

# **WINSTON HOUSE PREPARATORY KINDERGARTEN**

## **COMPLAINTS POLICY AND PROCEDURES**

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## **Ofsted Contact Number for any queries 0300 123 1231**

Adapted from the DFE Complaints procedure

### **Dealing with Complaints – Initial concerns**

At Winston House Preparatory Kindergarten (“the setting”) we realise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures, by the class teacher in the first instance. It is preferable if an appointment is made so that they can listen to and discuss without being disturbed. The class teacher will always make the effort to meet with the complainant or if more convenient speak to them on the phone as soon as possible but definitely within three working days. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

They will record the nature of the complaint and the action taken on the Complaints form. (Appendix A)

The member of staff will after meeting with the complainant, reply to the complaint if not immediately, within 48 hours even if this is not the final response.

When investigating a complaint all staff will be aware that they should:

- Establish **what** has happened so far, and **who** has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview. (These must be kept with the original complaint form).

### **Dealing with Complaints – Formal procedures**

The formal procedures that follow will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## **Resolving Complaints**

At each stage in the procedure the setting will endeavour to consider ways in which a complaint can be resolved to the satisfaction of all parties involved. It might be sufficient to acknowledge that the complaint is valid in whole or in part and to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- All information will be kept confidential
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review setting policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

In order that complaints are dealt with effectively we will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

If properly followed, the setting complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Proprietor or Chair of the complaints panel will inform them in writing that the procedure has been exhausted and that the matter is now closed.

Complaints need to be considered, and resolved, as quickly and efficiently as possible the setting complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to setting improvement. When individual complaints are heard, the setting will try to identify underlying issues that need to be addressed. The monitoring and review of complaints by the setting and the Proprietor will be on an annual basis and should be a useful tool in evaluating the setting's performance.

## **Recording Complaints**

The setting will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the setting have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The Head will be responsible for the records and hold them centrally.

## The Remit of the Complaints Appeal Panel

The panel can after listening to all the evidence and talking to all parties:

- Dismiss the complaint in whole or in part giving their reasons.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the setting's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any member sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Proprietor needs to try and ensure that they are sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the setting and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The members sitting on the panel will be fully aware of the complaints procedure.

## **Roles and Responsibilities**

The Proprietor will:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

## **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- Will be responsible for ensuring all parties involved are informed in writing of the decision and any action to be taken.

# Complaints Procedure

The setting has three stages in dealing with complaints:

- **Stage one:** Discussion with class teacher or other member of staff
- **Stage two:** Complaint heard by Head
- **Stage three:** Complaint heard by complaints appeal panel consisting of the Proprietor and two other members not directly involved with the Setting. The two other members will be chosen from an ex Head, Head of Department, two retired teachers, one serving teacher (none involved with the setting) and two local business people. The complainant will be encouraged to bring someone along to give them support if s desired.

**Stage One:** Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the setting can be crucial in determining whether the complaint will escalate. To that end, the setting staff are made aware of the procedures in the Employee Handbook, in order that they know what to do when they receive a complaint. Staff are usually available before and after setting, however it is sometimes better to make an appointment this will be as soon as possible but within 3 working days. If the issue cannot be resolved immediately the member of staff or another staff member will contact the complainant with a response even if not the final response within 48 hours.

The setting will respect and take seriously the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, arrangements will be made to refer the complainant to another staff member or Head. Where the complaint concerns the Head, the complainant will be referred to the Proprietor.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, arrangements will be made to refer the complainant to another staff member or direct to the Head still within the agreed timescale. The ability to consider the complaint objectively and impartially is crucial and will involve people listening and clarifying what is said.

Where the first approach is made to the Head or the Proprietor the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

## **Stage Two: Complaint Heard by Head**

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Head will make arrangements to meet or talk with the complainant within 5 working days and will give a response even if not the final response within 48 hours.

If the complaint is still unresolved then the complainant will be asked to move to a formal complaint by writing to the Proprietor who will either arrange a meeting with the Head and staff involved within 7 working days and inform in writing the outcome to all concerned, or move to Stage Three.

## **Stage Three: Complaint Heard Complaints Appeal Panel**

If the matter is still unresolved the Proprietor will arrange for a hearing by a Complaints Appeal Panel. Members of the Complaints Appeal Panel from the setting will not have been involved in the matter of the complaint and the setting will ensure that one person is independent from the management of the setting.

The complaints procedure allows for parents to attend the panel meeting and if they wish they may be accompanied by a relative or friend. The setting will ensure that correspondence, statements and records of the complaint will be kept confidential and all written records of complaints kept will indicate whether the complaint is closed or if it proceeded to the preliminary stage or if it went to the panel hearing. The complainant needs to inform the Proprietor in writing that they are still not satisfied with the outcome, giving details of the complaint and details of how this has been dealt with so far. The Proprietor will convene a complaints panel within two weeks of receiving the formal complaint and set a time and date convenient to all parties. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair. The procedure to be followed is in Appendix B. The decision and any subsequent action required will be sent in writing to all parties involved within 5 days of the meeting.

Recommendations from the appeals panel will be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about, and that these recommendations are available for inspection on the setting premises by the proprietor and senior staff.

**Parents and Guardians will be made aware of the complaints procedures which will be provided in the Parent Handbook and available in the Setting Office.**

**Setting Contact Number for any queries: 0208 506 9595**

**Ofsted Contact Details for any queries or unresolved issues or further complaints**

**Tel: 0300 123 1231**

**The National Business Unit**

**Ofsted**

**Piccadilly Gate**

**Store Street**

**Manchester M1 2WD**

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

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head may question both the complainant and the witnesses after each has spoken.
- The Head is then invited to explain the Setting's actions and be followed by the Setting's witnesses.
- The complainant may question both the Head and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head is then invited to sum up the Setting's actions and response to the complainant.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel in writing within 5 working days.

**ALL INFORMATION WILL BE KEPT CONFIDENTIAL**

*(Winston House Preparatory Kindergarten has had no formal complaints since the setting opened in 2010)*

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