



Complaints, Concerns and Compliments Policy

Create in the Community (CiC) EOTAS Service

Approved by TCES Operational Board on
behalf of Thomas Keaney, CEO and Schools' Proprietor

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Policy Foreword

Dear Parents and Carers,

We recognise that Parents/Carers and Create in the Community (CiC) do not always get our communication right together. We know that many of our parents/carers have been failed by schools and education provisions in the past. We've heard your experiences and listened to your feedback and have worked diligently to develop a personalised curriculum that aims to inspire, engage, and meet the needs of every CiC student.

CiC is a unique service committed to supporting a wonderfully diverse group of young people who have struggled in traditional school or education settings and who present with Emotionally Based School Avoidance or complex mental health needs, often co-occurring with autism spectrum condition (ASC) or Social, Emotional, and Mental Health (SEMH) conditions. As a service commissioned by Local Authorities through Education Otherwise Than at School (**EOTAS**), we believe that effective early communication can resolve initial concerns and help us build strong collaborative relationships between our service and you as our parents/carers.

If we cannot resolve concerns informally, this complaints procedure provides formal processes and stages to ensure your voice is heard and that any issues are appropriately addressed by CiC. Should you need to escalate your concerns, our procedure provides an option for you to work with the Local Authority's Special Educational Needs and Disabilities (SEND) department or the LA Commissioner to appeal our complaints process.

The Local Authority commission and regulate CiC to provide Education Otherwise Than at School (**EOTAS**) services to your child and EOTAS is legislated for through section 61 of the Children's and Families Act 2014. It allows Local Authorities to commission CiC to deliver alternative education outside of school type settings and to quality assure that service. It also means that the Local Authority have a duty to become involved when a complaint has been taken through the CiC complaints process and you as a parent or carer are not satisfied that it has been resolved.

Our goal is to resolve any potential issues through clear and open communication. However, if you feel that certain issues are not being adequately addressed, this complaints form will guide you on how to formalise your complaint in writing.

Kind regards



Tashanna Egbochue
Head of Complaints and Safeguarding.

Complaints, Concerns and Compliments Policy overview

Introduction

Create in the Community (CiC) EOTAS Service are committed to providing safe, nurturing and inspiring environments which enable our students to thrive and achieve best outcomes; and our vision is to be recognised as experts in delivering community-based therapeutic education, health and care solutions for children and young people with complex and additional needs. We recognise that service development is central to attaining this aim and we welcome all complaints, concerns and compliments from stakeholders, as they can help us to improve our service.

Our stance on complaints is so vital to our ethos of openness, transparency, and the importance of the voice of the student, parent/carers, stakeholders, and staff that we have employed a dedicated Company Complaints Lead, to ensure that the process empowers people to use their voice when things go wrong. CiC will ensure that complainants never face reprisals from our organisation or anyone acting on behalf of our service or TCES. On the contrary, we will acknowledge a complaint as a clear communication that we have not delivered at our best and will demonstrate to you a new relationship built on your voice being heard.

We, at CiC and the Local Authorities who commission and regulate us through EOTAS do not distinguish between 'concerns' and 'complaints'. Any matter about which a parent/carer, student, stakeholder or other persons is unhappy and seeks action by CiC is a complaint and is in the scope of this Policy.

CiC is not an Independent School and is an EOTAS provision regulated by the Local Authority, management of all complaints is in accordance with this policy, which shall be distributed to Parents/Carers annually.

Aims of the Policy

The aim of this Policy is to ensure that every parent/carer, student and stakeholder has access to a policy and procedure that supports and enables them to share compliments, raise concerns or complain about any aspect of our schools or services and understand the manner in which complaints are handled.

CiC' complaints procedure will;

- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial and non-adversarial.
- Allow complaints to be made and considered initially on an informal basis.
- Allow swift handling with established timescales for action and escalation.
- Fairly address all the points at issue and provide an effective response and appropriate redress, where necessary.

- Ensure a full and fair investigation by an independent person (usually a representative of the LA where necessary, who regulate the CiC EOTAS service or another suitably independent person).
- Respect people's right to confidentiality.
- Provide information to TCES' senior management teams for the purpose of service development and organisational change.

Who is allowed to complain?

This policy may be used by anyone (except staff whose concern or complaint is about their contract of employment or employee relationships) that has a concern or complaint about any aspect of the service. This includes but is not limited to stakeholders, students or the parents/carers, but may also include the Local Authority, contractors, partner agencies, neighbours, or any other members of the community.

Staff members who have concerns or complaints relating to their contract or employment or employee relationships, are expected to raise these through the TCES staff grievance procedure. Any other concern or complaint should be raised according to this complaints procedure.

Effective and fair resolution of concerns usually requires that they are brought to the service' attention promptly, which should normally be within three months of the relevant event(s). In exceptional circumstances, complaints may be heard after this time at the discretion of the Company Complaints Lead.

Publicity

CiC will publicise our complaints procedures. This policy will be included within information provided by the service in many ways:

- This policy will be published on the TCES website.
- This policy will be given to new parents/carers when their child joins the service.
- This policy will be disseminated to parents/carers and staff on a termly basis
- This policy will be displayed in and around our Therapy and Life Skills Centre
- Home - school bulletins and/or newsletters will remind parents/carers about the policy.

All CiC staff will be made aware of the complaints procedure and the various stages involved. Where there is an active initial concern or formal complaint, everybody involved will be clear about what is happening and their responsibilities within this.

Confidentiality

Confidentiality is vital. All conversations and correspondence in respect of concerns and complaints will be treated with discretion. Complainants have the right to know what use will be made of personal information and accordingly, personal information will only be

shared between TCES and CiC staff on a 'need to know' basis. All complaint correspondence will be stored confidentially and in accordance with TCES GDPR Policy.

The exception to this is a TCES requirement of the CiC service to provide parents and Local Authorities with information about the number of complaints registered under the formal procedure during the preceding year. This information will be published on TCES website and provided to Local Authorities during their QA monitoring visits.

Equal access, accompaniment, and representation

Steps will be taken to ensure that all individuals have the opportunity to raise their concerns or submit a complaint to CiC. This includes the right to be accompanied or represented by a friend or relative at discussions and/or to submit complaints which have been written by another individual on their behalf. Should any meeting need to be held where any parties would have difficulties in terms of access, the Co-Head's and Company Complaints Lead will assist with providing an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected.

Summary

This policy sets out the procedures which the service and TCES will follow whenever it receives a complaint. A summary of the various stages is given below:

Primary Responsibility:

- Informal discussion and resolution (informal procedure) – **CiC Staff**
- Complaint made followed by investigation by **Co-Head's**
- Complaint not resolved following the service's response – **Executive Headteacher**
- Complaint remains unresolved – **Chair of Governors**
- Complaint remains unresolved – **Chief Executive Officer**
- Complaint response unsatisfactory – **Independent panel (including a Local Authority representative)**

The role of the Company Complaints Lead

The role of the Company Complaints Lead is to initially attempt to bring all parties together and to facilitate an informal resolution to initial concerns. If this is not possible, then the Company Complaints Lead will facilitate the complaints process, ensure it is understood by the Parents/Carers at each stage and to ensure that the CiC service meets complaints deadlines at all stages. All staff (including volunteers and associates) have a responsibility to ensure that complaints relating to CiC are handled appropriately. Complaints received, whether written or spoken, should be escalated to the Operations Manager in the first instance, with the Company Complaints Lead copied in to all related correspondence.

