



Feedback, Compliments and Complaints Policy & Procedures June 2020

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1. Introduction

This policy explains how Kindi Education approaches feedback, compliments and manages complaints.

The purpose of this policy and procedure is to:

- Explain Kindi Education's commitment to gaining feedback and outlining the principles underpinning its approach
- Define the expected process for acknowledging, investigating and responding to complaints

This policy statement applies to anyone engaged in the organisation including employees, volunteers and freelancers engaged in all Kindi Education supported or directed activities ("our team").

There are separate procedures to deal with a complaint raised by, or made on behalf of, a Kindi Education employee. These include Kindi Education's staff grievance procedures for a complaint of unfair treatment made by an employee and the disciplinary procedures for an employee complaining about the conduct of another team member (see Kindi Education's Staff Disciplinary Policy & Procedures for further details) and Kindi Education's Whistleblowing Procedure for an unresolved allegation of institutional malpractice.

2. Policy Statement

Kindi Education takes all compliments, feedback and complaints seriously and will take steps to respond, especially where its service has fallen below an acceptable standard.

Kindi Education openly welcomes compliments and complaints because:

- feedback helps us improve as an organisation and become more effective
- compliments help us to celebrate our successes and help drive forward good practice
- complaints are especially crucial in helping us improve our policies, procedures and practices
- when we are made aware of an issue, we can address it, seek to prevent it from happening again and learn from our mistakes

Key principles underpinning our approach include:

- **Respect:** We expect everyone engaged with these procedures to do so in a polite, courteous, and respectful manner.
- **Fairness:** We aspire to be fair to everyone we come into contact with. We will be led by evidence and not make assumptions.
- **Avoiding escalation:** We believe that it is in everyone's interest that complaints are resolved at the earliest stage possible. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure.
- **Proportionality:** We promise to take all complaints seriously, and to deal with them promptly. We will investigate them thoroughly. Should a complaint present a higher risk of potential harm to an individual, or to our overall mission, we will commit additional resources to an investigation and response. We will prioritise complaints from our participants and their fee-paying families.
- **No victimisation:** We treat complainants with respect, courtesy and ensure that they receive appropriate support throughout the handling of the complaint. A complainant will not be disadvantaged or treated unfairly.
- **Accessibility:** We may need to offer additional support to enable people to give us feedback. This might include the provision of advocacy support or other reasonable

adjustments. This will ensure the full and equal participation of those involved in the feedback process.

- **Integrity:** We will ensure that, wherever possible, complaints are investigated by someone within the organisation who is independent of the incident(s) or event(s) at hand. Where this is not possible, we will consider whether, and at what stage, a third party outside of the organisation should be asked to investigate the complaint.
- **Prompt action:** We will deal with all concerns and complaints efficiently, investigate them thoroughly, provide an appropriate response and identify the outcome of any investigation.
- **Lessons learnt:** We will improve our work by learning from complaints and seek to act where necessary considering the outcome of complaints.

3. Responsibility for Implementation

The Managing Director is responsible for ensuring that mechanisms and procedures are in place for receiving feedback, compliments, and complaints. This will include ensuring team members receive an appropriate briefing so that they are fully aware of how to deal with these issues.

4. Procedure

Feedback and Compliments

All team members will receive feedback and compliments on a day to day basis. Often these will be informal comments but may include specific areas of suggestion, feedback and praise.

Team members will ensure that these are accurately shared with their line manager or other team members (as appropriate) in a timely basis. This will help to drive Kindi Education's ongoing reflection and learning. Where appropriate, feedback and compliments received by line managers will be used to inform their supervision and appraisal processes.

Kindi Education's management will always seek to confirm receipt of and acknowledge specific feedback where it has been deemed necessary for specific steps to be taken going forward to improve organisational practices or service delivery.

Complaints Procedure

This procedure relates specifically to complaints which Kindi Education defines as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

The procedure comprises three stages (informal, formal and review). You are expected to resolve your complaint by progressing through each stage. Note that all timeframes may need to be reviewed if complaints are ongoing during holiday periods.

Scope

Kindi Education believes that dealing with problems or areas of concern as they arise will lead to the delivery of more effective resolutions.

You should raise any issues of dissatisfaction *as soon as possible*, and not later than one calendar month from the time that your concerns arise. Where the complaint is from a participant or their fee-paying family member, it should be raised within 1 month of their departure (i.e. their course completion date).

