

Student Complaints Policy & Procedure

Emil Dale School of Performing Arts (EDSA) & Emil Dale Academy (EDA)*** pride ourselves on our openness and approachability. The school welcomes the expression of opinions and suggestions, and, in particular, recognises the right of students, parents/guardians and staff to express a concern or make a formal complaint if necessary.



Complaints and concerns are always taken seriously, and it is our aim to resolve them as efficiently and effectively as possible.

In the event of a student wishing to raise any concerns or make any complaints, we encourage the complainant to bring the matter to our attention as early as possible. This allows EDA to rectify the problem or explain the position of EDA before a matter escalates.

****In this policy, the abbreviation of EDA will be used to cover all business streams*

Which policy/ procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on EDA's website or ask for a copy from the main reception.

- Student Admissions - See Admissions Policy
- Student Disciplinary/ Exclusions - See Behaviour & Disciplinary Policy and Procedures
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- For Degree Students, The University of Bedfordshire has its own Academic Appeal's Procedure which must be followed: <https://www.beds.ac.uk/student-experience/academic-information/academic-appeals-policy/> (correct as of 25th June 2020)

Anonymous complaints will not be considered.

1. Aims

EDA's aim is to ensure that complaints are managed efficiently, effectively and sensitively. Complaints will be managed at an appropriate level - whilst every complaint is taken very seriously this policy distinguishes between a difficulty that can be resolved informally and a formal complaint that requires investigation.

A complaint is an expression of dissatisfaction by one or more students, parents or stakeholders about action or lack of action by EDA, or about the standard of service provided by or on behalf of EDA (for purposes of this document, anyone who is making the complaint will be referred to as the student).

EDA aims to ensure our Complaints policy and procedures are:

- Accessible - open to all stakeholders and easy to navigate
- Clear - giving clear definitions of what constitutes a complaint and easy to understand
- Proportionate - allows for a complaint to be resolved informally and as early as possible, with escalation paths to formal and review stages if deemed necessary
- Timely in identification and resolution - normally completed within 60 calendar days
- Fair - ensures impartiality when handling complaints, and equality in hearing from both parties to present their cases. Clear reasons must be given for decisions reached.
- Confidentiality - for both parties at all stages

EDA is committed to ensuring that decisions are made consistently, decisions are made at the appropriate level, appropriate action is taken on issues identified and information gathered is used to improve services for students and the student experience.

EDA aims to operate a fair and transparent complaints procedure and students will not suffer any detriment by making a complaint.

2. Scope

This policy is applicable to all students of Emil Dale Academy's vocational training courses including the Sixth Form and Higher Education Courses, and its weekend school training.

This policy covers:

- BTEC specific academic complaints
- Complaints about staff
- Complaints about other students/ The Student Council
- Complaints about third party providers where the service provided has directly impacted their experience whilst on site at EDA

A former student may also bring a complaint under this procedure within 90 days after the matters complained about, but only if the complaint could not reasonably have been brought while he/she/they was/were a registered student.

Claims for compensation for personal injury cannot normally be brought under this procedure, but may be accepted at the discretion of the Business & Strategy Manager.

Out of scope are complaints involving other organisations or contractors who provide a service on behalf of the provider. A student may wish to complain about the service provided by another organisation, for example IT. It is good practice that the student contacts the appropriate organisation directly - EDA will support a student complaint in this instance but will not be directly involved in the complaints procedure.

a. When does this policy apply?

This policy applies to all conduct at EDA and also to conduct outside of EDA that is related to EDA (e.g. at social events arranged by EDA) or which may impact on EDA's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to EDA).

EDA cannot regulate or be held accountable for views shared on social media or communicated by students or staff when they are done so on personal accounts not related to EDA other than the fact that they are a student or staff member of EDA. This includes any messages, statements or communications in groups not specifically set up and monitored by EDA.

EDA cannot reasonably regulate or discipline students where situations occur outside of college hours or during school holidays where the only link to EDA is the fact that the people involved are EDA students/ stakeholders.

This policy must be read in conjunction with the Disciplinary & Behavior Policy and Procedures, the Harassment, Bullying & Cyber Bullying Policy and the Appeals Procedure.

For recruitment and admissions purposes, this policy must be read alongside EDA's Recruitment Policy and EDA's Admissions Policy.

