



COMPLAINTS POLICY

Our Mission Statement

Creating a child centred, safe learning environment which is underpinned by the physical, emotional, mental and spiritual wellbeing of each child; focusing on children's interests whilst providing a challenging curriculum and enabling environments to support children to strive and be prepared for the next stage of their learning journey

LAST REVIEWED ON	SIGNATURE
December 2018	S. MADARI
December 2019	S. MADARI
March 2021	S. MADARI
December 2021	S. MADARI
February 2022	S. MADARI

Contents

1.	Introduction – Complaints Policy	Page 2
2.	Dealing with unreasonable complaints	Page 3
3.	Complaints Procedure – Stage 1 (Heard by Workforce Member)	Page 4
4.	Complaints Procedure – Stage 2 (Heard by Manager / Deputy Manager)	Page 5
5.	Complaints Procedure – Stage 3 (Board of Trustees)	Page 5
	Appendix 1 – Complaints Form	Page 9
	Appendix 2 – Flowchart for Parents	Page 11
	Appendix 3 – Guide for Trustees (Formal Stage)	Page 12

1. Introduction – Complaints Policy

Taqwa Nursery has a complaints procedure which will ensure we respond to complaints as quickly and effectively as possible.

The procedure will set out exactly what will happen with a complaint and how long the process will take.

The procedure will be used to deal with complaints relating to the nursery and any community facilities or services that the nursery provides.

We value all comments about our nursery and we will endeavour to address all concerns at the earliest stage possible.

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 the matter to be heard by an impartial committee of the Board of Trustees.

In the first instance complaints should be directed to a member of workforce who will refer the issue to the Manager. In this instance, the Manager will try to resolve the issue internally, by either having a conversation or personal meeting with the complainant. If the complaint concerns the Manager or a Trustee, the complainant should contact the Chair of Trustees in writing via the nursery.

If the complaint is about the Chair of Trustees, the complainant should write to the Charity Commission who will convene a complaints board/panel to hear the complaint and stage three of this procedure will apply. In this instance, the Board of Trustees may choose to present the evidence for the nursery. The Charity Commission may refer to the Local Authority, or Board of Trustees for advice and support on any investigation.

When making a complaint it is important that the complainant identifies their desired outcome, i.e., what actions they feel might resolve the problem at any stage.

Pupils, parents or carers can make a complaint to the nursery about any aspects of its function including:

- Attitude/ behaviour of workforce
- Learning and development
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities
- The curriculum

The same complaint could be made jointly by a number of persons, in this case it is expected that a nominee/representative speak on behalf of all complainants, otherwise, all complaints will be dealt with on an individual basis.

Members of the general public may make complaints to the nursery if the nursery is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break-times

- Health and safety issues of premises
- Behaviour of workforce

If the basis of the complaints does not fall within the jurisdiction of the Secretary of State or Ofsted, only the Manager and the Board of Trustees will consider them.

This procedure will not be used for a workforce grievance or disciplinary procedure. Legal, safeguarding or disciplinary proceedings take precedence over complaints procedures and timescales. A complaint about any community facilities or services provided by any third party through the nursery premises or using nursery facilities should be addressed to the third-party provider who will have their own complaints procedure. Copies of the complaint's procedure for any third-party provider are available directly from the provider.

The Board of Trustees will annually monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaint's information shared with the whole Board of Trustees will not normally name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to nursery improvement. When individual complaints are heard, any underlying issues that are identified will be addressed. The monitoring and review of complaints by the nursery and the Board of Trustees is seen as a useful tool in evaluating a nursery's performance.

The role of the Local Authority in nursery complaints is prescribed by legislation. Local Management of Nurseries made nurseries self-managing and therefore responsible for administering procedures that deal with complaints made against them.

2. Dealing with unreasonable 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.

A complaint can be regarded as unreasonable when the person making the complaint:

- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint
- Seeks an unrealistic outcome
- Has a history of making unreasonable complaints
- Makes frequent, lengthy, complicated and stressful contact with workforce regarding the complaint

A complaint will be considered unreasonable if the person making the complaint does so:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false

The presumption should be in favour of not restricting access unless it is absolutely necessary. The Trustees may consider:

- Warnings/contract for future conduct
- Restricting telephone calls to a particular day, time or person
- Restrictions on methods of contact (e.g. in writing)
- Not acknowledging future correspondence that does not present new information
- Temporary suspension of the person's access to the complaints system

The complainant will be informed in writing of any action taken and how long the action will last. They must be advised how to contact the Local Government Ombudsman.

