

## General Welfare Requirement: Safeguarding and Promoting Children's Welfare

Children's behaviour must be managed effectively and in a manner appropriate for their stage of development and particular individual needs.



## Safeguarding children

### Making a complaint

#### Policy Statement

Hollyfield Preschool Nursery provides a welcoming, stimulating and secure environment where children and families from all backgrounds and cultures are valued. We respect children's rights, listening to children and putting their needs at the heart of our work. Our inclusive nursery community works together to promote equality, encouraging and supporting each child to develop their potential and sense of identity. We develop our children's curiosity and challenge them to achieve their best and become self-confident and independent learners. We are committed to safeguarding and promoting the wellbeing of all children and expect our staff and volunteers to share this commitment.

#### EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.2 Inclusive practice	2.1 Respecting each other 2.2 Parents as partners	3.2 Supporting every child 3.4 The wider context	

#### Our Nursery Values 'SPARKLE'

**S** – We provide **Security** which enables **Self-belief**. This in turn makes each child feel **Special** which gives **Strength** of character.

**P** – **Practitioners** teach with **Passion** and support children in being **Playful**, **Persistent** and **Proud** learners

**A** – We help children to successfully **Adapt** to new environments and routines. This means children feel secure to **Actively Achieve** their goals.

**R** – Practitioners strive to have positive and open **Relationships** with all families who come to nursery. We support our children to be **Responsible** and **Resilient** learners

**K** – Our children are **Keen** learners who show **Kindness** to all around them with support from our positive behaviour systems. Children are **Knowledgeable** about their rights and help each other to stay safe as well as express their feelings.

**L** – Our **Leadership** is robust and fosters a **Loving** environment both for practitioners and children to have a **Love** for **Learning**

**E** – We ensure **Equality** which supports **Empowerment** in taking steps in our own learning. Children and staff are **Enthusiastic** and **Eager** to keep learning

### **The UN Convention on the Rights of the child**

This policy is in accordance with the 1989 United Nations Convention on the Rights of the Child (UNCRC)

**UNIVERSAL** – Rights are for all children all over the world

**INHERENT** – All children are born with these rights

**INALIENABLE** – Rights cannot be taken away

**UNCONDITIONAL** – Rights do not have to be earned

**INDIVISIBLE** – All rights are equally important

### **Article 2: Non-discrimination**

The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

### **Article 3: The best interests of the child**

The best interests of the child must be a top priority in all things that affect children.

### **Article 12: Respect for the views of the child**

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

### **Article 13: Freedom of expression**

Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

### **Article 19: Protection from violence, abuse and neglect**

Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

### **Article 23: Children with a disability**

A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

### **Article 28: Right to education**

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

Hollyfield Preschool Nursery are committed to safeguarding and promoting the well-being of all children and expect our staff and volunteers to share this commitment. In accordance with equality law we will consider making reasonable adjustments, if required, to enable parents/carers to access this complaints procedure. Parents must contact us if, for example, they require a copy of this procedure in a particular format (such as large print) or require assistance with raising a formal complaint or holding complaint meetings in accessible locations

### **Introduction**

All settings are legally required to have a procedure in place to deal with complaints relating to the nursery. The manager of our nursery has devised the following procedure which explains what people should do if they have concerns or wish to make a complaint and how their complaint will be dealt with.

Hollyfield Preschool Nursery follows current advice and guidance published by the Department for Education (DfE) regarding complaints procedures, including on dealing with serial and persistent complaints. We intend for all concerns or complaints to be dealt with fairly, openly and promptly.

This procedure applies to all concerns or complaints, except for those which relate to:

- Child admissions and exclusions
- Statutory assessments of Special Educational Needs (SEN)
- Child protection and safeguarding procedures
- Staff conduct, grievances, capability or disciplinary procedures
- Services provided from the nursery premises by other organisations
- Nursery re-organisation proposals
- National Curriculum content
- Whistleblowing

- Subject Access Requests (SAR) and Freedom of Information (FOI) requests

Parents can access policies relating to the above on our nursery website or ask us for a copy. If applicable, they can also contact the relevant organisation which operates a service from our nursery premises.

## **Procedures**

### **Resolving concerns informally (Stage 1)**

It is in everyone's interest that concerns are resolved informally at the earliest possible stage, before they become formal complaints which need to invoke formal procedures. We encourage parents with a concern to raise it informally with their child's key person in the first instance. Other concerns can be raised through the nursery management team. We hope that we will either be able to address a concern on the spot, or arrange to discuss it further at a mutually convenient time.

