

Maxcebo® Wellbeing Academy Ltd

POLICY TITLE: Complaints Policy

APPROVED BY: Company **AUTHOR:** Bob James

LAST UPDATED: November 2020

REVIEW DATE: November 2022

1. Scope

This policy applies to complaints from any person who wishes to express dissatisfaction with any aspect of Academy activities (including raising concerns about malpractice). Separate Grievance Procedures and Whistleblowing procedures exist for staff.

2. PURPOSE

2.1 The Academy aims to ensure that all complaints received are dealt with promptly, fairly, professionally and in a non-discriminatory manner, and that appropriate action is taken.

2.2 Every complaint will be taken seriously and viewed positively as an opportunity to receive constructive feedback so that improvements may be made.

2.3 The Complaints Procedure should be clear, easy to access and use and open to public scrutiny.

2.4 In dealing with complaints, the Academy will, at all times, take account of and promote its Equality and Diversity practices.

3. PROCEDURE

3.1 Complaints from students

3.1.1 Students may express dissatisfaction about any programme of study or related facility or any other service provided by or on behalf of the Academy, which has materially affected their experience as a student of the Academy.

3.1.2 STAGE 1: Informal resolution

It is expected that day-to-day issues will be resolved promptly and informally between a student and their subject/course tutor or progress mentor.

3.1.3 STAGE 2: Formal stage of investigation and determination of complaint

When it is felt that an issue has not been resolved, or the issue is considered to be of a significantly serious nature, or it is more appropriate to refer the issue, a student should submit their formal complaint in writing to the Programme Office.

Students may approach Student Services staff if they require assistance in formulating or writing their complaint or any other support or guidance.

The manager responsible for the Programme Office will normally acknowledge the complaint within two working days of its receipt.

It will then be forwarded to and dealt with by the appropriate manager. This manager will normally be someone who has had no prior involvement at Stage 1. After investigating the complaint, they will normally respond within ten working days of receipt, or the student will be advised of any delay and the likely timescale in which they should receive a reply.

The manager will provide details of the outcome of their investigation. They will confirm whether the complaint is upheld, partly upheld or not upheld. They will provide clear reasons for the decision reached and forward a copy of the complaint and the response to the internal #Complaints mailbox to log the complaint.

Where a complaint is upheld, the Academy will explain how and when it will implement any remedy, whether that includes an apology and what the student can do if he or she remains dissatisfied.

The decision should also give information about the student's right to take the complaint to the review stage.

3.1.4 STAGE 3: Review (internally)

If the matter is not resolved to the satisfaction of the student, the complaint should then be escalated to the Principal.

A request for a review may be on limited grounds, including but not confined to:

- a review of the procedures followed at the formal stage
- a consideration of whether the outcome was reasonable
- new material evidence which the student was unable, for valid reasons, to provide earlier in the process.

The Principal will normally acknowledge the request to review the complaint within two working days of its receipt and after investigating the complaint, normally reply within ten working days, or the student will be advised of any delay and the likely timescale in which they should receive a reply. The Principal reserves the right to delegate this responsibility to another senior manager

The review stage will not usually consider the issues afresh or involve a further investigation.

A complaint must have been considered at the formal stage before it can be escalated to the review stage.

The purpose of the review stage is to ensure that appropriate procedures have been followed and that the decision, following the formal investigation, was reasonable. This stage does not necessarily require a reconsideration of the issues raised.

The manager investigating the complaint will write to the student setting out its decision at the conclusion of this stage. They will confirm whether the complaint is upheld, partly upheld or not upheld.

They will provide clear reasons for the decision reached and forward a copy of the complaint and the response to the internal #Complaints mailbox to log the complaint.

Where a complaint is upheld, the Academy will explain how and when it will implement any remedy, whether that includes an apology and what the student can do if he or she remains dissatisfied.

3.1.5 STAGE 4: Review (externally)

Some aspects of the Academy's work are also governed by the complaints procedures of other external organisations. In the case of Awarding Bodies, the Examinations Office will advise learners of the procedure to be followed.

3.1.6 The appropriate senior manager will deal with a complaint that relates to the personal conduct or actions of one of their managers. In the case of a complaint against the Principal, the matter will be directed to the Chair of the Corporation.

3.1.7 Complaints should be notified in a timely manner and in any case not exceeding 12 months from the incident in question.

3.2 Other Complainants

3.2.1 Any person, other than a member of staff (who should use the Grievance Procedure) or a student who is dissatisfied about any aspect of the Academy's activities, should direct their complaint in the first instance to the relevant Academy manager or, if this is not known, to the Director of Quality. The complaint will normally be acknowledged within two working days of receipt and forwarded to be dealt with by the appropriate manager.

