**COMPLAINTS PROCEDURE**

Please note: Copies of this Policy are available from the Principal’s PA

1. **Purpose of the Complaints Procedure**

This procedure aims to reassure students, parents and others with an interest in the College that:

* Any complaint against the College will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
* The College recognises that a willingness to listen to questions and criticism and to respond positively, may lead to improvements in College practices and provision for students.
1. **Scope of the Procedure**
	1. A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the College’s work.
	2. This procedure deals with specified day-to-day complaints against the management and/or operation of the College which fall outside the scope of the following procedures:
* Conduct: Complaints which have an alternative avenue of appeal: e.g. exclusion
* Grievance, Disciplinary or Whistleblowing: Serious complaints which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.
	1. Complainants may be anyone e.g. students, parents, guardians, grandparents, neighbours of the College or anyone with an interest in the work of the College. The term “complainant” therefore is used throughout the procedure as a generic term.
	2. Complaints must be made by telephone, e-mail, a letter or in person.
1. **General**
	1. Records of all conversations and meetings with complainants to resolve complaints will be kept. To help prevent recurring complaints, copies of correspondence and notes will be kept on file by the College, separately from individual student records.
	2. If at any stage in the procedure it becomes apparent that the complaint falls outside of this general complaints procedure, complainants will be informed.
	3. There may be rare occasions when, despite all the stages of the procedure having been followed, a complainant remains dissatisfied. If the complainant seeks to re-open the same issue, the College reserves the right to inform him / her in writing that the procedure has been exhausted and the matter is closed.
2. **Stage 1: Informal Stage**
	1. A complainant may raise a concern directly with College staff without any formality. At this stage, it may be unclear whether the complainant is making a complaint, seeking information or has misunderstood a situation. In any event, the College aims to resolve the concern at this point in a speedy and effective way.
	2. However, if the concern is not resolved immediately and a complaint is confirmed by the complainant, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Head of Department, Curriculum Area Manager / Pastoral Manager, Vice Principal.
	3. The member of staff will discuss the issue with the complainant and those involved in College, with the aim of resolving the complaint as soon as possible. The complainant will be informed of the outcome of the discussions and what action, if any, the College proposes to take.
	4. If the informal process has been exhausted and, the complainant is not satisfied with the solution found, s/he may wish the complaint to be considered formally under Stage two of this procedure.
	5. If wishing to proceed with the complaint, the complainant must put the complaint in writing to the Principal, using the form attached at Appendix 1. The form should be returned to the Principal within **5 working days** of receiving the form.
3. **Stage 2: Formal Stage**
	1. The Principal will appoint a delegate to investigate, who will acknowledge the written complaint within **5 working days** of receipt, and provide an opportunity to meet the complainant to investigate the complaint. This may involve meetings with those involved in Stage 1.
	2. The Principal’s delegate will investigate the complaint and a written response will normally be made within **10 working days** of the conclusion of the investigation. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.
	3. The written response will include full reasons for the conclusions reached by the investigator and what action, if any, the College proposes to take to resolve the matter.
	4. If the complainant still remains dissatisfied, s/he will be advised that, in order to progress the complaint further at Stage 3, s/he must notify the Clerk to the Corporation (Clerk) in writing **within 5 working days**, copying the original complaint form, setting out their reasons for the appeal against the decision/action proposed at Stage 2.
	5. The Clerk will then inform the Principal and ensure that the complainant is offered the opportunity of taking the complaint to the Complaints Appeal Hearing at Stage 3 of this Procedure.
4. **Stage 3: Complaints Appeal Hearing**

For employment issues, ACAS state that any appeal against any formal action must be to the ***next higher authority.*** This principle has been adopted for this policy. Therefore, if action at Stage 2 was taken by the Principal, then the appeal must be to the Corporation (Governors) see 6.10 below. If, however, the Principal delegates another member of staff deal with Stage 2, then the appeal should be considered by the Principal.