3. Definitions/ Examples

Complaints - The Office of the Independent Adjudicator defines a student complaint as *“an expression of dissatisfaction by one or more students about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider.”*

[\(https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/complaints-and-academic-appeals/](https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/complaints-and-academic-appeals/) accessed 26th June 2020)

And provides examples of complaints to include but not limited to:

- failure by the provider to meet obligations including those outlined in course/student handbooks or a student charter
- misleading or incorrect information in prospectuses or promotional material and other information provided by the provider
- concerns about the delivery of a programme, teaching or administration including, where applicable, that provided by a partner provider
- poor quality of facilities, learning resources or services provided directly by the provider
- complaints involving other organisations or contractors providing a service on behalf of the provider

[\(https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/complaints-and-academic-appeals/](https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/complaints-and-academic-appeals/) accessed 26th June 2020)

Academic Appeals - *“A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.”*

For Degree Students, The University of Bedfordshire has its own Appeal’s Procedure which must be followed: <https://www.beds.ac.uk/student-experience/academic-information/academic-appeals-policy/> (correct as of 25th June 2020).

For BTEC students, this procedure is the relevant complaints procedure; however, Knights Templar School would have significant participation in an academic appeals/ complaints procedure in this instance.

4. Legal representation

EDA’s Complaints Procedure is an internal process the purpose of which is to establish the facts in light of evidence and on the balance of probabilities. The procedure is not an adversarial one, therefore legal representation is not required by any of the parties involved and will not be permitted.

5. Policy

EDA is a small college, in which students and staff get to know one another very well and work closely together in a climate of trust, professionalism and commitment.

When things go wrong we will be clear and honest about what happened, and work together to put things right and learn from any mistakes.

Students who raise concerns or make formal complaints will not experience any negative treatment and will be supported in making their case.

This Procedure is intended to allow students formally to raise concerns about matters which are the responsibility of EDA, but which do not fall clearly under the University of Bedfordshire or Knights Templar School Partner appeals and complaints procedures.

This procedure applies to enrolled students and may be used by individuals or groups of students.

This Procedure should not be used for the following:

- Degree student appeals or complaints about academic results or the circumstances relating to them (e.g. required withdrawal from a course; a verdict of plagiarism and/or collusion; a penalty applied in respect of plagiarism and/or collusion; a refusal to permit the late submission of work for assessment or to approve a delayed assessment).
- Appeals against Disciplinary procedures.

Complaints must be brought promptly. EDA will not accept complaints that are made longer than 30 days after the matters complained about, unless there is good reason for the delay.

Some complaints may require EDA to take particularly swift action. These may include, but are not limited to:

- complaints involving a threat of serious harm
- cases where the impact of the issues raised has detrimental consequences for the student's mental health or where the student displays significant distress
- complaints relating to disability support
- issues of serious and repeated service failure and/or significant delay
- issues of a highly sensitive nature

Unreasonable Complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school 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 Deputy Head will write to them explaining that the matter has been dealt with fully in line with EDA's complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education or The Office of the Independent Adjudicator (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school'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.

If a complaint is found to be malicious, vexatious or frivolous, the complainant may be subject to disciplinary procedures.

Complaints which are found to be without substance will be closed.

6. The Concerns and Complaints Procedure

There are up to four steps in dealing with concerns and complaints:

1 - Informal Resolution	2 - Formal Complaint - Initial Stage	3 - Internal panel review	4 - Advanced Complaints stage
Talk to someone who can resolve it informally	An investigator is designated to look into the complaint	An internal, impartial review panel will convene to review the case	Complaints Panel adjourned to review the case and decisions made

The majority of concerns can be dealt with without resorting to the formal procedure. EDA asks that all concerns are raised at the earliest possible opportunity.

Note* where timescales are indicated below, if a complaint is made outside of term time, these may be extended due to availability of staff.

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

1 - Informal/ early resolution

Where there is a concern about any aspect of EDA or a student's education or wellbeing, this can be raised to the relevant subject teacher, course leader or Deputy Head via the phone, by email or in person (not via social media). Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

This must be done within 7 working days of the concern arising.

The member of staff may ask for evidence and speak to other people, but will not undertake a formal investigation. They will recommend a course of action to resolve the concern or, if this is not possible, they will write to the student within 10 working days explaining the situation and the option of raising a Formal Complaint.

The Deputy Head is available for 1:1 meetings every week, as well as a stakeholder being able to book an appointment with any member of the Senior Faculty (with the exception of Emil Dale) at any point.

If a stakeholder wishes to meet with Emil Dale, this may not always be possible and the Senior Faculty will try to resolve problems before concluding that Emil Dale should be consulted.