Complaints not in scope of the procedure

The procedures outlined within this policy covers all complaints about any provision of facilities or services by CiC with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions:

- Admissions procedures.
- Statutory assessments of Special Educational Needs (SEN) should be raised directly with Local Authorities.
- Service reorganisation proposals.
- Whistleblowing - see TCES Group whistleblowing policy and procedure for employees and voluntary staff.
- Staff grievances and disciplinary - these matters will invoke the TCES Group grievance procedures. Complainants will not be informed of the outcome of any investigation.
- Complaints that relate to safeguarding matters, including low level concerns and/or allegations against staff – these matters will be handled in accordance with TCES Safeguarding policy and relevant statutory guidance.
- Complaints about services by other providers who may use TCES premises or facilities – these providers should have their own complaints procedure to deal with complaints about their service(s). Please contact them directly.

Issues related to child protection, criminal investigations and employee grievances will be handled separately from this policy.

This complaints policy is distinct from formal staff disciplinary proceedings, and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures, which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures. If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

Informal procedure: Concerns

Concerns

At the outset of any concern being raised, the difference between a concern and a complaint will be identified. We believe that taking concerns seriously at the earliest stage will reduce the need for formal escalation. All concerns are tracked and monitored within CiC, and oversight of this process is provided by the Company Complaints Lead.

We understand that concerns are often caused by misunderstandings, miscommunications or thoughts and feelings that have not been aired or acknowledged and we anticipate that these and other issues can be quickly and informally resolved through improved communication and swift, purposeful response. At other times, or if a concern is not resolved to the complainant's satisfaction, it may be necessary to use the formal complaints procedure. It is important that this choice is always made available to the complainant.

Where possible staff should resolve issues or concerns 'on the spot'. It may be appropriate to offer one or more of the following:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event of concern will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An apology.

Concerns procedure

Individuals can raise concerns with any CiC staff member, depending on their wishes and the type of issue they would like to discuss. These concerns must always be given to the CiC operations Manager. A brief note of all such issues will be kept and maintained by the Operations Manager.

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues will be considered and dealt with as quickly and effectively as possible.

The individual who raised the concern will be informed of any action to be taken to resolve the issue and if appropriate, in writing. They will also be advised that they can request that their concern be dealt with as a formal complaint in accordance with this policy.

Formal procedure: Complaints

Monitoring complaints

At all stages of the formal complaints procedure, the following information will be recorded:

- The name of the complainant and the nature of their relationship with CiC.
- The date and time at which complaint was made.
- The details of the complaint.
- The desired outcome of the complainant.
- How the complaint is investigated (including written records of interviews held).
- Results and conclusions of investigations.
- Any action taken.

- The complainant's response (satisfaction or further pursuit of complaint).

The Operations Manager is responsible for working closely with the Company Complaints Lead, maintaining a record of complaints, and ensuring that all students, parents/carers and staff, are aware of and comply with this policy. In the event that the Operations Manager is the subject of the complaint, the responsibility of maintaining the record of the complaint will be undertaken by the Co-Heads.

On behalf of the CEO, the Company Complaints Lead is responsible for the quality assurance of CiC' handling of complaints in accordance with this policy.

Formal procedures

If a Stakeholder, student, or parent/carer is dissatisfied at the outcome of discussing an initial concern, they can make a formal complaint. Our first action will always be to ensure, that the complainant is given a copy of the Complaints, Concerns and Compliments Policy and is made aware of CiC complaints procedure.

We aim to resolve all formal complaints and reach a fair resolution that is satisfactory to all parties.

Complainants will be encouraged to state what actions they feel might resolve the problem at every stage during the resolution of the complaint.

CiC EOTAS complaint handling

1. When a complaint is made it must always be recorded in the 'Complaints Folder', to show the date and time of the complaint being made; the name of the person making it and their relationship to CiC; the nature of their complaint; any response required/given; and the name of the person(s) dealing with it and the complaint reference number (based upon the date the complaint is received, the name of the person dealing with it, the name of the education site involved and the initials of the person making the complaint).

