

COMPLAINTS & CONCERNS POLICY AND PROCEDURE

Policy created: April 2023
Reviewed date: April 2024/June 2024

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children/YP that attend The Create Approach Ltd.

Any person, including members of the public, may make a complaint to The Create Approach Ltd about any provision of facilities or services that we provide. 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 **complaint** may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

It is hoped that many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. The Create Approach Ltd 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 at The Create Approach Ltd, we will respect your views. In these cases, you will be referred to another staff member or an appointed third party. Similarly, if the member of staff directly involved feels unable to deal with a concern, The Create Approach Ltd, will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Create Approach Ltd 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 via email or by telephone to Kelly Sherman, The Create Approach office@thecreateapproach.co.uk. Complaints 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 the facilitator concerned and the founder of The Create Approach Ltd, Kelly Sherman. If the issue remains unresolved, the next step is to make a formal complaint.

Complaints against staff at The Create Approach (except the founder of The Create Approach, Kelly Sherman) should be made in the first instance, to Kelly Sherman office@thecreateapproach.co.uk. Please entitled the email as “**Private and Confidential**”.

Complaints that involve or are about the founder, should be addressed to our third party, details of this will be provided on request. If a learner has been placed with us by a council, our third party contact will be the allocated SEND officer of the learner.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact us at office@thecreateapproach.co.uk. You can also ask third party organisations like the Citizens Advice to help you.

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 founder, Kelly Sherman, 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 term time.

We will consider complaints made outside of term time to have been received on the first day after The Create Approach Ltd has returned from the holiday period. If applicable our holiday periods will be published on our website which can be found at www.thecreateapproach.co.uk

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The Centre, except those listed below.

Exception	Who to contact
<ul style="list-style-type: none">• Statutory assessments of Special Educational Needs	Concerns about Statutory assessments of Special Educational Needs should be raised with your relevant Local Authority.
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	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).

	Details of this can be found here: https://pdscp.co.uk/
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers 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 The Create Approach Ltd should complain through The Create Approach Ltd complaints procedure. You may also be able to complain direct to the LA. Further details for numbers can be found here https://pdscp.co.uk/working-with-children/applying-thresholds-and-reporting-concerns/</p>
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under The Create Approach Ltd internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under The Create Approach Ltd 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 the matter is being addressed.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use The Create Approach Ltd premises or facilities (if applicable) 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

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 Create Approach Ltd 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 Create Approach Ltd 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 The Create Approach Ltd 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 via email to Kelly Sherman, founder of The Create Approach Ltd office@thecreateapproach.co.uk.

Kelly Sherman, founder of The Create Approach Ltd, will record the date the complaint is received and will acknowledge receipt of the complaint in writing by email within 10 working days.

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

Note: We may delegate the investigation to another member of The Create Approach Ltd leadership team (if appointed) but not the decision to be taken.

During the investigation, the 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, Kelly Sherman, the founder of The Create Approach Ltd, will provide a formal written response within 21 days of the date of receipt of the complaint.

If we are unable to meet this deadline, we 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 we will take to resolve the complaint.

We 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 founder of The Create Approach Ltd, Kelly Sherman, a suitably skilled member of the management team/appointed third party will be appointed to complete all the actions at Stage 1.

If the complaint is jointly about the founder, Kelly Sherman, and other facilitators, stage 1 will be considered by an independent investigator appointed by The Create Approach Ltd. 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 a panel, made of independent parties. This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made via email to office@thecreateapproach.co.uk within 14 days of receipt of the Stage 1 response.

The Create Approach will record the date the complaint is received and acknowledge receipt of the complaint in writing via email within 10 working days.

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

The Create Approach will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 21 days of receipt of the Stage 2 request. If this is not possible, The Create Approach will provide an anticipated date and keep the complainant informed.

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

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 10 days before the meeting, if applicable, The Create Approach Ltd 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 7 days before the meeting.

Any written material will be circulated to all parties at least 5 days before the date of the meeting. We will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

We 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 will be held if conducted over Zoom/Teams/Googlemeet. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Next Steps

If the complainant believes The Create Approach Ltd did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Independent School Inspectorate at concerns@isi.net after they have completed Stage 2 and the SEND officer of the local council who will escalate to the appropriate person at that time within the council.

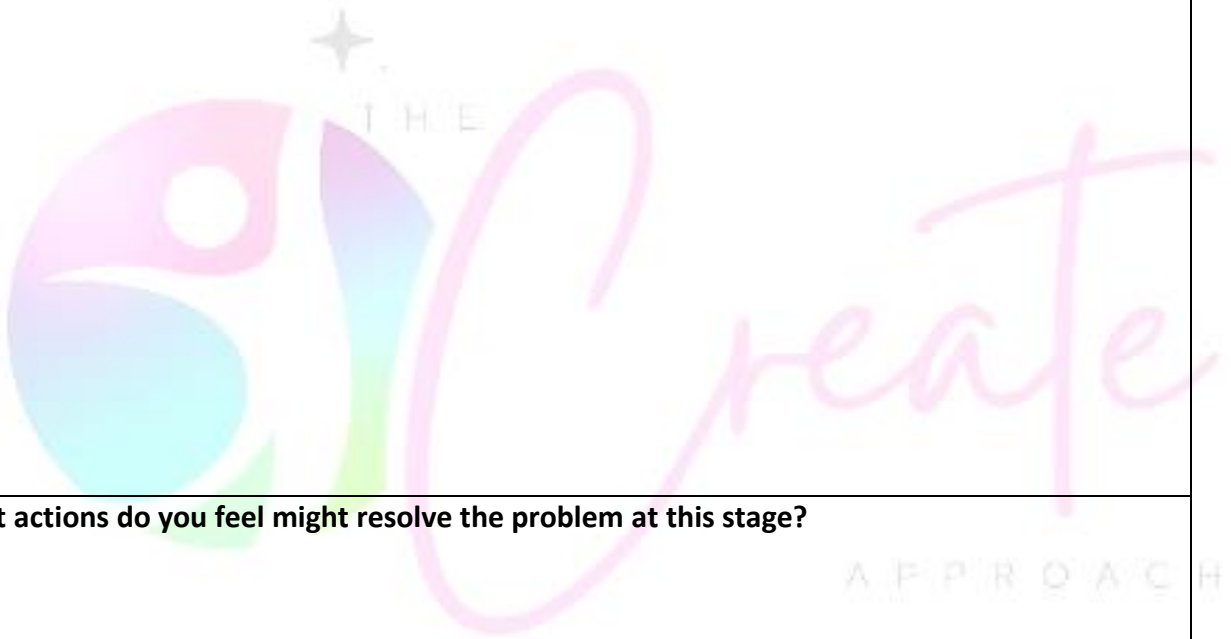
Complaint Form

Please complete and return to Kelly Sherman office@thecreateapproach.co.uk , who will acknowledge receipt and explain what action will be taken.

Your name:
Learners name (if relevant):
Your relationship to the learner (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:



Please give details of your complaint, including whether you have spoken to anybody at The Create Approach Ltd 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 Create Approach Ltd 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Centre Lead, Kelly Sherman, or complaints committee (if applicable) 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 (Kelly Sherman or member of the supporting management team)

The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure.
- Liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint's 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.

Committee Chair

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

- Both parties are asked 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 Create Approach Ltd 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 has minutes taken.

Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial and should be seen to be so.
- No persons 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 Create Approach Ltd 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.

