



**STOUR VALE
ACADEMY
TRUST**

COMPLAINTS POLICY

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1.0 Aims and application

The aims of the procedure are to deal with complaints and concerns about the nursery, the Academy Trust ('Trust') or any individual connected with it by following the correct procedure:

- thoroughly; and
- in an open, honest and fair manner.

This complaints procedure is not limited to parents or carers of children that are registered at the nursery. Any person, including members of the public, may make a complaint to us about any provision of facilities or services that we provide (please see Part 2). This procedure does not apply to concerns and complaints relating to the matters listed in Appendix 1.

We will not normally investigate anonymous complaints unless there are exceptional circumstances, for example if there were serious child protection concerns or bullying allegations where the nursery would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation. The Nursery Manager or CEO, if appropriate, will determine whether the complaint warrants an investigation.

All staff will be made aware of this complaints procedure and are expected to review this policy regularly so that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

This procedure adheres to the principles under data protection law. For further information please review the Trust's data protection policy published on the Trust's website.

In this procedure:

- 'working days' excludes weekends and nursery holidays. We will consider complaints made outside of these times to have been received on the first working day after the holiday period. If a complaint is already going through the procedure and this is interrupted by a holiday the procedure will be paused until the holiday has ended. If the procedure is close to concluding as the holiday approaches, we will make reasonable attempts to get the procedure to an end prior to the holiday period, but this may not always be possible;
- 'parent' means a parent, carer or anyone with legal responsibility for a child;
- 'Trust' means Stour Vale Academy Trust.

2.0 Key principles

The Trust expects all complainants to make reasonable attempts to seek an informal resolution.

To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and communication to remain calm at all times. The procedure under Part 3 will be used only on very rare occasions to deal with serial and persistent complaints or unreasonable complainant behaviour.

Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than **3 months** after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the Trust accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.

On rare occasions a nursery may receive complaints from a number of parents relating to the same issue. In order to deal with these complaints efficiently, the nursery will follow the procedure set out in Part 4.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

Complainants should not approach individual trustees of the Trust Board to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

3.0 Records of complaints

A written record will be kept of all formal complaints made in writing, including the stage at which they were resolved and the action we have taken as a result of those complaints, regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where:

- access is requested by Ofsted;
- disclosure is required in the course of a nursery inspection;
- an individual has a legal right to access their own personal data contained within such documentation;

or

- under other legal authority.

We will make the findings and recommendations of the panel available for inspection on the nursery premises by the Trust and the Nursery Manager.

4.0 Roles and responsibilities

Nursery Manager		Fern Baker
Nursery complaints administrator		Katie Harris
Contact Details	Email	Fern.baker@lavenderfarmnursery.co.uk Katie.harris@lavenderfarmnursery.co.uk
	Telephone	0121 285 6633
Stour Vale Academy Trust complaints administrator		Donna Thorneycroft
Contact Details	Address	Stour Vale Academy Trust, c/o Halesowen College, Whittingham Road, Halesowen, B63 3NA

Email	info@svat.org.uk
Telephone	0121 585 5385

5.0 Part 1: Complaints procedure for parents

5.1 Stage 1: Informal concerns

Most enquiries and concerns can be dealt with satisfactorily by discussing them with a member of staff and without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have. We aim to resolve all issues through open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Nursery Manager, they may decide to deal with your concerns directly at this stage. If the concerns are about the Nursery Manager, they should be referred to the CEO, via the Trust complaints administrator, under Stage 2.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 5 working days. Where no satisfactory solution has been found, you will be advised that, if you wish your concerns to be considered further, you should write to the Nursery Manager, via the nursery complaints administrator, under Stage 2 of this procedure.

5.2 Stage 2: Formal written complaints

If your concerns are not resolved under Stage 1, you should put your complaint in writing (preferably on the Complaint Form) and send this to the Nursery Manager, via the nursery complaints administrator.

It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Appendix 2 of this procedure. If you require help in completing the form, please contact the nursery office. You can also ask third party organisations like the Citizens Advice to help you. In all cases your written complaint must include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Your complaint will normally be acknowledged in writing (by letter or email) within **5 working days** of receipt. The acknowledgement will give a brief explanation of the nursery's complaints procedure, identify who will investigate the complaint and a target date for providing a response.

If appropriate, the Nursery Manager (or someone appointed by them) may invite you to a meeting to clarify your complaint and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate and/or interpreter, to assist you. Where possible, this meeting will take place within 10 working days of receipt of the written complaint.

If the matter includes a complaint relating to a member of staff, the member of staff must have the opportunity to respond to the complaint.

Once the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including an explanation of the decision and the reasons for it. The response will be sent within **15 working days** of the date of receipt of the complaint. If this deadline cannot be met, you will receive an update and revised response date. The response will include details of the action that will be taken to resolve the complaint (if any). You

will be advised that if you are dissatisfied with the outcome of the complaint, before moving to Stage 3, you may request that your complaint be reviewed by the CEO. The CEO may delegate this review to another member of the Central Team or an independent investigator but not the decision to be taken. The CEO will review the original complaint, the action taken by the nursery and the decisions taken by them. Once the review has concluded, the CEO will provide a formal written response within **15 working days** of the request.

If the complaint is about the Nursery Manager, the actions at Stage 2 will be completed by the CEO, another member of the Central Team or an independent investigator. The CEO may delegate the investigation but not the decision to be taken. Once the investigation has concluded, the CEO will provide a formal written response within **15 working days** of the date of receipt of the complaint.

Complaints about the Nursery Manager must be made to the Trust's nominated complaints administrator, via the Trust office. Written complaints must be marked 'confidential' for the attention of the complaints administrator.

If the complaint is about the CEO, the actions at Stage 2 will be completed by the Chair of the Trust Board or an independent investigator.

Once the investigation has concluded, the Chair of the Trust Board will provide a formal written response within **15 working days** of the date of receipt of the complaint.

If the complaint is jointly about the Chair and Vice-Chair or any individual trustee, the entire Trust Board or the majority of the Trust Board, Stage 2 will be considered by an independent investigator appointed by the CEO. When concluding their investigation, the independent investigator will provide a formal written response within **15 working days** of the date of receipt of the complaint.

Complaints about the CEO, Chair of the Trust Board, Vice-Chair of the Trust Board and/or the Trust Board must be made to the Trust's nominated complaints administrator, via the Trust office. Written complaints must be marked 'confidential' for the attention of the complaints administrator.

5.3 Stage 3: Referral to the Complaints Committee

If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. The committee will 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.

To request a hearing before the Complaints Committee, you should write to the Trust's nominated complaints administrator, via the Trust office, within **10 working days** of receiving notice of the outcome of Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

Your written request will be acknowledged in writing (by letter or email) within **5 working days** of receipt.

The complaints administrator will arrange for a Complaints Committee to be convened, made up of at least three members, including:

- members of a local governing body and/or trustees who were not directly involved in the matters detailed in the complaint; and
- one person who is independent of the management and running of the nursery.

The complaints administrator shall appoint one of these members to be the Chair of the Committee.

Every effort will be made to enable the hearing to take place within **15 working days** of the receipt of your request. If this is not possible, the complaints administrator will write to you to inform you of the date of the hearing. As soon as

reasonably practicable and in any event at least **10 working days** before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. You will also be informed of the name of the person who will be presenting the case on behalf of the nursery (referred to in this policy as the 'nursery representative'). This will be the person who undertook the investigation at Stage 2 or another person with sufficient knowledge of the matter.

If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable time frame, the complaints coordinator may determine that the hearing proceeds on the basis of written submissions from both parties.

You have the right to be accompanied to the hearing by a friend, relative, advocate and/or interpreter. You should notify the complaints administrator in advance if you intend to bring anyone to the hearing. Generally, we do not encourage either party to bring legal representatives to the hearing.

Representatives from the media are not permitted to attend.

At least **5 working days** before the hearing, the complaints administrator will request copies of any further written material to be submitted to the committee.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the nursery representative in defence of the complaint, will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or the nursery representative (as applicable) at least **3 working days** before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either party less than 3 working days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The hearing will be conducted to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The complaints administrator will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- the parent and nursery representative will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the nursery representative and committee members will question the parent;
- the nursery representative will explain the nursery/Trust's actions;
- the parent and the committee members will question the nursery representative;
- the parent will sum up their complaint;
- the nursery representative will sum up the nursery/Trust's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 10 working days;
- both parties will leave together while the committee decides.

The complaints administrator and/or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the nursery representative to present their complaint/actions separately to the committee in the absence of the other party.

After the hearing, the Complaints Committee will consider their decision and inform you and, where relevant, the person complained about, of their decision in writing (by letter or email) within **5 working days**. The letter/email will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the nursery or Trust systems or procedures to ensure that problems of a similar nature do not happen again.

5.4 Stage 4: Referral of complaint to Ofsted

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to Ofsted. At the time of writing this procedure, the Ofsted procedure is available at: <https://www.gov.uk/government/organisations/ofsted/about/complaints-procedure>

6.0 Part 2: Concerns or complaints from other persons

Part 1 of this complaints policy applies only to complaints made by parents or carers of current registered nursery children. However, the Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

- **Stage 1** - a concern regarding the nursery or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to the Nursery Manager. It is expected that most concerns will be responded to orally or in writing within **5 working days**. If a longer period is required, you will be kept informed of the progress of the investigation.
- **Stage 2** - where a concern is not resolved at stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Nursery Manager, via the nursery complaints administrator, to investigate. The Nursery Manager may delegate the task of investigation and/or responding to the complaint to another member of staff or may escalate the **complaint** straight to stage 3. A formal response to the complaint will usually be provided within **15 working days** of receipt of the letter of complaint, although if a longer period is required to respond, you will be kept updated. You will be advised that if you are dissatisfied with the outcome of the complaint, before moving to Stage 3, you may request that your complaint be reviewed by the CEO. The CEO may delegate this review to another member of the Central Team or an independent investigator but not the decision to be taken. The CEO will review the original complaint, the action taken by the nursery and the decisions taken by them. Once the review has concluded, the CEO will provide a formal written response within **15 working days** of the request.
- **Stage 3** - if you are not satisfied with the response at stage 2, you may request that a Complaints Committee be convened to consider your complaint by writing to the Trust's nominated complaints administrator. You should write to them within **10 working days** of receipt of the letter at stage 2. Requests received outside of this time frame will only be considered if **exceptional** circumstances apply. The complaint may be considered alone or a complaints committee may be convened on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within **20 working days** of receipt of the request for a review. The decision at stage 3 exhausts the Trust's complaints procedure.

Concerns or complaints regarding the Nursery Manager should be referred to the Trust's nominated complaints administrator (via the Trust office) for consideration by the CEO.

Concerns or complaints about the Trust as a whole should be referred to the Trust's nominated complaints administrator, via the Trust office. They will arrange for the stages above to be considered by an appropriate person.

7.0 Part 3: Serial and persistent complaints and unreasonable complainant behaviour

There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff or trustees is abusive, offensive, discriminatory or threatening;
- where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the nursery because of the frequency or nature of the complainant's contact, such as, if the complainant:
 - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
 - refuses to co-operate with the complaints investigation process
 - refuses to accept that certain issues are not within the scope of the complaints procedure
 - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
 - changes the basis of the complaint as the investigation proceeds
 - seeks an unrealistic outcome, such as the inappropriate dismissal of staff
 - makes excessive demands on nursery time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
 - knowingly provides falsified information
 - publishes unacceptable information on social media or other public forums
- where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
 - complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance

- demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the nursery or Trust, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the nursery's premises. Any such arrangements will be reviewed after six months;
- conduct the Complaints Committee on the papers only, i.e. not hold a hearing;
- refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or why the complaint is considered vexatious, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns;
- the complainant has been given a clear statement of our position and their options; and
- the complainant contacts us repeatedly, making substantially the same points each time.

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff; and/or
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

8.0 Part 4: Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the nursery or the Trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants; and/or

- publish a single response on the nursery's/Trust's website (as applicable).

Appendix 1: Matters excluded from scope of this policy

Excluded Matters	Signposting
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Where a complaint highlights a clear child protection or safeguarding concern, a referral to the nursery's Designated Safeguarding Lead (DSL) will take place immediately. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures or appeals processes specific to relevant policies.
Staff conduct	Certain complaints about staff may need to be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns should complain through the nursery's complaints procedure. You may also be able to complain directly to the Department for Education (see link above), depending on the substance of the complaint.

Appendix 2: Complaints Form

Please complete and return to the nursery or Trust office (as applicable) in a sealed envelope addressed to the relevant person as outlined in the policy.

Personal Details	
Name:	
Child's name:	
Your relationship to the child:	
Address:	
Postcode:	
Day time contact number:	
Evening contact number:	
Email address:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)	

What would you like as an outcome from your complaint(s)?
Are you attaching any paperwork? If so, please give details.
If your complaint has already been considered at Stage 1 (usually by the Nursery Manager, see policy), what are your grounds for escalating the complaint?

Signature:	
Date:	

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018, the UK General Data Protection Regulation and the Freedom of information Act 2000.

Internal Use

Date Received.....

Date Acknowledgement sent.....

Responsible member of staff.....

Appendix 3: Timescales within the complaints procedure

Note: The timescales identified in this table have been consulted on with unions and associations, and it would be unwise to alter these, although the DfE model procedure does allow for this. The recommendations below, and throughout the document, are based on the previous procedure (2015), which included 5 stages, and common practice across schools. In the DfE example procedure there is no option to change the 3-month limit for the submission of a complaint and given that the final stage a complainant has is to approach the DfE it would be unwise to do so. The timescales identified below are marked in the main text in red for ease of identification.

Page	Type of action	Suggested timescale	Rationale
3	Timescale in which a complaint must be raised	3 months	The DfE model procedure does not suggest this should be amended by schools.
5	Timescale for the acknowledgement of receipt of a complaint by the Nursery Manager	5 working days	Previous procedure states 10 days at the old Appeals Committee stage but sets no limits at earlier stages.
6	Timescale for the formal response from date of the complaint	15 working days	Previous procedure states 10 days from the conclusion of investigation; 15 seems reasonable to allow 5 days to investigate.
6	Timescale for the outcome of a review of the formal response (where requested by the complainant)	15 working days from receipt of the request	Time required to review the original complaint and actions taken by the nursery
6	Timescale for the receipt of a stage 3 complaint once the findings of stage 2 are communicated	10 working days	From the previous procedure
6	Timescale for Trust's complaints administrator to acknowledge stage 3 complaint	5 working days	Previous procedure states 10 days, but this was for CoG who also had to explain the arrangement for investigation requiring much more detail.
7	Timescale for convening a meeting with the complaints committee	15 working days	Previous procedure states 20 days for CoG to complete the investigation; therefore 15 days seems reasonable.
7	Timescale for administrator to communicate the date of the meeting	10 working days	Seems appropriate given the variable length of time it may take to convene the meeting.
7	Timescale for the submission of paperwork	5 working days	Previous procedure states 5 days to circulate, not gather, paperwork, but there is nothing else to base this on.
7	Timescale for paperwork to be distributed to all parties	3 working days	This is less than before, but the previous 2 timescales dictate this, and

			the increased use of email facilitates this.
8	Timescale for the provision of a full report following a complaints committee decision	5 working days	This is in line with the appeal committee timescales in the previous procedure.