



# **COMPLAINTS POLICY**

**MARCH 2022**

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# COMPLAINTS POLICY

## INTRODUCTION

- 1.1 At Collyer's we strive to achieve high standards in the discharge of our responsibilities and to minimise the likelihood of concerns occurring. Where a concern does arise, we shall treat the matter seriously and aim to resolve it quickly, effectively and, where at all possible, to the satisfaction of all parties.

## POLICY AIMS

- 2.1 To provide a clear, fair and workable framework that promotes good practice.
- 2.2 To learn from valid complaints and make changes to operating procedures and practices where necessary.
- 2.3 To support the College's mission and uphold its values.

## POLICY SCOPE

- 3.1 This policy covers all complaints made by dissatisfied students, parents and carers as well as members of the general public.
- 3.2 The College reserves the right not to investigate complaints considered to be vexatious or malicious and to deal with these as disciplinary matters if appropriate to do so.
- 3.3 The College will not normally deal with a new complaint if it is more than three months old.

## DEFINITIONS

- 4.1 The College has defined a **complaint** as 'any oral or written expression of dissatisfaction relating to aspects of the College's service or the conduct of its staff or students'. This definition will apply consistently across all areas of the College.

An '**informal complaint**' is an oral or written expression of dissatisfaction (as above) unless identified as a 'formal complaint'.

A '**formal complaint**' is one where the complainant identifies it as such, either reflecting dissatisfaction with the response to an informal complaint or a matter so serious as to require the immediate attention of the Principal.

An **appeal** is where the complainant is dissatisfied with the response to a formal complaint and wishes to have further College scrutiny of the response received.

## RESPONSIBILITIES

- 5.1 The College will:
  - acknowledge all formal complaints and appeals
  - aim to respond to all complaints and appeals within a stated period of time.
  - deal reasonably and sensitively with all complaints
  - take action where appropriate
  - maintain confidentiality as far as possible but be clear where this might constrain pursuit of the concern
  - take special care that potential safeguarding issues attached to a complaint are referred to the designated safeguarding lead in any such instance
  - have due regard to data protection e.g. where a complainant asks for access to the identity or information about a third party who is a member of the College community
  - monitor and address any patterns that may be emerging from complaints received.

5.2 The complainant will be expected to:

- bring their complaint to the College's attention promptly (see 3.3 above)
- explain the problem as clearly and as fully as possible, including any action taken to date,
- allow the College reasonable time to deal with the matter, and
- recognise that some circumstances may be beyond the College's control
- maintain polite and professional language in all communications and avoid any intimidating behaviour.

## **MONITORING AND REVIEW OF POLICY AND PROCEDURES**

6.1 These policy and procedures will be reviewed every three years unless a more frequent review is necessary, for example to ensure compliance with legislation.

6.2 The Principal shall provide an annual report to the Finance & General Purposes Committee of any formal complaints received in the previous college year (and as far as is possible any patterns of all complaints) and of the action taken to resolve them. Where an appeal is made to the Chair of the Governing Body, the Clerk to the Governing Body will ensure that this is drawn to the attention of all governors, at the very least through an Appeals item at the next full Governing Body meeting. This agenda item should include a brief outline report from the Chair of the case, its status, and, if the appeal has been heard, its outcome and a short formal response from the Principal.

6.3 The Complaints Policy and Procedures will be covered in new staff and student induction procedures, be made available to parents of new students and placed on the College website.

6.4 All paperwork connected with formal complaints, whether held by the Principal or other staff, will be destroyed after 3 years with the exception of complaints which are covered by the DfE guidance on Safeguarding Children and Safer Recruitment.

## **RELATED DOCUMENTS/POLICIES**

### **General**

Appeals Procedure

Copyright Policy

Data Protection Policy

Environmental Policy

Equality and Diversity Policy

Fire Safety Policy

Health and Safety Policy

Publication Scheme

### **Student-related**

Admissions Policy

Curriculum Policy

Examinations and Assessment Policy

Fitness to Study Procedures

Quality Assurance Policy

Safeguarding Policy

Staff Cover Policy

Student Behaviour policies (including Code of Conduct, Social Media, Bullying and Harassment and Disciplinary policies)

Student Fees and Charges Policy

Student Voice Policy

Supporting Learners at Collyer's

Travel Plan

## **COMPLAINTS PROCEDURE**

### **How to make a complaint**

- 1.1 If you feel that the College has let you down in any way, please let us know. It is important to us that we understand what has gone wrong and how we can put it right, if at all possible. We will be guided by the need to **listen** to the concerns raised, **inform** ourselves of the circumstances, **respond** as helpfully as possible and **learn** from the feedback.
- 1.2 The College aims to resolve all complaints as swiftly, fairly and effectively as possible. Our hope is that your dissatisfaction can be resolved directly with the member of staff who has direct responsibility for the matter in question). If this is not the case, or your complaint is very serious, you may wish to raise a formal complaint.

