



## **Complaints Policy**

**Date Issued: 30th September 2022**

**Date Reviewed: 7th July 2023**

**Next Review Date: 7 July 2024**

Trustee signature:

A handwritten signature in blue ink that reads "Nina Lemon". The signature is written in a cursive style and is underlined with a single blue stroke.

Trustee Full Name: NINA LEMON

Trustee Full Name: CAROLINE HOARE

## **Who can make a complaint?**

This complaints procedure is not limited to students or the carers of the students of the Charity. Any person, including members of the public, may make a complaint to Peer Productions about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, we will use this complaints procedure.

## **The difference between a concern and a complaint**

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

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

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Artistic Director, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Artistic Director will refer you to a Trustee of the charity.

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

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

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

Concerns should be raised with the Leader of the Project. If the issue remains unresolved, the next step is to make a formal complaint.

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

Complaints against charity staff (except the Artistic Director) should be made in the first instance, to the Artistic Director ([nina@peerproductions.co.uk](mailto:nina@peerproductions.co.uk)). Please mark them as Private and Confidential.

Complaints that involve or are about the Artistic Director should be addressed to [chair@peerproduction.co.uk](mailto:chair@peerproduction.co.uk), the Chair of Trustees. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, to the Charity Commission <https://www.gov.uk/complain-about-charity>.

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 [admin@peerproductions.co.uk](mailto:admin@peerproductions.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 Artistic Director or Chair of Trustees, 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.

### **Scope of this Complaints Procedure**

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

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>Exclusion of young person from the charity activities</li></ul>	<a href="mailto:admin@peerproductions.co.uk">admin@peerproductions.co.uk</a> . Further information about raising concerns about exclusion can be found in the Disciplinary Rules and Procedures.
<ul style="list-style-type: none"><li>Whistleblowing</li></ul>	<a href="mailto:Chair@peerproductions.co.uk">Chair@peerproductions.co.uk</a> . We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  Volunteer staff and carers who have concerns about our charity should complain through complaints procedure. You may also to complain direct to Charity Commission.
<ul style="list-style-type: none"><li>Staff grievances</li></ul>	Complaints from staff will be dealt with under the charity's internal grievance procedures.

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the charity'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 the matter is being addressed.</p>
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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 Peer Productions 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.

## **Safeguarding**

If a complaint is received which raises a specific safeguarding concern about a child, young person or vulnerable adult, this will immediately be acted upon according to Peer Productions' Safeguarding policy.

This Complaints procedure can be used for complaints about Peer Productions' safeguarding policy and procedures in general, or for complaints about Peer Productions' response to a safeguarding concern.

## **Resolving complaints**

At each stage in the procedure, Peer Productions 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 reoccur
- 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 charity's 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 Artistic Director (unless they are about the Artistic Director), via the charity office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Artistic Director will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

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

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

During the investigation, The Artistic 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 Artistic Director will provide a formal written response within 21 working days of the date of receipt of the complaint.

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

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

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

If the complaint is about The Artistic Director, or a member of the governing body (including the Chair of Trustees), a suitably skilled Trustee will be appointed to complete all the actions at Stage 1.

Complaints about The Artistic Director or member of the governing body must be made to the Charity Commission.

If the complaint is:

- about the Chair of Trustees or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body or at the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body which will be formed of the first three, impartial, Trustees available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Chair of Trustees [chair@peerproductions.co.uk](mailto:chair@peerproductions.co.uk) within 10 days charity days of receipt of the Stage 1 response.

The Chair of Trustees will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 charity days.

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

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

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

The complaints committee will consist of at least three Trustees with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.

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

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

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

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

Representatives from the media are not permitted to attend.

At least 10 working days before the meeting, the Chair of Trustees 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 3 working days before the meeting.

Any written material will be circulated to all parties at least 2 charity days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

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

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

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

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

The Chair of the Committee will provide the complainant and Peer Productions with a full explanation of their decision and the reason(s) for it, in writing, within 20 working days.

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

If the complaint is:

- jointly about the Chair of Trustees or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent Trustees.

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 Peer Productions will take to resolve the complaint.

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

### **Next Steps**

If the complainant believes the Charity 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 the law, they can contact the Police.



## Complaint Form

Please complete and return to either [nina@peerproductions.co.uk](mailto:nina@peerproductions.co.uk) or [chair@peerproductions.co.uk](mailto:chair@peerproductions.co.uk) who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Student name (if relevant):**

**Your relationship to the student (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 charity 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 charity 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 Artistic Director or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

**Complaints Co-ordinator** (this could be The Artistic Director / designated complaints Trustee 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, The Artistic Director, Chair of Trustees, to ensure the smooth running of the complaints procedure
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to charity 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)

- 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
- 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 paperwork, charity 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 Complaints Coordinator) 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 charity are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the

proceedings or any involvement in an earlier stage of the procedure

- the meeting is minuted

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No Trustee 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 Charity 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 carer should be advised that agreement might not always be possible if the carer 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.