

Emil Dale

ACADEMY

Sixth Form Students Complaint Procedure

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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the college. Any person, including members of the public, may make a complaint to Emil Dale Academy about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. For issues that fall outside of this policy and procedure, the college will confirm the correct process that applies instead.

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 complaint’s procedure. Emil Dale Academy 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, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

Complaints against college staff (except the Principal) should be made in the first instance, to the Principal (contact details at the end of this policy) via email or by letter to the college. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to the Business, Compliance and Strategy Manager or by letter to the college reception. Please mark them as Private and Confidential. The college reception will ensure that the Business, Compliance and Strategy Manager receives this as soon as practicable.

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 the college office. You can also ask a third-party organisation for example, the Citizens Advice Bureau, to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Serial, persistent and unreasonable complaints

Emil Dale Academy is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the college. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal or Business, Compliance and Strategy Manager, if appropriate, will determine whether the complaint warrants an investigation.

Complaint campaigns

If we receive large volumes of complaints either based on the same subject or from complaints unconnected with the college, we will send a template response to all complainants or publish a single response to those complainants.

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.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first college day after the holiday period.

A college day is defined as a weekday during term time (excluding bank holidays, occasional days etc). The term dates are published on our website. All time frames in this policy refer to college days.

Scope of this complaint's procedure

This procedure covers all complaints about any provision of community facilities or services by Emil Dale Academy.

It is not possible to claim compensation through this complaint's procedure.

Examples of issues that may be dealt with under this Complaints Procedure:

- Complaints from individuals, including members of the public, about the provision of facilities or services by the college.
- Issues from parents or carers of children who attend the college.
- Complaints regarding pupil welfare and wellbeing.
- Complaints regarding bullying.
- Complaints regarding staff behaviour.
- Complaints about the college's handling of a Subject Access Request (SAR) or Freedom of Information (FOI) request.

The following matters cannot be dealt with as a formal complaint:

- Complaints about pupil behaviour outside of college hours e.g. weekends and holiday periods – such issues are not the college's responsibility.
- Complaints regarding third parties using or hiring college premises – third party providers should have their own complaints process, and you should contact them directly.
- Complaints about the college carrying out a statutory duty e.g. making a child protection referral – the college's complaints process cannot be involved to stop it doing something it has a duty to do.
- Complaints regarding internal management decisions, e.g. class and teacher allocations and college session time changes.
- National Curriculum content – contact the Department for Education (DfE) at www.education.gov.uk/contactus.

- Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the Senior Management – the Senior Management have already given the matter full consideration and respondents have had the opportunity through the consultation process to put forward their views.
- Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance - If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
- Complaints about fixed term or permanent exclusion – for fixed term exclusions, representations can be made to Senior Management outside the provisions of the complaints process. Permanent exclusions may ultimately be appealed to an Independent Review Panel. Further information about raising concerns about exclusion can be found at: www.gov.uk/college-discipline-exclusions/exclusions
- Whistleblowing - We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle blowers in education who do not want to raise matters direct with their employer. Page | 3 Referrals can be made at: www.education.gov.uk/contactus. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
- Complaints from staff will be dealt with under the college's internal grievance procedures.
- Complaints about staff will be dealt with under the college's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Emil Dale Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Emil Dale Academy will aim 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(s) complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review college 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 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis. Concerns should be raised with either the Course Leader, or Principal as below.

- Education issues – if the matter relates to the classroom, the curriculum or special educational needs, you should speak to the Course Leader.
- Pastoral care – for concerns relating to matters outside the classroom you should speak to the Welfare Officer or your Course Leader.
- Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved you should speak to the relevant Course Leader.
- Financial and administrative matters – concerns relating to fees, extras or other administrative matters should be raised with the Head of Student Experience or the Business, Compliance and Strategy Manager.
- An issue with a specific member of staff – often the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly so that they are given the opportunity to address and resolve the concern or difficulty. If you feel uncomfortable doing this the issue should be raised with your Course Leader, deputy Principal or Principal.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 college days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 – Formal complaints

Formal complaints must be made to the Principal (unless they are about the Principal), via email or by letter via the college office. This may be done in person or in writing (preferably on the Complaint Form).

If you are unable to submit your complaint in writing by email or letter or by using the formal complaint form, the college will follow the steps set out on page 2 of this policy.

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 college days. Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face-to-face meeting is the most appropriate way of doing this.

The Principal may delegate the investigation to another member of the college's senior leadership team but not the decision to be taken.

