



# Complaints Policy, Procedure and Process

## Introduction

1.1 The Academy1sports is committed to providing a high quality service to all its students. The Student Complaints Procedure sets out how you can make a complaint about the Academy1sports's service.

1.2 The Academy1sports Student Charter is the framework for the learning experience of students, stating what students can expect from the Academy1sports (and what the Academy1sports expects from them). Student complaints should be based on the undertakings of the Charter or the Academy1sports's associated policy statements on equality and harassment and bullying. The Charter is provided to enrolled students in the Student Handbook. It is also available from Academy1sports's website.

1.3 The Academy1sports expects students to use the procedure in a positive spirit, as it will itself. The Academy1sports reserves the right not to proceed with a complaint where the complaint does not directly concern the student as the person making the complaint or where initial investigation shows that there is insufficient evidence to justify further action.

1.4 It is expected that the majority of complaints will be resolved as part of normal, informal communication.

## 2. Principles

2.1 The Student Complaints Procedure is for the use of students on official Academy1sports courses and activities.

2.2 Complaints will be handled sensitively and with full confidentiality for both students and staff. Anyone named in a complaint will be informed of the substance of the complaint and will have the right to reply to the complaint. Information contained within the complaint will be made available to those members of staff involved in the investigation. The relevant managers will also be informed. Beyond this complaints are confidential.

2.3 It is expected that, except in exceptional circumstances, a student who wishes to make a complaint will do so within two calendar months of the incident which is the cause for complaint.

2.4 No student bringing any complaint, whether successfully or otherwise, will be treated less favourably as a result of complaining. The exceptions to this are complaints that are found to be malicious or vexatious.

2.5 There are separate procedures which exist for the following:

2.5.1 Appeals regarding assessment outcomes are covered by the Academy1sports's Asses

### 3 4. Different Types of Complaint and How They Are Handled

4.1 Individual Complaints made by individual students are dealt with according to the guidance set out in this document.

4.2 Group Complaints Where a complaint is brought by a group of students, one person should be prepared to identify him/herself as spokesperson and correspondent for the purposes of the Formal Procedure. All members of the group must express their permission to the member of staff investigating that the spokesperson may discuss their case. Each member of the group must be able to demonstrate that he/she has been personally affected by the matter which is the subject of the complaint.

4.3 Anonymous Complaints require investigation to enable resolution; where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons, therefore, no action will normally be taken in the event of complaints made anonymously. There may, however, be exceptional circumstances where the Academy1sports judges it appropriate to investigate a complaint received from an anonymous complainant, but this is at the discretion of the Academy1sports.

4.4 Third Party Complaints No investigation of a complaint made on behalf of a student will be undertaken without that student's written agreement to the concerns raised and written consent for an investigation to be carried out. This includes complaints made by a carer or relative of the student concerned.

4.5 Vexatious or Malicious Complaints The Academy1sports may consider invoking the disciplinary procedures under the Student Disciplinary Procedure in cases where complaints are found to be vexatious or malicious. A vexatious complaint is defined as a complaint which is clearly unsustainable. A malicious complaint is defined as an attempt to defame the name or character of someone connected with the Academy1sports or the Academy1sports as a whole. Please refer to Annex 1 for further information on vexatious complaints.

4.6 Complaints to the Academy1sports management Should a complaint be received by the Academy1sports management it will be acknowledged and referred to the Quality Manager who will ensure that it enters the procedure at the appropriate point.

4.7 Access to Information Students pursuing a complaint through the Student Complaints Procedure will be entitled to apply for access to personal data in accordance with the policies and procedures of the Academy1sports under the provisions of the Data Protection Act 1998 and other legislation. Applications should be made in writing to the head of education and quality. The Academy1sports will not normally charge the complainant for providing this information.

#### Procedure . Informal Procedure

5.1 Informal complaints should be made to the member of the Academy1sports's staff who is directly responsible for the problem. This may be the tutor, or the Head of education and quality. It is the responsibility of the person to whom the complaint has been made to deal with the situation

promptly and, if the complaint is justified, to try to put things right as soon as is reasonably practicable.

5.2 It is hoped that most complaints will be resolved informally.

5.3 If a complaint concerns discriminatory behaviour, harassment, or matters of a sensitive nature which you feel cannot be raised with the member of the Academy1sports's staff concerned, the matter should be treated as a formal complaint.