3. Complaints Procedure – Stage 1

Stage One: Complaint Heard by Workforce Member

The vast majority of concerns can be resolved informally. There are many occasions where the workforce member, office workforce member, or the Manager, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage. Complainants must feel able to raise concerns with members of workforce without any formality, either in person, by telephone or in writing. This allows workforce to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of workforce first contacted should clarify the nature of the concern and reassure the complainant that the nursery wants to hear about it. Once a complaint has been received by a member of workforce, they should determine whether they are the best person to resolve the complaint. The Manager should be informed of the complaint.

Taqwa Nursery respects the views of any complainant and if they express a difficulty in discussing their complaint with a particular member of workforce the Manager/ Deputy Manager deal with the complaint personally.

Where the complaint concerns the Manager, the Manager will refer the complainant to the Board of Trustees.

If the concern involves any child protection issue, the Manager will inform the relevant Local Authority social care team or Local Authority Designated Officer (LADO).

Similarly, if a member of workforce directly involved feels too compromised to deal with a complaint, the Manager may consider personally taking over the management of the complaint.

Once the complaint has been investigated the outcome should be communicated to the complainant and the Board of Trustees. The complaint will be responded to within 14 working days either verbally or in writing. The complainant must also be informed of what to do next if they remain dissatisfied with the response.

If the complainant remains dissatisfied with the outcome of the investigation into their complaint they should write to the Manager within 14 working days asking for their complaint to be investigated at stage 2.

4. Complaints Procedure – Stage 2

Stage Two: Complaint Heard by Manager/ Deputy Manager

Complainants should be reassured of their right to make complaints. Complaints should be made either in writing or by arrangement of an appointment with the Manager/ Deputy Manager. The complainant may choose to use the attached complaints form (see appendix 1). If the complaint is about the Manager, the Board of Trustees should deal with the matter using this procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.

The Manager may delegate the task of collating the information to another workforce member but not the decision on the action to be taken. The person investigating the complaint should be clear what exactly the complaint is and the desired outcome as soon as possible.

The Manager should contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It should be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services should be made available where necessary. The Manager should have another member of workforce present to observe and record the meeting and promote workforce safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant. If it is necessary to interview children as part of the investigation, this should be done in the presence of another member of workforce, or in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents.

Written notes should be kept of all communications with regard to the complaint and its investigation in line with the nursery's documents retention schedule.

The complaint will be investigated and written response will be provided within 14 working days, unless the complaint is complicated and to allow for a full investigation to be carried out an extension of 14 working days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to the complainant.

The complainant must be informed of the right to take the complaint to stage 3 if they remain dissatisfied.

5. Complaints Procedure – Stage 3

Stage Three: Complaint Heard by Board of Trustees Complaints Committee

Where a complainant remains dissatisfied with the outcome of a complaint at stage two, they should write to the Board of Trustees within 14 working days of receipt of the decision of the stage two investigation. The Board of Trustees should first ensure that the complaint has been dealt with at stage two, and the complaint is covered by the nursery's

complaints procedure no other procedures e.g., personnel or child protection. If not, the matter should be referred back to the Manager and the Board of Trustees should write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying the complainant is not satisfied with the outcome of a stage two investigation, the Board of Trustees should write acknowledging that the complaint has been received. At this point the Board of Trustees may offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Board of Trustees, or if it is felt to be more appropriate an external agency may be used such as Parent Partnership, BCoM, Bully Free-zone or a professional mediation service. If the matter cannot be resolved through mediation the Board of Trustees should arrange for the complaints committee to be convened. The letter should explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given, which should be at least 5 working days before the hearing.

The committee should comprise of 2 Trustees who have no previous involvement with the complaint, of which one will assume the role of chair for the committee, who will have delegated powers to hear complaints at this stage. The complaint should never be heard by the entire Board of Trustees as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of workforce following a serious complaint.

The Manager should also be invited to submit a written report for the committee; this may be a copy of the stage two response. The Manager may also invite members of workforce directly involved in matters raised by the complainant to respond personally or in writing.

