



Nursery Strategic Leader & Nominated Individual Mrs E Williams BEd. Hons NPQH
Nursery Manager: Miss C Bates

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|---------------------|---------------|-----------------------|-----------|
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| Governor approved | November 2023 | Key person/people | Governors |
| Model Policy | Y | Model localised | Yes |

COMPLAINTS POLICY & PROCEDURE

PART 1

Principles:

Rotherly Day Nursery believes in taking a positive approach to complaints, which are made in an appropriate way, and recognises that mistakes can sometimes be made. The Nursery is willing to take action and make changes when necessary to benefit the daily operation and the ethos of the Nursery.

Rotherly Day Nursery places great importance on partnership and to that end Parents/Carers need to know that the Nursery will look seriously at any complaint and that appropriate action will be taken if a complaint is upheld. The Nursery discourages the use of social media as a means by which to raise a concern about its provision as this does not facilitate effective partnership or understanding.

This policy applies specifically to complaints rather than concerns. If there is a concern about an aspect of the Nursery, this should in the first instance be taken up with the relevant member employee. We encourage Parents/Carers to approach employees with any concerns and aim to resolve issues through open dialogue and with mutual understanding and respect. If a concern cannot be satisfactorily resolved, parents/carers may wish to make a formal complaint using this process.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Rotherly Day Nursery, other than complaints that are dealt with under other statutory procedures, such as admissions which are dealt with through Hampshire County Council. Where a complaint involves an external agency as part of an investigation, the Nursery may suspend the internal complaints process to work in accordance with statutory requirements or partnership working.

The Nursery aims:

- To achieve satisfactory communication with Parents/Carers whenever dissatisfaction is felt.
- To try to ensure that pupil and Nursery issues are dealt with on a just, equitable and sensitive basis.

- To try to ensure that complaints remain a rare occurrence through dealing appropriately with any concerns that are raised.

Overview:

- In the first instance, concerns should be raised with the appropriate person using the flowchart in Annexe C. Where a concern has not been resolved or in the situation where it may be more serious, parents/carers should follow the process for complaints.
- Every attempt will be made to deal promptly and in-house with a formal complaint. As a guideline complaints will be investigated and a reply sent to the Parent/Carer within 10 Nursery days of receipt. Initial complaints can be in the most convenient form for the Parent/Carer. Most things can be sorted out by talking to the person(s) concerned. Parents/Carers may need to make an appointment (via the Nursery office). Complaints may also be in writing or by email to contact@westgate.hants.sch.uk marked for the attention of the Strategic Lead, Mrs. L. Williams.
- Each complaint will be treated seriously, avoiding hasty assumptions. Complaints will be investigated by an appropriate leader who has had no previous involvement in the matter. Typically, this will be the Strategic Lead of Rotherly Day Nursery or it may be a member of the Senior Leadership Team of The Westgate School. Parents/Carers will be asked to give evidence to the investigator as the basis for the complaint.
- Following a thorough investigation, parents/carers will receive a written response to their complaint. In the case of a complaint about an employee, parents will not be notified of the outcome because of employee confidentiality.
- The Strategic Lead will make the Chair of Governors aware of any formal complaint he/she feels is sufficiently serious and possibly grounded in fact to warrant such action.
- Any complaint relating to Child Protection, Safeguarding or GDPR will be passed without delay to the Nursery's Designated Safeguarding Lead or Data Protection Officer for the appropriate lines of action to be followed.
- If a complaint relates to Health and Safety, the Nursery's Health and Safety Officer/Site and Facilities Strategic Lead (Mr. Pay) will be involved.
- The official Hampshire procedure regarding support and disciplinary action will be used as and when necessary.
- The Nursery will keep a log of formal complaints together with an indication as to the outcome. This will be held centrally by The Westgate School on behalf of the governing body responsible for Rotherly Day Nursery.

Please see annexe to this policy regarding unreasonably persistent complaints, harassment or aggression.