For complaints relating to services provided by any of Kindi Education's partner organisations (e.g. relating to the services of an institution whose facilities Kindi Education is

accessing), you should follow the complaints procedure(s) of the said organisation unless the complaint falls under a service that is directly delivered by Kindi Education. If you are still unhappy with the outcome after completing the partner organisation's complaints procedure(s), you may ask to have the matter reviewed under Kindi Education's complaints procedure. In these circumstances, a formal complaint should be sent to Kindi Education within 10 days of the partner organisation's final decision.

Complaints Guidance

As a rule, the complaint can only be started and progressed by the individual affected (or, in the case of a child or adult at risk of harm, their respective fee-paying parent/guardian or carer). In some circumstances, a third party may submit and pursue a complaint, but only with the written permission of the individual affected.

Where the issues raised within the complaint affect several participants, a group complaint may be submitted. Kindi Education retains the discretion to communicate directly with some or all of the participants individually, mainly where the substance or circumstances of the complaint differ, and to reach different decisions where it deems this to be appropriate. In processing a group complaint, Kindi Education may ask the group to nominate one participant to act as group representative. The nominated representative will communicate with Kindi Education on the group's behalf and liaise with the other individuals affected.

Anonymous complaints cannot usually be dealt with by this procedure. Anonymity makes it harder for Kindi Education to investigate thoroughly, to allow a fair right of reply to any person complained about, and to provide an appropriate resolution where a complaint is found to have substance. Exceptionally, an anonymous complaint may be considered where a complainant demonstrates a compelling case, supported by evidence, for the matter to be investigated.

Where criminal investigations are underway, Kindi Education may delay the progression of any complaint relating to the same matters until the outcome of the investigation is known.

The details of an individual's complaint will be kept confidential, except where a disclosure is necessary to progress the complaint or implement a decision on the complaint, or where it is required by law or in the wider public interest. If there are elements of your complaint which are particularly sensitive and you have concerns about their confidentiality, you are welcome to indicate this.

Disapplication of procedures for multiple complaints

In circumstances where Kindi Education becomes the focus of a negative campaign and receives large volumes of complaints all based on the same subject, and/or from complainants unconnected to its work, the Managing Director may disapply this procedure and choose to send all complainants a template response and/or publish a single response.

Please follow the stages laid out below if you wish to make a complaint to Kindi Education:

4.1. Stage 1: Informal Resolution

You should first seek to have the matter resolved informally at the point where the incident arises. This should be done with the relevant team member present at the time (or with their line manager). You can also contact Kindi Education (ideally face to face, but also by telephone) for a discussion about the issue/incident.

This informal process is often the most effective way for Kindi Education to find out precisely what has happened. Kindi Education will strive to resolve the situation quickly, efficiently, and hopefully to your satisfaction.

The most appropriate action will depend on the details of the incident(s), events(s) or issue(s) being raised. Kindi Education's team will work carefully to consider how best to resolve the situation. Informal resolution may include:

- Holding a specific meeting with a member of Kindi Education's team to discuss your concern(s)
- Kindi Education facilitating a meeting between yourself and others to whom your complaint relates (with your consent)
- Kindi Education encouraging you to consider writing a short statement, letter or email making your concerns clear. A member of Kindi Education's team will then write back to you (or others) as necessary
- Kindi Education seeking an appropriate member of its team to mediate a collaborative, problem-solving session to assist everyone affected by the incident(s) or event(s) of concern. This session will identify individuals' respective interests, explore options and seek mutually agreeable solutions to the problems that they are encountering

Kindi Education will try to resolve the issue straight away. Where this is not possible – for example, because a further investigation is necessary – Kindi Education will make a record of your complaint and agree the best way and time to contact you. This will typically be within 5 working days.

Note that Kindi Education may keep a record of the outcome of any informal resolution. A record/trail of the informal resolution might be necessary if it is cited at a later stage or relevant to an escalation into a formal complaint and investigation.

4.2. Stage 2: Formal Investigation

If after receiving feedback at Stage 1 you are still unhappy, the next step is to put your complaint in writing (by letter or email) requesting a formal investigation and assessment of the complaint. This should be addressed to Kindi Education's Programme Coordinator and sent to one of the following addresses:

Email: info@kindieducation.com (email subject: Formal Complaint + Full Name)

Head Office: Programme Coordinator, Kindi Education, Landmark, 3 Brindley Place, Birmingham, West Midlands, B1 2JB, United Kingdom.

