



### 10.7 Complaints

#### Policy Statement

At Ladybird Forest Pre-School we believe that parents are entitled to expect courtesy and prompt, careful attention to their individual needs and wishes. We always hope that parents are happy with the service provided and welcome compliments as well as suggestions on how to improve. We will give prompt and serious attention to any concerns or complaints about the running of the setting.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". We anticipate that most concerns will be resolved quickly, by an informal approach with the appropriate member of staff and that the ongoing cooperative partnership between the Pre-School and parents will continue.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". Again, the Pre-School intends to resolve complaints informally where possible, at the earliest possible stage. If an informal approach does not achieve the desired result and parents would like to raise their complaint formally; this policy outlines the formal procedure that will be followed.

There are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns or complaints. This can be in the form of persistent complaints, harassment and/or aggression. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the Pre-School and directly or indirectly the overall well-being of the children or staff in the Pre-School. In these exceptional circumstances the Pre-School will follow the procedure for dealing with persistent complaints, harassment and aggression.



# Ladybird Forest Pre-School

## Procedures

### Parents and Carers

#### Stage 1

- If any parent should have cause for concern or any queries regarding the care or early learning provided by the Pre-School, they should in the first instance take it up with the child's key person or Lead.

#### Stage 2

- If the issue remains unresolved or parents feel they have received an unsatisfactory outcome, then they must present their concerns in writing as a formal complaint to the Pre-School Manager.
- The complaint is acknowledged in writing within 10 days of receiving it.
- The Pre-School Manager will then investigate the complaint and report back to the parent within **28 days** of the complaint being received.
- When investigating a complaint, we will try to clarify:
  - What has happened?
  - Who was involved?
  - What the complainant feels would put things right?
- The Pre-School Manager will document the complaint fully and the actions taken in relation to it in the complaint's logbook.

#### Stage 3

- If the matter is still not resolved, the Pre-School will hold a formal meeting between the Pre-School Manager, Deputy, parent, and the Pre-School Chair to ensure that it is dealt with comprehensively.
- The attendees at this meeting are dependent on who the complaint is about. Complainants **should not** approach the Directors to raise concerns or complaints as this may prevent the Director from being involved in the Stage 3 meeting.



## Ladybird Forest Pre-School

- However, if the complaint is against the Pre-School Manager, it should be made to the Chair of Directors. The Chair will organise for the investigation and relevant meetings to take place, most likely delegated to another Director.
- 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 Board of Directors who will not unreasonably withhold consent.
- The Pre-School will make a record of the meeting and document any actions. All parties present at the meeting will review the accuracy of the record and be asked to sign to agree it and receive a copy. This will signify the conclusion of the procedure.

### Stage 4

- If the matter cannot be resolved to the parents satisfaction, they have the right to raise the matter with Ofsted.
- Parents are made aware that they can contact Ofsted at any time they have a concern, including at all stages of the complaint's procedure, and are given information on how to contact Ofsted. The manager will assist in any complaint investigation as well as in producing documentation that records the steps that were taken in response to the original complaint.
- Where any concern or complaint relates to child protection, we follow our Safeguarding Children and Child Protection Policy.

### Agency

- If an individual from another agency wishes to make a formal complaint about a member of staff or any practice of the setting, it should be made in writing to the setting Pre-School Manager.
- The complaint is acknowledged in writing within **10 days** of receiving it.
- The Pre-School Manager will then investigate the complaint, meets with the individual to discuss the matter further within **28 days** of the complaint being received.



## Ladybird Forest Pre-School

- An agreement needs to be reached to resolve the matter.
- If agreement is not reached the complainant may write to the Chair, who acknowledges the complaint within **5 days** and reports back within **14 days**.
- If the complainant is not satisfied with the outcome of the investigation, they are entitled to appeal and may be referred to an independent panel if possible.

### Complainant's behaviour

The Pre-School expects anyone who wishes to raise concerns with the Pre-School to:

- Follow this policy.
- Co-operate with the Pre-School throughout the process, and respond to deadlines and communication promptly.
- Treat all members of the Pre-School community including all those involved with courtesy and respect.
- Respect the needs of children and staff within the Pre-School.
- 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 in Pre-Schools work and allow the Pre-School a reasonable time to respond to a complaint.
- Recognise that resolving a specific problem can sometimes take time.
- Not publish details about the complaint on social media.

### Persistent Complaints, Harassment or Aggression

In cases of unreasonably persistent complaints or harassment (defined at Appendix 1), the Pre-School may take some or all the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the Pre-School to be unreasonable or unacceptable, and request a changed approach.