Procedures:

- a) Any concern raised will be dealt with initially by the appropriate member of staff. If a satisfactory resolution is not achieved, the concern should be escalated to the Headteacher who will investigate fully and respond according;
- b) Where an informal resolution has not been achieved by the Headteacher, or the complainant feels it necessary to do so without seeking informal resolution, the matter will move to Stage 1 – Investigation and Complaint

Formal Complaint:

- c) Stage 1 – Investigation: complaint should ideally be expressed in writing and addressed to either the Headteacher and/or Chair of Governors. The person complaining can expect that:-
 - i) It will be taken seriously;
 - ii) Communication during the investigation will be a priority;
 - iii) The Nursery will be objective and transparent in its investigation;
 - iv) Ask for complainant to define the outcome that they are seeking;
 - v) Take in to account the views of the staff involved and what can reasonably be expected of them according to role and resource;
 - vi) Set clear expectations about the process.

A formal, written response from the Headteacher and Chair of Governors will be provided as a result of the investigation and agreed actions.

- d) Stage 2 – Governing Body Complaints Committee:
If the matter has not been resolved after Stage 1, the complainant may request a Stage 2 – Governors' complaints committee. The committee will review the evidence and in partnership with the Headteacher, review the Nursery's policies and practice where it is believed there may have been a shortfall.

Governors do not have the power to overturn decisions or direct the Headteacher to change a decision or action that sits within the Headteacher's remit and professional terms and conditions of service. However, working in partnership with the Headteacher, Governors will review the investigation and make recommendations where appropriate.

In the event of a complaint being heard by a Governor Committee, DfE recommends that neither party brings legal representative.

Rotherly Day Nursery does not allow the recording of meetings except in note form; electronic evidence of recorded meetings will not be accepted by the Nursery.

Rotherly Day Nursery will enable reasonable adjustments to any person needing these in order to make representation – this may include: large print for documents; use of hearing devices if provided. Please make the Clerk to Governors/Headteacher's PA aware as soon as possible and ideally, 3/5 Nursery days before any meetings take place.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Annexe A – re persistent complaints

Annexe B – re overview of process

Annexe C – re flow chart and recommended procedures

Complaints Policy: Annexe A

Policy for dealing with Unreasonably Persistent Complaints, Harassment or Aggression

The Strategic Lead and Managers and employees investigate specific concerns as part of their day-to-day management of the Nursery in accordance with the Nursery's Complaints Procedure and practice of working in partnership with families.

The majority of concerns are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The Nursery is extremely committed to promoting positive relationships with all members of the Nursery community, regardless of age, gender, religion, ability culture or other protected characteristic and it welcomes the opportunity to address and resolve issues that may arise.

However, there are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the Nursery and directly or indirectly the overall well-being of the children or employees in the Nursery. In these exceptional circumstances the Nursery may act in accordance with this policy.

1. The Nursery expects anyone who wishes to raise concerns with the Nursery to:
 - treat all members of the Nursery community with courtesy and respect;
 - respect the needs of pupils and employees within the Nursery;
 - avoid the use of violence, or threats of violence, towards people or property;
 - avoid any aggression or verbal abuse;
 - recognise the time constraints under which employees of the Nursery work and allow the Nursery a reasonable time to respond to a complaint;
 - recognise that resolving a specific problem can sometimes take time;
 - follow the Nursery's complaints procedure (and for staff members to follow the appropriate internal staff procedure);
 - not use social media as a means to exert pressure on the process or make potentially defamatory remarks about members employees.

2. For the purpose of this policy, an unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include the following (not an exhaustive list):

- actions which are obsessive, persistent, harassing, prolific, repetitious or founded on prejudice;
 - prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
 - uses Subject Access and Freedom of Information requests excessively and unreasonably;
 - an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
 - an insistence upon pursuing complaints in an unreasonable manner;
 - an insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the Nursery to deal with such matters;
 - an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Nursery because it is unlawful.
 - making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
 - abusive or threatening behaviour or language towards Nursery staff.
 - failing to specify grounds of the complaint, despite offers of assistance from the Nursery
3. We regard harassment as including the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress, rather than to seek a reasonable resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more employees or others, and appears to be founded in prejudice;
 - the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to Nursery staff or others;
 - it has an unjustifiably significant and disproportionate adverse effect on the Nursery community.
4. Nursery's responses to unreasonably persistent complaints or harassment:

This is intended to be used in conjunction with the Nursery's Complaints Procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the Nursery may take some or all of the following steps, as appropriate:

- inform the complainant informally that their behaviour is now considered by the Nursery to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the Nursery considers their behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;

- require any future meetings with employees to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the Nursery will respond only to written communication and that these may be required to be channelled through a third party chosen by the Nursery, for example the Local Authority or County Solicitor;
- inform the complainant that, with the exception of urgent communication regarding their child in Nursery, the Nursery will respond to their correspondence on a 6 weekly basis only;
- take legal advice on pursuing a case under Anti-Harassment legislation.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The Nursery nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy. Any matter that cannot be reasonably resolved through this process may be referred to the Local Authority or signposted to another establishment/organisation.

5. Physical or verbal aggression:

The governing body will not tolerate any form of physical or verbal aggression against members of the Nursery community. If there is evidence of any such aggression the Nursery may:

- ban the individual from entering the Nursery site, with immediate effect;
- take legal advice on pursuing a case under Anti-Harassment legislation and defamation law;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

6. Right of appeal

All persons who are notified by the Nursery that they are being dealt with under this procedure have the right of appeal. Appeals must be addressed to the Chair of Governors under confidential cover, care of the Nursery. The Chair of Governors will consider each appeal on its merits, consulting with the Headteacher as appropriate. The outcome of the appeal should be notified to the appellant and copied to the Headteacher within 10 Nursery days of receipt.

If the complainant feels the Nursery has acted unreasonably or has not followed correct procedures in relation to the complaint, they may write to the Secretary of State for Education.

Annexe B

ANNEXE: PROCEDURE FOR HANDLING Rotherly Day Nursery's Concerns and Formal Complaints

Overview

WRITTEN COMPLAINTS

TELEPHONE COMPLAINTS

To be passed to the appropriate employee immediately. Acknowledgement sent immediately to parent/carer, ideally within two working days of receipt.

Reception should make it clear to Parent/Carer if the employee is unavailable. If it is urgent and serious then a manager should be informed.

