

# **COMPLAINTS POLICY**

**April 2022**

## **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of students that are enrolled at the College. Any person, including members of the public, may make a complaint to Worcester Sixth Form College 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), the College will use this complaints procedure.

## **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 complaints procedure. Worcester Sixth Form College 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, the Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal will refer you 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, Worcester Sixth Form College will attempt to resolve the issue internally, through the stages outlined within this complaints 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 (with the exception of the Principal) should be addressed in the first instance, to the Principal. Please mark any written communication in relation to a concern or a complaint as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to the Chair of the Local Governing Body, via the Clerk to the Local Governing Body. Please mark them as Private and Confidential.

Complaints about the Chair of the Local Governing Body, any individual governor or the whole Local Governing Body should be addressed to the Clerk to the Local Governing Body. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the registered trust address (Folly Lane, Hereford, HR1 1LU). Please mark them as Private and Confidential.

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 reception. You can also ask a third-party organisation for example like the Citizens Advice 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.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Principal or Chair of the Local Governing Body, if appropriate, will determine whether the complaint warrants an investigation.

### **Unreasonable, Frivolous or Vexatious Complaints**

While the vast majority of complaints and concerns received by the College are made in good faith, it must be recognised that there is the potential for unreasonably persistent frivolous or vexatious complaints.

Examples of unreasonable, frivolous or vexatious complaints or complainants might include:

- Unreasonable expectations about the level of resources to be devoted to investigating a matter
- Unrealistic expectations about the seriousness of the matter complained about
- Unreasonably frequent communication about the matter
- Excessively long lists of questions about the matter
- Repeated complaints about unrelated items

In such cases the Principal may decide that the complaint will not be investigated in the usual way. This decision will be communicated to the complainant in writing. If the complainant is not satisfied with this decision they can appeal (refer to stage 3).

### **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 any holiday period.

### **Scope of this complaints procedure**

This procedure covers all complaints about any provision of community facilities or services by Worcester Sixth Form College, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>• Admissions to College</li></ul>	Concerns about admissions should be handled through a separate process – Please refer to the College’s Admissions and Fitness to Study Policy.

<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our Safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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)..</p>
<ul style="list-style-type: none"> <li>• Exclusion from College</li> </ul>	<p>Please refer to the College's Student Conduct Policy for details on how to appeal a suspension or exclusion.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have a Whistleblowing policy for all our employees, including temporary staff and contractors.</p> <p>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. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our College should complain through the Complaints procedure.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the College's grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the College's disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Suspected Fraud or Financial Irregularity</li> </ul>	<p>If the concern or complaint relates to suspected fraud or financial irregularity the person who wishes to complain should contact the Education and Skills Funding Agency. The ESFA will consider and determine appropriate action when they receive allegations of suspected fraud and/or financial irregularity, including where a funded provider has:</p> <ul style="list-style-type: none"> <li>• Claimed ESFA funding through deception;</li> <li>• Broken the funding rules;</li> <li>• Not delivered education/training funded by the ESFA.</li> </ul> <p>Before raising a concern with ESFA, you must have a reasonable belief that the disclosure is true. Allegations should be raised with the ESFA by emailing</p>

	<p>allegations.mailbox@education.gov.uk, by telephoning 0370 000 2288 or in writing to:</p> <p>Counter Fraud and Investigation Team  Education and Skills Funding Agency  Cheylesmore House  Quinton Road  Coventry  CV1 2WT</p>
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If other bodies are investigating aspects of the complaint, for example the police, the funding body, 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 Worcester Sixth Form College 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, Worcester Sixth Form College wants 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 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 subject teacher, Head of Department, Head of Year or the Principal. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within ten 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 addressed to the Principal (unless they are about the Principal). This may be done in writing (preferably on the Complaint Form) or by telephone.

The College will acknowledge receipt of the complaint and the Principal, or member of staff appointed to investigate the complaint, may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. Consideration will be given as to whether a face to face meeting is the most appropriate way of doing this.

Whilst the Principal may delegate the investigation to another member of the College's senior leadership team, the Principal will make the decision.

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 ten 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 the College will take to resolve the complaint.

The Principal will advise the complainant of how to appeal the decision should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, or a member of the Local Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Principal or member of the Local Governing Body must be addressed to the Clerk.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Governing Body or
- the majority of the Local Governing Body

Stage 2 will be escalated to the CEO of the Trust.

## **Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can appeal the decision which will be heard by a panel consisting of members of the Local Governing Body who were not directly involved in the matters detailed in the complaint. This is the final stage of the complaints procedure.

