



HAPPY DAYS POLICIES AND PROCEDURES

Safeguarding and Welfare Requirements: Information and Records Providers must put in place a written procedure for dealing with concerns and complaints for parents and/or carers.

Making a complaint

Our complaints policy is issued to all families as part of the registration process. It is also available on request and can be viewed on our section of the schools website:

<http://www.barnhambroomprimaryschool.co.uk/about-s/happy-days/happy-days/happy-days-policies>

This policy has been written in line with the schools complaints procedures policy, for the full policy please refer to the schools policy on their website:

<http://www.barnhambroomprimaryschool.co.uk/policies> *This Happy Days complaints procedures policy can be found in Appendix F of the school policy listed above.*

Where parents/carers are not satisfied that their child is receiving the free entitlement in the correct way (as set out in our funding agreement and in Early Education and Childcare Statutory guidance for local authorities), a complaint can be submitted directly to Miss Chloe Harrowing, Happy Days Manager.

Stage one – Informal concern made to a member of Happy Days staff

1.1. A complaint may be made in person, by telephone or in writing.

1.2. The member of staff the complaint has been made against can discuss the concern with the pre-school manager or complaints co-ordinator to seek support.

1.3. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely in Happy Days (or if about the Happy Days Manager, these will be kept in school).

1.4. If the concern is about the pre-school manager, the complaints co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the headteacher.

1.5. In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

1.6. Within **15** school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

1.7. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

1.8. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage two – Formal complaint made to the pre-school manager

1.9. Stage two of the process will be completed within **15** school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the pre-school manager will contact the complainant to inform them of the revised target date via a written notification.

1.10. An appointment with the pre-school manager should be made, as soon as reasonably practicable, to avoid any possible worsening of the situation.

1.11. If the complaint is against the pre-school manager, the complainant will initially need to write, in confidence, to the headteacher. The headteacher will seek to resolve the issue informally before moving directly to stage three of the procedure.

1.12. Where the pre-school manager or headteacher has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

1.13. Where there are communication difficulties, the complaint may be made in person or via telephone.

1.14. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely in Happy Days or the school.

1.15. In terms of a complaint being made against a member of staff, the pre-school manager will discuss the issue with the staff member in question. Where necessary, the pre-school manager will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.

1.16. All discussions shall be recorded by the pre-school manager and findings and resolutions will be communicated to the complainant either verbally or in writing.

1.17. Once all facts are established, the pre-school manager shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this

process.

1.18. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

1.19. Any further action the pre-school plans to take to resolve the issue will be explained to the complainant in writing.

1.20. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage three – Investigation by the headteacher

1.21. The complainant should submit any complaint in respect of the pre-school manager's investigation in writing to the headteacher.

1.22. The headteacher will carry out an investigation and consider all available evidence.

1.23. The complainant and the pre-school manager will be informed of the outcome within **20** school days of the chair of governors receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

1.24. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

1.25. Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.

1.26. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage four.

Stage four – Investigation by the chair of governors

1.27. Following receipt of a stage three outcome, the complaint should be made in writing to the chair of governors within **10** school days.

1.28. Where there are communication difficulties, the complaint may be made in person or via telephone.

1.29. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely.

1.30. The complainant will also be provided with copies of minutes, subject to any necessary

redactions under the Data Protection Act 2018 and the GDPR.

1.31. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage five).

Stage five – Complaints appeal panel (CAP)

1.32. Following receipt of a stage four outcome, the complaint should be made in writing to the chair of governors within **10** school days.

1.33. Where there are communication difficulties, the complaint may be made in person or via telephone.

1.34. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely.

1.35. Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.

1.36. Neither the school nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation will be necessary, for example where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

1.37. The chair of governors, or another nominated governor, will convene a CAP comprising: Three members of the governing board.

1.38. If the whole governing board is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint.

1.39. If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – complainants should provide evidence to support their request. Where the appearance of bias is sufficient to taint the decision reached, the request will likely be granted by the governing board.

1.40. To appoint a governor from another school onto an independent complaints panel, the governing board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.

1.41. Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitably skilled and who can demonstrate their independence will be sourced.

1.42. Governors from any category of governor or associate members of another governing board can be approached to take part in an independent panel.

1.43. Governors from academies may be asked to serve on an independent panel.

1.44. A formal collaborative arrangement will be made with another maintained school where the school wishes to appoint a standing committee to hear all the complaints received under the complaints committee's tenure.

1.45. Where appropriate, the clerk will ask for support from the governor services team at the LA.

1.46. Five days' notice will be given to all parties attending the CAP, including the complainant.

1.47. Prior to the hearing, the chair of governors will have written to the complainant informing them of how the review will be conducted. The headteacher will also have a copy of this letter.

1.48. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

1.49. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

1.50. The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
- The complainant to question the headteacher, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the headteacher.
- Final statements to be made by both parties involved.

1.51. The complainant will receive a written response explaining the panel's findings and recommendations within **15** school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

1.52. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

Final stage – Appeal

1.63. If a complaint has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](#) or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

1.64. There are exceptional circumstances to the provisions outlined above. These are outlined in section 9 of the school's complaint's policy.

1.65. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or governing board could act in the circumstances.

This policy was adopted by *Happy Days*, in July 2020.

It was updated July 2021, version 2.

Signed on behalf of the provider: CHarrowing



Name of signatory: Chloe Harrowing

Role of signatory: Manager of Happy Days

Signed on behalf of the Governing Body of the School:

Name of signatory: Penny Folkard



Role of signatory: Chair of Governors