

COMPLAINTS POLICY – HUCKLEBERRIES NURTURE FARM CIC

Member Committee Responsible	Full Members Board
Senior Lead for Complaints:	Emine Rickson
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1. Who can make a complaint?

The procedures outlined in this Policy are relevant to all schools, parents or carers whose children and young people we work with, business partners, funding bodies and members of our community (collectively referred to as stakeholders) who wish to raise a concern or complaint about Huckleberries Nurture Farm CIC (the CIC), regarding the services that we provide to our local community.

This Policy has been developed using the Department for Education Model Complaints Policy for Schools, adapted where appropriate for the CIC. Unless complaints are dealt with under separate statutory procedures (such as staff conduct), we will use this complaints procedure.

2. Aims of this Policy

At the CIC we aim to:

- develop good communication between ourselves and our stakeholders to enable us to resolve concerns or complaints informally
- support members of staff, volunteers and practitioners (collectively referred to as staff) to be open and welcoming to our stakeholders, and to be willing to discuss issues when they are raised
- ensure an appropriate member of staff deals with the concern or complaint
- ask the complainant at the earliest stage what they think might resolve the issue

3. 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 CIC takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that there are occasions when a stakeholder would like to raise their concern formally as a complaint. In this case the CIC will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

4. How to raise a concern

Concerns should be raised by the stakeholder with either the Session Leader or Programme Lead in person, writing or by telephone. Many concerns can be resolved informally by us working together, and this type of communication is valued.

If the issue remains unresolved the next step is to make a formal complaint. Before considering making a formal complaint it may be helpful that you ask the following questions of yourself:

- Have I communicated my concern to the relevant person?
- Have I followed guidance provided to me?
- Have I allowed enough time for actions and improvements to be implemented?

- Am I dissatisfied with the action taken or the way that I have been treated?
- Is my concern unresolved?

If the answer is yes to these questions, then you may wish to make a formal complaint.

5. How to raise and submit a formal complaint

A complaint should be made in writing by the complainant, using Form A in Appendix 1:

- Complaints against CIC staff (except the Programme Lead) should be made to the Programme Lead, in writing via the Registered Office. This will trigger Stage 1 of the process.
- Complaints that involve or are about the Programme Lead should be addressed to one of the Directors in writing via the Registered Office. This will invoke Stage 2 of the process and skip Stage 1 entirely.
- Complaints about the Board of Directors should be referred directly to the CIC Regulator.

All staff are directed to follow these procedures and will inform any complainant to complete Form A in order to ensure that all complaints are dealt with equally and confidentially.

If you require help in completing Form A you can ask third party organisations like the Citizens Advice Bureau 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 or recording information in alternative formats or holding meetings in accessible locations.

6. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Programme Lead or Director (as appropriate), will determine whether the complaint warrants an investigation.

7. Timescales

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. The Programme Lead or Director (as appropriate) will consider complaints made outside of this time frame if exceptional circumstances apply, (for example if information regarding the treatment of their child or young person comes to the attention of a parent/carer more than three months after the incident, and they wish to raise a complaint; or the parent is unable to make a complaint within the timeframe due to documented ill health).

We aim to resolve Stage 1 complaints within 20 days of Form A being received, and Stage 2 complaints within 30 days of Stage 2 being invoked.

8. Scope of this Complaints Procedure

This procedure covers all complaints about the provision of services by the CIC, other than complaints that are dealt with under other statutory procedures:

Exceptions	Who to contact
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our 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). (LADO Tel: 03001231650 or LADO@surreycc.gov.uk ; MASH Tel 0300 4709100)
Whistleblowing	We have an internal whistleblowing procedure for all our staff including practitioners and volunteers.
Staff grievances	Complaints from staff will be dealt with under our internal grievance procedures.
Staff conduct	Complaints about staff conduct will be dealt with under our 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.

9. Suspension or delay of a complaint

If other bodies are investigating aspects of the complaint, for example the police or local authority safeguarding teams, 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 CIC 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.

10. Resolving complaints

At each stage in the procedure, the CIC 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 about 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 our policies in light of the complaint

- an apology (an apology or acknowledgement that we could have handled the situation better is not the same as an admission of unlawful or negligent action).

11. Withdrawal of a complaint

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

12. Duplicate complaints

If after closing a complaint at the end of the complaints procedure, a duplicate complaint about the same subject is received from another family member the complainant will be notified that the CIC considers this to be a duplicate complaint that has already been considered, and that the local process is complete. The new complainant will be referred to the CIC Regulator if they remain dissatisfied, in line with this Complaints Policy

13. Complaint Campaigns

Should the CIC become the focus of a complaints campaign and the Programme Lead or Directors receive a number of complaints which are based on the same subject or from complainants unconnected with the CIC then actions will be taken to provide a consistent, efficient and timely response to all complainants in the most appropriate manner. This may include sending a template response to all complainants or publishing a single response on our website

14. Unreasonable complaints

Whilst we would not normally limit the contact that a complainant may have with the CIC, we do not expect our staff to tolerate unreasonable behaviour, and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. We define unreasonable behaviour as that which hinders our ability to undertake our normal service provision, either because of the frequency or nature of the complainant's contact with us, or the time being spent in responding to requests or managing repercussions that may or may not involve other parties, or that which causes stress or anxiety to our staff. Should a complaint be identified as unreasonable the CIC will contact the complainant, explaining that no further action will be taken by the CIC and refer them on to the CIC Regulator.