## 6. Formal Procedure - Complaint to Quality Manager

6.1 If a student is not satisfied with the steps taken to resolve the problem informally, or if 5.3 applies, or if they feel that the matter of the complaint is too grave to be dealt with informally, a formal complaint should be made.

6.2 A formal complaint must be written down, preferably by the student themselves, but if not, with the assistance of a member of Academy1sports staff. Formal complaints can be made by email, letter or by completing a Complaints Form which can be obtained from the Reception Desk, the Library and Learning Centre or any Departmental Administrator.

6.3 The complaint should explain the problem that has arisen and set out what outcome the student would like from the Academy1sports.

6.4 The complaint should be sent to the Quality Manager.

6.5 Complaints will normally be acknowledged within 5 working days followed by a response in writing from the Head of School or Head of Service within 15 working days. This timescale may be extended during Academy1sports holidays. When resolution is not possible within 15 working days, you will be kept informed of progress.

6.6 Responsibility for the investigation of complaints lies with the department which has been complained about. The Quality Manager will inform the department of the complaint and the Head of School or Head of Service, as appropriate, should investigate the complaint thoroughly and then report the findings back to the Quality Manager, who will assist them in drawing up a response. The Quality Manager will check that the reply is fair and consistent with Academy1sports policy. The Deputy or Vice Academy1sports Director will be copied into the reply as appropriate.

6.7 If the complaint is upheld, the reply will contain a formal apology and indicate the actions the Academy1sports intends to take to prevent a recurrence, together with an appropriate timescale for such action.

## 7. Appeals

7.1 If the student finds the reply to the complaint unsatisfactory, they may appeal in writing to the Academy1sports Director. This appeal must be made within ten working days of receiving the Academy1sports's original reply. The Academy1sports Director will acknowledge the complaint within five working days of receipt of the appeal.

7.2 In order for an appeal to be considered, a student must either:

- provide new evidence which was not available for consideration in the original investigation 5
- be able to demonstrate that the investigation was not carried out in accordance with this procedure or the commitments of the Student Charter.

7.3 In the event of the complaint being against the Academy1sports Director, all the procedures outlined shall apply. The Academy1sports Director's role shall be taken by his/her nominated deputy.

7.4 If grounds for appeal are accepted the Academy1sports Director may hear the complaint or convene a Complaint Hearing to investigate the matter further. The Chair of the Complaint Hearing will be a Head of Education and quality or Head of Business Development or another senior manager not involved with the complaint. The other members of the Hearing panel will be a member of the Academy1sports staff, similarly from a department not involved in the complaint but also from a different department from the Chair.

7.5 The Complaint Hearing will normally take place within 20 working days (excluding Academy1sports holidays) of receipt of the appeal.

7.6 Students may be accompanied at the Complaint Hearing by a friend for the purposes of support. The friend may not put forward the case except in exceptional circumstances. If the student is unable to attend, the Complaint Hearing will be rescheduled. If they cannot attend on the second scheduled date the hearing will be held in the student's absence.

7.7 The Chair of the Hearing panel will report the findings of the panel to the Academy1sports Director. The Academy1sports Director will then decide upon a resolution of the complaint. The resolution will be communicated in writing to the student and the Head of School or Head of Service concerned within 20 working days of the hearing (excluding Academy1sports holidays). The Academy1sports Director's letter will set out the reasons for the resolution. If the complaint is upheld, the Academy1sports Director's letter will contain a formal apology and indicate how the Academy1sports intends to prevent a recurrence.

7.8 A report will be prepared by the Quality Manager for the Senior Management Team, to assist in monitoring the effectiveness of the Student Complaints Procedure and to identify relevant quality issues.

7.9 The Academy1sports Director's resolution will be final. There are no further rights of appeal under this Procedure within the Academy1sports Procedures. If still dissatisfied the student may appeal to the Education Skills Funding Agency (ESFA). The ESFA will check that the Academy1sports's procedures have been fully used before taking any appeal forward.

7.10 Where a complaint cannot be resolved through the internal procedure the complainant has the option to submit a complaint to the ESFA. The ESFA will not normally investigate a complaint until our internal complaints procedure has been exhausted. ESFA complaints team can be contacted by email at [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk) or in writing to Customer Service Team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.

## 8. Monitoring and Evaluation

8.1 The Academy1sports monitors and tracks complaints made in order to improve the quality of its offer. The Quality Manager will ensure that records show the nature of the complaint, how it was dealt with, the time taken for a resolution to be reached and the outcome.