3.2.2 The appropriate manager will investigate the complaint and will make a written response to the complainant, normally within ten working days of the complaint being received, or the complainant will be advised of any delay and the likely timescale in which they should receive a reply.

3.2.3 If the complainant is not satisfied with the reply, the Principal will consider the complaint. S/he will normally acknowledge the complaint within two working days of its receipt and, after investigating the complaint, normally reply within ten working days, or the complainant will be advised of any delay and the likely timescale in which they should receive a reply. The Principal reserves the right to delegate this responsibility to another senior manager.

3.2.4 At this stage the complainant will be notified of their right to complain to (and how to contact) in the case of the Maxcebo Wellbeing Academy HE learners, to the Complaints Liaison Officer at RSL Awards. It is expected that this procedure will only be followed when the above internal steps have been fully exhausted, and the complaint remains unresolved to the satisfaction of the complainant.

3.2.5 The appropriate senior manager will deal with a complaint that relates to the personal conduct or actions of one of their managers. In the case of a complaint against the Principal, the matter will be directed to the Chair of the Corporation.

3.3 Unacceptable Complainant Behaviour

3.3.1 The Academy is committed to dealing with all complainants fairly and impartially and to providing a high quality service, but it is not expected that staff should have to tolerate behaviour, which is considered to be unacceptable, for example, any communication which is:

- abusive, offensive, defamatory or distressing.
- aggressive, threatening, coercive, malicious or intimidating.
- unreasonably persistent or demanding.

When it is considered that the behaviour of a complainant is unacceptable, staff will refer to the 'Policy for the Protection of Staff from Abuse, Aggression and Unreasonable Behaviour'.

3.3.2 As per the guidance in the '*Policy for the Protection of Staff from Abuse, Aggression and Unreasonable Behaviour*', when it is considered that the behaviour of a complainant is unacceptable, they will be told why the behaviour is unacceptable and asked to modify it. If the behaviour continues, or where exceptional circumstances are such that the initial behaviour has been significantly concerning (such as a physical assault), action will be taken to restrict their contact with staff and students at the Academy.

3.3.3 The decision to restrict access will be taken a member of the Academy's Senior Management Team (or nominee) after careful consideration of the all the circumstances. Any restrictions imposed will be appropriate and proportionate and may include, but will not be limited to:

- asking the complainant to enter into an agreement about their conduct;
- requesting contact in a particular form e.g. letters only;
- requiring contact to take place with a named person;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to appoint a representative to correspond with us;

3.3.4 The complainant will be informed why their behaviour is unacceptable, what action is being taken and the duration of that action. Any action will be proportionate to the nature and circumstances of the incident.

3.3.5 Where a complainant behaves unacceptably during a telephone conversation, as a last resort the call may be terminated.

3.3.6 Where a complainant continues to behave in a way that is considered to be unacceptable, it may be decided to terminate contact with them. This may mean that the Academy will not continue with the handling of their complaint.

3.3.7 Where the behaviour threatens the safety and welfare of Academy staff and/or students, other options will be considered, for example, but not restricted to:

- action under the Academy Disciplinary Regulations (including suspension from the Academy),
- reporting the matter to the police,
- taking other legal action.

4. RECORDING

4.1 Complaints may be received verbally or in writing. In all cases, when a manager receives a complaint, a written record will be made, supported by accompanying documentation.

4.2 Should an individual require assistance in formulating or writing their complaint, Student Services staff or the Director of Quality will provide support and guidance.

5. MONITORING QUALITY ASSURANCE AND CONTROL

5.1 Managers must provide written details of the action taken and the outcome of the complaint and forward a copy of this, with supporting documents attached, to the #Complaints mailbox.

5.2 The Principal will monitor all complaints for issues of discrimination. Where such issues are identified, the complaint record will be up-dated, appropriate actions instigated, and the matter will be brought to the attention of the board of directors.

5.3 The Director of Quality will monitor the operation of the procedure to ensure that it is effective.

5.4 The Director of Quality is responsible for logging, recording and reporting complaints to Senior Management Team Monitoring meetings where each complaint is considered in detail. Additionally, the Senior Management Team Meetings receive periodic reports which analyse trends, including issues relating to discrimination and diversity. In all cases recommendations are considered and actions taken to deal with any identified issues. Information will be used to improve services for our stakeholders and the student experience.

6. POLICY REVIEW

6.1 This policy will be reviewed every two years or in line with legislation and / or best practice in the sector.