

Horizon Nursey Complaints Procedure Policy - College



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NURSERY COMPLAINTS POLICY

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SECTION 1 Responsibility and Nursery Statement

In accordance with Section 29 of the Education Act 2002, and Part 7 The Education (Independent Schools Standards) Regulations 2014 all academies and schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

The responsibility for the procedure whereby parents can make a complaint is that of the Governing Body of the College.

As we are an academy the Local Authority has no role in the managing of complaints against the College.

Nursery Statement

“The Nursery is committed to providing the very best opportunities for all children in our care. There are occasions, however, when parents/carers may feel the need to challenge a decision that the Nursery has made. To that end, what follows is a Policy to ensure that complaints are treated promptly, fairly and transparently.”

This policy does not include complaints against the Nursery representative or a member of the Governing Body. These complaints are dealt with by separate policies which can be requested from the Horizon Community College.

Anonymous complaints will not be dealt with.

Signed _____
(Principal/Nursery Representative)

Date: _____

Signed: _____
(Chairperson of the Governing Body)

Date: _____

SECTION 2 Complaint or Concern

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 generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

Where a parent/carer raises an issue with the Nursery, it will be important to establish whether the parent/carer has a concern regarding a particular issue which they wish to be addressed by the Nursery, or whether the parent/carer has a complaint which they want investigating.

Sometimes parents/carers use the term 'complaint' which in fact is a concern that can be dealt with quickly and informally, normally by arranging a meeting at the Nursery.

The procedure for contacting the Nursery regarding a parent's concern: -

In the first instance, parents/carers should contact by letter, email or in person, the child's keyworker or a senior member of staff.

Where a parent's/carer's concern cannot be resolved, they have the right to submit a formal complaint, the procedure for which is set out below.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a nursery provides. Nurseries must not limit complaints to parents/carers of children that are registered at the nursery.

A complaint can be made by a third party acting on behalf of the complainant. However, written consent from the complainant **must** be given before disclosing information to a third party.

SECTION 3 Complaints not in the Scope of the Procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a nursery provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to Contact
<ul style="list-style-type: none"> Matters likely to require a child Protection Investigation 	<p>Concerns should be raised direct with local authorities Local Authority Designated Officer (LADO).</p>
<ul style="list-style-type: none"> Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at:</p> <p>www.gov.uk/school-discipline-exclusions/exclusions</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on 0300 123 3155, via email at:</p> <p>whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> Staff grievances and disciplinary procedures 	<p>These matters will invoke the College's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>

SECTION 4 Sample Policy for Unreasonable Complaints

Horizon 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 the 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.

Horizon Nursery defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the nursery, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint: -

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the nursery's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with the nursery while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the nursery representative or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the nursery representative will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Horizon Nursery causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Horizon Nursery.

SECTION 5 Barring from the Nursery Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Nurseries will therefore act to ensure they remain a safe place for children, staff and other members of their community.

If a parent's/carer's behaviour is a cause for concern, a nursery can ask him/her to leave nursery premises. In serious cases, the Principal/nursery Representative will notify them in writing that

their implied license to be on nursery premises has been temporarily revoked subject to any representations that the parent may wish to make. Nurseries should always give the parent/carer the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed the parent/carer should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the nursery representative or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the nursery's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

SECTION 6 Complaints Procedure

1. In order for a complaint to be considered, the parent/carer must complete the complaint form, which is provided at the end of this policy. The complaint form can be submitted as a paper copy or by email to Sue Wood, Nursery Manager, - swood@horizoncc.co.uk

Complaints made by telephone will not be dealt with until a complaint form is received.

2. An acknowledgement to the complaint will be made within 5 school days of receiving the complaint form.
3. The parent/carer **may** be invited to consider resolving the issue by an informal meeting at the nursery. (Please note meetings are scheduled between 8am and 5pm, during the nursery working day).
4. The person who will manage the complaint and carry out the investigation will be nominated by the nursery representative and will depend on the content of the complaint.
5. A complaint will be investigated as quickly as is reasonably possible, taking account of the complexity of the issues. Under normal circumstances, a parent/carer would receive the outcome to the complaint within 15 nursery working days after the initial response to the complaint being received.
6. Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, nursery should arrange for an independent panel to hear the complaint. They may approach a different nursery to ask for help or the Trust.

