

# Our Lady Star of the Sea Catholic Nursery School

## Policy on Handling Complaints

### Mission Statement

*“You are precious in my eyes” - Isaiah 43*

- ◆ *Our Lady Star of the Sea Catholic Primary School is committed to the widest and fullest education of all pupils in a partnership between home, school, parish and community.*
- ◆ *Our school aims to create a happy, ordered environment where all members feel secure, valued and respect each other.*
- ◆ *Our school aims to be a positive force within the Catholic church inspired by the life of Christ in the Gospels*

### Introduction and scope

The policy of the nursery is to work in partnership with parents and is based on the belief that co-operation and a sense of joint purpose between staff, parents and the nursery will assist in ensuring open and positive relationships. From time to time, however, parents or members of the public may express concern to make a complaint, either orally or in writing, about some aspect of the conduct/operation of the nursery, the conduct of the Nursery Supervisor, an individual member of staff, the Nursery Committee or an individual committee member. The nursery will ensure that these are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in Sections C, D and E will be followed.

### Complaints

- (a) For the purposes of this procedure, a concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the nursery, the conduct of, actions or lack of action by a member of staff or by dealing with a matter or unreasonable treatment of a child or other person.
- (b) This procedure does not cover complaints under legislation for which separate arrangements are in place for example those relating to the EYFS (2017), excursions and the procedures for special educational needs.
- (c) This procedure does not cover staff grievances, ‘whistleblowing’ by an employee or financial claims.
- (d) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also the subject of separate procedures, which may involve other agencies (see Section C).

1. **All** complaints or expressions of concern, as defined in (a) above made by parents or other members of the public should be referred to the Nursery Supervisor (other complaints or concerns about the Nursery Supervisor see section A4) even where the initial point of contact has been the Chair of the Management Committee. A committee member who wishes to raise concerns about a member of staff must refer them to the Nursery Supervisor and must not raise them at a committee meeting in order to avoid any discussions by potential members of a Disciplinary, Appeals or Complaints Committee. The Nursery Supervisor may where appropriate delegate the informal stage procedures (see Section B) to the Deputy but may not delegate the formal stage procedures (see Section D).

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2. **All** complaints or expressions of concern, as defined in (a) above made about the Nursery Supervisor must be referred to the Chair of the Management Committee. This includes concerns made by committee members.
3. It is good practice to ensure that complaints are dealt with as speedily as possible. In this procedure it is recommended that **each stage** of the procedure is completed, as far as is possible, within 15 working days. If a member of staff is the subject of a complaint he/she should be involved at the earliest opportunity.
4. Where it is clear that a complainant does not wish to pursue or wishes to withdraw a complaint, it is recommended that a written record is made of the complainant's decision.
5. A record of formal complaints, how they were dealt with and the outcome should be maintained in a nursery complaints register and should be made available for inspection by the Local Authority/OFSTED. A model complaints register format is attached as Annex 2.

#### **Initial Informal Stage**

This stage should be completed within 15 working days of the receipt of the complaint, as far as is possible.

1. On receiving a complaint or expression of concern, the Nursery Supervisor will acknowledge the complaint/concern and will make enquiries to establish the facts, with a view to resolving the matter on an informal basis. If the complaint is about a member of staff he/she will be informed of the details in all circumstances and invited to respond. A copy of any written complaint will be provided. The Nursery Supervisor must remind the member of staff that he/she may seek advice from his/her professional association/union or before responding, and give a copy of this procedure to the member of staff.
2. In the light of the enquiries, the Nursery Supervisor will decide how to respond to the complaint. In cases of complaints about a member of staff, the Nursery Supervisor should make the member of staff aware of the explanation/response to be made to the complainant.
3. The nursery Supervisor will make a response to the complainant (in writing, if appropriate, with a copy to the member of staff). The complainant should be asked if he/she accepts the explanation and any member of staff who is the subject of the complaint so advised. It may be necessary for the Nursery Supervisor to offer counselling or guidance to the member of staff concerned.
4.
  - (a) Where the explanation is accepted by the complainant the matter will be regarded as resolved.
  - (b) Where the explanation is not accepted, the complainant has a right to refer the matter to the Nursery's formal complaint procedure if he/she so wishes (see Sections D/E).
  - (c) In the case of either (a) or (b) any member of staff who is the subject of the complaint will be informed of the outcome.

