

**General Welfare Requirement: Safeguarding and Promoting Children's Welfare**

Children's behaviour must be managed effectively and in a manner appropriate for their stage of development and particular individual needs.



**Safeguarding children**

# Making a Complaint

**Policy statement**

We believe that children and parents are entitled to expect courtesy and prompt, careful attention to their needs and wishes. We welcome suggestions on how to improve and will give prompt and serious attention to any concerns about how we run. We anticipate that most concerns will be resolved quickly by an informal approach to the appropriate member of staff. If this does not achieve the desired result, we have a set of procedures for dealing with concerns. We aim to bring all concerns about the running of our setting to a satisfactory conclusion for all parties involved.

**7 Key features of effective practice**

The best for every child	High quality care	The Curriculum	Pedagogy	Assessment	Self-regulation and executive function	Partnership with Parents
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**Procedures**

We have a complaint book that logs a summary of all complaints that reach stage two or beyond. This will be made available to parents, carers, and complainants (subject to privacy considerations) as well as to Ofsted inspectors.

**IT IS RECOMMENDED THAT THIS ENTIRE POLICY IS READ PRIOR TO MAKING A COMPLAINT**

**Making a Complain**

- **Stage 1**
  - Any individual who has a concern about an aspect of the setting's provision must discuss, first of all, those concerns with the manager.
  - Most complaints should be resolved amicably and informally at this stage.
  - When the complaint is resolved at this stage, the summative points are logged in our settings Complaints Log.
- **Stage 2**
  - If this does not have a satisfactory outcome, or if the problem recurs, the parent moves to this stage of the procedure by putting the concerns or complaint in writing to The Board of Directors

at board@rotherfieldpre-school.co.uk. This must be made within **7 days** of the of the conclusion of stage 1.

- We store written complaints in a locked filing cabinet under the 'complaints' section. The complaint and all investigations are recorded in our complaints log.
- When the investigation into the complaint is completed, the manager meets with the parent to discuss the outcome.
- Complainants must be informed of the outcome of the investigation within **28 days** of making the complaint.
- When the complaint is resolved at this stage, the summative points are logged in our settings Complaints Log.
- **Stage 3**
  - If the complainants are not satisfied with the outcome of the investigation, they can request a meeting with the manager and/or The Board of Directors. This request must be made within **7 days** from the written response issued under stage 2.
  - Such meetings can be stressful for all parties so the parent will be advised they should have a friend or partner present and will be advised that the manager/ The Board of Directors will have a member of staff or other Directors present for support.
  - An agreed written record of the discussion is made as well as any decision or action to take as a result. All of the parties present at the meeting sign the record and receive a copy of it.
  - This signed record signifies that the procedure has concluded. When the complaint is resolved at this stage, the summative points are logged in the settings Complaints Log.
- **Stage 4**
  - If at the stage 3 meeting the parent and setting cannot reach agreement, an external mediator is invited to help to settle the complaint. This person should be acceptable to both parties, listen to both sides and offer advice. A mediator has no legal powers but can help to define the problem, review the action so far and suggest further ways in which it might be resolved.
  - The mediator keeps all discussions confidential. S/he can hold separate meetings with the setting personnel (manager/Directors) and the parent, if this is decided to be helpful. The mediator keeps an agreed written record of any meetings that are held and of any advice s/he gives.
  - **The cost for mediation will be borne equally between the pre-school and the complainant(s).**
- **Stage 5**
  - When the mediator has concluded her/his investigations, a final meeting between the parent, the manager/ The Board of Directors is held. The purpose of this meeting is to reach a decision on the action to be taken to deal with the complaint. The mediator's advice is used to reach this conclusion. The mediator is present at the meeting if all parties think this will help a decision to be reached.
  - A record of this meeting, including the decision on the action to be taken, is made. Everyone present at the meeting signs the record and receives a copy of it. This signed record signifies that the procedure has concluded.
  - **The cost for mediation will be borne equally between the pre-school and the complainant(s).**
  - The conclusion of stage 5, whether successful or unsuccessful, will conclude the complaints process.

