



## **Exbourne Preschool Making A Complaint Policy**

Approved by: Katie Haydon (Chair of Committee)

Adopted on: 28/01/25      Review Date 28/01/26

### **Policy Statement**

We believe that children and parents are entitled to expect courtesy and prompt, careful attention to their needs and wishes. We welcome suggestions on how to improve our setting and will give prompt and serious attention to any concerns about the running of the setting. We anticipate that most concerns will be resolved quickly, by an informal approach with the appropriate member of staff. If this does not achieve the desired result, we have a set of procedures for dealing with concerns. We aim to bring all concerns about the running of our setting to a satisfactory conclusion for all of the parties involved.

### **Procedures**

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.

### **Making a Complaint**

#### **Stage 1**

- Any parent who has a concern about an aspect of our setting's provision talks over his/her concerns with our manager first of all.
- Most complaints should be resolved amicably and informally at this stage.
- We record the issue, and how it was resolved, in the child's file.

#### **Stage 2**

- If this does not have a satisfactory outcome, or if the problem recurs, the parent moves to this stage of the procedure by putting the concerns or complaint in writing.
- For parents who are not comfortable with making written complaints, there is a template form for recording complaints in the Complaint Investigation Record; the form may be completed our manager and signed by the parent.
- Our setting stores all information relating to written complaints from parents in the child's personal file. However, if the complaint involves a detailed investigation, our manager may wish to store all information relating to the investigation in a separate file designated for this complaint.

- When the investigation into the complaint is completed, our manager meets with the parent to discuss the outcome.
- We inform parents of the outcome of the investigation within 28 days of him/her making the complaint.
- When the complaint is resolved at this stage, we log the summative points in our Complaint Investigation Record, which is made available to Ofsted on request.

### **Stage 3**

- If the parent is not satisfied with the outcome of the investigation, he or she requests a meeting with our manager and the chair. The parent may have a friend or partner present if they prefer and our manager should have the support of the management committee.
- An agreed written record of the discussion is made, as well as any decision or action to take as a result. All of the parties present at the meeting sign the record and receive a copy of it.
- This signed record signifies that the procedure has concluded. When the complaint is resolved at this stage, we log the summative points in our Complaint Investigation Record.

### **Stage 4**

- If at the stage three meeting the parent cannot reach agreement with us, we invite an external mediator to help to settle the complaint. This person should be acceptable to both parties, listen to both sides and offer advice. A mediator has no legal powers, but can help us to define the problem, review the action so far and suggest further ways in which it might be resolved.
- Staff or volunteers within the Pre-school Learning Alliance are appropriate persons to be invited to act as mediators.
- The mediator keeps all discussions confidential. S/he can hold separate meetings with our staff and the parent, if this is decided to be helpful. The mediator keeps an agreed written record of any meetings that are held and of any advice s/he gives.

### **Stage 5**

- When the mediator has concluded her/his investigations, a final meeting between the parent and our chair is held. The purpose of this meeting is to reach a decision on the action to be taken to deal with the complaint. The mediator's advice is used to reach this conclusion. The mediator is present at the meeting if all parties think this will help a decision to be reached.
- A record of this meeting, including the decision on the action to be taken, is made. Everyone present at the meeting signs the record and receives a copy of it. This signed record signifies that the procedure has concluded.

### **Duties as an employer and employee**

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

It is essential that any allegation of abuse made against member of staff or volunteer in the setting is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

### **Procedure for allegation towards a member of staff/volunteer**

Taken from <https://www.devon.gov.uk/educationandfamilies/child-protection/managing-allegations-against-adults-working-with-children/advice-for-organisations>

- Notify the Manager /safeguarding committee member.
- If an allegation requires immediate attention but is received outside normal office hours, the designated manager should consult the children's social care emergency 0345 155 1071 duty team or local police and inform the LADO as soon as possible.
- Allegation to be referred to LADO using the referral form within 24hours <https://services.devon.gov.uk/web/lado/form> LADO will then contact to discuss the nature, content and context of the allegation and agree a course of action. Information such as previous history, whether the child or their family have made similar allegations and the individuals current contact with children.
- If the person is deemed to be an immediate risk to children or there is evidence of a criminal offence, the police will be involved immediately.

