

Version	Adopted by Board on	Signature of Chair
1.0		



# *Complaints Procedure*



## Complaints Procedure

### Principles

It is the aim of TURN Education C.I.C. to provide an outstanding experience and education for everyone who uses our service. The Managing Director and staff work hard to build positive relationships with all parents/carers and commissioners. We are nonetheless obliged to have procedures in place in case there are complaints by parents/carers or other interested parties. The following policy sets out the procedures that we follow in such cases. If any parents/carers are unhappy with the experience and/or education that their child, young person or vulnerable adult is receiving, or have any concerns relating to TURN Education, we encourage them to talk to the Managing Director (Caroline Hardeman-Mason) immediately, either face-to-face or over the phone.

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children or vulnerable adults using the facilities of TURN Education C.I.C. ("the Company"). Any person, including members of the public, may make a complaint to the Company about any provision of facilities or services that we provide. However, employees, self-employed contractors, volunteers and anyone else working with or for the Company should channel any issues they have with the Company, through the Grievance Procedure contained in the '*Putting Things Right*' disciplinary and grievance framework. Unless complaints are dealt with under separate statutory procedures, we will use this complaints procedure.

### The difference between a concern and a complaint

A **concern** may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A **complaint** may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. The Company takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Caroline Hardeman-Mason, the Managing Director, will, wherever practicable, refer you to another staff member or member of the Board. Similarly, if the member of staff directly involved feels unable to deal with a concern, Caroline Hardeman-Mason will, wherever practicable, refer you to another staff member or member of the Board. The ability to consider the concern objectively and impartially is the most important attribute required by the person nominated to deal with a concern.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Company will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

## **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either a member of staff or the Managing Director. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual members of the Board to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against staff members of the Company (except the Managing Director) should be made in the first instance, to Caroline Hardeman-Mason, the Managing Director by email at [enquiry@turneducation.co.uk](mailto:enquiry@turneducation.co.uk) or by post to TURN Education, Old Turnpike Cottage, Hollington Lane, Stramshall, Uttoxeter ST14 5EP . Please mark your correspondence as Private and Confidential.

Complaints that involve or are about the Managing Director should be addressed to Philip Whiteland (the Chair of the Board), by email at [mail@philwhiteland.co.uk](mailto:mail@philwhiteland.co.uk) or by post to TURN Education, Old Turnpike Cottage, Hollington Lane, Stramshall, Uttoxeter ST14 5EP . Please mark your correspondence as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Managing Director or Chair of the Board, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## Complaints received outside of normal operating periods

We will consider complaints made outside of normal operating periods to have been received on the first operational day of the business, after the holiday period or period of closure.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the Company, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li></ul>	Concerns about admissions or statutory assessments of Special Educational Needs, the relevant local authority for your child or vulnerable adult.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  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).
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	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 matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  Volunteer staff who have concerns about our Company should complain through the Whistleblowing Procedure or the Company's Grievance Procedure.
<ul style="list-style-type: none"><li>• Staff grievances</li></ul>	Complaints from staff will be dealt with under the Company's internal grievance procedures.
<ul style="list-style-type: none"><li>• Staff conduct</li></ul>	Complaints about staff will be dealt with under the Company'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.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use our premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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.

If a complainant commences legal action against the Company in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, the Company wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Company policies in light of the complaint
- an apology.

## Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### Stage 1

Formal complaints must be made to the Managing Director (unless they are about the Managing Director), at TURN Education C.I.C. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Managing Director will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 working days.

Within this response, the Managing Director will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Managing Director can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Managing Director may delegate the investigation to another member of the Company's senior leadership team but not the decision to be taken.*

During the investigation, the Managing Director (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Managing Director will provide a formal written response within 14 working days of the date of receipt of the complaint.

If the Managing Director is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Company will take to resolve the complaint.

The Managing Director will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Managing Director, or a member of the Board of Directors (including the Chair or Vice-Chair), a suitably skilled Director or external consultant will be appointed to complete all the actions at Stage 1.

Complaints about the Managing Director or a member of the Board of Directors must be made to the Chair of the Company, via email or by post.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Board of Directors or
- the majority of the Board of Directors

Stage 1 will be considered by an independent investigator appointed by the Board of Directors. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Board of Director's complaints committee, which will be formed of the first three, impartial, Directors available. This is the final stage of the Complaints Procedure.

A request to escalate to Stage 2 must be made to the Chair of the Board of Directors, within 7 working days of receipt of the Stage 1 response.

The Chair will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Chair will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 14 working days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Chair will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three Board Directors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Board Directors from the Company available, the Chair will source any additional, independent committee members either through another local school or an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a Company employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 working days before the meeting.

Any written material will be circulated to all parties at least 3 working days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the

procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recording of meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Company's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Company with a full explanation of their decision and the reason(s) for it, in writing, within 7 working days.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Board of Directors or
- the majority of the Board of Directors

Stage 2 will be heard by an independent committee.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Company will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **Next Steps**

This will be dependent on the nature of the contractual relationship between the complainant and the Company. If you wish to pursue a complaint relating to, or associated with, a service commissioned and/or funded by a school, Local Authority or Regional or National Government body, then you should approach that commissioning/funding body for details of how (and if) you can pursue your complaint further. If your complaint relates to, or is associated with, a service arranged privately by the client (or the client's carers or representatives) with the Company, then the completion of the Complaints Procedure represents the final stage and no further correspondence or discussion will be entered into.

# Complaint Form

Please complete and return to Caroline Hardeman-Mason, Managing Director who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil or Client's name (if relevant):</b>
<b>Your relationship to the pupil or client (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the Company about it.</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

# Roles and Responsibilities

## Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the Company in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Managing Director or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Managing Director or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator** (this could be the Managing Director / designated complaints Director or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Managing Director, Chair of Board, to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **Company Contact**

The Managing Director or Chair of the Board (or such other designated complaints Director or other staff member providing administrative support) will be the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, Company and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Company Contact) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant

- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the Company are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Company Contact (and complaints co-ordinator, if one has been appointed).

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No Director may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the Company and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

**This procedure will be reviewed annually.**