The complaints committee should set a timetable for the hearing and should notify the complainant of this. The hearing should be heard within 20 working days of receiving the letter.

It is strongly recommended that the complaints hearing meeting be Charity Commissioned. The Charity Commission would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- welcome the parties as they arrive to the hearing;
- record the proceedings;
- notify all parties of the committee's decision.

The Charity Commission should write to inform the committee, Manager, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days' notice. All documents submitted should be circulated to the committee, the Manager and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Board of Trustees should ensure that minutes are taken at the complaints committee meeting.

The committee should be open-minded and independent. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the nursery and the

complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

The decision of the committee must be final as they have been delegated authority by the Board of Trustees to hear and make decisions about the complaint.

The hearing should be held in private. Any witnesses (other than the complainant and the Manager) should only attend for the part of the hearing in which they give evidence. Good practice would be that at no point should the Manager or the complainant be left with the complaints committee without the other being present.

The committee should remember that the complainants may not be familiar with the conduct of formal meetings and may feel inhibited in addressing the committee. It is recommended that the chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child.

If either party wishes to introduce new information at the meeting, this should be allowed. The meeting should then be adjourned for a short period to allow other parties to review and respond to this information.

The meeting should allow for

- The complainant to explain their complaint and the Manager to explain the nursery's response
- Witnesses to be brought by the complainant or the Manager
- The Manager and the complainant to ask questions of each other and any witnesses
- The committee to ask questions of the complainant, Manager and any witnesses
- The complainant and the Manager to summarise their position

The chair of the committee should thank the complainant and Manager for their attendance and request they leave the meeting while the committee consider their decision.

They should then decide

- Whether to dismiss the complaint in whole or part
- To uphold the complaint in whole or part
- To approve any appropriate action to be taken to resolve the complaint
- Where appropriate, recommend to the Board of Trustees and Manager what action can be taken to prevent similar difficulties in the future

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant and the Manager within 5 working days of the meeting.

The nursery should retain a copy of all correspondence and records of meetings in line with the Nursery's document retention schedule.

If the complaint remains unresolved and the complainant feels that the nursery has behaved unreasonably about their concerns, they can write to the Secretary of State for Education:

**The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT**

Ofsted will also consider a complaint if it affects the nursery as a whole. For example:

- The nursery is not providing a good enough education
- The pupils are not achieving as much as they should, or their different needs are not being met
- The nursery is not well led and managed, or is wasting money
- The pupils' personal development and wellbeing are being neglected

Ofsted can be contacted on 08456 404045 or via email enquiries@ofsted.gov.uk

Taqwa Nursery

Nursery Complaints Form

Please complete and return to Nursery Manager who will acknowledge receipt and explain what action will be taken

Surname: _____ **First Name:** _____ **Title:** _____

Address: _____

_____ **Postcode:** _____

Home Tel: _____ **Work Tel:** _____

Mobile: _____ **Email:** _____

Child's Name (if relevant): _____

Your relationship to child's (if relevant): _____

1. Please give details of your complaint: (continue on a separate sheet if necessary)

Continued Overleaf...

