Senior Nursery Manager & Nominated Individual: Miss C Bates

Initial Policy date	July 2003	Next scheduled review	September 2027
Governor approved	September 2026	Key person/people	EHT/Governors
Model Policy	Legal services; DfE BROWNE JACOBSON	Model localised	Yes
Pupil leadership team review		N/A	

COMPLAINTS POLICY & PROCEDURE

PART 1

Principles:

Rotherly Day Nursery believes in taking a positive approach to complaints, that 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 between the Nursery and parents/carers.

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 employee. We encourage Parents/Carers to approach employees directly 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. 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 (for example legal, safeguarding Data Protection matters or disciplinary proceedings).

The Nursery aims:

- To achieve satisfactory communication with Parents/Carers whenever dissatisfaction is felt.
- To try to ensure that 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. 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. See Annexe B for timescales for responses (acknowledgment within 3 Hampshire School days and reply within 15 Hampshire School days of receipt). Initial complaints can be in the most convenient form for the Parent/Carer or anyone acting on their behalf with appropriate consent to do so. 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 nursery@rotherly.co.uk

Anonymous Complaints

- The Nursery will not usually investigate anonymous complaints and in these circumstances, the Chair of Governors will determine if the matter warrants an investigation, if appropriate.

- Complaints should reference a specific concern and parents/carers should avoid making reference to other people or, information gained through unofficial/unverified sources.

- Each complaint will be treated seriously, avoiding hasty assumptions. Complaints will be investigated by the Senior Nursery Manager/ Deputy Managers or, if this isn't appropriate, by the Chair of Governors Parents/Carers will be asked to give evidence to the investigator as the basis for the complaint.

Withdrawal of complaint

- Complaints can be withdrawn at any time and the Nursery will ask you to confirm this in writing.

Time Limits for Complaints

- In order for the nursery to deal with your complaint effectively, it would be helpful to receive complaints as soon as possible after the incident concerned. You must raise your complaint within 3 months of the incident or if a series of associated incidents, within 3 months of the last one taking place. However, in exceptional circumstances the nursery will consider complaints made outside of this timescale.

Complaints received outside of Hampshire school term time

- Complaints made outside of Hampshire School term time will be deemed to have been received on the first school day after the holiday period.

Group Complaints

- Should the nursery receive a number of complaints all based on the same subject or from complainants unconnected with the Nursery, Senior Manager/ Chair of Governors will consider how to respond to these complaints. In these circumstances, the Nursery may decide to send a template response to all complainants or to publish a single response on the website. These complaints will be acknowledged in the usual way and complainants updated on how the nursery intends to respond.

- 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 Senior Nursery Manager 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, and may include contacting Children's Services or the Local Authority Designated Officer (LADO) if necessary

- If a complaint relates to Health and Safety, the Nursery's Health and Safety Officer/Site and Facilities Strategic Lead 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.

- Parents will not be informed of the specific actions taken when a complaint refers to a specific employee or child as the nursery must adhere to appropriate expectations around GDPR and confidentiality.

Please see Annexe A 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 Senior Nursery Manager who will investigate and respond accordingly;

b) Where an informal resolution has not been achieved by the Senior Nursery Manager , 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 the Chair of Governors. The complaint will be acknowledged in writing within 3 Hampshire school days 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 Senior Nursery Manager and/or 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.

All requests to escalate complaints to Stage 2 must be made to the Clerk to the Governors via the nursery office within should this also be 15 not 10 Hampshire school days of receipt of the Stage 1 response. Requests received outside this timescale may be considered under exceptional circumstances.

The Clerk will record the date the request was received and acknowledge receipt in writing (either by letter or email) within 3 Hampshire school days. The Clerk will write to the complainant to inform them of the dates of the meeting. The nursery will aim to convene a meeting within 20 Hampshire school days of the Stage 2 request. If this timescale is not achievable, it will be convened as soon as practicably possible, and the complainant will be kept updated.