Your Complaint

To ensure that we can respond as quickly as possible, please set out

- the details of your complaint
- the date(s) when the incident(s) that you are complaining about took place
- the names of any relevant Kindi Education team member(s)
- what you have already done to try to resolve the issue
- an explanation of why you are not satisfied with Kindi Education's initial response
- what you would like Kindi Education to do to resolve your complaint
- whether you think you may need additional support to help you through this process, including whether you would like the complaint to remain anonymous or aspects of information shared to be confidential.

Please also include any relevant materials which you feel substantiate your complaint.

Initial Assessment of the Complaint

Upon receipt, Kindi Education's Programme Coordinator will:

- Confirm if you have first raised your concerns informally. If not, the matter may be referred for informal consideration. If you refuse to engage in this, or after this are unhappy with the informal outcome, Kindi Education will continue with this process.
- Check whether this complaint procedure applies. Some complaints relating to team member conduct may not be handled under this complaints procedure but, where appropriate, considered firstly under Kindi Education's HR policies such as Staff Disciplinary Procedures. Similarly, if the complaint indicates risk of harm, it may be dealt with as per Kindi Education's Safeguarding Policy and Procedure (and other issues paused until the Safeguarding procedure is complete).
- Check whether anonymity is requested.
- Check the date of the incident. Late complaints may be considered either because there are exceptional circumstances justifying the late submission of the complaint, or because the nature of the complaint means that it raises significant issues for Kindi Education's future course delivery.
- Check that this is not a persistent or serial complaint or demonstrates unreasonable behaviour. In either of these cases, the Programme Coordinator will escalate the issue directly to Kindi Education's Managing Director.
- Check who is complaining. Complaints arising from a supplier, external funding agency, other public/professional bodies or a partner organisation will be directed initially to the Managing Director for informal resolution and their discretion regarding how to proceed.

Formal Investigation

Once your complaint is received as a formal written complaint, an appropriate senior member of Kindi Education's team (or if necessary, a third party) will be named as the "Investigating Officer". Wherever possible, this person will not have been previously involved with your complaint.

The Investigating Officer will initially introduce themselves to you and respond to any request for anonymity or involvement of a third party supporter/representative. They will also confirm the likely timeline of the formal investigation process.

Your complaint should generally be investigated within 10 working days, unless the matter is more complicated, in which case it may take Kindi Education up to 21 working days to complete the formal investigation process. Where this is the case, the Investigating Officer will update you regarding what action is being taken by Kindi Education and when it expects to be able to provide you with a full response.

The Investigating Officer will then consider the written evidence and carry out any further investigations deemed necessary. Depending on the circumstances, the Investigating Officer may interview you, Kindi Education team members or other participants. Any individual may choose to be accompanied by a supporter at any interview or meeting conducted in connection with the investigation. You are not expected to need legal representation, and formal rules of evidence shall not apply. Legal representation at meetings will not normally be permitted.

The Investigating Officer is responsible for keeping a secure and confidential written record of any meetings/interviews concerning their investigation. Guidelines on managing an investigation are set out in Annex A.

Conduct During an Investigation

Complainants should limit the numbers of communications with Kindi Education while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by

letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Investigating Officer will discuss any concerns with the complainant informally. Where necessary, they may make the judgment that the complainant or their behaviour is ‘unreasonable’ (see Section 5).

Outcome

Following the conclusion of the formal investigation, you will receive a letter from the Investigating Officer giving reasons for the decisions that have been made. This report will specify one of the following outcomes:

- The Investigating Officer has found the outcome of the complaint to be in your favour
- The Investigating Officer has found the outcome of the complaint to be partially in your favour
- The Investigating Officer has found your complaint not proven and, as a result, not to be in your favour.

In addition, Kindi Education may offer you one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that it will try to ensure the incident(s) complained about will not reoccur in the future
- a description of the steps that have been, or will be, taken by Kindi Education to help ensure that such an issue or incident will not happen again (as well as an indication of the timescale within which any changes will be made)
- an undertaking to review Kindi Education’s policies and/or procedures in light of the complaint
- an apology

If the complaint is proved or partly proved, the Investigating Officer will normally propose remedial action to be taken by Kindi Education.

4.3. Stage 3: Review by Managing Director

If upon receipt of the Investigating Officer’s full response you are still not satisfied, you may request a further review. The grounds on which you can seek a review are as follows:

- There has been a material error in how the Kindi Education complaint procedure had been followed.
- The outcome was unreasonable considering the evidence available.
- New material evidence has come to light which you were unable, for valid reasons, to provide earlier in the complaints process.

Your request for review, along with any documentation collated by the initial Investigating Officer, will be passed to Kindi Education’s Managing Director for further investigation and response.

If the Managing Director finds that you have established one of the grounds set out above, they have the discretion to either request that the Investigating Officer reviews the situation further, appoint a new Investigating Officer, or directly investigate the complaint themselves.

You can expect to receive a full response from the Managing Director within 3 weeks of receipt of your letter or email.

You will be given 10 working days to consider the outcome of the review. If you accept the outcome proposed by the Managing Director, the matter is considered resolved. If the

Managing Director or their nominee upholds the original outcome, or if you do not accept an alternative outcome proposed, you will be sent a “completion of procedures” letter saying that you have exhausted the Kindi Education complaints procedure. The Managing Director may, at their discretion, consider undertaking a further alternative dispute resolution process.

5. Persistent or serial complaints and unreasonable behaviour

Kindi Education is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. Kindi Education recognises that people may act out of character in a time of trouble, anxiety or distress. There may have been upsetting or distressing circumstances leading up to a complaint. Reasonable allowances will always be made for this.

However, Kindi Education considers certain actions (either because of the frequency of the actions or the nature of the contact) to be unreasonably demanding on its office staff or team members. Any unreasonable behaviour towards team members will be considered unacceptable. Kindi Education will take action to protect its team members from this type of behaviour, including that which is abusive, offensive or threatening. It is these actions that Kindi Education aims to manage under this policy.

Examples of unreasonable behaviour

A complaint may be regarded as unreasonable when the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance and the reasonable efforts of team members to help them specify their concerns
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways that are incompatible with the adopted complaints procedure or with good practice
- makes repetitive complaints and allegations (despite previous investigations or responses concluding that the complaint is groundless or has been addressed) and ignores the replies which have been previously supplied
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed but unimportant questions, and insists that they are fully answered (often immediately and to their own timescales)
- makes unjustified complaints about team members who are trying to deal with the issues, and seeks to have them replaced
- persistently changes the substance of a complaint or continually raises new issues whilst the complaint is being addressed (care must be taken not to disregard new issues which are significantly different from the original complaint)
- refuses to accept the findings of the investigation when the complaint procedure has been fully and adequately implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on Kindi Education’s time by frequent, lengthy, complicated, and stressful contact with team members regarding the complaint in person, in writing, by email and/or by telephone (while the complaint is being dealt with).

A complaint may also be considered unreasonable if the complainant, either face-to-face, by telephone or in writing (e.g. by letter or email):

- acts maliciously or aggressively
- uses threats, intimidation, or violence
- uses abusive, offensive, or discriminatory language

- shares information knowing it to be false
- uses falsified information
- publishes inappropriate information in a variety of media outlets such as in social media, websites and newspapers.

A complainant may display one, or a combination of, the above examples. The list is not exhaustive, and each case must be considered on its own merit.

If either a supporter or representative of a complainant behaves unreasonably or delays matters at any stage while the complaint is being dealt with, Kindi Education reserves the right to withdraw its involvement.

Responding to unreasonable behaviour

If at any stage of the Complaints Procedure, a complainant attempts to reopen an issue or a closely related issue that has already been dealt with previously, Kindi Education may write to the complainant to inform them that the procedure has been exhausted and the matter closed, that continued correspondence may be vexatious and that Kindi Education will not respond to any further correspondence on this issue or any closely related issue.

Wherever possible where Kindi Education identifies unreasonable behaviour, it will discuss such concerns directly with the complainant. If necessary, Kindi Education will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. Kindi Education may specify the methods and frequency of communication that are acceptable. If such behaviour continues, the Investigating Officer (and/or the Managing Director) may choose to close the complaint investigation in full.

In response to any serious incident of aggression or violence, the concerns and actions taken by Kindi Education will be put into writing immediately, and the police informed. This may include withdrawing provision of services to any relevant participant.

Annex A: Guidance for the Investigating Officer

Each complaint and the necessary investigation is unique. These guidelines give broad consideration of key issues and should be read considering the principles in the policy statement.

You should always try to:

- be fair and objective
- get as much information on the case as is reasonable
- get balanced evidence from both sides
- keep the case confidential.

