



## COMPLAINTS PROCEDURE

This policy adheres to and should be applied with due consideration to the College's commitment to the Framework for Ethical Leadership in Education.

### Mission Statement

Our mission inspired by the Christian tradition is to be a community based on faith, hope and love; developing each individual intellectually, emotionally and spiritually to achieve their full potential.

To achieve this we will:

- Provide a welcoming, supportive community where everyone is valued.
- Provide a high quality, meaningful education which encourages the development of the whole person, inspired by the Notre Dame tradition.
- Promote a caring environment, rooted in the virtues of service, kindness, gratitude and respect.
- Work together for the benefit of each person as well as the wider community.
- Recognise, celebrate and treasure, without exception, the unique gifts and dignity of each person, ensuring equality and fairness for all, as found in the teaching and example of Our Lord Jesus Christ

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## **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.
- Complaints should be logged promptly or at least within 2 calendar months of the incident, in order that any evidence can be gathered whilst the incident is fresh in the memories of the parties concerned. However, additional time may be accepted in exceptional circumstances.
- At any stage of the complaints procedure, based on the details of the complaint, a decision may be made to deal with the complaint under a different and more relevant policy or procedure if appropriate.

## **2. Scope of the Procedure**

- 2.1 A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the College's work.
- 2.2 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:
  - Complaints which have an alternative avenue of appeal, e.g. exclusion.
  - Any issues arising over examination results will be dealt with under the Examinations Policy.
  - Serious complaints which must be dealt with by specific employment procedures, e.g. safeguarding, allegations of criminal offences or those that are potentially staff disciplinary issues.
- 2.3 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.
- 2.4 Complaints must be made by email, a letter or in person. In the interests of natural justice, a complainant cannot remain anonymous.
- 2.5 Notre Dame Catholic Sixth Form College is committed to dealing with all complaints fairly and to providing a high-quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and complainants should limit the number of communications with the College whilst a complaint is being investigated so as not to delay an outcome being reached.
- 2.6 Where a complaint is unreasonable or a complainant acts in an unreasonable manner, the Complaints Procedure may be drawn to an end.
- 2.7 A complaint may be regarded as unreasonable when the person making the complaint:
  - Refuses to articulate their complaint and provide the relevant information using the Complaints Form.
  - Refuses to co-operate with the complaints investigation whilst still wishing their complaint to be resolved.
  - Refuses to accept that certain issues are not within the scope of this procedure.
  - Insists on the complaint being dealt with in a way that is incompatible with the Complaints Procedure or with good practice.
  - Changes the basis of the complaint as the investigation proceeds.

- Introduces trivial, irrelevant, or fraudulent information which the complainant expects to be taken in to account, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the complaint.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint has no grounds or has already been addressed).
- Seeks an unrealistic outcome.
- Refuses to accept the findings of an investigation where the Complaints Procedure has been exhausted.
- Makes excessive demands on the College whilst the complaint is being dealt with in terms of the amount of contact with staff regarding the complaint.
- Behaves inappropriately, such as maliciously, aggressively, threatening or intimidating, uses abusive language, falsifies information, or knows the complaint to be false.

### **3. General**

- 3.1 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.
- 3.2 If at any stage in the procedure it becomes apparent that the complaint falls outside of this general complaints procedure, complainants will be informed.
- 3.3 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 them in writing that the procedure has been exhausted and the matter is closed.
- 3.4 Working days refer to term time only.

### **THE COMPLAINTS PROCEDURE: must be progressed in order of the stages below:**

#### **4. Stage 1: Informal Stage**

- 4.1 At this stage, it may be unclear whether the complainant is making a complaint. It is important not to let concerns get out of hand and often discussing a concern with college staff directly without any formality could quickly bring an effective resolution.
- 4.2 Anyone who is dissatisfied with the College will normally discuss their problem as soon as possible (or at least within 2 calendar months of the incident) with an appropriate member of staff. 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.
- 4.3 For students, the appropriate member of staff to discuss concerns with will usually be their Achievement Tutor, Senior Tutor, or Head of Students.
- 4.4 Where the complaint comes to someone not directly involved with the area concerned then the complainant will be directed to the most appropriate member of staff to deal with the concern.
- 4.5 The appropriate member of staff will try to resolve the matter to the satisfaction of the complainant as soon as possible.
- 4.6 If the informal process has been exhausted and the matter cannot be resolved to the satisfaction of the complainant, the complainant may wish the complaint to be considered formally under Stage 2 of this procedure. A formal complaint should be made using the

complaints form available from the PA to the Principal (please telephone the College on 0113 294 6644). The written complaint should:

- Outline in reasonable details the nature of the complaint and any unresolved issues.
- Clarify what actions they believe should be taken to resolve the complaint.