Our manager will not routinely be involved in resolving informal concerns but, in exceptional circumstances, appointments can be made with them by contacting the office. It is for them to determine if such circumstances are exceptional and if it is therefore appropriate for them to become involved at this stage.

Parents should not approach individual staff members to raise concerns or complaints, out of working hours or off the premises

### **Observing confidentiality**

Where possible, complaints will be dealt with confidentially. We would also ask parents to observe confidentiality and not discuss complaints publicly or via social media.

Hollyfield Preschool Nursery maintains a centrally held record of all formal complaints received, including any actions taken and outcome, and documentation referred to as part of the complaints process. Parents have a right to request copies in accordance with our Privacy policy of dealing with Subject Access Requests (SAR) and Freedom of Information (FOI) requests.

The management team will monitor the effectiveness of the complaints procedures to ensure that all complaints received are managed appropriately

## **Safeguarding**

Wherever a complaint suggests that a child's well-being or safety is at risk, Hollyfield Preschool Nursery has a duty to report this immediately in accordance with our Safeguarding & Child Protection Policy for Educational Settings & Providers of Education Services for Children & Young People (Including No Platform Policy), a copy of which is available on our website.

### **Timescales**

Hollyfield Preschool Nursery will endeavour to abide by timescales stated under each stage of the process below. Sometimes, due to the nature or complexity of the concern raised, we may need to set different timescales in which case parents will be notified of the date by which we will respond and they will be kept informed of progress throughout. We will consider complaints made outside of term time to have been received on the first day of return following the holiday period.

Hollyfield Preschool Nursery will not look into complaints that have been made more than three months after the event that led to the complaint, apart from in exceptional circumstances. It is for us to determine if such circumstances are exceptional and if it is therefore appropriate for the complaint to be looked into.

If other bodies are investigating aspects of a parent complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or could result in the procedure being suspended until those public bodies have completed their investigations.

If a parent starts legal action against Hollyfield Preschool Nursery in relation to a complaint, we will consider whether to suspend our procedure regarding this complaint until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, we want to resolve any concern. The person/s looking into the complaint may:

- Contact the parent and any other person that they consider necessary, in order to consider the issue(s) raised in the complaint
- Review any documentation provided in support of the complaint or that they consider relevant
- Request further information or documents from the parent (or others) before the process can continue

After considering the available evidence, this person(s) will decide that the complaint is either:

- Upheld, in which case they will recommend any action(s) that could be taken by Hollyfield Preschool Nursery in order to resolve it

- Not upheld
- Partially upheld, in which case they will recommend any action(s) that could be taken by Hollyfield Preschool Nursery in order to resolve the upheld part of the complaint.

In addition, we may offer the parent one or more of the following:

- An explanation and/or an apology
- An admission that the situation could have been handled differently or better
- An assurance that we will try to help ensure what was complained about will not happen again, and/or an explanation of the steps that have been or will be taken in this respect, indicating the timescale within which any changes will be made
- An undertaking to review our policies in light of the complaint.

### **Submitting and looking into a formal complaint (Stage 2)**

Should anyone want to make a formal complaint, please complete all sections of the form at Appendix A and then submit it to the manager, marked as Private and Confidential. Should anyone want to raise a complaint via another method, i.e. verbally or in person, please contact the manager. Complaints may also be submitted by a third party acting on a person's behalf, as long as consent has been given for them to do so.

If the complaint is about or involving our:

- Staff (other than the manager), please address it in the first instance to the Manager
- Manager, please address it to our Deputy Manager

We will acknowledge a complaint in writing within 5-28 working days (i.e. excluding weekends, bank holidays or school holidays) of receiving it, and confirm the name of the person who will look into it. As part of their investigation, this person will:

- Seek to clarify the nature of the complaint
- Establish what remains unresolved and what outcome the person would like to see
- Consider whether a face to face meeting is the most appropriate way of doing this

The person who has made the complaint will receive either a notification of the outcome or an update on our investigation, in writing within 28 working days of us acknowledging receipt of the complaint form. The notification will explain the reason(s) behind our decision and how parents can request a review of it if dissatisfied with the outcome of the complaint at Stage 1. The update will explain why the process of looking into the complaint is still ongoing (e.g. because further documents have been requested) and estimate when it is expected to conclude.