### **Stage 1: Informal complaints**

- 2.1. The College will normally aim to respond to an informal expression of dissatisfaction within ten working days of receipt. If this occurs during College holiday periods, this timescale may be extended.
- 2.2. Full-time students who have such a cause for concern should normally, in the first instance, speak to their tutor about it as soon as possible after the issue emerging. Where the concern relates to their relationship with the tutor they might prefer to speak to their Head of House.
- 2.3. Adult students with a cause for concern should contact the Adult Ed office, in person or by e-mail at [AdultEd@collyers.ac.uk](mailto:AdultEd@collyers.ac.uk). Any others should contact College/ Reception. In both cases this should again be as soon as possible after the issue emerging. Arrangements will be made for the appropriate member of staff to contact them and, where necessary, to arrange to meet and discuss the issue.
- 2.4. The appropriate person receiving the informal complaint will seek to establish the facts and form a suitable response in keeping with the aims of the College's Complaints Policy.
- 2.5. We will communicate our proposed resolution of your complaint to you, either face-to-face (for most student complaints), by telephone, by e-mail or letter
- 2.6. If you remain dissatisfied with the resolution of your concern at this informal stage, you may wish to raise a formal complaint.

### **Stage 2: Formal complaints**

#### **General**

- 3.1 If you remain dissatisfied with the outcome of an informal approach or you feel that your complaint is very serious, you may wish to contact the Principal directly by e-mail (to [admin@collyers.ac.uk](mailto:admin@collyers.ac.uk)) or letter with a formal complaint. If you have difficulties in providing details in writing, please let us know and we will handle your complaint accordingly.
- 3.2 The Principal (or his/her delegate) will log all formal complaints received. Any such complaint will be acknowledged in writing within five working days of its receipt. The College will normally aim to respond to a formal complaint within ten working days of receipt. If an investigation is likely to take longer than this, you will be informed in writing as soon as possible.
- 3.3. If you wish to make a complaint about the Principal, Governing Body or Clerk, please see Annex A.

## Information-gathering/ investigation

- 4.1 The Principal will generally decide a formal complaint should be dealt with by a senior member of staff seeking any necessary further information from the complainant and members of the College community as required.
- 4.2 The manager tasked with responsibility for such investigation of a formal complaint should do so as soon as possible, first devising a suitable strategy for this work, consulting where necessary with their line-manager or other appropriate colleague to ensure that the proposed course of action best matches the circumstances.
- 4.3 Any person against whom a complaint has been made will be told formally of the nature of the complaint, given a copy of this policy and procedure, and advised of their right to be accompanied in any investigation which follows.
- 4.4 Staff involved in dealing with formal complaints should **in any event** note key decisions made and actions taken with a view to establishing a clear train of events. Such notes should be as brief and concise as possible and should include date, time, rationale and colleagues consulted. Any notes which are made in the course of an investigation may have to be made available to third parties so care must always be taken in making them.
- 4.5 It may be that documentation or meetings, supplied by or with, third parties will be needed. In general, if meetings are to be held as part of the investigation, consideration should be given as to whether:
  - all, some or none of the following need clarifying in advance: date, time, place, purpose, attendees, agenda, method of proceeding;
  - witnesses should be present;
  - an accompanying friend should be permitted to give moral support;
  - a record of the meeting is needed;
  - it is advisable to bring together the complainant and the person about whom they are complaining (taking account, for example, of whether this might facilitate or constrain communication or cause unnecessary stress).

## The Response

- 5.1 The investigating manager will generally respond directly to the complainant but may refer the matter to a line manager or suitable senior colleague if considered appropriate .
- 5.2 **Where a complaint is upheld**, the complaint manager will take advice from appropriate colleagues on what action needs to be taken. The complaint manager will, where possible, communicate this to the complainant. The complaint manager will however need to bear in mind their duty of care to any student(s) or member(s) of staff who are the subject of a complaint and any data protection issues.
- 5.3 Such staff or students should be informed as early as possible of the outcome of the investigation and of what action, if any, is to be taken as a result. This may not be a straightforward matter for the complaint manager in which case s/he should take advice from HR and/or their line manager.
- 5.4 **A decision to reject the complaint** (whether fully or in part) is likely to be because the complaint:
  - although reasonable in the judgement of the complainant, conflicts with College policy
  - conflicts with the professional judgement of the complaint manager
  - has been found to be vexatious or malicious

5.5 **If a resolution cannot be reached** this is likely to be because of difficulties attributable to:

- the passage of time
- anonymity
- complaints not being made in writing
- the complainant insisting upon confidentiality

## **Appeal**

6.1 If you are not satisfied at this stage with the outcome of the consideration of your formal complaint, you may appeal in writing within 10 working days of the date of the complaint manager's response, outlining the basis of your dissatisfaction to the Principal. Where the Principal has responded to your complaint you may appeal to the Chair of the Governing Body c/o the Clerk at the college address.