During the investigation, the Principal (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 Principal will provide a formal written response within 20 college days of the date of receipt of the complaint. If the Principal 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 Emil Dale Academy will take to resolve the complaint. The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, a suitably skilled Senior Manager or independent investigator will be appointed to complete all the actions at Stage 2. Stage 2 will then be considered by an independent investigator appointed by the trustee board. At the conclusion of their investigation, the independent investigator will provide a formal written response within 20 college days of the date of receipt of the complaint.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the college. This is the final stage of the complaint's procedure.

A request to escalate to Stage 3 must be made to the Principal and the Business, Compliance and Strategy Manager via email or by letter to the college office, within 5 college days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The EA to Senior Management will record the date the Stage 3 escalation request is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 college days.

The request to escalate to Stage 3 should clearly set out how and why the complainant does not accept the findings under Stage 2, explaining what steps have been taken to resolve the complaint so far by the college, why this has not been satisfactory and the desired outcome of the complaint. The EA may contact the complainant if further information is required.

The EA will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 college days of receipt of the Stage 3 request. If this is not possible, the EA will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the EA 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.

If the complaint is jointly about the Principal and Business Compliance and Strategy Manager, Stage 3 will be heard by a completely independent Panel panel.

A complainant may bring someone along to the panel meeting 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 college 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 complaint's 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 college days before the meeting, the EA 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 Panel at least 5 college days before the meeting.

The chair of the panel will decide, at their absolute discretion, which witnesses will be permitted to attend the panel hearing to give a verbal statement rather than relying on a signed written statement.

Any written material will be circulated to all parties at least 5 college days 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 panel hearing 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.

Procedure at the panel hearing

1. The nominated chair of the panel will welcome everyone and make introductions
2. The nominated chair will invite the complainant to give an account of their complaint
3. The nominated chair will invite questions from the headteacher, the person who dealt with the complaint under Stage 3 and other members of the panel
4. If applicable, the nominated chair will invite the complainant's witness(es) into the room individually to give an account of what they saw or know and they will be asked to leave after answering any questions
5. The nominated chair will invite the headteacher and the person who dealt with the complaint under Stage 3 to respond to the complaint
6. The nominated chair will invite questions from the complainant and other members of the panel
7. If applicable, the nominated chair will invite the college's witness(es) into the room individually to give an account of what they saw or know and they will be asked to leave after answering any questions
8. The nominated chair will ask the complainant to summarise their complaint

9. The nominated chair will ask the headteacher to summarise their response and the college's stance

10. The panel hearing will then conclude and the nominated chair will ask the complainant and the college representatives to leave.

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

The nominated chair of the panel will provide the complainant and Emil Dale Academy with a full explanation of their decision and the reason(s) for it, in writing, within 5 college days. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Emil Dale Academy.

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 Emil Dale Academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the college premises by the proprietor and the Principal.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Next Steps

If the complainant believes the college 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 education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Emil Dale Academy. They will consider whether the College has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent College Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at:

www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road Coventry
CV1 2WT

College contact details:

Emil Dale Academy
Broadway
Letchworth
Hertfordshire
SG6 3PA

College office: info@emildale.co.uk

Principal: Victoria Hammond vicky@emildale.co.uk

Deputy Principal: Jonathan Hunt jonathan@emildale.co.uk

Course Leader: Fran Gowar fran@emildale.co.uk

Business, Compliance and Strategy Manager: Sarah Moore sarah@emildale.co.uk

EA to Senior Management: Eden Tinsey eden@emildale.co.uk

Welfare Officer: Siobhan Kelly siobhan@emildale.co.uk

Complaint Form

Please complete and return to the Principal, Course Leader or Business, Compliance and Strategy Manager, who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the college 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:

Action taken:
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 college 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:
 - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - o interviewing staff and children/young people and other people relevant to the complaint
 - o consideration of records and other relevant information
 - o 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 Principal or complaints Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Principal or complaints Panel 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

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, and to ensure the smooth running of the complaint's procedure
- be aware of issues regarding:
 - o sharing third party information
 - o 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
- keep records.

EA to Senior Management

The EA is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to college 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)
- 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: stage 1 paperwork, college 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 Panel's decision.

Nominated Chair

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked 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 Panel 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 college 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 Panel is open-minded and acts independently
- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minute
- they liaise with the clerk (and complaints co-ordinator, if the college has one)

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so no-one may sit on the Panel 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 college 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 Panel 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 Panel 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 Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Version Number	Date of Issue	Review Date	Author	Changes Made/ detail
01	17 th September 2024	September 2025	Eden Tinsey/ Sarah Moore	First issue, written in line with Emil Dale Academy Complaints Policy