### **Appealing the outcome of Stage 1 of the complaint (Stage 3)**

If the matter is still not resolved, the nursery will hold a formal meeting between the manager, parent and a senior staff member to ensure that it is dealt with comprehensively. The nursery 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.

At least 5 working days before the meeting date, the manager will contact the parent to:

- Confirm the date, time and venue of the meeting ensuring that, if invited, the date is convenient to all the parties and the venue and proceedings are accessible
- Request copies of any further written material (if required)

Should the offer of three proposed dates to meet be rejected without good reason, the manager reserves the right to continue the meeting, which will then proceed with the absence of the parent on the basis of written submissions from both parties. It is a good idea to bring a friend or colleague to the meeting. Please notify the manager if intending to bring someone along and if they intend to speak on your behalf.

Hollyfield Preschool Nursery does not usually consider it necessary for legal representatives to be present at the meeting. If this is being considered though, a request should be made at least 5 working days in advance of the meeting date, providing a clear explanation for why it is believed that one should attend. The manager will consider and respond to the request, but has absolute discretion to refuse attendance by legal representatives if it is considered inappropriate.

Hollyfield Preschool Nursery will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from stage 1 of the procedure.

The meeting will be held in private. Prior knowledge and consent of all parties attending must be sought before recording meetings or conversations. Consent or otherwise will be recorded in any notes taken.

The manager determines the procedure followed at the meeting. In doing so it follows current advice and guidance published by the Department for Education (DfE) regarding complaints procedures, including on dealing with serial and persistent complaints. The parent will then receive a written account of the meeting, including the outcome within 5 working days.

This is the final stage in our internal complaints procedure. If the same issues are raised with the nursery following the meeting, we will only re-consider these points in exceptional circumstances, for example where new evidence has come to light.

#### **Escalating your complaint beyond the school (Stage 4)**

If the matter cannot be resolved to their satisfaction, then parents 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 complaints procedure, and are given information on how to contact Ofsted. Ofsted is the registering authority for nurseries in England and investigates all complaints that suggest a provider may not be meeting the requirements of the nursery's registration. It risk assesses all complaints made and may visit the nursery to carry out a full inspection where it believes requirements are not met.

A record of complaints will be kept in the nursery. 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 any information given to the complainant including a dated response.

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. Ofsted inspectors will have access to this record at any time during visits to ensure actions have been met appropriately.

#### **Contact details for Ofsted:**

Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Telephone: 0300 123 1231

By post: Ofsted

Piccadilly Gate

Store Street

Manchester

M1 2WD

Parents will also be informed if the nursery becomes aware that they are going to be inspected due to a complaint and after inspection the nursery will provide a copy of the report to parents and/or carers of children attending on a regular basis.

All settings are required to keep a written record of any complaints that reach stage two and above, and their outcome. This is to be made available to parents, as well as to Ofsted inspectors on request. A full procedure is set out in the Pre-school Learning Alliance publication Complaint Investigation Record (2012) which acts as the 'summary log' for this purpose.

#### **Queries that relate to this Complaints Procedure**

For questions about this complaints procedure, please speak to a member of staff.

### **Relevant legislation and guidance**

The Equality Act 2010 [www.legislation.gov.uk/ukpga/2010/15/contents](http://www.legislation.gov.uk/ukpga/2010/15/contents)

School complaints procedures: guidance for schools

[www.gov.uk/government/publications/school-complaints-procedures](http://www.gov.uk/government/publications/school-complaints-procedures)

Section 29 of the Education Act 2002 [www.legislation.gov.uk/ukpga/2002/32/contents](http://www.legislation.gov.uk/ukpga/2002/32/contents)

This policy was amended and re adopted at Hollyfield Pre Nursery Nursery's Senior Staff meeting in June 2018

Reviewed and amended – March 2021

Date to be reviewed – March 2022

Signed by all staff –

Name of signatory –

Role of signatory –



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The reason(s) why this was not a satisfactory resolution for you

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What action(s) do you feel might resolve the problem?

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Signed:

Date:

Please return this form to: Hollyfield Preschool Nursery, Hollyfield Road, Sutton Coldfield, B75 7SG

[hollyfieldnursery@lineone.net](mailto:hollyfieldnursery@lineone.net)

Official use

Date received:

Signed by:

Date acknowledgement sent:

Complaint referred to:

Date: