

Complaints Policy

Policy Title: Complaints Policy

Part A-Policy

1. Policy Statement

Coulsdon College is receptive to genuine expressions of dissatisfaction. Complaints will be dealt with promptly, fairly and proportionately. Action taken as a result of complaints should help to improve the quality of service that the College provides. In dealing with complaints, the College will take account of its duty to promote equality and diversity.

2. Scope

This policy relates to all complaints made about the College including complaints from students, parents and members of the public.

This policy does not relate to complaints from staff about their conditions of service which is outlined in the staff contract.

This policy does not relate to the appeals procedure against assessment grades will remain as outlined in the student handbook.

3. Definitions used in this Policy

N/A

4. Legislation

Legislation that may be referred to by a complainant includes:

Equalities Act 2010
The Data Protection Act 1998

5. Policy Approval History

Approved by: Executive
Amendments Authorised by: Executive

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6. Policy Content

6.1 Source of Complaints

Complaints about College activity can come from any source. The main likely sources of complaints however will be:

- Students: concerning aspects of their programme of study, the resourcing, delivery and final outcome
- Parents/Guardians: concerning aspects of the organisation of their son/daughter/ward's programme of study
- Members of the public: concerning student behaviour

In addition, complaints may concern D Perceived failure of the College to deliver its Mission or fulfil expectations; aspects of employee behaviour; the conduct or outcome of examinations; the failure of the College to conform to its own policies, as well as other issues.

In all cases the same procedure and time-scales should operate, although the complaints and complainants will vary widely.

6.1.2 Malicious Complaints

The College reserves the right not to investigate complaints that are considered to be vexatious or frivolous and to deal with these as disciplinary matters if appropriate to do so.

What is a frivolous or vexatious complaint?

A frivolous or vexatious complaint can be characterised in a number of ways:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

We understand that if a student contacts us with what they believe is a complaint, then it is a complaint to them, whatever others might think. We are sensitive to the fact that if the student raises the same or similar issues

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repeatedly despite receiving a full response, there may be underlying reasons for this persistence.

Deciding whether a request is frivolous or vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. Our main consideration will be the issues raised in the complaint rather than the behaviour of the student bringing the complaint.

What happens if we decide that a complaint is frivolous or vexatious?

If we decide that a student's complaint is frivolous or vexatious, we will write to the student explaining that we are terminating our consideration of the complaint. We will give reasons for our decision. We will send a copy of our letter to any parties who are the subject of the complaint.

If the student wishes to appeal against the decision, he or she can do so by writing to the Principal. The Principal will review the information, including any representations the student has made, and will decide whether to confirm the decision that the complaint is frivolous or vexatious, or to reopen our review.

6.2 Complaints Procedure

6.2.1 Initial Complaint

The person receiving the original complaint should seek to establish:

- That this is a complaint and the person wishes it to be treated as a complaint
- That the complainant is prepared to put the complaint in writing

The person receiving the complaint should then inform the Deputy Principal Operations (D P (O))

Where the above does not apply, that is that the complainant does not want to complain formally, the College should still try to respond positively to the concern, and should make it clear that the Complaints Procedure is available at any time.

6.2.2 Written Complaints

If the complainant wishes to proceed, they should be given a copy of this procedure and asked to summarise their complaint in writing. This request should be given in writing where they are external to the College, or where the complaint is judged to be of a serious nature. This action should be undertaken by the D P (O).

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A summary of the procedure may also be handed to students together with a form to help them to structure their complaint.

Any complainant who is unable to or has difficulty with putting their complaint in writing will be given appropriate assistance. It is the responsibility of the D P (O) to appoint an appropriate member of staff if necessary.

A complaint will remain live for the six weeks following initial contact by the complainant. If no written complaint is received then the complaint will be logged as “no further action required”.

The D P (O) may reject a complaint at any time without full consideration of the merits if, in his or her opinion, the complaint is frivolous or vexatious. (see 6.1.2)

The D P (O) may terminate or suspend consideration of a complaint, as he or she considers appropriate, if it appears to the Reviewer that the complainant has unreasonably delayed or has otherwise acted unreasonably.