EDA aims to address straightforward concerns swiftly and locally, before a student escalates them into a formal complaint. This might include, for example, face to face discussion with the student, or asking an appropriate member of staff, or mediator or conciliator, to deal with the matter. Effective ways of dealing with the complaint at this stage may include:

- giving more information or a more detailed explanation
- suggesting solutions
- being empathetic and understanding when there is no apparent solution
- giving an apology where it seems appropriate to do so
- introducing student and staff conciliators

Where it is clear early resolution is not appropriate or possible, and that a concern will need to proceed immediately to the formal stage.

2 - Formal Complaint - Initial Stage

When concerns have not been resolved informally, students may raise a Formal Complaint by emailing a detailed breakdown of their complaint including a desired remedy to the situation to accounts@emildale.co.uk FAO The Business & Strategy Manager - Private within 20 working days of the concern arising.

The formal complaints process is triggered when:

- the student declines to engage with early resolution and initiates the formal process
- early resolution was attempted, but the student remains dissatisfied and initiates the formal process
- the issues raised are complex and will require detailed investigation, for example where a complaint relates to the conduct of staff members or covers a number of different incidents

Formal complaints investigations will be proportionate to the complaint.

If the complaint is against the Business Manager, they should ask the Principal to appoint another member of staff to deal with it.

On receipt of the complaints email, the Business & Strategy Manager must respond within 7 days, and will refer the complaint to an appropriate person for consideration ("The Investigator"). This will usually be the Head of Faculty or the Deputy Head. Where the complaint relates to difficulties with a member of staff the Investigator may be external. In some cases, the Business & Strategy Manager may be able to resolve the complaint.

The Investigator is responsible for informing the student of the approach they will take and the outcome of the process.

The person considering the complaint at the Initial Complaints Stage may decide to meet with the stakeholder to discuss the complaint. If so, the stakeholder may bring an adviser, friend or representative to the meeting.

The Deputy Head/ Head of Curriculum may:

- a. Find a suitable solution to resolve the complaint
- b. Choose to convene with other members of staff to resolve the issue
- c. Refer the complaint to the Principal for resolution
- d. dismiss the complaint, giving reasons, and issue a Completion of Procedures letter
- e. Suggest a timeframe for further investigation

Where the complaint concerns relationships with other students or staff, the Investigator may recommend mediation. If all parties agree to this, the investigation will be suspended. At the end of the mediation the complaint will either have been resolved or the investigation will be resumed.

The Investigator will consider information from all key people involved in the complaint and any other relevant material before reaching a conclusion on the balance of probabilities and their judgement on what is reasonable in all the circumstances. They will then write a report supporting one of the following recommendations:

- the complaint is fully upheld and a remedy is proposed;
- the complaint is partially upheld and a remedy is proposed for the successful part;
- the complaint is not upheld;
- the case is so complex that the findings would benefit from discussion through an internal review, consisting of three impartial nominees.

We aim to complete this stage within 30 working days of receiving the complaint.

3 - Internal Review

Where a Stakeholder is not satisfied with the result of the Initial Stage or where a Panel is recommended as a result of the Investigator's findings, The Principal will nominate three impartial nominees to review the details of the complaint. They will all be internal staff members with no prior knowledge or experience of the case.

They will conduct a review similar to that of the Investigator, and consider the Investigator's findings also. They will seek the same recommended outcomes as the Investigator; however in the event that the Internal Review is not enough, they may recommend progressing the complaint to the Advanced Complaints Stage.

4 - Advanced Complaints Stage

If the complaint cannot be resolved at Internal Review or if the Stakeholder is unsatisfied with the result of the Internal Review, a Complaints Panel will be appointed by the Principal.

The purpose of the Complaints Panel is to assess whether the student has valid grounds for their complaint and reach final conclusions on resolution of the complaint.

The Complaints Panel will consist of three members of academic staff:

- Chair: An Associate from outside EDA but has academic standing at a partner institution, or nominee
- 2 members of academic staff who are unconnected with the case

Student companion at the Complaints Panel

The student may be accompanied to the Complaints Panel by a companion who can be a family member, a friend or member of the Students Council who is there to provide support but is not permitted to address the panel. The student is expected to present their own case and answer the Panel's questions. The name and details of the companion must be sent to info@emildale.co.uk at least 7 calendar days before the meeting of the Complaints Panel.

Dates for the panel

If there are dates on which it is impossible for a student to attend a meeting, they should inform EDA by emailing info@emildale.co.uk as soon as possible. Every attempt will be made to arrange a date which is convenient to all of those involved, however, if the student is unable to attend the meeting in person it may be possible to arrange for the appeal to be conducted via Zoom during working hours. If neither option is possible then the appeal will be conducted in the student's absence.