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5. If the complaint is about a member of staff the Nursery Supervisor will inform him/her of any subsequent actions intended, including any action under disciplinary or competence procedures. Such action will only be undertaken when the complainant has accepted the explanation and the complaint has been resolved (see 4(a)). Where the complaint has not been resolved, any action will be deferred until the appropriate stages in this procedure have been exhausted, in order to protect the interests of the member of staff and to avoid prejudicing the final resolution of the complaint.
6. Any complaint judged by the Nursery Supervisor to be serious will be dealt with under Sections C or D.
7. Anonymous complaints cannot normally be dealt with unless they are sufficiently serious to refer under Section C.
8. Any aspect of a complaint relating to a potential financial claim against the Nursery must be referred immediately to the Nursery Management Committee. Other aspects of the complaint should be dealt with in accordance with this procedure.
9. In the case of a complaint about the Nursery Supervisor, this informal stage, as outlined in B1 to 6 above, will be undertaken by the Chair of the Management Committee who should seek the support of the other committee members.
10. In the case of a complaint about the conduct of a committee member or the Management Committee, this informal stage will be undertaken by the Chair of the Management Committee should seek the support of OFSTED or Children's Services as appropriate. Complaints about the Chair of the Management Committee should be made to the Management Committee who should seek advice as appropriate.

#### C. Serious allegations or complaints

1. If the allegations refer to criminal activity which may require the involvement of the Police, the Nursery Supervisor should inform the Chair of the Management Committee and seek the advice of OFSTED, LADO so that appropriate action can be taken.
2. If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Nursery Supervisor should inform the Chair of the Management Committee and seek the advice of the Nursery Treasurer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.
4. If the allegations relate to the abuse of children, the Nursery Supervisor should seek the advice of OFSTED or other agencies, such as the Children's Services Department. Serious allegations of this nature **must** be referred under Child Protection Procedures to the Social Services Department. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".
5. In all the above, consideration may need to be given to the possible suspension from duty on full pay, of any member of staff concerned in accordance with the Nursery Disciplinary and Dismissal Procedure. Investigations at nursery level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal nursery investigation and other procedures (e.g. Disciplinary) may be involved.

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### D. Formal Stage

This stage should be completed within 15 working days as far as is possible.

1. Where a complaint or expression of concern has not been resolved, the Nursery Supervisor should establish, as soon as possible, whether the complainant wishes to make a formal complaint. The Nursery Supervisor must ensure that the complainant is aware of the procedures for making a complaint by giving them a copy of this policy and any assistance or advice that is available. At this stage, the complaint must be recorded in writing either by, or on behalf of, the complainant and should be submitted to the Nursery Supervisor as soon as possible. It is not appropriate for the Nursery Supervisor to assist personally in the writing of the letter of complaint. The complaint should be formally acknowledged by the Nursery Supervisor who should tell the complainant that, if the complaint is about a member of staff he/she will be given a copy of the complaint. In respect of any financial claim refer to Section B8.
2. If the complaint is about a member of staff the Nursery Supervisor must:
  - inform the member of staff of the complaint at the earliest opportunity
  - advise the member of staff to consult with a friend or representative of their professional association/union
  - ensure that a copy of the complaint is given to the member of staff as soon as it is received
  - ensure that a copy of this procedure is given to the member of staff.
3. The Nursery Supervisor will arrange for a full investigation of the complaint, seeking the advice of the Management Committee. The investigative process could involve:
  1. a definition of the areas/topics to be investigated
  2. the collection of evidence
  3. interviews with staff and children, with written statements being taken or made
  4. if appropriate, an interview with the member of staff against whom the complaint is made, accompanied by a friend or representative if he/she so wishes.

### 4. General Complaints

- (a) At all stages the complainant should have adequate opportunity to take advice and be represented.
- (b) Upon completion of the investigation, the Nursery Supervisor will compile a report and consider whether further actions should be taken.
- (c) The Nursery Supervisor will advise the complainant in writing of the action taken or to be taken to resolve the complaint. Where the Nursery Supervisor considers no further action is required or that the complaint is unsubstantiated, the complainant

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should be advised, in writing, and informed of the right of appeal to the Management (see Section E).

