COMPLAINTS POLICY

Setting: St.Nicholas Nursery & Preschool

Policy: Complaints

Applies to: Children, parents/carers, staff, students, volunteers, agency workers and visitors

Effective from: September 2026

Review date: September 2027 or sooner if legislation or statutory guidance changes

Policy Statement

At St.Nicholas Nursery , we believe that children, parents/carers, staff, visitors and other members of our community are entitled to be treated with courtesy, dignity, respect and fairness.

We welcome feedback, concerns, complaints and suggestions as an important part of maintaining and improving the quality, safety and effectiveness of our provision.

We will listen to concerns seriously and respond in a timely, fair, transparent and proportionate way. We will seek to resolve concerns at the earliest appropriate stage while ensuring that complaints are investigated properly and that safeguarding concerns are never treated simply as a complaint.

Our approach is based on a **child-centred, open and learning-focused culture**. We will consider what is in the best interests of the child when responding to any concern and will take appropriate action to safeguard children and promote their welfare.

We will not treat a person less favourably because they have raised a genuine concern or complaint.

Legislative and Statutory Framework

This policy is informed by the current statutory requirements and guidance applicable to early years provision, including:

- **Early Years Foundation Stage (EYFS) Statutory Framework for Group and School-Based Providers – effective from 1 September 2026**
- **Keeping Children Safe in Education (KCSIE) 2026**, where applicable to the setting and used as safeguarding best practice
- **Children Act 1989**
- **Children Act 2004**
- **Childcare Act 2006**
- **Equality Act 2010**
- **Human Rights Act 1998**, where applicable
- **Data Protection Act 2018**
- **UK General Data Protection Regulation (UK GDPR)**
- **Working Together to Safeguard Children**
- Relevant local safeguarding partnership procedures
- Ofsted registration and enforcement requirements
- Relevant guidance concerning allegations against people working with children, low-level concerns and whistleblowing.

The EYFS 2026 framework requires providers to have an effective complaints procedure and to investigate written complaints relating to the provider's fulfilment of the EYFS requirements, informing the complainant of the outcome within 28 days. Written complaints and their outcomes must be available to Ofsted on request.

Scope

This policy applies to concerns and complaints raised by or relating to:

- Parents and carers
- Children, where appropriate to their age and understanding
- Employees
- Agency workers
- Students and apprentices

- Volunteers
- Contractors
- Visitors
- Other professionals working with the nursery or children.

Complaints may relate to the quality or operation of the provision, communication, care, learning, inclusion, fees or administration, staff conduct, policies, facilities, or any matter relating to the nursery.

A Complaint Is Not Always a Safeguarding Complaint

All concerns will be considered carefully to determine the appropriate response.

A concern may need to be managed under another procedure rather than through the ordinary complaints process.

Examples include:

Safeguarding concern about a child

If information suggests that a child may be at risk of harm, abuse or neglect, the matter will be referred immediately to the Designated Safeguarding Lead (DSL) or Deputy DSL and managed under the **Safeguarding and Child Protection Policy**.

A complaint procedure must not delay a safeguarding referral.

Allegation or concern about an adult

Where a concern relates to the behaviour or conduct of an employee, agency worker, volunteer, student, contractor or other adult working with children, the concern will be assessed against the relevant safeguarding threshold.

This includes concerns that:

- meet the threshold for an allegation of harm;
- may require referral to the Local Authority Designated Officer (LADO);
- may be a safeguarding concern that does not meet the harm threshold; or
- constitute a low-level concern.

KCSIE 2026 reinforces that concerns about adults working with children should be acted upon and appropriately recorded, including concerns that do not meet the threshold for a formal allegation.

Whistleblowing

A member of staff who believes that safeguarding practice, management arrangements or another aspect of the provision places children at risk may raise a whistleblowing concern.

Staff will not be expected to use the normal complaints procedure where the concern is a genuine safeguarding or whistleblowing matter.