Confirmation of attendance at the Complaints Panel

Once the date and time of the complaints hearing has been agreed, formal notification will be sent to the student at least 14 calendar days prior to the hearing and will include the names and roles of the Panel members. The student will be asked to confirm their attendance at the hearing and they should inform EDA at the earliest opportunity if they believe there is a conflict of interest with any of the Panel members. If such a conflict of interest exists, an alternative panel member will be found. This may require the appeal hearing to be rescheduled to a later date.

Absence of Complaints Panel member

If any member of the Complaints Panel is absent on the day of the hearing due to unforeseen circumstances, the student will be asked if they wish to proceed with the hearing or if they would like to reschedule the hearing to an alternative date.

Complaints panel procedure

The procedure for the meeting is as follows:

- (a) The Complaints Panel members will meet for an hour prior to the start of the panel to agree the questions they would like to put to the student and the decision-making body-representative(s).
- (b) The Chair explains the purpose of the hearing and asks all those present to introduce themselves (5 minutes maximum).

- (c) The Chair invites the student to give a brief summary of the main grounds for their complaint (10 minutes maximum).
- (d) The Chair invites the decision-making body representative(s) to give a brief summary of their position on the appeal (10 minutes maximum).
- (e) If the student or decision-making body representative(s) have asked to call other people to present evidence, the Chair will decide when and if it is appropriate to call them into the hearing. They will only be permitted to attend the Panel when asked to give evidence and may not stay for the entire proceedings.
- (f) The Complaints Panel will put questions to both the student and the decision-making body representative(s) as appropriate (40 minutes for the student and 40 minutes for the decision making body representative(s) maximum).
- (g) The Chair may permit either the student or the decision-making body representative(s) to put questions to each other at any stage of the hearing, however, all questions must be put through the Chair.
- (h) The Chair will ask the student if they want to make any concluding remarks before the Panel retires to consider its findings (10 minutes maximum).
- (i) The Chair will draw matters to a close and the panel will retire to make its decision (5 minutes maximum).
- (j) The Chair has the discretion to vary the procedure in any case where they consider it appropriate and just to do so. Any variation must be recorded in the notes of the meeting and must be in accordance with the Complaints Procedure.
- (k) The Chair has the right to adjourn the hearing until a future date or time in exceptional circumstances.

Complaints panel decisions

The Complaints Panel can make one of the following decisions:

- (a) Uphold the complaint, and decide resolution
- (b) Partially uphold the complaint, and decide resolution
- (c) Reject the complaint

Communication of the Complaints Panel's decision

The outcome of the formal stage of the procedure must be communicated to the student and the decision-making body representative(s) in writing within 7 calendar days. Clear and concise reasons for each decision will be provided along with a copy of the notes from the hearing. The student and/or the decision-making body representative(s) may inform the writer of the outcomes of any errors/omissions in the notes and an amended copy of the notes will be provided if the amendments are approved by the Chair.

The Chair will write to the student explaining the decision within 20 working days. There is no appeal against this decision.

Safeguarding

Wherever a complaint indicates that a student's well-being or safety is at risk, EDA is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the EDA's Safeguarding and Child Protection Policy, found on the school's website.

Where a student is over 18, the student themselves will be encouraged to seek avenues for support under the support and guidance of EDA.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, EDA requests the complainants not discuss complaints publically via social media such as Facebook, Twitter, Instagram and Snapchat.

Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full

If a BTEC student is the complainant and feels that EDA and the Complaints Panel board acted 'unreasonably' in the handling of the complaint, they can complain to the Education and Skills Funding Agency after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

<https://form.education.gov.uk/submitform.php>

Academies Central Funding Unit (Academy Complaints)
Education and Skills Funding Agency (ESFA)
Cheylesmore House
5 Quinton Road
Coventry CV1 2WT
Email: academy.questions@education.gov.uk

OR

If a Degree student is the complainant and feels that EDA and the Complaints Panel board acted 'unreasonably' in the handling of the complaint, they can complain to the Office of the Independent Adjudicator

<https://www.oiahe.org.uk/>

0118 959 9813

OR

If the complainant is a Gap Year Student or Weekend School member, feels that EDA and the Complaints Panel board acted 'unreasonably' in the handling of the complaint, they can write directly to the Principal for a further review. However, if this is dismissed, there are no further appeals procedures to follow and the case will be closed.

Version Number	Date of Issue	Review Date	Author	Changes Made/ detail
01	08.06.2020	08.06.2021	Sarah Moore	First draft