The complaints form should be returned to the PA to the Principal using the email address on the form, within **5 working days** of receiving the form.

## **5. Stage 2: Formal Stage**

- 5.1 After recording the receipt of a formal complaint, the Principal will appoint a delegate to investigate. The appointed delegate will acknowledge the formal 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.
- 5.2 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, an email or letter will be sent explaining the reason for the delay and providing a revised target date.
- 5.3 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.
- 5.4 If the complainant still remains dissatisfied, they will be advised that, in order to progress the complaint further at Stage 3, they must notify the PA to the Principal, using the email address on the complaints form, 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.
- 5.5 The PA to the Principal 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.

## **6. Stage 3: Complaints Appeal Hearing**

ACAS, in relation to employment issues, states that any appeal against any formal action must be to the **next higher authority**. This principle has been adopted for this procedure. 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.

- 6.1 Only rarely do complaints reach this stage. If the complainant wishes to appeal to the Principal against the decision made in response to a formal complaint, it can only be on the following grounds:
  - A quality of service failure involving standards of teaching, student guidance, information given, discretions exercised, facilities, resources or accommodation.
  - Unreasonable actions by the College or the College failing to do what is expected of it.
  - There is relevant, new evidence not presented at Stage 1 or Stage 2 of this Procedure.
- 6.2 Appeals are not possible if:
  - The College has no discretion in the matter, such as the level of certain fees, some course requirements and legal restraints.
  - It concerns a disciplinary matter than has already been the subject of an appeal.
  - The complaint can be better made to an outside body that is responsible, such as an examination board, the local authority, an employer.

- The issue is the subject of legal proceedings.

- 6.3 A written acknowledgement of the complaint and a request for it to be heard at Stage 3 will be sent to the complainant by the PA to the Principal within **10 working days**.
- 6.4 A letter will follow to inform the complainant of the date, time, and venue for the appeal meeting, where possible, within **10 working days** of receiving the complaint. The letter 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 PA to the Principal at least **5 working days** before the appeal hearing. Late submissions will not be admitted to the hearing.
- 6.5 The PA to the Principal will then convene a hearing. The date, time and venue for the hearing will be confirmed at least **3 working days** in advance of the hearing
- 6.6 The right to call witnesses to the hearing is subject to the approval of the Principal. 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 be provided to the Principal. Copies of documents will be provided to the complainant and the Principal's delegate involved at Stage 2. These will be provided as soon as possible and, in any event, at least **5 working days** in advance of the meeting.
- 6.7 Complainants may be accompanied by a parent / carer / other family member, however, the right to call witnesses is subject to the approval of the Principal.
- 6.8 Complainants will be encouraged to attend the hearing to present their case, but will be advised:
- (i) that they may elect not to attend but rely on their written representations.
  - (ii) that if they do not attend, the appeal can be held in their absence and will be decided on whatever information has been presented.
- 6.9 The meeting will follow, as far as is possible, the structured order detailed at Appendix 1.
- 6.10 A record of the meeting will be taken.
- 6.11 A written decision will be sent to the complainant usually within **10 working days** of the appeal meeting. It will outline the basis of the decision made and if any subsequent action is to be taken.
- 6.12 The letter will explain that the decision of the Principal is final.

## **7. Continuous Improvement**

The College will keep a record of any Stage 2 complaints received and of the resulting correspondence. We will use this information to assist with continuous improvements in the quality of service and provision we offer. Records of complaints and their outcomes are reported to the Curriculum & Standards Committee of the Corporation on an annual basis.

**8. Complaints against the Principal**

8.1 Any complaint against the Principal must be made following each of the stages detailed within this Complaints Procedure.

8.2 Any formal complaint (Stage 2) should be made in writing, via the Complaints Form, to the Clerk to the Corporation. The Clerk to the Corporation will meet the / speak to the complainant under Stage 1. Governors will investigate Stage 2. Different Governors, not involved at Stage 2, will form a Governors' Complaints Appeal Panel (GCAP) under Stage 3.

**Order of Meeting**

1. The Chair of the meeting welcomes the complainant and introductions are made.
2. The Chair of the meeting 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 Chair of the meeting may question the complainant and witnesses.
5. The appointed delegate from Stage 2 will explain their investigations and findings.
6. The Chair of the meeting may question the appointed delegate.
7. The Chair of the meeting will consider all facts and representations made.
8. The Chair of the meeting will communicate the outcome, in writing, within **10 working days** of the meeting. The letter will outline the basis of the decision made and if any subsequent action is to be taken. The letter will explain that the decision of the Chair of the meeting is final.