Principles for Managing Complaints

All complaints will be managed in accordance with the following principles:

- The child's welfare remains paramount.
- Complaints will be taken seriously.
- Complaints will be acknowledged and investigated appropriately.
- Investigations will be proportionate to the nature and seriousness of the concern.
- The person investigating should be sufficiently independent of the concern wherever reasonably practicable.
- Information will be shared only with those who have a legitimate need to know.
- Confidentiality will be maintained, subject to safeguarding, legal and regulatory requirements.
- Records will be factual, objective, accurate and dated.
- The complainant will be kept appropriately informed.
- Complaints will not result in retaliation or unfair treatment.
- Where weaknesses are identified, learning and improvement actions will be implemented and monitored.

How a Complaint Can Be Raised

A complaint may be raised:

- Face-to-face

- By telephone
- In writing
- By email
- Through the nursery's family communication system
- Through another agreed communication method
- Anonymously, where possible, through the complaints box.

Where a parent/carer has difficulty putting their complaint in writing, reasonable assistance will be provided.

Anonymous complaints will be considered where sufficient information is provided. The nursery may be unable to provide an individual response where the complainant's identity is unknown.

Stage 1 – Informal Resolution

Where appropriate, concerns should initially be raised with the relevant Room Leader, Manager or member of the leadership team.

The purpose of Stage 1 is to resolve straightforward concerns quickly and constructively.

The person receiving the concern should:

1. Listen without interruption.
2. Clarify the concern and desired outcome.
3. Consider whether there is an immediate safeguarding issue.
4. Take appropriate action.
5. Explain what will happen next.
6. Record the concern and action taken where appropriate.

Not all concerns need to progress to a formal complaint.

However, **safeguarding concerns, allegations about adults and serious concerns must not be delayed or downgraded simply because the complainant initially raises them informally.**

Stage 2 – Formal Written Complaint

If the concern cannot be resolved informally, or the complainant wishes to make a formal complaint, it should be submitted in writing.

The complaint should include, where possible:

- The nature of the complaint
- Relevant dates and times
- People involved
- Any relevant evidence
- The impact of the issue
- The outcome or resolution being sought.

Where a complainant is unable or unwilling to submit the complaint in writing, the Manager or another appropriate person may record the complaint on their behalf.

The Manager will:

- Review the complaint.
- Determine whether it is a complaint, safeguarding concern, allegation, low-level concern or whistleblowing matter.
- Undertake an appropriate risk assessment where required.
- Identify who should investigate.
- Gather relevant information and evidence.
- Speak to relevant individuals.
- Review relevant records, policies and procedures.
- Consider whether other agencies or professionals need to be informed.
- Identify any immediate actions required to protect children.
- Develop an action plan where appropriate.
- Maintain confidentiality throughout the process.

The investigation will be conducted fairly and without prejudging the outcome.

Safeguarding Complaints and Allegations About Staff

Where a complaint includes an allegation that an adult working with children may have:

- harmed a child;
- behaved in a way that may indicate they are unsuitable to work with children;
- potentially committed an offence against or related to a child;
- behaved towards a child in a way that indicates they may pose a risk of harm; or
- acted inappropriately towards children,

the matter will **not** be dealt with solely under the ordinary complaints procedure.

The DSL/Manager will immediately consider whether the matter should be referred to:

- Children's Social Care;
- the police;
- the Local Authority Designated Officer (LADO);
- Ofsted; or
- another relevant safeguarding agency.

The nursery will follow the **Safeguarding and Child Protection Policy** and relevant local safeguarding procedures.

The EYFS 2026 framework has strengthened requirements concerning allegations of **harm** involving people living, working or looking after children on the premises.

Low-Level Concerns About Adults

A concern about an adult may not meet the threshold for referral to the LADO but may still be relevant to safeguarding.

Examples may include behaviour that is:

- inconsistent with the Staff Code of Conduct;
- overly familiar or inappropriate;
- boundary crossing;
- inconsistent with expected professional standards;
- concerning because of repeated patterns of behaviour; or
- otherwise causes a sense of unease about an adult's behaviour around children.