- (d) The Chair of the Management Committee should be informed of the complaint and the action taken/to be taken, but **care should be taken not to discuss the matter in detail** to avoid prejudicing the position of the Chair in any possible subsequent appeal to the Management Committee.

#### 5. Complaints about a member of staff

- (a) The interview with the member of staff will set out the background and grounds of the complaint and provide the opportunity for the member of staff to respond if he/she wishes. Full notes should be taken and a copy provided to the member of staff after the interview.
- (b) At all stages, both the complainant and the member of staff should have adequate opportunity to take advice and be represented by a friend or representative.
- (c) Upon completion of the investigation, the Nursery Supervisor will compile a report and will consider, in consultation with the Management committee, whether further action should be taken, including possible action under the Nursery's Disciplinary or Professional Competence Procedures.
- (d) The Nursery Supervisor will make the member of staff aware of the response to be made before advising the complainant<sup>1</sup> in writing of the action taken, or to be taken, to resolve the complaint (with a copy to the member of staff). Where the Nursery Supervisor considers that no further action is required or that the complaint is unsubstantiated, the complainant and the member of staff should be advised in writing. The complainant will be informed of the right to appeal to the Management Committee (see Section E).
- (e) The member of staff should also be informed of the right of the complainant and any response which may be received.
- (f) The nursery Supervisor will inform the member of staff, in writing, of any subsequent action he/she intends to take. If action is to be taken under disciplinary or competence procedures the advice of the Management Committee should be sought. Such action will only be undertaken when the complainant has accepted the explanation and the complaint has been resolved (see d). Where the complaint has
- (g) not been resolved, any action will be deferred until the final stage of this procedure has been exhausted, in order to protect the interests of the member of staff and to avoid prejudicing the final resolution of the complaint.
- (h) The Chair of the Management Committee should be informed of the complaint and the action taken/to be taken, but **care should be taken to discuss the matter in detail** to avoid prejudicing the position of the Chair in any possible subsequent referral to the Management Committee.
- (i) Where a complaint concerning the Nursery Supervisor is made under this formal stage it must be referred to the Chair of Management Committee. In dealing with this matter, the Chair should first seek the advice of the Management Committee/OFSTED who may, if requested, act on the Chair's behalf in carrying out the investigation in accordance with the procedures set out in this section.

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### **6. Complaints about a Committee Member or the Management Committee**

- (a) Complaints about a Committee member must be referred to the Chair of the Management Committee. In dealing with this matter the Chair should first seek the advice of the Management Committee who may, if requested, act on the Chair's behalf in carrying out the investigation.
- (b) Complaints about the Chair of the Management Committee must be referred to the Management Committee/OFSTED who should seek advice from the Management Committee/OFSTED and/or Diocesan/Church Authority officer.
- (c) Upon completion of the investigation, a report will be compiled and the Chair of the Management Committee, as appropriate, will consider whether further action should be taken.
- (d) The Chair of Management Committee, as appropriate, will advise the complainant in writing of the action taken or to be taken to resolve the complaint. Where it is considered that no further action is required or that a complaint is unsubstantiated, the complainant should be advised in writing and informed of the right of appeal to the Management Committee (see Section E).

### **E. Appeal Stage:- Committee Members Complaints Appeals Committee**

Complaints which have not been resolved should be considered by the Complaints Appeals Committee within 15 working days, as far as is possible.

1. The Committee will consider complaints where the Nursery Supervisor, or Chair of the Nursery Management Committee, in respect of complaints about the Nursery Supervisor, is not able to resolve the complaint to the satisfaction of the complainant and the complainant exercises the right of appeal to the Management committee. Any appeal must be in writing.
2. (a) The Management Committee should establish a Committee for the purpose of hearing and resolving complaints. This may be a Standing Committee or an existing Committee to which additional terms of reference are added. However, it must be a separate Committee from the Nursery Committee. It should consist of at least, three committee members drawn from a panel of five. The Nursery Supervisor should not be a member of this Committee, since he/she will be presenting a report to the Committee. Any committee member who is the subject of a complaint should not be a member of the Complaints Appeals Committee, for the purposes of considering that particular complaint. Model terms of reference for the Committee are attached as Annex 3.  
(b) It is likely that the Chair of the Management Committee will have been involved, previously, in this matter. In these circumstances, and particularly in the cases of the complaint against the Nursery supervisor, the Chair should not be a member of the Committee.
3. The Committee will consider the written materials or a hearing will be arranged, if requested, by the complainant, the Nursery Supervisor, the person who is the subject of the complaint or at the discretion of the Complaints Appeals Committee.
4. The recommended procedure for considering the complaint is as follows:

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- (a) The Nursery Supervisor will prepare a report together with any supporting documents
  - (b) The Nursery Secretary will circulate the complaint and the Nursery Supervisor's report to the committee and all parties involved, at least 5 working days before the hearing.
  - (c) The complainant and the Nursery Supervisor may each be accompanied by a friend or representative.
  - (d) In the case of a complaint about a member of staff, the member of staff against whom the complaint was made and/or his or her friend or representative, shall be entitled to attend as an observer.
  - (e) The complainant and the Nursery Supervisor may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee.
  - (f) The complainant or his/her representative will be entitled to present his/her case and any supporting documents to the Committee.
  - (g) The Nursery Supervisor will be entitled to question the complainant and any witnesses.
  - (h) The Nursery Supervisor will present his/her report on the investigation to the Committee, together with any supporting documents, and any action taken to resolve the complaint.
  - (i) The complainant or his/her representative will be entitled to question the Nursery Supervisor and any witnesses.
  - (j) At any stage during the hearing the members of the committee will be entitled to question the Nursery Supervisor, the complainant and any witnesses.
  - (k) Any reasonable request for an adjournment should be allowed at the discretion of the Chair.
  - (l) The Nursery Supervisor followed by the complainant or his/her representative will be allowed to make a closing statement.
  - (m) On conclusion of (a) to (l) the nursery supervisor, the member of staff (if present), the complainant and any representative will withdraw from the meeting and the Committee will reach a decision, in private.
6. At the end of the hearing the Committee will determine whether:
- to confirm the action taken by the Nursery Supervisor
  - to refer the matter back for further consideration by the Nursery Supervisor with the grounds given for the referral back (for example, the emergence of new or additional information).
7. The complainant and the nursery Supervisor will, normally, be advised, orally, by the Committee, of the outcome of the hearing and subsequently, in writing within 5 working days. The Nursery Supervisor will ensure that, if a member of staff was involved in the original complaint, he/she is given a copy of the committee's decision.
8. In cases where the matter has been referred back to the nursery supervisor, the Committee will reconvene to consider a report from the Nursery Supervisor on his/her further consideration and/or any action taken, in order to enable them to respond to the complainant.
9. In the case of a hearing concerning a complaint about the Nursery Supervisor, the same procedure as set out in E4 to 7 will be followed, except that the Chair of the Management Committee or his/her nominee will undertake the role ascribed to the Nursery Supervisor and the Nursery Supervisor as ascribed to the member of staff.
10. The procedure for considering a complaint about a committee member or the Management Committee will follow the procedure set out in E4 to 7, except that the Chair of the Management Committee will undertake the role ascribed to the Nursery Supervisor. Different officers will be available to advise the Committee.



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**11.** There will be no further right of appeal to the Management committee.

### **Records of Complaints Appeals Committee Meetings**

Any meetings of the Complaints Appeals Committee should be independently clerked. Minutes and records should be recorded, reported and held as part of the Management Committee records, as a confidential item. A brief record should be made in the complaints register.

### **Review**

This procedure will be the subject of review on a two yearly basis.



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### ANNEX 1

#### INVESTIGATIVE PROCEDURE – GUIDANCE ON FORMAL STAGE OF COMPLAINTS PROCEDURE

**Note:** The general principles within this procedure can be used for any investigation.

The investigation should be completed within 15 working days as far as is possible.

1. An investigation is a fact-finding exercise with **the aim** of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove a complaint.
2. Whilst the investigation itself is confidential, the information collected will not be. Undertakings of confidentiality should not be given to either a person making a complaint or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.
3. At this stage, in addition to the written complaint, the complainant will need to be interviewed as part of the investigation. If it becomes clear to the investigator that the issues are serious, within the context of Section C of the procedure the he/she should make a referral to the Police, Social Services department or OFSTED as appropriate, in which case **the investigation should not proceed**.

