

Complaints Procedure

The following related tools and resources can be found in the 'Tools and Resources' section in the members only area of the website.

- *Complaints Log template*
- *Review Panel Report template*

What is it?

A formal process for dealing with complaints. It ensures all complaints whether serious or trivial are treated fairly and equally and assures service users of transparency.

Why have one?

A Complaints procedure can be used by anyone who feels they have a complaint against the setting, or its management.

Anyone using a service provided by someone else has every right to expect that service to be of an assured level of quality and if that service falls below the expected standard, or if something goes wrong, then the service user is entitled to make a complaint.

The Statutory Framework for the Early Years Foundation Stage requires childcare settings to have procedures in place for dealing with complaints from service users and for summary records of these complaints to be made available to Ofsted during an inspection and upon request to all service users. Not all complaints will fall within the remit of Ofsted to investigate but the setting should investigate and respond to them all in the same way. It is good practice to respond openly to complaints as no one ever gets it right all the time.

How?

Good Practice when dealing with Complaints

- Clarity – ensure that your Complaints Procedure is clear and understandable by all Staff and Users.
- Respect – listen and take every complaint seriously who ever has made it.
- Recording – log concerns, investigations and outcomes, of formal complaints.
- Support – provide support to enable staff and users to make complaints, assist them in communicating either verbally or written.
- Time – respond appropriately, a minor complaint can be sorted out there and then, more serious cases the complainant must be told what will happen and when.
- Fairness – ensure that the investigation process is fair
- Reflecting – learn from the complaint and make necessary changes.

Minor Complaint

An informal response to a complaint will usually be appropriate where the matter can easily and amicably be resolved also where the risk or impact on the child is low or where staff behaviour is not an issue. Aim to resolve immediately or on a day to day basis, but a maximum of 5 days. Resolve through open dialogue. It would not seem necessary to record this as a formal complaint. If agreement cannot be reached the next stage is to make a written formal complaint.

Written Formal Complaint

It is current legislation that the setting must have a written procedure for dealing with complaints. The legal requirements on how to act and the setting's procedure must reflect all the stages listed

- Written procedure
- conduct an investigation according to your procedures
- make a written report of the findings
- report back to the complainant within 28days
- assess who needs to see the outcome
- record the complaint

It is important to use the formal procedure to guide you through the process of investigation so that issues can be dealt with in an objective way and a resolution agreed. Some formal complaints and their outcomes may involve other agencies, Ofsted, the local Authority, Health and Safety Executive, Environmental Health, Gloucestershire Safeguarding Children's Board, Insurance companies and ACAS.

If the complaint concerns a member of staff's behaviour or performance they must be informed and be given full details.

Malicious Complaint

Even if the setting feels it is unfounded the integrity of the setting is at risk, it is still important to investigate this as a complaint. The process will show if there is evidence to support the complainant's claim or no. The complaint needs to be recorded.

Review Panel

If a complaint can't be resolved after the procedure has been followed, the setting will need to set up a Review Panel.

- Appoint a panel - no one on the panel should have been involved previously with the complaint or be a friend of the complainant.
- The complainant must be informed of the people on the review panel and has a right to object.
- The complainant can have an advisor at the meeting
- All parties must have access to all information and to all relevant people.
- Meeting arranged to suit all parties



- The review panel decides on the outcome and makes a written report of the review meeting, this must be given to all parties.

REVIEW PANEL REPORT

Date And Venue
Complaint
Facts
Unconfirmed Facts
Recommendations
Date Completed by