Such concerns will be reported to the DSL/appropriate senior leader and managed in accordance with the nursery's **Low-Level Concerns Procedure**.

A low-level concern must never be dismissed simply because it does not meet the threshold for an allegation.

Records will be factual and proportionate and will be reviewed for patterns or emerging safeguarding concerns.

KCSIE 2026 requires safeguarding concerns about staff to be managed appropriately, including concerns that may not meet the formal allegation threshold.

Whistleblowing

All staff have a responsibility to raise concerns where they believe children may be at risk or safeguarding arrangements are not effective.

Staff should normally raise concerns with:

1. The DSL;
2. The Nursery Manager;
3. The Registered Person/appropriate senior leader.

Where a member of staff cannot safely raise the concern internally, or believes that appropriate action has not been taken, they may use the organisation's whistleblowing arrangements and/or contact an appropriate external agency.

Staff will not be subjected to detriment for raising a genuine safeguarding concern in good faith.

KCSIE 2026 identifies whistleblowing as part of safeguarding arrangements and emphasises that safeguarding concerns should be acted upon without delay.

Timescales

Written complaints relating to the nursery's fulfilment of EYFS requirements will be investigated and the complainant informed of the outcome **within 28 days of receipt**, wherever reasonably practicable.

Where an investigation cannot reasonably be completed within 28 days because of its complexity, the complainant will be informed of the reason for the delay and given an expected timescale for completion.

Safeguarding matters may require immediate action and will not be delayed to meet a complaints timetable.

Outcome of a Complaint

The complainant will be informed of:

- The outcome of the investigation;
- Whether the complaint has been upheld, partially upheld or not upheld;
- Any appropriate action taken;
- Any improvements or learning identified, where this can be shared;
- Any further stage of the complaints procedure available to them.

The nursery will respect confidentiality and will not disclose confidential information about staff, children or other families.

Where a complaint identifies a weakness in practice, the nursery will consider whether changes are required to:

- policies;
- procedures;
- staff training;
- supervision;
- risk assessments;
- communication;
- resources;
- staffing arrangements; or
- safeguarding practice.

Stage 3 – Review

If the complainant remains dissatisfied with the Stage 2 outcome, they may request a review.

The review should be undertaken by an appropriate senior person who was not directly responsible for the original investigation, where reasonably practicable.

The review will consider:

- Whether the correct procedure was followed;
- Whether relevant evidence was considered;
- Whether the investigation was reasonable and proportionate;
- Whether the outcome was supported by the evidence;
- Whether further action is required.

A written outcome will be provided.

The complainant may be accompanied by a friend, partner or representative at a review meeting, where appropriate.

Further Escalation

Where a complaint cannot be resolved through the nursery's complaints process, the complainant may contact Ofsted where their concern relates to the nursery's compliance with registration requirements or the EYFS requirements.

Ofsted may use information received as part of its regulatory and inspection activity. Ofsted does not generally investigate individual complaints on behalf of parents but may take information into account when considering compliance or risk.

Parents/carers should contact the appropriate local authority or the police immediately where they believe a child is at risk of harm.

Ofsted

Parents/carers will be provided with information about how to contact Ofsted if they believe the nursery is not meeting the EYFS requirements.

Ofsted

Ofsted National Business Unit
Piccadilly Gate
Store Street

Manchester
M1 2WD

Telephone: 0300 123 4666

Parents may also contact Ofsted through the GOV.UK website.

The nursery will notify Ofsted of matters where this is required by the EYFS, Ofsted requirements or other applicable legislation/guidance.

Local Safeguarding Arrangements

Where there is a concern that a child may be suffering, or may be at risk of suffering, harm, the nursery will follow the procedures of the Brent Family Front door and make a referral to Children's Social Care or the police where required.

The complaints procedure must never prevent or delay a safeguarding referral.