7. Investigating the complaint

The person investigating the complaint 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

8. Resolving the complaint

There are three possible outcomes to complaints: -

- no evidence to support the complaint; or
- valid in part; or
- valid in whole.

Depending on the outcome of the complaint, the nursery representative will decide which of the following responses is appropriate: -

- the complaint is not upheld
- offering an apology and full explanation for what went wrong
- an admission that the situation could have been handled differently or better
- taking steps to remedy the situation if appropriate
- taking action to ensure that the problem is not repeated, including amending a College policy if this is appropriate

The response to the complainant will be confirmed in writing.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, they must confirm this in writing.

Record Keeping and Confidentiality

A written record will be kept of all complaints that are made to the nursery:

- a) whether they are resolved following a formal procedure, or proceed to a panel hearing: and
- b) action taken by the school as a result of those complaints (a) regardless of whether they are upheld

All correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

SECTION 7 Appeals Procedure

Appeal to the Governing Body

Where the complainant remains dissatisfied with the outcome, they can make an appeal to the Governing Body Complaints Committee. An appeal must be made within 10 school days of receiving the response to the complaint.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The panel hearing the complaints will be made up of two governors and one member who is independent of the management and running of the nursery.

The purpose of the appeal is to ensure that the complaints procedure was implemented correctly and every issue within the complaint thoroughly investigated. The appeal panel can decide to consider the complaint afresh in certain circumstances.

It is important to note that professional decisions that are made in nursery are the responsibility of the nursery representative. If the Complaints Committee does not agree with the nursery representative's decision, they can make recommendations to the nursery representative inviting them to re-consider their original decision.

Where a parent/carer decides to appeal the nursery decision, they must submit an appeal form to the Chairperson of the Governing Body at the College address.

Upon receipt of the appeal form it will be acknowledged within 5 school days.

The Appeal Hearing will be arranged within 15 nursery working days of the nursery receiving the parent/carer's appeal form.

Two dates for the appeal will be offered to the parent/carer. The parent/carer must confirm within 3 school days their preferred date. If the parent/carer cannot attend the dates offered, the appeal will go ahead, and the parent/carer will be informed by letter of the outcome.

Any extra information the complainant wishes to be included in the appeal **MUST** be with the committee at least **3 WORKING DAYS** before the date of hearing. Extra information received after this deadline will not be included.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with by completing the complaints form, to start the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Legal Representation

In the event that a complaint progresses to a committee of members of the college governors, it is recommended that neither the complainant nor the college bring legal representation. However, the complainant has the right to be accompanied by a friend or relative at the appeal hearing. These committees are not a form of legal proceedings.

The aim of the governors committee should be:

- reconciliation
- to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate.

SECTION 8 Advice to Parents

Raising a complaint with the Education and Skills Funding Agency

The Education and Skills Funding Agency (ESFA) will only consider a complaint after the nursery's own complaints procedure has been exhausted. The ESFA cannot review or overturn decisions about complaints made against the nursery, they can only investigate whether the nursery has considered the complaint appropriately. If the ESFA finds that the nursery did not consider the complaint appropriately it can request that the nursery to reconsider the complaint.

The ESFA will investigate complaints about:

- undue delay or non-compliance with the nursery's own complaints procedure
- allegations that the nursery has failed to comply with a duty imposed on it under its Funding Agreement with the Secretary of State
- allegations that the nursery has failed to comply with any other legal obligation placed on it, except in cases where there is another body or organisation that is, in the view of the ESFA, better placed to consider and, if necessary, take further action in connection with the issue including but not limited to, a Court of Law or other Tribunal of competent jurisdiction, local authorities or other regulatory bodies

The ESFA will not investigate complaints about:

- consideration of special education needs for an individual child
- matters that are subject of legal action

The ESFA will not usually investigate complaints more than 12 months after a nursery's decision unless the complainant has good reason for the delay in making the complaint. The ESFA reserves the right not to investigate complaints considered to be vexatious or malicious or where they are satisfied with the action that the nursery has already taken or proposes to take to resolve the complaint.

