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Phone: 0300 123 1231
Website: www.gov.uk/government/organisations/ofsted

Ofsted will consider your complaint and may inspect the nursery if they believe there are concerns about our compliance with EYFS requirements.

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19. Roles & responsibilities

Investigator

The investigator's role is to provide a comprehensive, open, transparent, and fair consideration of the complaint through:

- sensitive and thorough discussion with the complainant to establish their perspective and desired outcomes
- interviewing staff and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information

- liaising with the complainant and the Clerk as appropriate to clarify what the complainant feels would put things right.

Clerk to the Stage 3 Panel Hearing

The Clerk is the contact point for the complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the Panel hearing
- notify all parties of the Panel's decision.

Panel Chair

The Panel's Chair, who is nominated in advance of the complaint meeting, will ensure that the meeting is conducted in line with the complaints procedure and best practice principles.

Panel Members

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No Governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- They should read all documentation and understand the aims and purpose of the meeting.

Headteacher

The Headteacher is responsible for:

- Handling formal Stage 1 complaints about the nursery
- Ensuring investigations are thorough and timely
- Making decisions based on the balance of probabilities
- Implementing any changes or recommendations arising from complaints
- Ensuring the Nursery Manager is supported in implementing changes
- Maintaining oversight of the nursery complaints process

Governing Body

The Governing Body is responsible for:

- Ensuring the nursery has an effective complaints procedure
- Monitoring the number and nature of complaints
- Reviewing the complaints procedure regularly
- Providing Governors to investigate Stage 2 complaints
- Convening Panel hearings for Stage 3 complaints

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20. Procedure for managing serial & unreasonable complaints

St Margaret Clitherow Nursery is 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 our nursery. 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.

Defining unreasonable complaints

St Margaret Clitherow Nursery defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the nursery/school.

This includes:

Unreasonable persistence:

- Making the same complaint repeatedly, with minor differences, after the complaints procedure has been completed and insisting that minor differences make the complaints 'new' or 'different'
- Persistently approaching the nursery/school through different routes about the same issue
- Refusing to accept the outcome of the complaint process after all stages have been completed, repeatedly arguing points with no new evidence

Unreasonable demands:

- Insisting on immediate responses or demanding responses outside of the complaints procedure timescales
- Making excessive demands on the time and resources of staff whilst a complaint is being investigated, by for example excessive telephoning or sending emails to numerous staff members, writing lengthy complex letters every few days and expecting immediate responses

Unreasonable lack of cooperation:

- Not clearly identifying the precise issues which they wish to be investigated, despite reasonable efforts of staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the nursery/school to investigate

Aggressive or abusive behaviour:

- Using threats, intimidation or violence towards staff
- Using abusive, offensive or discriminatory language
- Publishing unacceptable information on social media or other public forums

Actions we may take

Where we consider that a complainant's behaviour is unacceptable, we will tell them why and ask them to change their behaviour. If they do not change their behaviour, we will take action. This may include:

- Restricting contact to written communication only
- Requiring contact to take place with a named person only
- Restricting telephone calls to specified days and times
- Asking the complainant to enter into an agreement about their future contact with the nursery/school
- Banning the complainant from the nursery/school site

In all cases where we decide to treat a complainant as unreasonable, we will write to them to explain:

- Why we believe their behaviour is unreasonable
- What action we are taking
- The duration of that action

We will always apply this procedure reasonably and proportionately, and the Headteacher will review the status of any complainant deemed to be unreasonable on a regular basis.

Serial complaints

Where a complainant tries to re-open an issue that has already been examined through the school's complaints procedure, we will inform them that the matter has been dealt with fully in line with the school's complaints procedure and therefore the case is closed. If they persist, we will inform them that we will not respond to further correspondence on this matter, and any further correspondence may be read and placed on file but not acknowledged.

If the complainant subsequently provides new information, we will consider whether there are grounds to re-open the complaint. If we decide not to re-open the complaint, we will inform the complainant of this decision, explaining our reasoning.

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21. Record keeping and confidentiality

Record keeping

St Margaret Clitherow Nursery will maintain proper records of all complaints received, including:

- The nature of the complaint
- How the complaint was investigated
- The outcome of the complaint
- Any action taken as a result of the complaint

Records will be kept in accordance with the Data Protection Act 2018 and GDPR requirements.

All complaint records will be stored securely and separately from staff and children's personal files. They will be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society.

Written records

Written records of complaints will include:

- Date when the issue was raised
- Name of complainant (where provided)
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name of member of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Action taken by the nursery/school as a result of the complaint (regardless of whether the complaint is upheld)

Confidentiality

The nursery will treat all complaints with appropriate confidentiality. Information about a complaint will only be shared with those who need to know in order to investigate and resolve it.

Complainants should also respect confidentiality and:

- Not discuss the complaint on social media or other public forums
- Not share details of the complaint with other parents or members of the nursery/school community
- Understand that some information may not be shared with them if it relates to confidential matters concerning staff or other children

Monitoring and review

The Headteacher will report to the Governing Body on the number and nature of complaints received each term, and any patterns or trends identified. This information will be anonymised.

The Governing Body will review the effectiveness of this policy every two years and recommend any changes to improve the complaints procedure.

Relationship to other policies

This complaints policy should be read in conjunction with:

- St Margaret Clitherow Catholic Primary School Complaints Policy
- Mother Teresa Catholic Academy Trust Complaints Policy
- Child Protection and Safeguarding Policy
- Data Protection Policy
- EYFS Policy
- Behaviour Management Policy

Where a complaint relates to matters covered by these policies, the appropriate policy will be followed.

APPENDIX A – COMPLAINT FORM

Please complete and return to:

For informal concerns: Nursery Manager, St Margaret Clitherow Nursery

For formal complaints (Stage 1): Headteacher, St Margaret Clitherow Catholic Primary School, Penbroke Hanworth, Bracknell RG12 7RD

Your name:	
Child's name (if relevant):	
Your relationship to the child (if relevant):	
Contact Details:	
Address:	
Telephone (daytime):	
Telephone (evening):	
Email address:	

Please give details of your complaint (or attach additional sheets if necessary):

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

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

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

Signature:

Date:

FOR OFFICIAL USE ONLY

Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	
Stage of complaint:	
Action taken:	
Date response sent:	
By whom:	

APPENDIX B – NURSERY CONTACT DETAILS

St Margaret Clitherow Nursery
St Margaret Clitherow Catholic Primary School
Penbroke Hanworth
Bracknell
RG12 7RD

Nursery Manager: Miss I Costin
Email: izzy.costin@smc-bracknell.com
Telephone: 01344 424030

Headteacher: Mrs Anne Mulholland
Email: anne.mulholland@smc-bracknell.com
Telephone: 01344 424030

Chair of Committee: Mrs Anne Clark
Contact via: secretary@smc-bracknell.com

Clerk to Governors: Mrs Sian Gates
Contact via: ctg@smc-bracknell.com

Mother Teresa Catholic Academy Trust
C/O All Hallows Catholic School
Weybourne Road
Farnham
GU9 9HF

19. Roles & responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the nursery/school in seeking a resolution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Nursery Manager

The Nursery Manager is responsible for:

- Handling informal concerns and attempting to resolve them promptly
- Keeping records of concerns raised and actions taken
- Referring unresolved concerns to the Headteacher for formal complaint handling
- Supporting the investigation process as required

- Implementing any changes or recommendations arising from complaints

Investigator

The investigator's role is to provide a comprehensive, open,