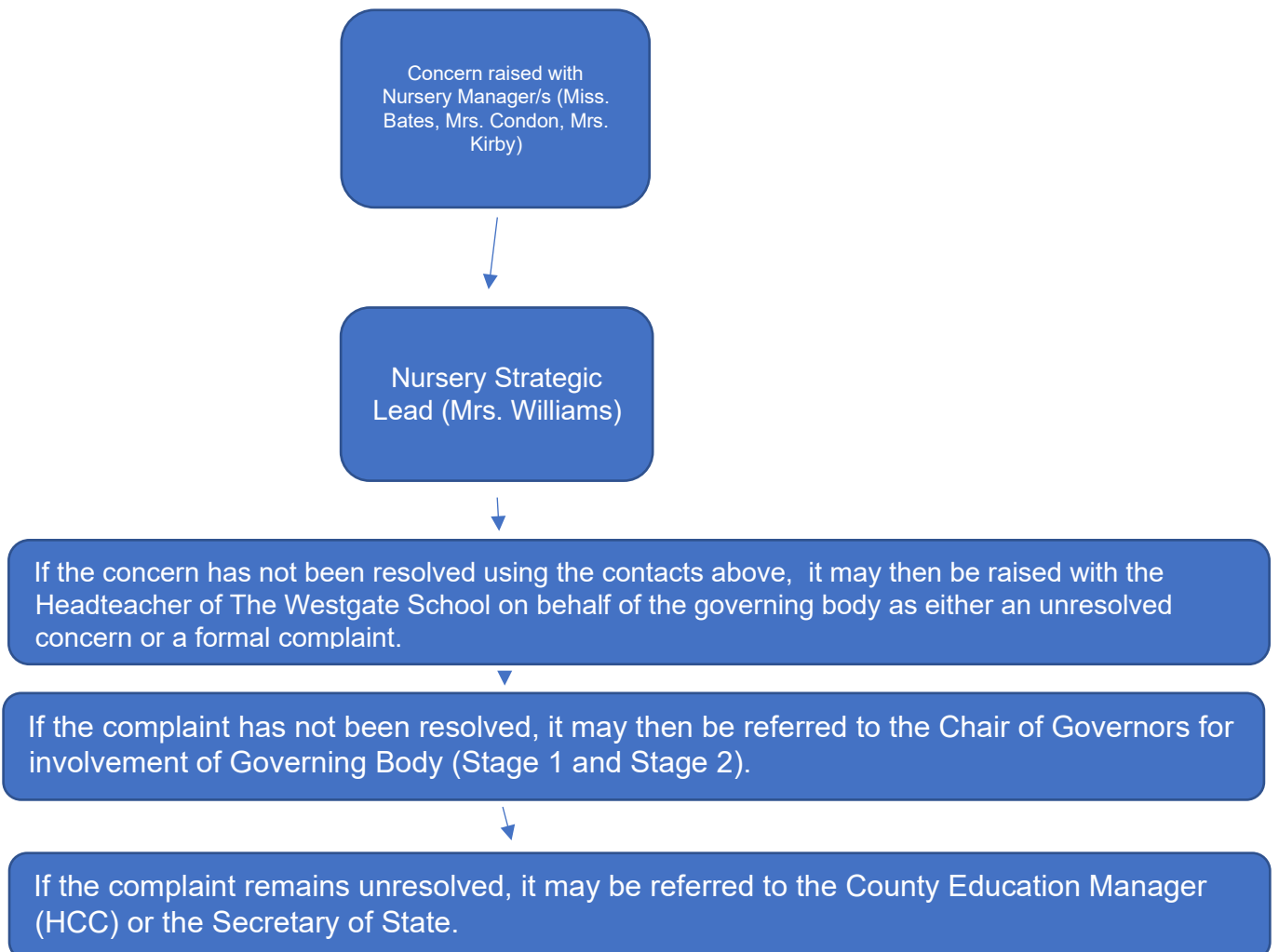
The complaint will be investigated including taking statements, reviewing documentation and meeting with parents/employees and children where appropriate such that and details are established as promptly as possible. Written minutes from meetings may be taken; the nursery does not consent to the recording of meetings/telephone calls in any other format.

Based on the outcome a written response should ideally be sent within 10 working days. A phone call or meeting to discuss the matter may also be offered.

In the event of a further complaint, parents/carers should inform the Headteacher in writing and the process for investigating a Formal Complaint will be followed.

Annexe C

Procedure for Parents/Carers to Raise a Concern





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ARE YOU THE VICTIM OF MALICIOUS COMMUNICATION?

A SELF-HELP GUIDE



Malicious communication relates to the sending of indecent, offensive or threatening letters, electronic communication or articles with the intent to cause the recipient distress or anxiety.

If you are a victim of malicious communication there are steps you can take to stop the behaviour of the other person. These are detailed below.

OFFENDING BEHAVIOUR VIA ELECTRONIC & WRITTEN COMMUNICATION MAY INCLUDE BUT IS NOT LIMITED TO:

| COMMUNICATION METHOD | + | THE CONTENT | = | A CRIME |
|----------------------|---|--|---|---------|
| | | <ul style="list-style-type: none"> • Content grossly offensive, vulgar, outrageous, shameful, shocking, abusive, insulting • That is indecent, degrading, humiliating, improper, especially in relation to sexual matters • That is of a threatening nature and the threat is believed to be real • That is sent using false information that is believed to be false by the sender • Sent to cause the person or anyone else distress or anxiety | | |

ADVICE

- Ask the offender to STOP and then do not communicate any further
- Do NOT delete correspondence - keep copies of conversations by saving emails or taking screenshots
- REPORT any threatening, offensive or indecent content to the host website/platform
- BLOCK or unfriend those making unwanted contact - refer to host website/platform or Get Safe Online link below for assistance
- Do NOT retaliate – arguments will only continue and make it hard to determine who is at fault
- Seek SUPPORT from agencies such as Victim Support or the Samaritans if you need to talk about the impact the situation is having on your life

FURTHER SUPPORT

Victim Support: www.victimsupport.org
 Samaritans: www.samaritans.org
 Get Safe Online: www.getsafeonline.org