
Education

Young Children's Service

***Nursery School and Young
Children's Centres***

***A Guide for
Parents/Carers About
Making a Complaint***



INVESTOR IN PEOPLE



YCS COMPLAINTS PROCEDURE

Introduction

The Local Ombudsman's guidance states that local complaints procedures should be clear, simple, easily accessible, speedy, well publicised, name an initial point of contact, involve the keeping of records and ensure the complainant is kept well informed at each stage. This also fits with the recommendations of the research and consultations done by Research and Information on State Education Trust (1997), which have been adopted by many LEAs and YCS Centres throughout the country. It also complies with the DfEE draft regulations 1999 recommendations.

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

Underlying Principles

The principles guiding the YCS procedure for handling complaints are that it should :

- Be easily accessible and well publicised
- Be simple to understand and use
- Allow speedy handling, with established time limits for action and keep people informed of progress
- Ensure a full and fair investigation
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress
- Provide information to management so that services can be improved

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to YCS that the complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants will be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- The way in which the complaint is likely to be handled

Where there are established statutory or other procedures for the dealing with a complaint, these will be followed. These guidelines do not cover those matters already provided for such as:

- Admissions to Nursery Schools and YCS Centres
- Special Educational Provision (SEN Tribunal)

- Matters concerned with the curriculum
- Serious complaints against staff
- Child Protection issues

It may be that action under the complaints procedure may lead to action being initiated under other (e.g. statutory) procedures. In these cases the investigations under the complaints procedure will be suspended until action under the procedure (including appeals) has been concluded. The complainant will be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. They will also be told the likely delay in the final resolution of their complaint which will result.

Definition of a Complaint

The Council's definition of a complaint is as follows: "A complaint is an expression of dissatisfaction with the Council's services, with the actions of its employees or Members, or policies, affecting an individual customer or group of customers. A complaint requires an immediate response and if it is serious or cannot be dealt with immediately, needs to be investigated and resolved."

Complaints can be made about:

- Failure to provide a satisfactory service
- Failure to follow agreed policies and processes (or the lack of such processes where they could be reasonably expected to be in place)
- The conduct of an employee or an agent of the Council

If a customer thinks it is a complaint, then it is, whatever the employee may think.

For YCS, a complaint within the terms of the procedures described here, is an expression of dissatisfaction verbally or in writing by parents/carers of children who attend the YCS Centre or Nursery School. All complaints from parents/carers of children who attend the YCS Centre or Nursery School will be investigated as such. After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate) procedure against a member of staff (see flow chart).

Anonymous complaints would not normally be considered under this procedure.

This procedure outlines the informal and formal stages by which a complaint may be made against the YCS Centre/nursery school. At all stages the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary.

Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly.

Conciliation between YCS Centre or Nursery School and the parents/carers can be considered at any time, within the informal or formal stages.

1. The First Stage – Dealing with Concerns and Complaints Informally

1.1 Guidelines

- 1.1.1 It is hoped that all complaints and concerns are resolved as early and informally as possible. Parents/carers need not only to be listened to but also to feel that they have been listened to. Anyone receiving a complaint should keep a record of that complaint and the outcome. Staff need to be alert to the different ways in which parents/carers may present complaints.
- 1.1.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straightaway through the class teacher, nursery officer, YCS Centre secretary, senior staff, YCS Centre Manager or Headteacher depending on whom the parents first approach. Parents/carers must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of a parent/carer. At first it may be unclear whether a parent/carer is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

1.2 Procedures

- 1.2.1 Parents/carers will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify the nature of the concern and reassure them that the YCS Centre or nursery school wants to hear about it. The member of staff may explain to the parents/carers how the situation arose. It may be helpful to identify at this point what sort of outcome the parent/carer is looking for.
- 1.2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. Hopefully the appropriate member of staff can resolve the matter immediately.
- 1.2.3 If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or phone number of the complainant. The Centre Manager or Headteacher will be given a copy.
- 1.2.4 All members of staff will know how to refer to the person with responsibility for the particular issue raised by the parent/carer, if necessary. They will check later to make sure the referral has been successful. If the concern relates to the Centre Manager or the Headteacher, the parent/carer will be advised to contact a Senior Manager at YCS
- 1.2.5 Where the complaint is against the Centre Manager or Headteacher, arrangements should be made for the initial investigation to be conducted by a YCS Senior Manager or a suitably senior objective third party.
- 1.2.6 The member of staff dealing with the concern or complaint will make sure that the parent/carer is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear. The member of staff should keep notes for future reference, in case these may be required.

- 1.2.7 Where no satisfactory solution has been found within 10 Centre/nursery school working days, parents/carers should be given clear information, both orally and in writing, about how to proceed with their complaint and about any independent advice available to them.

