

COMPLAINTS PROCEDURE FOR COMMUNITY ED C.I.C & COMMUNITY ED ACADEMY



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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children attending Community Ed C.I.C. Any person, including members of the public, may make a complaint about any of our facilities or services. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), 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 made in any form, regarding actions taken or inaction'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally without using the formal stages of the complaint's procedure. Community-Ed CIC 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 specific staff member, we will respect your views. In these cases, the Headteacher or Operations Director will direct you to another staff member. Similarly, if the staff member directly involved feels unable to address a concern, the Headteacher or Operations Director will guide you to another staff member. This staff member may be more senior, but it is not required. The ability to consider the concern objectively and impartially is the most important Factor.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Community-Ed CIC will attempt to resolve the issue internally through the stages outlined within this complaint's procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing, or by telephone. If a third party has appropriate consent, it may also be made on behalf of a complainant.

Concerns should be raised with either the Headteacher or the Operations Director. If the issue remains unresolved, a formal complaint should be filed.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act individually, and this may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against service staff (except the Headteacher or the Operations Director) should be made first to the Headteacher or Operations Director via the office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher or the Operations Director should be addressed to the Chair of Governors via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

A template complaint form is included at the end of this procedure for ease of use. If you need help completing the form, please contact the school office. You can also ask third-party organisations like Citizens Advice for help.

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 typically do not investigate anonymous complaints. However, if deemed appropriate, the Headteacher, or the Operations Director or the Chair of Governors will decide 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. If exceptional circumstances apply, we will consider complaints made outside of this time frame.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision or services by Community-Ed CIC, 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"> • Admissions • Statutory assessments of Special Educational Needs 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, should be raised with Norfolk or Suffolk local authority</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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 Suffolk). Or Local Safeguarding Children’s Advice and Duty Service- (CADS Norfolk). For relevant contact detail refer to Community-Ed Safeguarding and Child Protection policy.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including contractors.</p> <p>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: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our service should complain through the company’s complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the company’s internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the company’s internal disciplinary procedures, if appropriate.</p> <p>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</p>

	the matter is being addressed.
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use company premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> Curriculum - content 	Complaints around the curriculum content <i>can be made through the company's complaints procedure.</i>

If other bodies are investigating aspects of the complaint, such as the police, local authority (LA) safeguarding teams, or tribunals, this may affect our ability to meet the timescales within this procedure or may result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Community-Ed CIC regarding their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

Community-Ed CIC wants to resolve the complaint at each stage in the procedure. 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 Headteacher or the Operations Director (unless they are about the Headteacher or the Operations Director) via the office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

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

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

Note: The Headteacher or the Operations 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 Operations 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 Headteacher or the Operations Director will provide a formal written response within ten working days of the date of receipt of the complaint.

If the Headteacher or the Operations Director cannot 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 explain the decision and the reason(s) for it. Where appropriate, it will include details of actions Community-Ed CIC will take to resolve the complaint.

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

If the complaint concerns the Headteacher, the Operations Director, or a governing body member (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or the Operations Director or member of the governing body must be made to the Clerk via the office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

An independent investigator appointed by the governing body will consider Stage 1. 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 pursue the matter further, they can escalate the complaint to Stage 2, a meeting with members of the governing body's complaints committee. This committee will consist of the first three impartial governors available. This is the final stage of the complaint procedure.

A request to escalate to Stage 2 must be made to the Clerk via the office within five working days of receipt of the Stage 1 response.

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

Requests received outside this time frame will only be considered under exceptional circumstances.

The Clerk will write to the complainant to inform them of the meeting date. They will strive to convene a meeting within ten working days of receiving the Stage 2 request. If this is not feasible, the Clerk will provide an anticipated date and keep the complainant updated.

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

The complaints committee will consist of at least three governors, one of whom will be an independent governor from another independent school. All members of the complaints committee will have no prior involvement or knowledge of the complaint. Before the meeting, they will decide among themselves who will serve as the Chair of the Complaints Committee. If fewer than three governors from Community-Ed CIC are available, the Clerk will seek assistance from their local authority's Governor Services team to complete the committee. Alternatively, a fully independent committee may be established to hear the complaint at Stage 2.

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

If the complainant is invited to attend the meeting, they may bring someone to provide support. This could 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 accompanied by union and/or legal representation.

Note: Complaints regarding staff conduct will generally not be addressed under this complaints procedure. Complainants will be informed that any staff conduct complaints will be reviewed under staff disciplinary procedures, if applicable, but outcomes will not be disclosed to them.

Representatives from the media are not permitted to attend.

At least five 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 three working days before the meeting.

Any written material will be distributed to all parties at least three working days prior to the meeting date. The committee will generally not accept recordings of conversations as evidence if they were obtained covertly without the informed consent of all parties involved.

The committee will not review any new complaints at this stage, nor will it consider evidence unrelated to the initial complaint for inclusion. New complaints must be addressed from Stage 1 of the procedure.

The meeting will be held privately. Electronic recordings of meetings or conversations are generally not permitted unless a complainant's disability or special needs necessitate it. Prior knowledge and consent from all attending parties must be obtained before meetings or conversations occur. Consent will be documented in any minutes that are taken.

The committee will evaluate the complaint along with all the evidence submitted. The committee has the authority to:

- 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, suggest modifications to the company's systems or procedures to avoid similar issues in the future.

The Chair of the Committee will write to the complainant and the school within ten working days and fully explain their decision and the reason(s) for it.

The letter to the complainant will include information on how to contact the Department for

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Education if they are dissatisfied with the handling of their complaint by Community-Ed CIC.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be reviewed by a committee of independent governors.

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

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

Next Steps

If the complainant believes the school or Community-Ed CIC did not handle their complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in exercising their duties under education law, they can contact the Department for Education after completing Stage 2.

The Department for Education will not typically reinvestigate the substance of complaints or overturn any decisions made by Community-Ed CIC. They will assess whether Community-Ed CIC has complied with education legislation and any statutory policies related to the complaint.

The complainant can submit their complaint to the Department for Education online at www.education.gov.uk/contactus, by telephone on 0370 000 2288, or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

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Please give details of your complaint, including whether you have spoken to anybody at the service about it.

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

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- 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 Headteacher/Operations Director or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

Complaints Co-ordinator (this could be the Headteacher or Operations Director / designated complaints governor 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, Headteacher or Operations Director, Chair of Governors, Clerk and LAs (if appropriate) 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.

Clerk to the Governing Body

The Clerk is 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 Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted informally, is not adversarial, and if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be accustomed to speaking at such meetings are made to feel more comfortable. This is especially important if the complainant is a child or young person.
- The remit of the committee is explained to the complainant
- Written material is accessible to all attendees, as long as it does not violate confidentiality or any individual's privacy rights under the DPA 2018 or GDPR.

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

- Both the complainant and the company have the opportunity to present their case and seek clarity, either through written submissions prior to the meeting or verbally during 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 recorded in writing
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial and should be seen to be so

No governor may sit on the committee if they have had 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 go their way. In that case, 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 make sure that the child or 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 or young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. If the child or 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 or young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child or young person to attend a part of the meeting that the committee considers inappropriate.

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