#### **4. PRELIMINARY STAGES**

- 4.1 The person undertaking the investigation should seek specialist advice as necessary from OFSTED and Social Services and should familiarise him/herself with any relevant procedure and guidelines.
- 4.2 The person investigating should;
  - define areas to be investigated
  - draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation
  - check corroborative evidence.

#### **5. THE INVESTIGATION PROCESS**

- 5.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a friend or representative of a professional association/union should be offered. At the beginning of the interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.
- 5.2 If, at any stage during the investigation, new evidence emerges which make a referral necessary, under Section C of the Procedure, to the Social services Department, to the Police, or to OFSTED, **the investigation should be held in abeyance immediately following such a**

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**referral.** Consideration should also be given as to whether suspension is appropriate in such circumstances.

#### **6. INTERVIEWING A MEMBER OF STAFF IF HE/SHE IS THE SUBJECT OF A COMPLAINT**

- 6.1 The point at which this occurs will depend upon the nature of the complaint and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.
- 6.2 The member of staff should be informed of his/her right to take advice and be represented by a friend or representative.
- 6.3 The member of staff should be invited to respond to the complaint and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst, seeking advice or to request an adjournment to consider a response.
- 6.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.
- 6.5 The member of staff should be invited to identify any persons who may have information to the investigation. These names should be added to the list of those to be interviewed relevant.

#### **7. COMPILING A REPORT**

- 7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.
- 7.2 Consideration should again be given as to whether there are serious matters which should be referred under section C of the Procedure to the Social Services Department, to the Police, or to OFSTED. If there is such a referral, **further proceedings at school level should be held in abeyance immediately.**

#### **8. SUBSEQUENT ACTION**

A decision will need to be taken at this stage on a response to the complaint and on whether further action should be taken, including the possible referral of the report under other procedures.

The report will be required if the complainant exercises the right to appeal to the Nursery Management Appeals Committee.

**Appendix "X"**

**SUGGESTED TERMS OF REFERENCE FOR  
COMPLAINTS APPEALS COMMITTEE**

Nursery Management Committee may wish to use these suggested terms of reference as a basis for establishing a Complaints Appeals Committee. It is hoped that complaints will be resolved at an early stage, but a committee is required to meet to hear appeals when formal complaints have not been dealt with to the satisfaction of the complainant. It is therefore advisable to set terms of reference when establishing the Committee. As with all committees, membership and terms of reference should be reviewed annually.

**1. Membership**

The Committee will consist of *five* members; neither the Nursery Supervisor nor the Chair of the Management Committee as they may have been involved in the matter under consideration at an early stage. The Chairman of the Committee will be elected on an annual basis in the Autumn Term, by the whole Management Committee.

**2. Quorum**

The quorum shall be *three* Committee members.

**3. Meetings**

Meetings will be held when required to consider formal appeals made under the Procedures for Handling Complaints in nursery.

**4. Function**

Wherever possible the Management Committee would wish to see complaints resolved at an informal stage but:

- (a) The main function of the Committee will be to undertake the duties of the Management Committee in the consideration of complaints made under the Procedures for Handling Complaints in nursery.
- (b) Complaints covered by statutory procedures will not be considered by this Committee.
- (c) The Committee will seek advice from OFSTED/Social Services, or any other professional bodies.
- (d) The Committee will follow Section E of the Procedures for Handling Complaints in Nursery in conducting its' business.

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### Ofsted

#### To call Ofsted

- **0300 123 1231** if you want to make a complaint or have a concern about any service Ofsted inspects or regulates (8.00am to 6.00pm)
- **0300 123 1231** about children's services
- **18001** prefix for Typetalk

These helplines are available from 8.00am to 8.00pm, Monday to Friday.

To write to us

### Ofsted

Piccadilly Gate

Store Street

Manchester M1 2WD

[www.ofsted.gov.uk/parents](http://www.ofsted.gov.uk/parents)

Information correct 15.11.19

**Local Authority Designated Officers (LADO) Tim Booth, Donna Green, Shane Penn 01772 536694**

[timbooth@lancashire.gov.uk](mailto:timbooth@lancashire.gov.uk)

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