Maintain a case file

Set up a case file to hold all written information relating to the complaint in one central place (if one has not already been set up upon receipt of the letter of complaint). This should be stored confidentially (either electronically or otherwise). It can be helpful to have a document log. Note that a subject access request can be made on the case file and all documentation gathered through the complaints process.

Clarify the complaint

Produce a summary of the specific complaint(s) from the original letter – numbered if there are more than one. This clarifies the complaint(s), ensures that the investigation is focussed on specific complaint(s), and allows clear outcomes at the end of the process. It is good practice to agree this summary with the complainant so that there is no confusion.

Gather documentation

Establish what has happened so far, who has been involved and gather any written records that already exist. Copies of all documentation should be added to the case file.

Share information

Parties should normally be informed when a complaint is made against them and be able to see relevant correspondence. This should be clarified on a case by case basis.

Legal issues

You should be alert to any need for additional legal or specialist advice (e.g. insurers or HR providers), especially for a complex complaint and/or before any outcome letter is issued.

Interviews

It can be helpful to have a discussion with relevant people involved in the complaint. These should be as neutral and open as possible. Issues to consider include:

- *Complainant*: can be accompanied but not represented by another person during the investigation process, for example spouse, friend, family member or interpreter. They should not offer legal representation or act in an official capacity.
- *Team members, including non-teaching team members*: should be informed that they may be accompanied or represented by another person during the investigation process; for example, union representative or relevant colleague
- *Participants*: permission should be sought from parent(s)/guardian(s) where the participant is a child. In such situations, participants should be accompanied by a parent, guardian, or other nominated adult (such as another team member)

All participants should be offered a reasonable range of dates and times to meet, for example daytime and evening options, and at least two dates. Care should be taken to ensure that the process is not unduly delayed by any participant as there are stated

timeframes to be adhered to. If there are delays, all parties should be notified so that they understand what is happening and why.

Meetings should be conducted in a manner that fosters respect and courtesy for all. Consideration should be given to where it is appropriate to hold meetings. Complainants should not be interviewed alongside any party to whom the complaint relates. Everyone involved in handling complaints at any stage should always keep an open mind and be fair.

Interviews may be a difficult situation for the person being interviewed and you should therefore make every effort to put the person at ease. You should:

- introduce all participants
- clarify that voice recording will not be permitted, unless consent from all parties has been obtained to do so
- outline the role of each person in the process (e.g. who is taking notes/chairing the meeting/keeping time)
- state a duration for the meeting
- inform participants that where anyone is accompanied, the role of their companion is to offer support and not represent the individual
- explain that notes of the meeting will be taken and will be available to anyone in attendance who wants a copy
- explain that the panel may ask questions for clarification
- ask individual to provide specific details of what they, for example, witnessed/said/took part in
- ask what actions the complainant feels would put things right – without obligation to make promises at this stage

You should decide who will keep notes and how these will be retained after the interview(s). Notes should include the date, time, location, and names of those present at the meeting. If anyone arrives late or leaves early this should also be recorded. The notes should also briefly summarise discussions and any decisions made.

Outcome

When evaluating all the information try to consider whose story makes the most sense, whose demeanour was more convincing, and who (if anyone) has a motive to deceive you. Be open to acknowledging that you do not have enough information to decide what really happened.

Generally, the burden is on the complainant to show that their version of events is correct. You should be confident that a dissatisfactory service was more likely than not. If it is more probable than not, then you are likely to find in their favour; if it is unclear or the probabilities are equal, the complaint is unlikely to be upheld.

Guidance on unreasonable complaints

On occasion, people can pursue complaints in a way that is deemed unacceptable either through their behaviour, persistence, or the nature of the complaint. You must balance the rights of an individual to make a complaint and have it fairly investigated with the rights of team members (including yourself) not to be subjected to unacceptable actions or behaviour.

It is also important to consider that due to some disabilities and medical conditions some people may be potentially more aggressive. Whilst Kindi Education will never tolerate aggressive behaviour, you should think carefully about whether this may be the cause and make reasonable and appropriate allowances.

The decision to treat a complainant as unreasonable should not be taken lightly. The following questions should be considered:

- has the complaint been, or is it being, investigated properly in line with Kindi Education's complaints procedure?
- has communication with the complainant been timely, adequate, and accessible?
- have appropriate offers of support been offered to the complainant?
- has every attempt been made to communicate and address concerns about behaviour/conduct with the complainant?