For example: Complaint reference number - 300923/PR/CiC/EG. Details of any complaint must always be carefully recorded, along with any supporting information such as to whom the complaint was made or evidence in support of the complaint. Administration staff must be informed that a complaint has been made, and a complaints checklist must be immediately opened. This must then be completed at every stage of the complaint process.

2. Information about any complaint made must be passed immediately to the Co-Heads (or their deputy in their absence) for them to make an initial assessment and to monitor how complaints are being handled. **This information should also be shared with the company complaints lead.**
3. A decision must also be made at this stage as to how and when to inform any third party who may be the subject of the complaint.

4. The reference number and name of person dealing with the complaint must be given to the person making the complaint within **24 hours or one working day** of the complaint being received. Within this communication, they should also be given a copy of this policy and advised of the stage at which their complaint is being handled in accordance with this policy.
5. The Co-Heads must ensure, when they investigate complaints, that they:
 - Meet with the complainant or contact them to personally discuss their complaint.
 - Clarify what the complainant feels would put things right.
 - Establish what has happened so far, and who has been involved.
 - Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
 - Conduct the interview with an open mind and be prepared to persist with questioning.
 - Keep detailed notes of all interviews, meetings and/or correspondence related to the complaint.

This procedure will identify areas of agreement between the parties and clarify any misunderstandings that may have occurred to ensure a positive atmosphere in which to discuss any outstanding issues.

6. Whilst the complaint is being investigated, the CoHeads will prioritise the student's wellbeing by ensuring there is a meeting with the class teacher and any other professionals working with the student. This meeting will consider the students' individual needs such as their general wellbeing, therapeutic needs, attendance, and engagement whilst the complaint is yet to be resolved. A student discussion during the school/service Clinical and Inclusion Meeting or PSM may be held in lieu of a class teacher meeting. Although the issues brought up as a complaint in relation to a student have not been investigated yet, the TCES expectation is that managers and staff will fully support the student and resolve all potential issues for that student immediately.
7. The Operations Manager will be the point of contact for the complainant whilst awaiting a resolution.
8. The matter should then be looked into and responded to, if not in full, within ten working days, providing written details of how the matter has been dealt with or the timescale during which it will be investigated and fully addressed. This should include a specific reference to whether the complaint has been *upheld*, *partially upheld* or *not upheld*.
9. A written record will be kept throughout detailing all communication and actions planned or taken, so that the progress of any investigation can be monitored. The records will indicate whether the complaint was resolved satisfactorily at the preliminary stage or preceded to the next stage.

10. If the response is not accepted by the complainant, the subsequent stages of the complaint process are followed as outlined below.
11. The Company Complaints Lead will be provided with an update in writing at the end of each stage of the complaint or at the point when the complaint is fully resolved. The complainant may be asked by the Company Complaints Lead to discuss the process in terms of continuous improvement and organisational learning.

Complaint stages (for the Complainant)

Stage One: Co-Head

Within 24 hours' (1 working day) from receipt of the complaint, the complainant will be contacted and given a reference number.

The relevant Co-Head will contact the complainant to discuss the details of their complaint and clarify the complainant's desired resolution. It is important to note that at this stage, the Co-Head may be unable to provide assurances that the complainant's desired resolution will be enacted.

A full response will be provided to the complainant by the Co-Head within 10 working days (within term time). The process of investigation and response should not exceed 10 working days (within term time) except in rare and exceptional circumstances. If there are rare and exceptional circumstances, we will extend the investigation process by a further 5 working days (within term time). In these instances, it is essential that the complainant is kept fully informed of the progress of their complaint.

The stage one written response will state if, following investigation, the complaint has been *upheld*, *partially upheld* or *not upheld*, and will include details of any actions taken or due to be taken by CiC. Where appropriate, the written response will also include details of any service changes identified as a result of the complaint.

Stage Two: Executive Headteacher

Should the matter remain unresolved to the complainant's satisfaction, they have the right to appeal the outcome within 10 working days (within term time) of the stage one response being sent. Complainants will be asked to explicitly outline in writing, which aspect(s) of their complaint they deem to be unresolved as this will help to ensure that the stage 2 response is considered and purposeful.