15. Stage 1 Complaints Process

Formal complaints must be made to the Programme Lead in writing via the Registered Office, using Form A.

For complainants requiring alternative communication preferences due to disability, learning difficulties or difficulties speaking English, complaints may be made through a meeting with the Programme Lead who will assist the complainant in completing Form A. Any notes taken will be added to the complaint record. Where there are communication difficulties, the Programme Lead may use a recording device to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

The Programme Lead will record the date the complaint is received and will acknowledge receipt of the complaint in writing (by letter) within 5 working days.

The Programme Lead may seek to clarify further the nature of the complaint, what remains unresolved and what outcome the complainant would like to see and will consider whether a face to face meeting is the most appropriate way of doing this.

The Programme Lead may delegate the investigation to another member of staff but will remain responsible for making any decision regarding actions 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
- if necessary, interview those who are considered witness to or have first-hand knowledge of the complaint
- keep a written record of any meetings/interviews in relation to their investigation.
- Reference relevant policies, records and evidence.

At the conclusion of their investigation, the Programme Lead will provide a formal written response **within 20 working days** of the date of receipt of the complaint. If they are unable to meet this deadline, they will provide the complainant with an update, an explanation for the delay, 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 CIC will take to resolve the complaint.

The Programme Lead will advise the complainant of how to escalate their complaint to Stage 2 should they remain dissatisfied with the outcome of Stage 1

16. Stage 2 Complaints Process

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 at least 2 members of the Board of Directors (excluding the Programme Lead), to form a Complaints Committee. The Committee will consider the complaint afresh by reviewing evidence collated during the Stage 1 investigation. Where Stage 2 is invoked without Stage 1 having been undertaken, a Director will lead the investigation following the procedure for Stage 1, and report back to the Committee.

Stage 2 is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made in writing to the Board of Directors via the Registered Office, **within 10 working days** of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

If the complaint is about or involves the Programme Lead, Stage 2 will be invoked without progressing through stage 1 and the request to escalate to Stage 2 will be accompanied by Form A.

A director will acknowledge receipt of the complaint in writing (by letter) **within 5 working days** of the complaint being received.

The Complaints Committee will meet to review the complaint and evidence **within 20 working days** of the request being received. The complainant and other parties may or may not be invited to attend.

Prior to the meeting, the Directors will decide who will act as the Chair of the Complaints Committee and 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 and rejects the offer of two proposed dates, without good reason, the Chair will decide when to hold the meeting and it will proceed in the complainant's absence based on their written submission. The absence of the complainant does not preclude other parties, such as the Programme Lead from attending to provide clarifications, if requested by the Committee.

If the complainant and other parties are 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.

Representatives from the media are not permitted to attend.

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 allow 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 and as such any discussions, outcomes or minutes will remain confidential to all parties involved in the meeting. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. If the meeting is recorded without permission it will not be admissible as evidence should the complaint proceed to the next stage. An independent Clerk may be invited to take minutes.

Ahead of the meeting, all parties will be asked to submit any further representations, which must be received **at least 5 working days** ahead of the Committee and addressed to the Chair of the Complaints Committee.

All parties will be informed of those to be present and the confidential nature of the meeting. By agreeing to attend participants give consent for their names and contributions to be minuted. Consent will be recorded in any minutes taken. Minutes will be circulated confidentially to all parties after the meeting.

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 CIC's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the CIC with a full explanation of their decision and the reason(s) for it, in writing, **within 15 working days**.

The letter to the complainant will include details of how to contact the CIC Regulator if they are dissatisfied with the way their complaint has been handled by the CIC.

17. How to complain about a CIC

If the complainant believes the CIC did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties as a CIC they may contact the CIC Regulator after they have completed Stage 2.

In deciding whether to launch a formal investigation, the CIC Regulator considers the information they have about the particular situation and decides whether it gives rise to a genuine and serious concern that circumstances may exist which would justify the use of their other supervisory powers.

Guidance on how to complain about a CIC is provided here:

[Complaints about community interest companies](#)

The guidance also specifies the stages and tests that must be applied before the Regulator of Community Interest Companies makes a decision as to whether to act on a complaint.

Contact details for complaints and appeals are:

CIC Regulator
2nd Floor
Companies House
Crown Way
Cardiff
CF14 3UZ

Email: cicregulator@companieshouse.gov.uk

24-hour voicemail service: 029 2034 6228

Appendix 1 - Complaint Form A

Please complete and return via the Registered Office for the attention of the Programme Lead (or Board or Directors, as appropriate) and mark the envelope URGENT. The Programme Lead (or other relevant person) will acknowledge receipt and explain what action will be taken.

Your name:
Name of child / young person (if relevant):
Your relationship to the child / young person (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 CIC about it, and what actions (if any) have already been taken. Please add relevant dates or times.

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

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

Signature:.....Print Name.....

Date:.....

Official use

1. *Date acknowledgement sent*

5. *Date by which full response to be sent to complainant*

2. *By whom:*

6. *(if appropriate) Extension agreed & date:*

3. *Complaint referred to*

7. *Date response sent:*

4. *Date:*

8. *By who:*