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

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

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

Signed: _____ **Date:** _____

After completion please email this form to: taqwaanursery@mail.com

or Post to: Taqwa Nursery
48 Holmeswood Road
Bolton, BL3 3HS

OFFICIAL USE

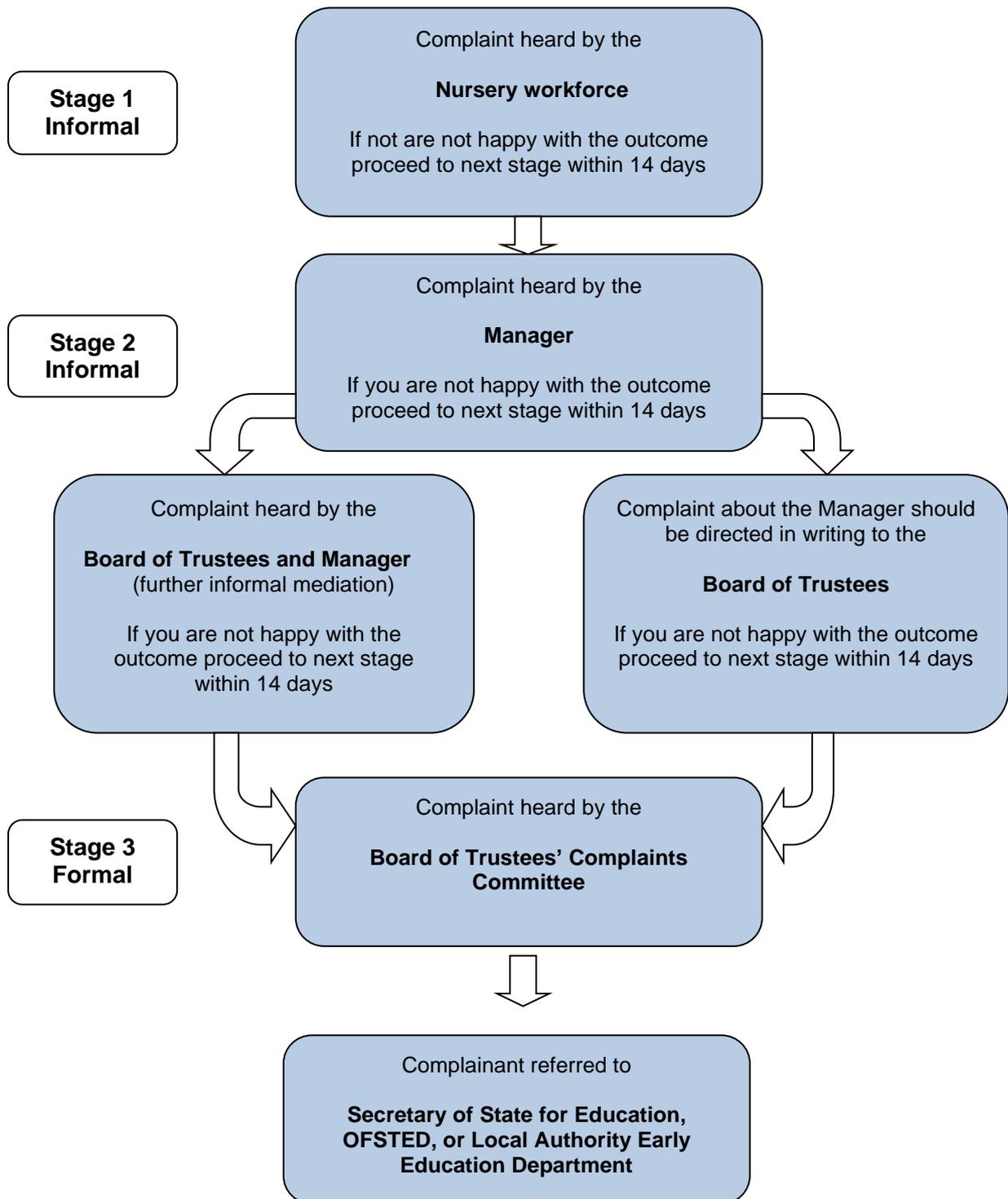
Date Acknowledgement Sent: _____

Acknowledgement Sent by who: _____

Complaint Referred to: _____

Date: _____

The following diagram details the stages you should follow in the event of a complaint:



Taqwa Nursery

Nursery Complaints Procedure

A Guide for Trustees – Formal Stage

Taqwa Nursery has a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible.

If the Manager is unable to resolve the matter at Stage Two the complaint can be referred to a Complaints Committee appointed by the Board of Trustees. The aim of the hearing is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

The Board of Trustees may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the committee for hearing appeals would normally be part of the nursery's complaints procedure. The committee can be drawn from the nominated members. The committee may choose their own chair.

The Remit of the Complaints Committee

The committee has delegated powers to:

- 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 nursery's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Trustee sitting on a complaints committee needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the nursery and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to

establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

Role of the Chair of the Complaints Committee

The Chair of the Committee has a key role, ensuring that:

- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the committee is open minded and acting independently;
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Checklist for a Complaints Committee Hearing

The committee needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Manager may question both the complainant and the witnesses after each has spoken.
- The Manager is then invited to explain the nursery's actions and be followed by the nursery's witnesses.
- The complainant may question both the Manager and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.

- The Manager is then invited to sum up the nursery's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The chair explains that both parties will hear from the committee within a set time scale.
- The entire session must be recorded by an able, named clerk

Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and if so, to whom they need to be addressed. This could be the Secretary of State, Ofsted or The Charity Commission