The complainant will be informed of this stage with an acknowledgement letter within 24 hours or 1 working day, and a stage two response provided within 10 working days (within term time). If there are rare and exceptional circumstances, we will extend the investigation process by a further 5 working days (within term time). In these instances, it is essential that the complainant is kept fully informed of the progress of their complaint.

Stage two investigations are conducted by the Executive Headteacher and will include a review of the complaint and the stage one investigation and response. If appropriate, additional investigations may be conducted and to support this process, the complainant may be asked to provide further information or evidence relevant to the complaint.

The stage two written response will address the complaint in full and confirm any revisions to the initial stage one judgement of *upheld, partially upheld* or *not upheld*.

Stage Three: Chair of Governors

Should the matter remain unresolved to the complainant's satisfaction, they have the right to appeal the outcome within 10 working days (within term time) of the stage two response being sent. Complainants will be required to explicitly outline which aspect(s) of their complaint they deem to be unresolved as this will help to ensure that the stage 3 response is considered and purposeful.

The complainant will be informed of this stage with an acknowledgement letter within 24 hours or 1 working day, and a stage three response provided within 10 working days (within term time). If there are rare and exceptional circumstances, we will extend the investigation process by a further 5 working days (within term time). In these instances, it is essential that the complainant is kept fully informed of the progress of their complaint.

To support the Chair of Governors, stage three investigations are conducted by the Company Complaints Lead and will include a review of the complaint and the stage one and two investigations and responses. All complainants will be invited to meet with the Company Complaints Lead on behalf of the Chair of Governors or in some instances the Chair of Governors will want to undertake this meeting themselves, as part of the stage three investigation process. The complainant will be asked to provide further information or evidence relevant to the complaint to enable a full and fair investigation of the facts.

The stage three written response will address the complaint in full and confirm any revisions to the stage two judgement of *upheld, partially upheld* or *not upheld*. The stage three response will also outline any organisational learning and/or changes that have occurred as a result of the complaint.

Stage Four: CEO

If the complainant remains dissatisfied with the complaint response, they have the right to appeal the outcome within 10 working days (within term time) of the stage three response being sent. *Stage three appeals are subject to the complainant providing new additional information and/or evidence relevant to the complaint.* Complainants are also required to explicitly outline which aspect(s) of their complaint they deem to be unresolved as this will help to ensure that the stage four response is considered and purposeful.

The complainant will be informed of this stage with an acknowledgement letter within 24 hours or 1 working day, and a stage four response provided within 10 working days (within term time). If there are rare and exceptional circumstances, we will extend the

investigation process by a further 5 working days (within term time). In these instances, it is essential that the complainant is kept fully informed of the progress of their complaint.

Stage four investigations will be conducted by the CEO and will include a review of the complaint and the previous investigations and responses to date. Where appropriate, the complainant may be invited to meet with the CEO

The stage four written response will address the complaint in full and outline any additional organisational learning and/or changes that have occurred as a result of the complaint.

Stage Five: Panel Hearing

If the complainant believes that they have not had a satisfactory response, or that their concerns have not been addressed, they have the right to appeal the outcome within 10 working days (within term time) of the stage four response being sent.

The complainant will be informed of this stage with an acknowledgement letter within 3 working days.

The complaint will be reviewed by a panel of no less than three individuals. CiC will strive to ensure that where there is a panel hearing of a complaint, the panel will include a sitting governor, and an independent Local Authority (LA) representative.

The panel 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 panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school 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.

The panel (or clerk) will 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

The panel (or clerk) will also request copies of any further written material to be submitted to the panel at least 5 working days (during term-time) before the meeting. Any written material will be circulated to all parties at least 5 working days (during term-time) before

the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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 meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel 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 panel will:

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

The Chair of the panel will provide the complainant and CIC with a full explanation of their decision and the reason(s) for it, in writing, within 10 working days (within term time) of the meeting. Where appropriate, it will include details of actions CIC will take to resolve the complaint.