2. The Second Stage – Referral to the Centre Manager or Headteacher for Formal Investigation

2.1 Guidelines

- 2.1 By now it will have become clear that the concern is a definite complaint. In some cases the YCS Centre Manager/Headteacher will already have been involved in looking at the matter; in others it will be their first involvement. In either case, it will be helpful for the YCS Centre Manager/Headteacher (or member of staff designated to investigate) to use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.1.2 As YCS Centre Managers/Headteachers have responsibility for the day-to-day running of their YCS Centres or nursery schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.
- 2.1.3 YCS Centre Managers/Headteachers will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with parents/carers concerns at Stage 1, while the YCS Centre Manager/Headteacher deals with contacts with parents/carers at Stage 2. Even at that stage the YCS Centre Manager/Headteacher may designate another member of staff to collect some of the information from the various parties involved.

2.2 Procedures

- 2.2.1 Complaints should normally be in a written format. In exceptional cases the YCS Centre/nursery school will consider progressing an oral complaint where there are sufficient grounds to do so. The YCS Centre Manager/Headteacher (or designated member of staff) will acknowledge the complaint orally or in writing within three working days of receiving the written complaint.
- 2.2.2 YCS Centres/nursery schools should be sensitive to the needs of the parent/carer who may have literacy difficulties or for whom English is not their first language.
- 2.2.3 The acknowledgement will give a brief explanation of the YCS Centre's/nursery schools complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 YCS Centre/nursery working days; if this proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2.4 It may be possible even at this stage to reach an agreed solution to the problem. The Advice and Conciliation Service of the LEA is able to offer advice to parents/carers and may be able to suggest a mediation format to discuss the complaint in private without invoking formal procedures. The aim here is to progress the matter for the good of the child, their parents/carers and the YCS Centre/nursery school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. Such a route

would be seen as an attempt to resolve the complaint informally and would not compromise the complainant's right to move to more formal procedures at any time.

- 2.2.5 The YCS Centre Manager/Headteacher will provide an opportunity for the complainant to meet him or her to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf; and that interpreting facilities are available if needed. Equally, if staff are interviewed, they should be notified of their right to be advised or accompanied by their union representative.
- 2.2.6 If necessary, the YCS Centre Manager/Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a child, the child should also be interviewed. In some circumstances, another member of staff with whom the child feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the YCS Centre Manager /Headteacher interviews a pupil. The YCS Centre Manager /Headteacher will keep written records of meetings, telephone conversations and other contacts.
- 2.2.7 Once all the relevant facts have been established, the YCS Centre Manager/Headteacher will then produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the Centre/nursery school will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, the phrase '**Appropriate action has or will be taken**' should be used.
- 2.2.8 The complainant will be advised that should they wish to take the complaint further they should notify a Senior Manager in YCS within 10 Centre/school nursery working days of receiving the outcome letter. Normally, the Senior Manager will arrange for the investigation on the parents/carers behalf.
- 2.2.9 Where the complaint is against the YCS Centre Manager/Headteacher, arrangements should be made for the initial investigation to be conducted by a YCS Senior Manager.

3. The Third Stage –Appeal to the YCS Senior Manager or Head of YCS

3.1 Guidelines

Complaints only rarely reach this formal level, but it is important that YCS Centres/nursery schools are prepared to deal with them when necessary. It is important that this appeal should not only be independent and impartial on behalf of the Centre/nursery schools, but that it is seen to be so. As such the appeal should be dealt with by a YCS Senior Manager who has had no prior knowledge or involvement in the case.

- 3.1.1 As this may be the last chance for a solution or compromise to be reached, every effort should be made to **mediate** and **conciliate**. YCS Senior Managers may particularly wish to seek advice from the Advice & Conciliation Officer at this stage if they have not previously made contact.
- 3.1.2 Complaints would normally be in a written format. In exceptional cases the YCS

Centre/school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.

3.1.3 All complaints which reach this stage will have done so because the complainant has not been satisfied by the Centre Manager's/Headteacher's response at the earlier stage of the procedure or the original investigation by the YCS Senior Manager. It may be appropriate for the investigating Officer to consider that the complaint is against the YCS Centre/nursery school rather than against the member of staff whose actions led to the original complaint.

3.1.4 In the unlikely event of children needing to be interviewed, extreme care will need to be taken. A single Senior Manager should interview the child, after gaining parental permission. The parent should be invited to attend but if they are unable, parents/carers could nominate a member of staff to accompany the child.

3.2 Procedures

3.2.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:

1. The YCS Senior Manager will write to the complainant to acknowledge receipt of the written request
2. The acknowledgement will inform the complainant that the complaint will be investigated by the YCS Senior Manager, within 20 Centre working days of receiving the request
3. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint
4. Documents must be received in time for them to be considered before any meeting.

3.2.2 The YCS Senior Manager will ensure that the complaint is heard within 20 Centre/nursery school working days of receiving the request.

3.2.3 The YCS Senior Manager will write and inform the complainant, YCS Centre Manager/Headteacher and any relevant witnesses ten YCS Centre/nursery school working days in advance, of the date, time and place of the meeting. The details of the complaint available at that time should also be sent in writing to the YCS Centre Manager/Headteacher.

3.2.4 The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Senior Manager, at least five YCS Centre/ nursery school working days in advance of the meeting. The YCS Senior Manager will invite the YCS Centre Manager/Headteacher to attend the meeting and prepare a written report in response to the complaint.

3.2.6 The YCS Centre Manager/Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the YCS Senior Manager to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the YCS Centre Manager's/Headteacher's report, at least five YCS Centre/nursery school working days prior to the meeting.

- 3.2.7 It is the responsibility of the YCS Senior Manager to ensure that the meeting is properly minuted.
- 3.2.8 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the YCS Centre/nursery school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.2.9 The YCS Manager should remember that many parents/carers are unused to dealing with formal situations and may feel inhibited when speaking. It is therefore recommended the YCS Senior Manager ensures that the proceedings are as informal as the situation allows.
- 3.2.10 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.2.11 At stage 3 the complainant and the YCS Centre Manager/Headteacher and any other staff should be interviewed separately, so the YCS Senior Manager can form a clear and unbiased view of the complaint. The interviews, which can be arranged to run consecutively if this is more convenient, should allow –
- The complainant to explain their complaint(s)
 - The YCS Centre Manager/Headteacher to explain the Centre's/nursery school's response
 - The YCS Senior Manager to have an opportunity to question both the complainant and the YCS Centre Manager/Headteacher
 - Any party to have the right to call witnesses (subject to the approval of the YCS Senior Manager) and the YCS Senior Manager having the right to question all the witnesses
 - Both parents/carers and YCS Centre Manager/Headteacher and staff to have the right of representation at the interview if they so wish
- 3.2.12 The YCS Senior Manager will explain to the complainant and the YCS Centre Manager/Headteacher that they will consider their decision, and a written response will be sent to both parties within 15 YCS Centre/nursery school working days.
- 3.2.13 The YCS Senior Manager will then consider the complaint and all the evidence presented and
- a) Reach a decision on the complaint
 - b) Decide upon the appropriate action to be taken to resolve the complaint
 - c) Where appropriate, suggest recommended changes to the Centre's/nursery school's systems or procedures to ensure that problems of a similar nature do not happen again
- 3.2.14 Recommendations will be reported to the YCS Senior Managers at an appropriate time.
- 3.2.15 A written statement outlining the decision of the YCS Senior Manager must be sent to the

complainant and YCS Centre Manager/Headteacher. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase **'Appropriate action has or will be taken'** should be used.

3.2.16 The YCS Senior Manager will ensure that a copy of all correspondence and notes are kept on file in YCS.

The Advice & Conciliation Officer at the LEA

Complaints may be referred to the Advice & Conciliation Officer at the LEA. This Officer is independent of the Centre/nursery school and can investigate complaints made against the Centre/nursery school or check that the correct procedures have been carried out by the Centre/nursery school. The Advice and Conciliation Officer, who can be contacted at the Young Children's Service on 0114 281 1881 is also able to advise the YCS Centre Manager/Headteacher or the YCS Senior Manager on the procedure they should be following.

4. The Fourth Stage – Referral to the Head of YCS

4.1 The Head of YCS

If the complainant remains aggrieved then s/he may request that the matter be referred to the Head of the Young Children's Service. The time scales would be the same as for the referral to the YCS Senior Manager

4.2 The Local Government Ombudsman

Complaints about the maladministration of Local Authority services including the way it operates any general complaint procedure may be made to the Ombudsman.

However, the Ombudsman does not look at internal Centre management matters and usually expects that thorough attention has been given to a complaint locally before investigation by the Ombudsman.

People Who Complain Continually

There will be instances where we deal with a parent/carer who complains continually. In these circumstances we have to decide when to implement a cut off point after which we will only deal with new complaints from that particular person. This should only be after a decision made by the Head of Service or above. The parent/carer will need to be informed that we will not enter into any further correspondence or discussion about a particular complaint, but they are free to make a new comment or complaint in the future.

Monitoring Complaints

A register should be kept of all formal complaints. The register should be available for the Head of Young Children's Service or LEA representatives to inspect.

Chart: Stages for Handling Complaints

