



The NEST
alternative
provision
www.thenest-ed.uk

Complaints Policy

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Policy aims

At the NEST, we want to maintain an open attitude to all feedback including all complaints. We approach complaints as learning opportunities and aim to be approachable to all stakeholders to address their complaints and concerns. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedure will be followed. Also, there may be occasions when complainants would like to raise their concerns formally.

This policy aims to:

- Show the NEST's commitment to developing a culture where all complaints are considered important and everyone feels their thoughts have been considered in decisions
- Outline how we will meet our statutory obligations regarding complaints from learners or caregivers by:
 - Being impartial and non-adversarial
 - Facilitating a full and fair investigation by an independent person or panel if necessary
 - Addressing all points of a complaint
 - Acting promptly to complaints
 - Respecting the complainant (including privacy and confidentiality) and treat them courteously
 - Ensuring decisions are lawful, rational, reasonable, fair and proportionate
 - Keeping complainants informed of progress of the process
 - Considering improvements to our service based on the complaint

This policy does not cover complaints procedures relating to:

- Safeguarding matters (see Safeguarding and Child Protection Policy)
- Whistleblowing (see Whistleblowing Policy)
- Staff grievances and staff discipline (see Staff Code of Conduct)

Links to legislation and guidance

This policy has been written in compliance with the following legislation and guidance:

- [Children Act 2004](#)
- [Education and Inspections Act 2006](#)
- [Equality Act 2010](#)
- [Children and Families Act 2014](#)
- [Education \(Independent School Standards\) Regulations 2014](#)

Associated policies and further reading

This policy should be read in conjunction with the following associated policies and documents:

- Equity, Diversity and Inclusion Policy
- Data Protection Policy
- Managing Allegations Against Staff Policy
- Safeguarding and Child Protection Policy
- Whistleblowing Policy

Definitions

Concern – an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

Complaint – an expression of dissatisfaction, about actions taken or not taken.

Roles and Responsibilities

Directors

Directors are responsible for ensuring that complaints are heard, fairly considered and resolved. It is their responsibility to:

- Give the complainant opportunity to fully complete complaints procedure
- Publicise the policy, making it available on our website
- Be sensitive to the needs of all parties and make any reasonable adjustments needed to accommodate any of the parties.
- Chair any meetings, ensuring everyone is treated with respect throughout

Complainant

The complainant has responsibility to themselves and to the NEST to approach the complaint as compassionately and in as controlled manner as they can manage. The NEST understands that when someone becomes a complainant that is generally under duress, and this may not always be possible. The most effective and timely responses to complaints occur when complainants:

- Follow these procedures
- Cooperate with the NEST throughout the process, meeting deadlines, responding to communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

See Appendix A for Complaint Form.

Investigator/Complaints Co-ordinator

An individual will be appointed from within the NEST or a suitable alternative if complaints are against the Directors. They are responsible for looking into the complaint, establishing the facts and keeping relevant stakeholders informed. It is their responsibility to:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the directors, which includes the facts and potential solutions
- Keep the complainant up to date at each stage in the procedure
- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange complaints hearings
- Make sure all stakeholders see the relevant information, understand the purpose of meetings, and are allowed to present their case
- Liaise with staff members and Directors
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants (e.g. interpretation support or where the complainant is a child or young person)
- Keep records
- Record and circulate the minutes and outcome of the hearing

See Data Protection Policy for more information.

Pastoral Care Lead

The Pastoral Care Lead is responsible for supporting the complainant and any subjects of the complaint. It is their responsibility to:

- Conduct welfare checks on all stakeholders
- Offer stakeholders opportunities to talk
- Recommend any measures for meetings/hearings to support stakeholders

Community voice

We value lived experience at the NEST, and we believe that centring the voice of lived experience is a route to better care. The insight of learners, caregivers, staff and collaborators are invaluable in shaping an environment of trust, collaboration and co-ownership. Intentionally prioritising the perspective of learners and caregivers supports educator understanding of learner needs and can empower learners to contribute to meaningful decision making and to take

an active role in their learning. Valuing staff and collaborator feedback can facilitate closer co-working and productive communication.

We want to approach these complaints as opportunity to learn so we will endeavour to involve learners and caregivers (particularly those who have used it) in the review of this policy. There will always be the option to give feedback on all policies via the website.