Upholding or not upholding complaints.

At each stage of the complaints procedure, the conclusion will be either:

- That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.
- That the complaint is not upheld and reasons for this are clearly given. In addition, the complainant will be told how to proceed to the next stage of the procedure when their complaint is not upheld.

Changes to time scales and deadlines

In general, the time scales and deadlines contained within this policy will be stringently adhered to. However, in certain circumstances it may be inappropriate or impossible to meet this standard. Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time scales and deadlines set out within this policy, the complainant will be told and given an explanation as to why this has been the case.

Escalation, complaint closure and appeals

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants are granted 10 working days from receipt of the complaint response to decide whether they wish to pursue the matter any further, and if so, lodge an appeal and request escalation to the subsequent stage.

If no appeal is received from the complainant within this timeframe, the complaint will be closed by CiC.

In exceptional circumstances, complaints may be reopened at the discretion of the Company Complaints Lead. In these instances, the complainant should contact the Company Complaints Lead to request that the complaint is reopened.

Tashanna Egbochue
Company Complaints Lead
Tashanna.egbochue@tces.org.uk
020 8543 7878

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified, or incorrect they have the right to appeal. CiC complaints procedure will facilitate this.

Malicious and/or vexatious complaints policy and procedure

Introduction

CiC is committed to responding with patience and sympathy to the needs and views of all stakeholders, including when they have a complaint. We will deal with such matters fairly, ensuring that we provide clear and timely response; and CiC' Complaints, Concerns and Compliments Policy & procedure is enforced to ensure that this is the case.

Complainants should try to limit their communication with the service that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

In certain cases people may pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) or otherwise disproportionately impact on the operational capacity of the service or senior management team. These actions can occur either while their complaint is being investigated, or when the complaint investigation is finished.

To be able to distinguish between complainants who, make a number of complaints with good cause, because they really think things have gone wrong, and those who are unreasonably complaining without sufficient cause, CiC will:

- Consider each complaint on its own terms and evaluate each written or spoken submission in accordance with this policy to decide whether it is genuine or malicious and/or vexatious.
- Ensure that, if someone has made malicious and/or vexatious complaints in the past, it is not assumed that any subsequent complaint from them also falls into this category.
- Review the written reasons given by the complainant for appealing and therefore moving through the complaint stages, and explore the reasons why the complainant remains unsatisfied with the decisions reached at each stage. If CiC feel that each matter has been addressed fully and that the written reason for an appeal or movement through the stages is not appropriate or justified, CiC reserve the right to call a meeting to discuss their concerns rather than automatically move to the next stage. At this meeting the Malicious and Vexatious Complaints procedure will be discussed with the complainant to clarify any concerns and to review the definition of malicious and/or vexatious complaints (See below). In the event that CiC feel after this minuted meeting that it has gone as far as it can to resolve the complaint and the complainant is meeting some of the criteria set out below for defining malicious and/or vexatious complaints, it will write a formal response to the complainant ending the complaints process and will liaise with the Local Authority Commissioning services and where appropriate the LADO representatives for that LA to explain in writing its decision, which will be final.

CiC cannot commit significant time responding to unreasonable complainant behaviour but will try to avoid inflaming such situations.

This policy outlines how CiC aim to ensure a proportionate approach when responding to complaints and complainant behaviour. It supports staff (including volunteers and associates) to understand clearly what is expected of them, what options for action are available, and who can authorise these actions.

Defining malicious and/or vexatious complaints

This policy covers unreasonable complainant behaviour, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

The [Office of the Independent Adjudicator](#) defines the characteristics of a 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

This policy defines malicious and/or vexatious complaints as those which, because of the nature or frequency of the complainant's contacts, impede the service's consideration of their or other people's complaints or otherwise disproportionately impact on the operational capacity of CiC.

