

## **Complaints Procedure**

### **Introduction**

The terms and conditions which govern funding to Approved Providers for early years education and childcare for two, three and four year olds are as set out in Nursery Education Funding Agreement (as amended from time to time).

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/childreducationandfamilies/workingwithchildren/publicationssettings/NurseyEducationFundingTerms.pdf>

All Approved Providers which receive, or are eligible to receive funding, for the early education and childcare entitlements are required to adhere and comply with the Funding Agreement.

Broadly, the Funding Agreement requires Providers to ensure the following:

1. Places are delivered completely free of charge to parents;
2. Places are provided flexibly in a pattern which meets the needs of parents;
3. Funding provided is used properly and in accordance with any arrangements made between the Council and the Provider;
4. The needs of disabled children and children with special educational needs are met by the Provider;
5. The Provider ensures effective safeguarding and promotion of welfare of the children for whom the early education is provided;
6. Providers actively promote fundamental British values and not promote as evidence-based views or theories which are contrary to established scientific or historical evidence and explanations;
7. Providers, in the case of an independent schools, adhere to the independent school standard in relation to the spiritual, moral, social and cultural development of pupils.
8. The quality provisions are met.
9. Providers fully implement all measures identified in a report from Ofsted to improve the overall effectiveness of the provision.
10. There are effective arrangements in place for proper administration of the funding arrangements

The Agreement sets out the circumstances under which Oxfordshire County Council may terminate the Nursery Education Funding Agreement and remove an Approved Provider from the Council's Early Years Provider Directory for the free entitlement of nursery education for 2, 3 and 4 year olds.

## **Complaints process**

The Council will consider all complaints received and every complaint will be treated in a confidential manner (unless there is a legal requirement to disclose)

A complaint made will first be considered by Council officers with due regard to the following matters:

1. The source of the complaint and whether this is an isolated case or whether previous or multiple complaints have been received about the same or similar issue.
2. How well the complaint can be substantiated and whether further evidence is or may be available.
3. The severity of the issues raised by the complaint

If officers decide, having regard to the above, that the complaint should be investigated further then a further investigation will be carried out and the appropriate Regulator informed (if applicable).

The Council may, as a result of the complaint, do any or all of the following:

1. Contact the Provider to require further information be provided, as the Council may consider relevant.
2. Seek to address the issues raised in the complaint in consultation with the Provider and carry out further audits / inspections to ensure future compliance
3. Withdraw the Provider's appointment as an Approved Provider under the Terms and Conditions of the Funding Agreement and terminate the funding arrangements

If, under 3 above, withdrawal of funding relates to administration of entitlements (1,2,3 and 10 above) then the Council's decision will be reviewed only after a satisfactory change in practice has been demonstrated by the Provider to the Council as to how the failure will not re-occur.

If, under 3 above, withdrawal of funding is under clause 8.5 of the Funding Agreement (6 and 7 above) the Council will only consider a further review if new evidence comes to light to demonstrate how the respective values and / or standards will be met.

If, under 3 above, withdrawal of funding is under clause 2, 6 or 8 of the agreement, (4,5,8 and 9 above) the Council will only review its' decision subsequent to a satisfactory further Ofsted judgement which addresses the respective matters which constituted a breach of the Funding Agreement

## **Procedure for reviewing complaints**

The Provider will be able appeal in writing against the Council's termination / withdrawal of funding decision.

Notice of appeal must be sent, together with any documents supporting the grounds for the appeal, by recorded delivery (or email)

to

Sufficiency and Access Manager: Early Years and Childcare  
Oxfordshire County Council, County Hall, New Road, Oxford, OX1 1ND

If the Appeal relates to the administration of the entitlements the Provider will have 10 working days from the date that the notification of withdrawal is sent to submit evidence that a change in practice has taken place.

If the Appeal relates to children being provided with a broad and balanced curriculum (6 and 7 above), the Council will review any new information or evidence that is subsequently made available.

In the case of quality issues, the Council will review the outcome of any new Ofsted judgement, when published. Providers should notify the Council when a further Ofsted inspection takes place, so that a Council officer can attend.

The Provider will be notified in writing of the outcome of the further review as soon as the Council has convened a panel and the decision has been reviewed.

The outcome of the Council's further review will be either:

- a) Uphold the original decision to withdraw funding and require the Provider to notify parents of this decision, or
- b) Require further actions to be undertaken, with a given timescale, by the Provider to meet the conditions of the Funding Agreement for their continued appointment and/or to ensure that its setting meets the required standards set or referred to within the Funding Agreement.

There will be no further right of appeal if the required compliance or standards required by the Council under (b) above are not achieved by the Provider within the timescale required

If, after having gone through the formal appeals process, the Provider is not satisfied with the process, they can ask the Local Government Ombudsman to investigate.

The Local Government Ombudsman is independent of the Council and investigates allegations of maladministration causing injustice to the person who has complained. The Ombudsman investigates complaints about most Council matters including housing, planning, education, social services, and council tax.

July 2018