* 1. Only rarely do complaints reach this Stage. However, when the need arises, the Principal will arrange to consider a complaint appeal at Stage 3.
	2. A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the Procedure, will be sent to the complainant by the Clerk **within 10 working days**.
	3. The letter will inform the complainant that the complaint will be heard, where possible, within **10 working days** of receiving the complaint. It will also inform the complainant of the right to submit any further documents other than the complaint form and that these must be made available to the Clerk within **5 working days** of receipt of the acknowledgement letter. Late submissions may not be admitted to the hearing. The right to call witnesses to the meeting is subject to the approval of the Principal, and the right of a parent/carer to be accompanied by another family member will also be explained in the letter.
	4. The Clerk will send a copy of the letter of acknowledgement of the complaint to the Principal’s delegate involved at Stage 2; and request that a written report in response to the complaint is made within **5 working days** of receipt of the letter. The right to call witnesses, subject to the approval of the Principal, will also be explained.
	5. The Clerk will then convene a hearing. The date, time and venue for the hearing will then be confirmed at least **5 working days** in advance.
	6. The names of all parties and witnesses (if any) to attend the meeting and all relevant documents to be referred to at the meeting will also be provided to the Principal. Copies will be provided to the complainant and the Principal’s delegate involved at Stage 2. This will be provided as soon as possible and, in any event, at least **5 working days** prior to the meeting.
	7. A record of the meeting will be taken. It will be held following the procedures for hearing a complaint detailed in Appendix 3.
	8. A written decision will be sent to the complainant within **10 working days** of the hearing. It will outline the basis of the decision made and if any subsequent action is to be taken.
	9. The letter will explain that the decision of the Principal is final.
	10. **Governors’ Complaints Appeal Panel (GCAP) (in the event that Stage 2 was dealt with by the Principal)**
	11. Only rarely do complaints reach this Stage. However, when the need arises, a Governors’ Complaints Appeal Panel will be convened to consider complaints at this Stage.
	12. A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the Procedure, will be sent to the complainant by the Clerk **within 10 working days**.
	13. The letter will inform the complainant that the complaint will be heard, where possible, by the GCAP within **20 working days** of receiving the complaint. It will also inform the complainant of the right to submit any further documents other than the complaint form and that these must be made available to the Clerk within **5 working days** of receipt of the acknowledgement letter. Late submissions may not be admitted to the GCAP hearing. The right to call witnesses to the meeting is subject to the approval of the Chair of the GCAP, and the right of a parent/carer to be accompanied by another family member will also be explained in the letter.
	14. The Clerk will send a copy of the letter of acknowledgement of the complaint to the Governors and/or the Principal involved at Stage 2; and request that a written report in response to the complaint is made to the GCAP within **5 working days** of receipt of the letter. The right to call witnesses, subject to the approval of the GCAP Chair, will also be explained.
	15. The Clerk will then convene a GCAP hearing. The date, time and venue for the hearing will then be confirmed at least **5 working days** in advance.
	16. The names of all parties and witnesses (if any) to attend the meeting and all relevant documents to be referred to at the meeting will also be provided to the Chair of the GCAP. Copies will be provided to the complainant; the Governors and/or Principal involved at Stage 2 and each GCAP member. This will be provided as soon as possible and, in any event, at least **5 working days** prior to the meeting.
	17. A record of the meeting will be taken. It will be held following the procedures for hearing a complaint detailed in Appendix 3.
	18. A written decision will be sent to both the complainant and the Governors and/or Principal by the Chair of the GCAP within **10 working days** of the hearing. It will outline the basis of the decision made and if any subsequent action is to be taken.
	19. The letter will explain that the decision of the GCAP is final.
1. **Continuous Improvement**

The College (Principal’s PA) will keep a record of any Stage 2 complaints received and of the resulting correspondence. We will use this information as part of our attempt to improve the quality of service and provision which we offer.