6.2 The Principal or Chair (or their delegate) as the appeal manager will review the College response to the complaint. The criteria for dealing with an appeal against an intended resolution of a complaint are:

- There was a serious breach of the college's procedures that may have adversely affected the outcome;
- New evidence has come to light that was not available at the earlier stage and could be expected to materially influence the outcome. Where this occurs, the evidence must be provided to the college together with an explanation as to why it was not provided earlier;
- The findings were unreasonable in the light of the facts;
- Any follow-up action was either insufficient or too severe in the circumstance.

The appeal manager is empowered to request further work be done to investigate or resolve the complaint and also to amend action that may have been proposed or taken in light of the complaint by the complaint manager.

6.3 You will be contacted in writing within 10 working days with either a decision on your appeal or details of the next steps. The latter may include an exploratory meeting to seek to resolve any outstanding concerns through conciliation or, where the Chair is involved, also a formal Appeal Panel (If the latter, a copy of the Appeal Panel procedure will be provided at this stage.). In any event the original outcome of the complaint can be changed or upheld as a result of the review.

6.4 The outcome of any appeal to the Chair of the Governing Body, whether addressed in correspondence or by an appeals panel will be notified to the next full Governing Body meeting. The agenda item will include a brief outline report of the case and its outcome from the Chair and a short formal response from the Principal.

## **Further steps**

7.1 After this stage, if the complainant remains dissatisfied with the outcome of the appeal, the Education and Skills Funding Agency has a Complaints Procedure (available on their website).

7.2 If the college is unable to resolve any complaint relating to information rights practices the complainant has a right to refer the matter to the Information Commissioner, the independent body who oversees the Freedom of Information and Data Protection Acts. Details on how to report a concern are available on the ico website.

7.3 Nothing in this policy and procedure is intended to or has the effect of limiting an individual's rights under UK legislation.

## Annex A

### **Complaint about the Principal**

If you wish to make a complaint about the Principal, you should write to the Chair of the Governing Body at the College address marking it 'Personal and Confidential'. The Chair will proceed in line with these guidelines, treating the complaint as 'informal' unless categorised as a 'formal complaint' or the matter is so serious s/he feels it should be dealt with under Stage 2.

### **Complaints about the Governing Body or Clerk**

Anyone with a cause for concern about the conduct of the Governing Body should, in the first instance, contact the Clerk to the Governing Body. Complaints can be sent to Russha Sellings, Clerk to the Governing Body, The College of Richard Collyer, Hurst Road, Horsham, West Sussex, RH12 2EJ.

Complaints about the Clerk should be sent to the Chair of the Governing Body at the College address marking it 'Personal and Confidential'

# COMPLAINTS PROCEDURE \*

Complaint made by student, parent or member of the public

Most complaints will be dealt with under Stage 1 (Informal Complaint)

If the complaint is very serious, a formal complaint should be made directly to the Principal.

Complaint is addressed and complainant informed, normally within 10 working days

Complainant satisfied

Complaint not resolved to satisfaction of complainant; complainant may make a formal complaint in writing to the Principal within 10 working days

Acknowledgment of receipt of formal complaint sent within 5 working days

Principal decides so serious that they will continue as complaint manager

Principal delegates to senior member of staff to investigate and respond

Outcome reported to complainant within 10 working days

Complaint Resolved

If complainant is not satisfied, they may, within 10 working days, raise an appeal (See Appeal Procedure)

\* Subject to Annex A



# APPEALS PROCEDURE

If a complainant is not satisfied with the resolution of a formal complaint, they may (within 10 working days) appeal to the Principal (or the Chair of the Governing Body where the Principal has been previously involved as the Complaint Manager)

Acting as the Appeal Manager the Principal or Chair (subject to any further investigation) will consider the grounds for the appeal and inform the appellant of the decision within 10 working days

Acting as the Appeal Manager, the Principal or Chair may consider an alternative approach to a written decision e.g. a meeting (Or for Chair – Appeal Panel). To be advised within 10 working days of the appeal

Resolved

Decision notified within 5 days of any further meeting/panel

Appeal panel (e.g. for student exclusion)

Resolved

If appellant remains dissatisfied they may appeal to the ESFA (or ICO in relation to information rights)