- A complaint must progress through each stage in turn until conclusion. The pre-school reserves the right not to consider a complaint that has been issued outside the framework of the policy without prior agreement.
- **Timing**
  - If at any point correspondence from the complainant ceases for longer than 28 days, the complaint will automatically be closed without notice.
  - It is the complainant's responsibility to notify the pre-school in the event that there will be a break in correspondence longer than 28 days.
- **The role of the Office for Standards in Education, Early Years Directorate (Ofsted) and the Local Safeguarding Children Board and the Information Commissioners Office**
  - Complainants may approach Ofsted directly at any stage of this complaint's procedure. We display Ofsted's contact details on our notice board and have a link to their website from our own. In addition, where there seems to be a possible breach of the setting's registration requirements, it is essential to involve Ofsted as the registering and inspection body with a duty to ensure the Safeguarding and Welfare Requirements of the Early Years Foundation Stage are adhered to.
  - The number to call Ofsted with regard to a complaint is:

**0300 123 1231 or in writing: Applications, Regulatory and Contact (ARC) Team, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD or website: [www.gov.uk/ofsted](http://www.gov.uk/ofsted)**
  - We display the contact details for Ofsted on the notice board in our outside notice board and foyer.
  - If a child appears to be at risk, our setting follows the procedures of the Local Safeguarding Children Board in our local authority.
  - In these cases, both the parent and setting are informed, and the manager works with Ofsted or the Local Safeguarding Children Board to ensure a proper investigation of the complaint, followed by appropriate action.
  - The Information Commissioner's Office (ICO) can be contacted if you have made a complaint about the way your data is being handled and remain dissatisfied after raising your concern with us. For further information about how we handle your data, please refer to the Privacy Policy when you registered your child at our setting. The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or [ico.org.uk](http://ico.org.uk).
- **Records**
  - A record of complaints against us and/or the children and/or the adults working in our setting is kept, including the date, the circumstances of the complaint and how the complaint was managed.
  - The outcome of all complaints is recorded in our Complaints Log which is available for Ofsted inspectors on request. A summary of all complaints (with no confidential information), is available for complainants on request.

- **Inappropriate correspondence**

- We understand that feeling the need to make a complaint can be distressing. However, the pre-school is a professional environment and abusive and/or inappropriate communication, written or verbal, will not be tolerated.
- If, in making or dealing with a complaint, communication from the complainant is abusive or inappropriate the complainant will be written to, noting the specific content, and asked to refrain from this going forward.
- If the abusive or inappropriate content continues, or ceases and then returns, the pre-school reserves the right to terminate the complaints process.

- **Vexatious or Malicious Complaints**

- The presumption is that a complaint is made in good faith and is considered on its merits.
- A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.
- A complaint may be considered **vexatious** where a complainant:
  - Persists in pursuing a complaint which has already been investigated and provides no new or material information.
  - Seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed.
  - Fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts by the pre-school to assist them.
  - Complains solely about trivial matters to an extent which is out of proportion to their significance.
  - Makes excessive contact with the pre-school or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.
- A complaint may be considered **malicious** where it has been made with the intention of causing harm, for example:
  - deliberately seeking to defame a member of staff and raising a complaint with this intent; or
  - through lying about an issue or incident in the knowledge that this will cause harm; or
  - through knowingly basing a complaint on rumour and gossip with the intention of causing harm.
- A malicious complaint is defined as:
  - one that the investigation has shown to be without foundation; or
  - one where the investigation evidence demonstrates that the complainant knowingly lied.
- Vexatious or malicious complaints will not be tolerated.

- The mere fact that a number of complaints have been raised by a complainant is not sufficient grounds to consider that a complaint is vexatious or malicious. Each complaint will be considered on its merits.
- If a complaint is considered to be vexatious, the complainant will be written to noting this and that either:
  - The content of future correspondence must be adjusted to be reasonable (in the case of unreasonable demands, excessive contact, etc.); or
  - That the complaint will not be considered (in the case that it does not materially differ from a previous complaint and/or provide new information)
- Where an adjustment to future correspondence has been requested, but is ignored or only temporarily adopted, the pre-school reserves the right to request additional adjustments or terminate the complaints process.

This Policy was reviewed by	Shereen Milledge - Manager
Adopted by	Rotherfield Pre-School Staff and Directors
Date	November 2022
Review Date	November 2023

**Review Log**

Review Date	Brief Details of Amendments	Amended By	Agreed By
October 2020	Addition of 'Timing', 'Inappropriate Correspondence' and 'Vexatious or Malicious Complaints' Sections. Updates to stages 4 and 5 in respect of costs. General updates around numbering, phasing.	Ian Harris	Rotherfield Pre-School staff & Directors
Nov 2021	None required	Shereen Milledge	Rotherfield Pre-School staff & Directors
Nov 2022	None required	Shereen Milledge	Rotherfield Pre-School staff & Directors