UNITED SYNAGOGUE NURSERIES

Complaints Procedures Policy

DECEMBER 2024

REVIEW DATE: DECEMBER 2025

Complaints Procedures Policy

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1. Aims

BabyiSH Nursery aims to meet its statutory obligations when responding to complaints from parents of children at the nursery, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into nursery improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

BabyiSH Nursery will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the nursery website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This policy addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the nursery's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought"
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

3.2 Scope

BabyiSH Nursery intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters

- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use nursery premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the nursery throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to investigate the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Nursery Manager which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The Nursery Manager
- A governor of the nursery
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Nursery Manager, chair of governors
- Be aware of issues relating to:
    - Sharing third party information
    - Additional support needed by complainants, for example interpretation support or where the complainant is a child or
- Keep records

4.5 The chair

The chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved?
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first nursery day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the nursery's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The nursery will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they have a concern by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

We will notify parents and carers if we become aware that the nursery is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the nursery.

6. Stages of complaint (not complaints against the Nursery Manager)

6.1 Stage 1: informal

BabyiSH Nursery will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Nursery Manager as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the nursery manager

The nursery will acknowledge informal complaints within 5 nursery working days and investigate and provide a response within 10 nursery days.

The informal stage will involve a meeting between the complainant and the nursery manager, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the nursery manager.

The Nursery Manager will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 nursery days.

The Nursery Manager (or other person appointed to respond) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the nursery of the identity of their companion in advance.

In certain circumstances, the nursery may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the nursery will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Nursery Manager (or other person appointed by the Nursery Manager for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 nursery days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 5 nursery days.

How to escalate a complaint

Complaints can be escalated by contacting the Nominated Individual (NI) (Tamar Berman):

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The NI will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 20 nursery days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the NI in writing within 5 nursery days. Requests received outside of this time frame will be considered in exceptional circumstances.

The NI will acknowledge receipt of the request within 5 nursery days.

6.3 Stage 3: submit the complaint to the review panel

Convening the panel

The review panel consists of the first 3 members of United Synagogue Leadership team who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10).

If not, enough impartial US leads are available, we will seek panel members from other nursery's or wider departments in the US. We will make sure all representatives we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel. The panel will aim to find a date within 10 nursery days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the panel will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 nursery days before the date of the meeting.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the nursery, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a nursery employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the nursery representative will be given the chance to ask and reply to questions. Once the complainant and nursery representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Nursery Manager.

The outcome

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the nursery's systems or procedures to prevent similar issues in the future

The nursery will inform those involved of the decision in writing within 10 nursery days.

7. Complaints against the Nursery Manager, a governor or the governing board

7.1 Stage 1: informal

Complaints made against the Nursery Manager, or any member of the governing board should be directed to the Nominated Individual in the first instance.

7.2 Stage 2: formal

Following the procedure outlined above (6.2), with the Nominated Individual as the lead contact.

7.3 Stage 3: review panel

A panel of independent senior leads from the US will hear the complaint as set out in 6.3.

8. Referring complaints on completion of the nursery's procedure

If the complainant is unsatisfied with the outcome of the nursery's complaints procedure, they can refer their complaint to Ofsted.

Ofsted's role is to make sure that the childcare provider is following all registration requirements and take action if necessary. To complain about a childcare provider, get in touch with Ofsted at enquiries@ofsted.gov.uk or 0300 123 4666.

If you complain, Ofsted will review the information you provide and decide what to do. They may carry out an immediate inspection, ask the provider to take action or work with other agencies to look at any issues.

However, they will not contact you to let you know the outcome.

You can find out more about Ofsted's powers in 'Information for parents about Ofsted's role in regulating childcare'.

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the nursery's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on nursery time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the nursery in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our nursery site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to consider.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where BabyiSH Nursery receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the nursery, the nursery may respond to these complaints by:

- Publishing a single response on the nursery website
- Sending a template response to all the complainants

If complainants are not satisfied with the nursery's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record keeping

BabyiSH Nursery will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a nursery inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the nursery will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The United Synagogue will review any underlying issues raised by complaints with the Nursery Manager, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the nursery can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The United Synagogue will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The United Synagogue will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the nursery manager.

This policy will be reviewed by the Nursery Manager every year.

At each review, the policy will be approved by the United Synagogue.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Safeguarding and Child protection policy
- Admissions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy
- Privacy notices