If the complainant rejects the offer of 3 proposed dates, the Clerk will decide whether to hold the meeting. If yes, it will then proceed in the complainant's absence with written submissions from both parties.

The committee will comprise of at least 3 governors with no prior knowledge or involvement in the complaint under consideration. The committee will review the evidence and in partnership with the Executive Headteacher, review the nursery's ~~'s~~ policies and practice where it is believed there may have been a shortfall.

The committee will consider their decision and inform you of their decision within 5 Hampshire school days.

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

The complaints committee cannot reinvestigate the complaint at the hearing. The purpose of the hearing is to give the complainant the opportunity to explain why they are not happy with the decision about their formal complaint. The committee will decide if they agree with the complainant's reasons and can make recommendations about how this can be put right. For this reason, the complaints committee will not consider new complaints or evidence that is not related to the original complaint. If the complainant has other concerns or complaints, the complainant is encouraged to raise these as informal concerns first and, if they are not happy with the outcome of this, to raise these as new formal complaints.

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

Representatives from the media are not permitted to attend and the content of the meeting is confidential.

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 and use of hearing devices if provided. Please make the Clerk to Governors aware as soon as possible and ideally, 3 to 5 Hampshire school days before any meetings take place.

If the complainant would like the complaints committee to see any documents relating their complaint the complainant will need to send these to the Clerk at least 5 Hampshire school days before the hearing. The school representative(s) will also need to send any documents relating to the complaint at least 5 school days before the hearing. The complaints committee will not usually consider any documentation sent less than 5 Hampshire school days prior to the hearing unless there is a very good reason for the documentation to have been sent late. The complaints committee will not accept as evidence any recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The documents received from both parties will be put into a bundle of documents by the Clerk and shared with the complainant, the school representatives and the complaint committees at least 3 Hampshire school days before the hearing

The meeting will usually take place adjoining Westgate School building but there may be instances where an appropriate impartial venue will be chosen.
In exceptional circumstances when it is deemed appropriate, an external consultant may be appointed by the nursery.

Next Steps

If the complainant believes the nursery did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in

the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by nursery. They will consider whether the nursery has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:
Department for Education Piccadilly
Gate
Store Street
Manchester M1
2WD.

Other situations
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 – unreasonable and persistent complaints
Annexe B – overview of process
Annexe C – referral
Annexe D – Malicious Communications: Police Fact Sheet
Annexe E – Guidance on using AI tools to raise concerns or complaints

Complaints Policy: Annexe A

Policy for dealing with Unreasonably Persistent Complaints, Harassment or Aggression

The Senior Nursery Manager and Deputy Managers 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 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 to:

- treat all members of the nursery 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 members of staff work and allow 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 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 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 school community.

4. Rotherly Day 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;
- 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 employees of the nursery. 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 pursing 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.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our action in writing.

Complainants should try to limit their communication with the nursery about their complaint, whilst their complaint is being progressed. If repeated correspondence or contact is made by letter, phone, email, text or in person it could delay the progression of the investigation and an outcome being reached.

Whenever possible, the Chair of Governors will discuss the concerns with the complainant informally before invoking the procedure. This will be confirmed in writing.

If the behaviour continues the Chair of Governor will write to the complainant with explaining that their behaviour is unreasonable and being considered under this policy. The Chair of Governors will also specify methods of communication and times in a communication plan.

This action may or may not include barring from the nursery premises. Any communication plan will be reviewed by the nursery after six months and lifted as appropriate.

Annexe B: PROCEDURE FOR HANDLING Rotherly Day Nursery Concerns and Formal Complaints

Overview

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

Reception should make it clear to Parent/Carer if the employee is unavailable. If it is urgent and serious then the Senior Nursery Manager or Deputy Manager should be informed.
If the complaint is about the Senior Nursery Manager, the Chair of Governors should be informed.

The complaint will be investigated including taking statements, reviewing documentation and meeting with parents/employees 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 outcomes a written response should ideally be sent within 15 Hampshire school 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 Senior Nursery Manager in writing and the process for investigating a Formal Complaint will be followed.