Single incidents may be unacceptable in themselves, but more often, the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint. The following are examples of some of the actions and behaviours which CiC consider malicious and/or vexatious (this list is not exhaustive):

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of TCES complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with CiC complaints procedure.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage which they expect to be taken into account and commented on.
- Raising many detailed but unimportant questions, and insisting they are all answered often immediately or to the complainant's timescales.
- Submitting falsified documents from themselves or others.
- Several complainants pursuing parallel complaints on the same issue; or one complainant pursuing parallel complaints on the same issue with various multi-agencies, CiC or TCES professionals or via multiple channels (including but not limited to emails, phone calls and social media).
- Making excessive demands on staff time and resources with lengthy phone calls, emails to numerous staff or detailed letters whilst the complaint is subject to investigation in accordance with this policy.

- Submitting repeat complaints with minor additions/variations which the complainant insists make these 'new' complaints.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refusing to accept the findings of the investigation into a complaint where CiC' complaint procedure has been properly implemented. This includes repeatedly arguing points without the provision of new or relevant evidence; and repeatedly appealing the complaint response without the provision of new or relevant evidence.
- Using the five different stages of the Complaints policy to escalate the complaint for the sole purpose of meeting more senior staff, and not specifically for the purpose of appealing unanswered or unresolved issues.
- Making unjustified complaints about staff who are trying to deal with the issues, and/or seeking to have them replaced.
- Harassing or bullying staff.
- Using threats to intimidate.
- Using abusive, offensive or discriminatory language or violence
- Publishing defamatory or negative information on social media or other public forums whilst the complaint is still being investigated.

Considerations prior to taking action

Prior to taking action under this policy the Company Complaints Lead must conduct a thorough review of the complaint and be satisfied that:

- The complaint is being or has been investigated properly.
- Any decision reached on it, is the right one.
- Communications with the complainant have been adequate in accordance with the terms outlined within the Complaints Policy.
- The complainant is not now providing any significant new information that might affect the company's view on the complaint.

Designating a complaint as malicious and/or vexatious

The Company Complaints Lead will decide when a complaint is to be designated as 'malicious and/or vexatious'. They will base this decision on whether some, or all of the terms outlined within *Defining malicious and/or vexatious complaints* are met, and if the nature and/or frequency of the complainant's contacts is impeding the service' consideration of their or other people's complaints, or otherwise disproportionately impacting on the operational capacity of CiC.

Action against malicious and/or vexatious complaints

On behalf of the CEO, the Company Complaints Lead will consider and approve the option for action to be taken for malicious and/or vexatious complaints. External advice will be sought as necessary.

Whenever possible, the Company Complaints Lead will discuss any concerns with the complainant informally before applying a 'malicious and/or vexatious' marking. During this discussion, the Company Complaints Lead will explain that the complainant behaviour is unreasonable and ask them to change it. If changes in the complainant behaviour are not immediately observed by the Company Complaints Lead, further action will be taken.

Any actions taken by CiC will be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls or written communications.
- Limiting the complainant to one medium of contact (telephone, letter, email etc.).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.
- Declining to further investigate complaints that CiC consider resolved unless relevant new information is provided that indicates that grounds for escalation have been met.
- CiC reserves the right to seek full legal redress where it feels that defamatory or inappropriate or biased information is placed into the public arena. The level of this legal response will be commensurate with the level of the attempts to reputationally damage the social enterprise.

The CEO will consider and agree the option/s proposed prior to any action being taken; if relevant, an appropriate time limit on any restrictions will also be agreed.

Managing complainant communication

Having designated a complaint as malicious and/or vexatious and decided on appropriate option/s for action (e.g. restricted access), the Company Complaints Lead will send the complainant a formal letter, which will include a copy of the policy and will explain:

- That this represents the full and final decision in respect of the raised complaint.
- Why the decision has been taken.
- What it means for their contact with the school or service.
- How long any restrictions will last.