1. **Equality and Diversity**

Records of complaints and their outcomes are reported to the Curriculum & Standards Committee of the Corporation on an annual basis. Reports will include an analysis of gender, race, disability and learning difficulty based on the information which complainants, if students of the College, provided on enrolment.

 **Date of Next review October 2017Appendix 1**

**Form to notify a formal Complaint (Stage 2 and/or Stage 3)**

If you wish us to respond to your complaint, please complete the following questions:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Please tick as appropriate to your status*

Staff member 🞎 Parent/Carer 🞎 Student 🞎

Member of the public 🞎 Other (please specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:

Postcode:

Telephone: Home \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mobile \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Work \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ email \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please give a full description of your complaint. Try to include, where appropriate, date, time, location, names of any individuals involved and any other details:

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Have you discussed the complaint with the person concerned, e.g.: Subject Tutor, personal Tutor, or the person responsible for the service?

 Yes 🞎 No 🞎

If so, please give details:

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What do you think the College could do to improve things?

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Signature of complainant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Your complaint and any action taken will be recorded

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| --- |
| Action Taken: |
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|  |
| By whom: |
| Date: |

Are you satisfied with the response to your complaint ? Yes 🞎 No 🞎

If you are not satisfied with the response, please could you indicate why?

This information is used to monitor the effectiveness of our Equality Duty.

Please respond to all the questions asked.

**Ethnicity**

This classification is based on the list used by the Commission for Racial Equality. Please tick the box that you feel reflects your background:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| White |  |  | Indian |  |  | Pakistan |  |  | Bangladeshi |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Asian other |  |  | Black Caribbean |  |  | Black African |  |  | Black |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Chinese |  |  | Any other |  |  |  |  |  |  |  |

What is your marital status?

Are you: Male/Female/Transgender (please delete as appropriate) Age: 16-19 🞎 20+ 🞎

Do you consider yourself to have a disability? Yes 🞎 No 🞎

**Appendix 2**

**Composition of the Governors’ Complaints Appeal Panel (GCAP)– Stage 3**

The GCAP should consist of three members of the Corporation. A Chair of the GCAP should also be appointed and will usually be a Foundation Governor.

No member of the GCAP should have had prior involvement with the complaint. Any Governors involved in Stage 1 or 2 must not be called to serve on the GCAP.

It is not considered appropriate for the Principal to be a member of the GCAP. The role of the Principal would be to attend the GCAP hearing to give evidence and s/he may choose to invite staff/others directly involved in matters raised by the complainant (subject to the approval of the Chair of the GCAP).

**Appendix 3**

**Governors’ Complaints Appeal Panel (GCAP) – Procedures for Hearing the Complaint**

**Introduction**

The aim of the hearing is to resolve the complaint and achieve a reconciliation between the College and the complainant.

The Chair of the GCAP will ensure that a proper record is taken of the hearing.

Although the hearing will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

**Order of Meeting**

1. The Chair welcomes the complainant and introduces the GCAP.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The complainant explains the complaint, calling in witnesses if appropriate.
4. The GCAP may question the complainant and witnesses.
5. The complainant retires from the meeting.
6. The Chair welcomes the Principal and the Governors (where the complaint has been addressed by the Governors at Stage 2).
7. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
8. The Principal / Governors present a response to the complaint, including action taken to address the complaint at Stage 1 and 2 of the procedure and calling witnesses, if appropriate.
9. The GCAP may question the Principal / Governors.
10. The Principal / Governors retire from the meeting.
11. The complainant is invited back into the room; the GCAP may again question the complainant. The complainant makes a final statement, then retires.
12. The Principal/ Governors, is invited back into the room, the GCAP may again question the Principal/Governors. The Principal/Governors make a final statement, then retires.
13. The GCAP considers the complaint and reaches a unanimous or majority decision. The GCAP also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
14. When a decision has been made, the Chair recalls the complainant, then the Principal/Governors and each is informed of the outcome and any action to be taken.
15. All outcomes are confirmed in writing to both parties in accordance with paragraphs 6.8 and 6.9 of this Complaints Procedure.