

## Complaints Policy

### Document History

Version Number	Date of Issue	Review Date	Author	Changes made/ detail
1	Sept 2015	July 2016	Laura Gillions	First issue
2	October 2017	July 2018	Sarah Moore	New Format

### Aim

This policy is to ensure that Emil Dale Academy (EDA) and Emil Dale School of Performing Arts Ltd (EDSA) manages complaints efficiently and following a clear process.

EDA/EDSA views complains as an opportunity to learn and improve for the future, as well as a chance to put things right for the leaner/ parent/ member of public that has made the complaint.

We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Senior Management has approved the following procedure which explains what you should do if you have any concerns about EDA/ EDSA. All members of staff will be familiar with the procedure and will be able to assist you.

### Policy

- To provide a fair complaints procedure, which clear and easy to use for anyone wishing to make a complaint.
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- To make sure all staff EDA/EDSA know what to do if a complaint is received.
- To make sure all complaints are investigated fairly and in a timely manner.
- To make sure all complaints are, wherever possible, resolved and that relationships are repaired.
- To gather information which helps us to improve what we do.

### Definition of a Complaint

A complaint is any expression of dissatisfaction about any aspect of EDA/ EDSA.

This could include by is not limited to:

- Course fees/ management of course fees
- Course content/ structure of the courses
- Teachers/ staff
- Other students
- Public considerations (noise/ parking/ building)

### Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of EDA/EDSA or the training provided or wellbeing of

students/members, raise this with the administration team via the phone, by email or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

### **Safeguarding**

Wherever a complaint indicates that a student/member's wellbeing or safety is at risk, EDA/EDSA is under a duty to report this immediately to the local authority. Any action taken will be in accordance with our Child Protection Policy, found on the website <https://www.emildale.co.uk/eda/policies.php>.

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, EDA/EDSA requests the complainants do not discuss complaints publically via social media such as Facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **Complaints that result in staff capability or disciplinary proceedings**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Principal and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

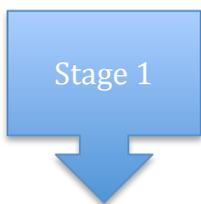
### **Procedure**

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the following procedure as detailed below.



*Informal/ immediate addressing of issues by relevant staff member(s).*

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint.



Informal investigation by Heads of Department/ Administration team.

The complainant must explain in writing

- An overview of the complaint so far
- Who has been involved

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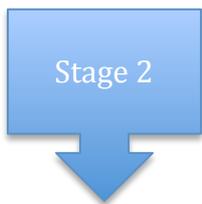
- Why the complaint remains unresolved
- Action they would like to be taken to put things right

The Head of Department/Head of Year will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.

Where the complaint is about a member of staff or a school governor, the Head of Department/ Manager will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.

The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process, and launch a formal written complaint. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998.

Where dissatisfied with outcomes, progress to stage 2



Formal investigation by Deputy Head/ Operations Manager/ Head of Pastoral care

The complainant may submit a formal complaints form to the Deputy Head or Operations Manager.

The Deputy will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

The Deputy may choose to delegate the investigation to another member of the management team, eg Line manager to Head of Department or Operations Manager.

A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

The Deputy will consider all relevant evidence; this may include but is not limited to:

- a statement from the complainant,
- where relevant a statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents in either case
- interview with anyone related to the complaint.

The Deputy may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.

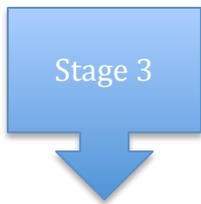
After considering the available evidence, the Deputy can:

- Uphold the complaint and direct that certain action be taken to resolve it

- Reject the complaint and provide the complainant with details of the stage three appeals process
- Uphold the complaint in part: in other words, the Deputy may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

The Deputy must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied, providing them with the contact details of the Principal.

Where dissatisfied with outcomes, progress to stage 3



## Formal appeal to Principal.

This is the final stage of EDA/ EDSA's complaints procedure.

If the complainant wishes to appeal a decision by the Deputy at stage 2 of the procedure, or they are not satisfied with the action that the Deputy took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Principal as soon as possible after receiving notice of the Deputy's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Operations Manager will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Deputy's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Operations Manager will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The Operations Manager will convene a panel of the Senior Management at EDA/EDSA and one independent member (this could be a representative from our partner school). All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Operations Manager to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant
  - the relevant member of staff who dealt with the complaint at Stage 2
  - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

6. Where the complaint is about a member of the Senior Faculty, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Principal who will notify the Operations Manager of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

7. The panel can make the following decisions:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on the appropriate action to be taken to resolve the complaint

- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, legal advice can be sought and the complaint can be progressed through legal means.

EDA/EDSA will not consider the complaint beyond this.

### **Timeframes**

EDA/ EDSA will endeavour to address complaints within 15 working days, however we acknowledge that this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example.

If it becomes apparent that it is not possible to complete any stage of the complaints procedure within an agreed given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

EDA/ EDSA reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time.

The Deputy Head will review the situation and decide whether or not to enact the complaints procedure, informing the Operations Manager and Principal of the decision.

### **Who should I approach?**

Educational/ Training matters: Head of Department

Pastoral care: Head of BTEC/ Welfare

Disciplinary matters: Deputy Head

Financial/Administration matters: Operations Manager

Complaint about a staff member's conduct: Head of Department or Deputy Head – in extreme cases the Operations Manager or Principal directly.

### **Confidentiality**

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### **Unreasonable complaints**

Where a complainant raises an issue that has already been dealt with via EDA/EDSA's complaints procedure, and that procedure has been exhausted, EDA/EDSA will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Operations Manager will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure,

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and therefore the case is now closed. The complainant will be directed to seek legal advice if they wish to take the complaint further

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with EDA/EDSA's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Principal will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Senior Faculty that they have done so, explaining the nature of the complaint and why they have chosen not to investigate.

If the Faculty deems it appropriate to, they can redirect the Principal to investigate the complaint.

The full complaints procedure will commence from Stage 1 on this direction. If the Faculty upholds the Principal's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may choose to seek legal advice.

### **Responsibility**

Overall responsibility for this policy and its implementation lies with the management team at EDA.

If you think that you are entitled to a refund for any reason, appeals can be sent to EDA at 60 Wilbury Way, Hitchin, Herts, SG4 0TA, or by email at [info@emildale.co.uk](mailto:info@emildale.co.uk).

### **Document review**

<b>Reviewed By</b>	<b>Reviewed Date</b>	<b>Signature</b>
<b>Co-reviewed by</b>	<b>Reviewed date</b>	<b>Signature</b>