## Ladybird Forest Pre-School

- Inform the complainant in writing that the Pre-School considers his/her behaviour to fall within the definition of 'Persistent Complaint' and/or 'Harassment' at Appendix 1 of this policy.
- Require any further meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings will be taken.
- Inform the complainant that, except in emergencies, the Pre-School will respond only to written communication and that these may be required to be channelled through a third party chosen by the Pre-School, for example the Local Authority.
- Inform the complainant that, except for urgent communication regarding their child in Pre-School, the Pre-School 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 Persistent Complaints/Harassment section of this policy. The Pre-School nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the definition of 'Persistent Complaint' and/or 'Harassment'.

### Physical or verbal aggression

The Pre-School will not tolerate any form of physical or verbal aggression against members of the Pre-School community. If there is evidence of any such aggression the Pre-School may:

- Ban the individual from entering the- school site, with immediate effect.
- Request a Civil Injunction or Criminal Behaviour Order.
- Take legal advice on pursuing a case under Anti-Harassment legislation.
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

### Right of appeal



## Ladybird Forest Pre-School

All persons who are notified by the Pre-School that their behaviour falls within the definition of 'Persistent Complaint', 'Harassment' and/or 'Aggression' have the right of appeal.

- Appeals must be addressed to the Chair of Directors marked confidential, via the Pre-school office or via email using Director's email inbox address (set out at the end of the policy)
- The Chair of Directors will consider each appeal on its merits, consulting with the Pre-School Manager as appropriate.
- The outcome of the appeal should be notified to the appellant and copied to the Pre-School Manager within 10 days of receipt.

### Record of Complaints

- A record of complaints will be kept in the Pre-School.
- The record will include:
  - the name of the complainant;
  - the nature of the complaint;
  - date and time complaint received;
  - action(s) taken;
  - result of any investigations; and
  - copies of letters and emails, and notes relating to meetings and phone calls. any information given to the complainant including a dated response.
- Records of complaints will be kept securely, and in line with data protection law, our privacy notices and record retention schedule.
- 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.
- Parents will be able to access this record if they wish. However, all personal details relating to any complaint will be stored confidentially and will be only accessible by the parties involved.



## Ladybird Forest Pre-School

- The details of the complaint, including the names of individuals involved, will not be shared with the whole Board of Directors in case a review panel needs to be organised at a later point.
- Where the Board of Directors is aware of the substance of the complaint before the review panel stage, the Pre-School will (where reasonably practicable) arrange for an independent panel to hear the complaint.

### Ofsted

- Legislation requires settings to keep a record of complaints and disclose these to Ofsted at inspection or if requested by Ofsted at any other time.
- Parents will also be informed if the Pre-School becomes aware that they are going to be inspected and after inspection the Pre-School will provide a copy of the report to parents and/or carers of children attending on a regular basis.

### **Legal framework:**

- Education Act 1996
- Education Act 2002

### **Relevant Ladybird policies:**


- 1.2 Safeguarding Children and Child Protection
- 1.7 Online Safety (incl. CCTV, Cameras, Mobile Phones and Smart Devices)
- 4.1 The role of the Key Person and Settling in
- 10.2 Working in partnership
- 10.3 Children's records
- 10.4 Provider records
- 10.6 Data Protection and Confidentiality

### **Key contact details:**



## Ladybird Forest Pre-School

<b>Organisation</b>	<b>Contact Number</b>
Pre-School Manager	<a href="mailto:enquiries@ladybirdpre-school.org.uk">enquiries@ladybirdpre-school.org.uk</a>
Board of Directors	<a href="mailto:directors@ladybirdpre-school.org.uk">directors@ladybirdpre-school.org.uk</a>
Ofsted	0300 123 1231 <a href="mailto:enquiries@ofsted.gov.uk">enquiries@ofsted.gov.uk</a>

<b>This policy was reviewed by</b>	Amanda Sanders - Pre-School Manager Victoria Grimes - Admin Manager Rebecca McGough - Chair
<b>Date of review</b>	13 <sup>th</sup> January 2024
<b>Date for next review</b>	13 <sup>th</sup> January 2025
<b>Chair's signature</b>	



## Appendix 1

*These are not exhaustive lists*

### **What are persistent complaints/complainants?**

- Anyone who engages in unreasonable behaviour when making a complaint.
- Persons who pursue complaints in an unreasonable manner.
- Actions which are obsessive, persistent, harassing, prolific, repetitious.
- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Excessive and/or unreasonable use of Freedom of Information requests.
- 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 Pre-School Manager on all occasions irrespective of the issue and the level of delegation in the Pre-School 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 school because it is unlawful.
- Making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- Failing to specify grounds of the complaint, despite offers of assistance from the Pre-School.

### **What is harassment?**

- 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 resolution.



## Ladybird Forest Pre-School

- Behaviour appears to be deliberately targeted at one or more members of Pre-School staff or others, without good cause.
- The way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to Pre-School staff or others.
- Behaviour has an unjustifiably significant and disproportionate adverse effect on the Pre-School community.

### **What is physical or verbal aggression?**

- Abusive or threatening behaviour or language towards Pre-School staff.
- Hostile or violent behaviour.