WRITTEN COMPLAINTS **TELEPHONE COMPLAINTS**

Annexe C:

If the complaint has not been resolved, it may then be referred to the Chair of Governors for involvement of Governing Body (Stage 1 and Stage 2).

If the complaint remains unresolved, it may be referred to the Secretary of State.

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Annexe D – Malicious Communications: Police Factsheet.

ARE YOU THE VICTIM OF MALICIOUS COMMUNICATION?

A SELF-HELP GUIDE

CYBER CRIME ALERT

HAMPSHIRE CONSTABULARY

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
		• 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**

Annexe E: Guidance on using AI tools to raise concerns or complaints

Introduction

AI tools (such as ChatGPT, Microsoft Copilot, Google Gemini and similar large language model applications) can help you organise your thoughts, structure your concern or complaint clearly, and express yourself effectively.

However, these tools have significant limitations and must be used with care. Often, AI tools can generate extensive amounts of text which doesn't enable the reader to understand you key concerns and address them in a timely manner.

As a guide, we ask that your initial contact if raising a concern be not more than 500 words. If raising a formal complaint, we ask that you keep it to1,000 words as a starting point so that a focused investigation of the issues can begin in a timely manner.

This Annexe provides practical guidance on how to use AI tools effectively when raising a concern or complaint under this procedure, and what to avoid.

AI tools can be useful for:

1. Organising your thoughts and structuring your concern or complaint in a clear and logical way;
2. Helping you express what happened in plain, clear language
3. Summarising a timeline of events based on information you provide;
4. Suggesting what outcome you might want to ask for; and
5. Checking your draft for clarity, tone and spelling before you submit it.

Important limitations and risks

1. AI tools do not know what happened — they can only work with the information you give them, and they may fill gaps with invented details that sound convincing but are untrue (this is sometimes called 'hallucination');
2. AI tools may generate references to laws, regulations, policies or legal rights that do not exist, are out of date, or do not apply to your situation;
3. AI tools may produce language that is overly formal, legalistic or aggressive, which may not reflect your genuine concern and may make it harder for us to resolve the matter constructively:
4. any personal data (including names, dates of birth, or other identifying information about your child, other children, staff or other individuals) that you enter into an AI tool may be stored, processed or used by the AI provider in ways that are outside your control and may breach data protection law;
5. AI-generated complaints that do not accurately reflect your experience may cause delays in resolving your concern, as we may need to spend time clarifying what actually happened;
6. AI tools work by predicting the most likely answer based on the information they have been trained on. They *do not check* whether their output is accurate or relevant to your situation, and the most likely-sounding answer is not always the correct one.

AI tools are also designed to make you feel helped and understood, which means they may agree with your point of view, use an overly sympathetic tone, or present your complaint in a one-sided way rather than giving a balanced account of what happened. This can wrongly reinforce your point of view and make you more fixed in your position which may make it harder for us to work together to resolve the matter.

What to do and what to avoid

Do	Don't
Write down the key facts as you see them yourself (what happened, when, who was involved, and what you would like the Nursery to do) *before* using an AI tool.	Copy and paste AI-generated text without reading and checking it thoroughly
Use AI to help your structure and clarify what you have already written, rather than to generate the complaint from scratch.	Submit a complaint that contains facts, events or details that you have not personally verified as accurate.
Read everything the AI produces carefully and remove or correct anything that is inaccurate, exaggerated or that you did not experience.	Rely on any legal advice, references to legislation or statements about your rights generated by an AI tool without checking them independently.
Use your own words where possible- your complaint should sound like you.	Enter names or personal data of a child, other children, staff members or any other individuals into an AI tool.
Remove all personal data (names, dates of birth and other identifying information about individuals before entering any information into an AI tool)- you can use placeholders such as 'my child', the Nursery Teacher or 'Nursery Teacher A' instead.	Use AI to generate multiple or repetitive complaints about the same issue.

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