In order to ensure ongoing complainant contacts are managed, the Company Complaints Lead may also decide to adopt one or more of the following approaches:

- Setting up a strategy meeting to agree a service-wide approach.

- Informing all relevant staff that contact with a named complainant is being restricted.
- Appointing a key officer to coordinate the school/service's response(s).
- Contacted the LA Commissioning senior management and their LADO(if appropriate) or the regulatory body in respect of malicious and vexatious complaints.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing.

Where a full and final decision on the complaint has been reached and communicated, the complainant will be told that future correspondence will be read and placed on file, but not acknowledged unless it contains new information. A designated member of staff will be identified who will read future correspondence to pick up any significant new information.

Recording feedback and learning from complaints will be managed in accordance with CiC Complaints, Concerns and Compliments Policy.

Compliments

Positive feedback in the form of comments and compliments are welcomed and appreciated by TCES and our individual schools and services. TCES will collect such information and display these as appropriate.

CoC use compliments to self-evaluate our work and help us understand how our existing systems, processes or practices are received by stakeholders. Compliments can be shared verbally with any member of staff, or in writing via email or using the [Appendix B: CiC Compliments Form](#). Positive comments received via parent/carers questionnaires, student questionnaires, during annual reviews or other meetings are also welcomed.

Guidance and Sources

Whilst CiC is not a school but an Education Otherwise Than At School (EOTAS) service, it takes into account the following guidance and sources in terms of the very best practice in addressing concerns and complaints. It is important to note that elements of the guidance and sources do not apply and the ultimate arbitrator of complaints that are appealed at the very final stage (Stage 5) are the Local Authority independently attending our Panel Hearing.

This policy has been developed after consulting:

- [Section 29 of the Education Act 2002](#),
- [School complaints procedures: guidance for maintained schools](#)

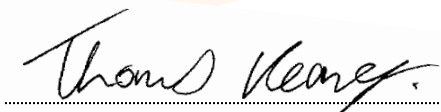
The policy should be read in conjunction with the following TCES policies:

- CIC Safeguarding Children and Adults at Risk Policy
- TCES Supporting Positive Relationships – Behaviour Policy.
- TCES' Diversity and Equal Opportunities Policy.
- TCES E-Safety/Acceptable Use/ICT Policy.
- TCES Whistleblowing Policy.
- TCES GDPR Policy.

Policy Sign Off

This policy was agreed and implemented by Thomas Keaney on behalf of TCES:

Signed:



Founder and CEO

Date of next formal review:

September 2025

Appendix A: CiC Complaints Form

		Complaint Reference Number [FOR OFFICE USE ONLY]
Name		
Email address		
Address		
Contact number		
<p>Please write the details of your complaint <i>You can attach further sheets if required – it is always helpful if you can indicate how, you would like the matter to be resolved and what outcome you would like</i></p>		

Where to send your form (please always copy in the Company Complaints Lead):

TCES Create in the Community
Operations Manager 3 Queens Road, Barking IG11 8GD Tel: 01708 393150 Email: admin.create@tces.org.uk Tashanna.egbochue@tces.org.uk
Company Complaints Lead
Tashanna Egbochue Head of Safeguarding and Company Complaints Lead Beacon House, 26-28 Worple Road, Wimbledon, SW19 4EE Tel: 020 8543 7878 Email: complaints@tces.org.uk Tashanna.egbochue@tces.org.uk

Appendix B: CiC Compliments Form

Name	
Email address	
Address	
Contact number	
CiC Service	
Please share your compliment below <i>Where relevant, please name individual staff</i> <i>You can attach further sheets if required</i>	

Where to send your compliments form (please always copy in the Company Complaints Lead):

TCES Create in the Community

Operations Manager
3 Queens Road, Barking
IG11 8GD

Tel: 01708 393150

Email: admin.create@tces.org.uk

Tashanna.egbochue@tces.org.uk