Processes

Responding to complaints

Informal complaints

The NEST takes informal concerns seriously and makes every effort to resolve matters quickly. Clarification of information may resolve an issue. The expected steps of an informal review and the timeframe we commit to are displayed in the following table:

Stage	Timeframe
<u>Concern/complaint made</u> Complainant contacts relevant member of staff or director as appropriate and according to their comfort. This can be either in person or by email, phone (Appendix B – Key Contacts)	As soon as possible
<u>Acknowledgement</u> The NEST will contact the complainant that they have logged this complaint and are beginning investigation	3 working days
<u>Investigation</u> Investigator establishes: • What has happened • Who was involved • What complainant feels would put things right This information will then be shared with all stakeholders	7 working days
<u>Discussion</u> Complainant and Director (and the subject of the complaint) and support as necessary have a discussion about the result of the investigation and attempt to reach a resolution.	5 working days
If the complaint is not resolved informally, it will be escalated to a formal complaint.	

Formal Complaint

For assistance raising a formal complaint, contact Joy Iliff (joy@thenest-ed.uk).

Stage	Timeframe
<u>Concern/complaint made</u> Complainant contacts relevant member of staff or director as appropriate and according to their comfort. This can be either in person or by email, phone, via the website (digital form) (Appendix	As soon as possible

B – Key Contacts) or by a third party acting on behalf of the complainant The need to include the following: Details required: • Dates and times • Names of witnesses of events • Relevant documentation • What will resolve it	
<u>Acknowledgement</u> A Director will contact the complainant that they have logged this complaint and are beginning investigation	5 working days
<u>Initial discussion</u> A Director will chair a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the NEST of the identity of their companion in advance (in case of conflict of interest). If a companion is not suitable the NEST will contact with at least 2 working days' notice to allow complainant to find more suitable companion Recordings not usually made unless complainants access needs involve it. If they are deemed necessary, verbal consent will be recorded in the recordings.	5 working days
<u>Investigation</u> Investigator (Director if appropriate) investigates (if escalated by reviewing the previous investigator's reports). They may speak to witnesses, review correspondence and collect evidence. This information will then be shared with all stakeholders	
<u>Resolution offered</u> Director proposes in writing/meeting a resolution from investigation and complainant able to escalate if they want to. They have 10 days to make up their mind. They must include reason for escalation – why the previous resolution is not sufficient Acknowledge – 3 days	10 working days
<u>Committee review</u> Complainant and Director (and the subject of the complaint) and support as necessary have a discussion about the result of the investigation and attempt to reach a resolution. A committee of 3 non NEST? Who will hear it and advise a resolution Complainant can attend accompanied though preferably not a lawyer (can be considered in exceptional circumstances) No media Everyone can give evidence and witness statements and be asked questions Committee get private discussion time	10 working days
<u>Committee conclusion</u> Findings and recommendations and minutes to everyone Uphold complaint in all or part Dismiss complaint in all or part If the complaint is upheld, the committee will:	10 working days

• Decide the appropriate action to resolve the complaint • Where appropriate, recommend changes to the setting's systems or • procedures to prevent similar issues in the future Inform everyone in 10 days	
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Follow up

Two weeks after a concern or complaint has been resolved, the NEST will contact the complainant where appropriate for feedback, to check they are happy with the solution and that they are accessing whatever support they may need.

Timeframes

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

Record keeping and information sharing

Record keeping

Details of the complaint including the nature of the complaint, the actions taken and resolution will be recorded in a Complaint Tracker (Appendix C).

Information sharing

Complainants can access the information up to 5 years after the complaint is resolved.

Training

Staff induction includes an introduction to this policy and processes and clear direction to find the different complaints routes. All staff training is logged and stored in our staff records.

Review

This policy will be reviewed annually at a minimum. Updated policies will be made available locally and on our website (www.thenest-ed.uk). Ad hoc amendments will be made as new information becomes available and to align with any legislative changes as they arise. Stakeholder feedback, particularly that of learners and caregivers, will be invited and incorporated as much as is practicable. Where quantitative data are available these will be analysed and embedded in policies updates.

We will keep data on concerns, complaints and their resolutions for analysis:

- Nature of concern/complaint (e.g. admission, disciplinary process, quality of service)
- Demographic information about complainants to assess if our style of operating impacts any demographic disproportionately
- Level of complexity (scored at the resolution of a complaint)
- Resolution

Appendices

Appendix A – Complaint Form

Appendix B – Key Contacts

Aoife Healy (Director)	0118 499 2762	aoife@thenest-ed.co.uk
Joy Iliff (Director)		joy@thenest-ed.co.uk

Appendix C – Complaints Tracker