Complaints to the ESFA should be sent to:

ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Referring the complaint to Ofsted

Ofsted will not usually consider a complaint if the parent/carer has not first followed the nursery's complaints procedure.

Ofsted can consider complaints where it affects the nursery as a whole e.g.: -

- the nursery not providing a good enough education
- the children are not achieving as much as they should, or their differing needs are not being met
- the nursery is not well led and managed, or is wasting money
- the child's personal development and well-being are being neglected

Ofsted will not normally investigate cases to do with individual children.

Ofsted cannot consider complaints when there are other statutory ways of pursuing them.

Examples include complaints relating to: -

- admission procedures
- exclusion of individual children
- provision for individual children with special educational needs
- religious education or the religious character of a nursery

Ofsted are not in a position to: -

- Investigate incidents that are alleged to have taken place
- Judge how well a nursery investigated or responded to a complaint
- Mediate between a parent/carer and a nursery to resolve a dispute

Referring the complaint to the Secretary of State

If the parent/carer considers that the Governing Body have acted unreasonably, they can write to the Secretary of State for Education. Complaints are handled by the Department for Education (DfE).

The DfE role is not to investigate the individual complaint, but to ensure that the nursery's published policy is correct and that all the procedures were followed within the timescales and the parent/carer provided with an outcome to their complaint.

GOVERNING BODY COMPLAINTS COMMITTEE

CONSTITUTION

1. The Committee shall consist of 3 members, 2 Governors appointed by the governing Body and an additional member who is independent of the management and running of the nursery, excluding the nursery representative and Staff Governors.
2. Where the Chairperson of the Governing Body is a member of the Committee, they shall not attend any meeting where they have participated in the management of the complaint.
3. The Chairperson of the committee shall be elected by the committee.
4. The quorum shall consist of the 3 members of the committee.
5. The Governing body shall appoint a Clerk to the Committee.
6. The Clerk will ensure:
 - I. a minimum of 7 clear days' notice of a meeting is given in writing to each committee member along with the agenda;
 - II. the decisions of the committee are included in the agenda of the next Governing Body meeting and reported to The Trust. The minutes of the committee are confidential and are available to appropriate people only.
7. The Committee is authorised to make decisions on behalf of The Governing Body only in respect of those powers specifically within the Terms of Reference.

TERMS OF REFERENCE

1. To hear appeals from parents/carers together with representations from the College representative or Chairperson.
2. To notify in writing, to the parent/carer, the outcome of the appeal.

PROCEDURE FOR THE COMPLAINTS COMMITTEE

1. The nursery representative (or Chairperson¹) and parent/carer will be invited into the meeting.
2. Those present will introduce themselves.
3. The Clerk will explain the procedure for hearing the parent's/carer's complaint.
4. The parent/carer will present the complaint.
5. The members of the committee may if they wish, ask the parent/carer questions.
6. The nursery representative/Chair of Governors may ask questions of the parent/carer.
7. The nursery representative/Chairperson will be invited to explain how the complaint was managed and what decisions were taken on the complaint.
8. The members of the committee, may if they wish, ask the nursery representative/Chairperson questions.
9. The parent/carer may ask the nursery representative/Chairperson questions.
10. Following summaries by the parent/carer and nursery representative/Chairperson, they will leave the meeting.
11. The Committee will then come to a decision on the complaint.

Findings and Recommendations

A copy of the findings and recommendations will be:

- a) Provided to the complainant and, where relevant the person complained about; and
- b) Available for inspection on the school premises by the Principal

12. Following the meeting the Clerk will write to the parent/carer and the nursery representative/Chairperson informing them of the Committee's decision.

Witnesses may be questioned on any statement made or evidence given.

¹ Where the Chairperson has investigated the complaint instead of the nursery representative