8.2 The Student Complaints Procedure is one aspect of the Academy1sports's quality assurance system and complaints are considered an important source of feedback on the quality of the Academy1sports's service. Where appropriate, complaints will be used to improve services and facilities. Termly complaints reports will be made to the Academy1sports Group Board.

# Staff and Employers Complaints and Grievance Policy.

## Schedule 1 Grievance procedure

### 1. About this procedure

- 1.1 It is our policy to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. We aim to investigate any formal grievance you raise, hold a meeting to discuss it with you, inform you in writing of the outcome, and give you a right of appeal if you are not satisfied.
- 1.2 This procedure applies to all employees regardless of length of service. [It does not apply to agency workers or self-employed contractors.]
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

### 2. Using this procedure

- 2.1 Issues that could cause grievances may include:
  - (a) terms and conditions of employment;
  - (b) health and safety;
  - (c) work relations;
  - (d) bullying and harassment;
  - (e) new working practices;
  - (f) working environment;
  - (g) organisational change; and
  - (h) discrimination.

- 2.2 This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the appropriate procedure [in the A1S Staff Handbook **OR** which is available from admin team.
- 2.3 [We have a separate Anti-harassment and Bullying Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people. It is [set out in the A1S Staff Handbook **OR** available from admin team
- 2.4 [We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under this Grievance Procedure.]
- 2.5 If you have difficulty at any stage of the Grievance Procedure because of a disability or because English is not your first language, you should discuss the situation with [your line manager **OR** admin team as soon as possible.
- 2.6 Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. [These will be processed in accordance with our Privacy Standard **OR** Data Protection Policy].

### **3. Raising grievances informally**

Most grievances can be resolved quickly and informally through discussion with your line manager. If you feel unable to speak to your manager, for example, because the complaint concerns him or her, then you should speak informally to Board of Directors. If this does not resolve the issue, you should follow the formal procedure below.

### **4. Formal written grievances**

- 4.1 If your grievance cannot be resolved informally you should put it in writing and submit it to your line manager **OR** Board of Directors, indicating that it is a formal grievance. If the grievance concerns your line manager, you may submit it to Board of Directors instead.
- 4.2 The written grievance should contain a brief description of the nature of your complaint, including any relevant facts, dates, and names of individuals involved. In some situations we may ask you to provide further information.

### **5. Investigations**

- 5.1 It may be necessary for us to carry out an investigation into your grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you

and any witnesses, and/or reviewing relevant documents. [The investigation may be carried out by your line manager **OR** someone else appointed by us.]

5.2 You must co-operate fully and promptly in any investigation. This may include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending interviews, as part of our investigation.

5.3 We may initiate an investigation before holding a grievance meeting where we consider this appropriate. In other cases we may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases we will hold a further grievance meeting with you after our investigation and before we reach a decision.

## **6. Right to be accompanied**

6.1 You may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a trade union representative or a colleague. You must tell admin team **OR** the person holding the grievance meeting] who your chosen companion is, in good time before the meeting.

6.2 At the meeting, your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.

6.3 Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

6.4 If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

6.5 [We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.]

## **7. Grievance meetings**

7.1 We will arrange a grievance meeting, normally within [one week] of receiving your written grievance.

7.2 You and your companion (if any) should make every effort to attend grievance meetings. If you or your companion cannot attend at the time specified, you should inform us immediately and we will try, within reason, to agree an alternative time.

7.3 The purpose of a grievance meeting is to enable you to explain your grievance and how you think it should be resolved, and to assist us to reach a decision based on the available evidence and the representations you have made.

7.4 After an initial grievance meeting we may carry out further investigations and hold further grievance meetings as we consider appropriate. Such meetings will be arranged without unreasonable delay.

7.5 We will write to you, usually within one week of the final grievance meeting, to inform you of the outcome of your grievance and any further action that we intend to take to resolve the grievance. We will also remind you of your right of appeal. Where appropriate we may hold a meeting to give you this information in person.

## **8. Appeals**

8.1 If the grievance has not been resolved to your satisfaction you may appeal in writing to the Board of Directors, stating your full grounds of appeal, within [one week] of the date on which the decision was sent or given to you.

8.2 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a [more senior] manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a companion to the meeting (see paragraph 6).

8.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