### **The LADO and the lead person for safeguarding will:**

- within one working day, have an evaluation discussion, to determine the details of the allegation, taking into account thresholds for LADO involvement.
- confirm what children have safeguarded
- determine whether there is cause to suspect that a child is suffering or is likely to suffer significant harm, in which case the LADO should refer to children's social care and ask them to convene an immediate strategy meeting/discussion
- determine whether there is sufficient evidence or information that establishes that the allegation is unfounded or false
- consider what further information is needed
- consider whether suspension of the individual is indicated, if the agency/organisation has not yet made the decision
- consider what information can be shared with children and their parents or carers and when
- consider whether there are any reasons for withholding from the accused person that they have been referred to the LADO (such as where this may compromise potential criminal or disciplinary investigations or place children at risk)
- determine whether a managing allegations strategy meeting is warranted.

There are three potential outcomes from the initial referral to the LADO in terms of the investigation of allegations or concerns. These are:

1. The allegation is demonstrably false/unfounded and no further action is required.
2. There are concerns however they are not child protection in nature but relate to the conduct of that staff member and as such, should be dealt with by the individual's employer/managers.

3. A LADO managing allegations strategy meeting needs to be arranged involving other relevant professionals (including the police if it appears that an offence has been committed) within five working days.

### **Sharing information with the person about whom an allegation has been made**

- Unless the LADO gives advice to the contrary, the accused person's employer should, as soon as possible, inform the individual about the nature of the allegation, how enquiries will be conducted and the possible outcomes. The individual should read the LADO guidance titled 'What happens if an allegation is made against you'.<sup>1</sup>
- Where concerns have arisen due to events in the member of staff or volunteer's private life, the individual should be given a copy of the LADO guidance titled 'When there are concerns about your personal life'.<sup>2</sup>
- All referrals made to the LADO are recorded on the local authority's electronic record. When the employer informs the subject that an allegation has been made, the subject must be made aware of this fact.

### **Sharing information with families**

The LADO will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes.

Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parents. In some circumstances, however, the parents may need to be told straight away (for example, if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used, in a hearing.

### **Sharing information for disciplinary purposes**

Wherever possible, police and children's social care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.

If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay. If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.

### **Confidentiality**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered.

Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to

those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (for example, in an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

Section 13 of the Education Act 2011 introduced restrictions implemented in September 2012 on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.

Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

- the person who is the subject of the allegation and
- the victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes academies, free schools, independent schools and all types of maintained schools.

There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

### **Safeguarding Children Board**

Parents may approach Ofsted directly at any stage of this complaints procedure. In addition, where there seems to be a possible breach of the setting's registration requirements, it is essential to involve Ofsted as the registering and inspection body with a duty to ensure the Safeguarding and Welfare Requirements of the Early Years Foundation Stage are adhered to.

Parents can complain to Ofsted by telephone or in writing at:

Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD  
enquiries@ofsted.gov.uk  
Tel: 0300 123 1231

These details are displayed on the door as you enter the setting.

If a child appears to be at risk, we follow the procedures of the Local Safeguarding Children Board.

In these cases, both the parent and [our setting are informed our manager work with Ofsted or the Local Safeguarding Children Board to ensure a proper investigation of the complaint, followed by appropriate action.

### **Records**

A record of complaints in relation our setting, or the children or the adults working in our setting, is kept for at least three years; including the date, the circumstances of the complaint and how the complaint was managed.

The outcome of all complaints is recorded in our Complaint Investigation Record, which is available for parents and Ofsted inspectors to view on request.