18. Data Protection and Confidentiality

All complaint records will be handled in accordance with:

- UK GDPR;
- Data Protection Act 2018;
- the nursery's Privacy Notice;
- relevant information-sharing and safeguarding requirements.

Information will only be shared where there is a lawful basis and/or a safeguarding or legal requirement to do so.

Data protection is not a barrier to sharing information where this is necessary to safeguard a child. KCSIE 2026 specifically reinforces the importance of appropriate information sharing when safeguarding concerns arise.

Parents/carers may request access to information relating to their child, subject to data protection requirements and applicable exemptions.

Complaints Involving the Manager or DSL

Where a complaint concerns the Nursery Manager, DSL or another member of the senior leadership team, the complaint will be referred to an appropriate senior person within the organisation who is sufficiently independent to consider the matter.

Where the complaint concerns safeguarding, the safeguarding route will take priority.

Where the complaint concerns the DSL, another appropriate safeguarding professional will be identified to ensure that safeguarding concerns can be considered independently.

Records and Record Keeping

The nursery will maintain records of written complaints and their outcomes.

Records will include, where appropriate:

- Date the complaint was received;
- Name of complainant, where known;
- Nature of the complaint;
- Relevant dates, times and circumstances;
- People involved;
- Evidence considered;
- Actions taken;
- Safeguarding decisions, where relevant;
- Investigation findings;
- Outcome;
- Any actions or improvements identified;
- Date the complaint was closed.

Records will be factual, objective and proportionate.

Complaint records will be stored securely and accessed only by people with an appropriate professional need to know.

The EYFS 2026 requires providers to maintain and securely manage relevant records and information and to make appropriate information available to Ofsted when required.

Written complaints and their outcomes will be retained in accordance with the nursery's records retention schedule and applicable statutory requirements.

Learning From Complaints

Complaints are viewed as an opportunity to identify areas for improvement.

The Manager and leadership team will periodically review complaints to identify:

- recurring themes;
- safeguarding trends;
- communication issues;
- training needs;
- policy or procedural weaknesses;
- environmental or operational issues;
- equality and inclusion concerns; and
- opportunities to improve children's experiences and outcomes.

Where appropriate, learning will be shared with staff without disclosing confidential information.

Unreasonable or Persistent Complaints

The nursery recognises that a complainant may need to raise a concern more than once where it has not been resolved.

However, the nursery may identify a complaint as unreasonable or persistent where, for example, the complainant:

- repeatedly raises the same issue after it has been fully investigated;
- refuses to accept the outcome despite the appropriate procedure being completed;
- makes excessive or unreasonable demands on staff;
- behaves abusively, threateningly or aggressively towards staff; or
- repeatedly contacts multiple members of staff in an attempt to obtain a different outcome.

Any decision to restrict communication will be proportionate, reasonable and documented.

This section will not be used to prevent a genuine safeguarding concern from being raised or investigated.

No Victimisation or Retaliation

No child, parent/carer, staff member, student, volunteer or other person will be treated unfairly because they have:

- raised a genuine concern;
- made a complaint;
- provided information during an investigation;
- raised a safeguarding concern;
- reported a low-level concern; or
- raised a whistleblowing concern in good faith.

Related Policies

This policy should be read alongside:

- Safeguarding and Child Protection Policy
- Child Protection and Safeguarding Procedures
- Staff Code of Conduct
- Low-Level Concerns Procedure
- Whistleblowing Policy
- Behaviour Policy
- Inclusion and Equality Policy
- SEND Policy
- Health and Safety Policy
- Information Sharing Policy
- Data Protection and Privacy Policy
- Allegations Against Staff Procedure
- Staff Disciplinary and Capability Procedures.

Policy Review

This policy will be reviewed annually and sooner where:

- legislation changes;
- EYFS requirements change;
- KCSIE is updated;
- Ofsted requirements change;
- local safeguarding procedures change;
- an incident or complaint identifies a need for amendment; or
- organisational arrangements change.

Policy effective date: September 2026
Next scheduled review: September 2027