A request to appeal must be addressed to the Clerk within ten College days of receipt of the Stage 2 response.

The Clerk will acknowledge receipt of the complaint and outline the process and timescales for the panel hearing. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will issue a date and time within five College days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. The complainant will be given five College days' notice of the date of the meeting.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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 Chair and Vice Chair or
- the entire Local Governing Body or
- the majority of the Local Governing Body

Stage 3 will be heard by the trustees.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Legal representation will not usually be permitted at panel hearings although can be exceptionally granted at the discretion of the panel Chair.

Representatives from the media are not permitted to attend.

Prior to the panel hearing, the Clerk 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.

Any written material will be circulated to all parties at least three 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 meeting 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.

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 Chair of the panel will provide the complainant and the College with a full explanation of their decision and the reason(s) for it, in writing, within five College days. This will include details of how to take a complaint further.

### **Recording Complaints and Concerns**

- All formal complaints and any significant concerns dealt with by a senior member of staff will be recorded by the person investigating on a Complaints/Concerns Recording Form (see below). The definition of what is a "significant concern" is left to the member of staff investigating.
- All completed forms should be passed to the PA to the Principal who will complete an entry in the Concerns/ Complaints Register.
- The Principal will be responsible for overseeing the completion of the Complaints and Concerns Registers and for monitoring its contents.
- Action to improve College performance will be taken based on an analysis of the Complaints and Concerns Registers.

### **Complaints about the Trust, CEO or Trustee**

If a complaint is directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant to acknowledge receipt of the complaint and will confirm that the process by which the complaint will be investigated and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within ten College days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the complainant within this time period, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel,.

The Clerk will acknowledge receipt of the complaint and outline the process and timescales for the panel hearing. Requests received outside of this time frame will only be considered if exceptional circumstances apply.



The Clerk will write to the complainant to inform them of the date of the meeting. They will issue a date and time within five College days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. The complainant will be given five College days' notice of the date of the meeting.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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 Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Legal representation will not usually be permitted at panel hearings although can be exceptionally granted at the discretion of the panel Chair.

Representatives from the media are not permitted to attend.

Prior to the panel hearing, the Clerk 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.

Any written material will be circulated to all parties at least three 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 meeting 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.

The committee will consider the complaint and all the evidence presented. The committee 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 committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Heart of Mercia with a full explanation of their decision and the reason(s) for it, in writing, within five 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 Heart of Mercia.

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 the Heart of Mercia Trust 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/Trust 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 the College/Trust. They will consider whether the College/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://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

## **Monitoring**

This Complaints Policy will be monitored regularly through the following procedures:

- The Principal will be responsible for the oversight of this policy and its effectiveness. It will be reviewed annually.
- It will be the Principal's responsibility to ensure that complaints and concerns are recorded correctly and entered on the register.
- The register will be reviewed termly at a meeting of the College's Senior Leadership Team and annually by the Curriculum & Quality Committee of the Local Governing Body.
- The evaluation of the register will consider whether those who complained were satisfied with the outcomes and whether good practice at the College was promoted and poor practice deterred.
- The evaluation of the registers will also consider whether there should be any changes to policies and procedures, especially if any pattern is discernible.

## **Review**

This policy will be reviewed annually by the College Senior Leadership Team and by the Local Governing Body's Curriculum & Quality Committee.

**APPENDIX 1: Complaint Form**

Please complete and return to the Principal/CEO/Clerk (as appropriate) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the College about it.</b>

**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:**

## **APPENDIX 2: 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:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff, students and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant 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 that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Principal will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate details about how to appeal.

### **The Principal/CEO**

**The Principal/CEO should:**

- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, CEO, Chair of the Local Governing Body, Chair of Trust or the Clerk as appropriate to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - 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.

### **Clerk to the Governing Body / Trust Board**

The Clerk is the contact point for the complainant and the committee 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 committee's decision.

### **Panel Hearing Chair**

The appointed chair of the Panel Hearing, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) 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 committee 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 committee is open-minded
- 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 minuted
- they liaise with the Clerk.

## **Panel Member**

Panel members should be aware that:

- the meeting must be impartial, and should be seen to be so

No governor / trustee 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 son or daughter.

- extra care needs to be taken when the complainant is a young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the young person does not feel intimidated.

The panel should respect the views of the young person and give them equal consideration to those of adults.

If the young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the young person to attend a part of the meeting that the panel considers is not in the young person's best interests.

- the welfare of the young person is paramount.