6.3 Investigating the Complaint

6.3.1 Normal Procedure

The D P(O) will appoint a suitable person to investigate the complaint and present a report within five working days. A response will be given to the complainant within seven working days. The response should be in writing. The written response will be from the AP (O). At this stage, many complaints will be resolved.

6.3.2 Selecting an appropriate person to investigate a complaint.

The Principal would not normally be called upon to investigate a complaint as this would compromise their role in any appeal.

The person nominated to investigate will usually be the manager of the department that the complaint involves. However, if this compromises transparency then an alternative person should be nominated. In which case, the person investigating the complaint should be of similar status to the line manager of the member of staff involved. For teachers, an Assistant Principal from an alternative area would be appropriate. For an Assistant Principal, a member of the Executive should conduct the investigation. Complaints involving support staff may be investigated by a manager from another services department.

Complaints about members of the Executive should be carried out by the Principal's office.

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6.3.3 Complaints Against the Principal or Members of the Governing Body

Complaints against the Principal should be addressed to the Chairman of Governors c/o the Clerk to Corporation. Complaints against the Governing Body should also be addressed to the Clerk to Corporation.

For any instances where it is felt that the complaints procedure does not set down a Precise course of action, reference should be made back to the underlying principles of natural justice and equity: when in doubt the basic principles of appeal and fair hearing should apply.

6.3.4 Serious Complaints

Complaints in the following circumstances have specific procedures as detailed below.

Nature of Complaint	Referred to	Action
Any situation where the safety of a student is at risk	Associate Principal Students	Immediate investigation
Any defect on site that could be a safety hazard	Estates Manager	Immediate action to make safe
Any complaint that requires legal advice	Principal	Instruction to contact College Solicitors

6.3.5 Outcome of a Complaint

The person investigating the complaint will decide whether the complaint is upheld, not upheld or not proven. When a case is upheld or not proven the investigator will recommend a course of action to the D P (O) who will discuss this with the relevant manager. When the action is agreed it will be communicated to the person subject to the complaint and a letter sent to the complainant.

When a complaint is not upheld, the D P (O) will write to all parties informing them of the decision.

6.3.6 Disagreement on Outcome

If the complainant feels that a resolution has not been achieved, they may seek to appeal the decision. If the complainant wishes to do this, they must re-state their complaint in writing and give the reasons why the written response is unsatisfactory. They must also state what they seek from the Appeal.

If the person about whom the complaint is made disagrees with the outcome of the complaint then they may appeal. This appeal should be made in

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writing giving reasons why the outcome of the complaint investigation is unsatisfactory.

6.4 Appeals

The D P (O) must pass an appeal to the Executive. The Principal will decide which member of the Executive (the Principal or Deputy Principal) will hear the appeal. The appeal meeting should take within seven working days of the receipt of the above. The decision of the appeal meeting is final, but the complainant will be informed of the existence of the EFA complaints procedure where necessary.

6.4.1 Conduct of the Appeal

The conduct of the appeal should be as friendly as possible within a formal framework.

The parties involved will have received appropriate notice, in writing, of the time of the appeal meeting and will have been invited to attend. The complainant may be accompanied by one other person if they wish.

The person making the appeal will present their case, and the reasons for their dissatisfaction with the outcome. They are not required to make this presentation in writing.

The D P (O) will present the College case and detail the present College view.

All may ask questions.

6.4.2 Outcome of the Appeal

Both the person making the appeal and the D P (O) will withdraw, and the Principal/Deputy will consider the case and notify the results of their conclusions to the complainant, in writing, within three working days.

The complainant will be made aware that there exists a further right to complain to the EFA, contact details would be provided.

Where the Complainant disagrees on the outcome of the meeting it may be appropriate for the College to seek advice regarding its legal position. In this case, the Principal will instruct a member of the Executive to contact the College Solicitors

6.5 Record-Keeping and Reporting

College Managers and D P (O) should maintain a confidential record of complaints dealt with to feed into the College's quality improvement

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processes. Complaint figures will be reported annually to the Corporation. The Principal's PA will maintain a record of all appeals and outcomes.

It is the responsibility of the D P (O) to alert the Executive if a trend involving an area or member of staff emerges.

Complainants will be advised that while confidentiality will be respected as far as possible it is not normally possible to resolve complaints without disclosing details of a complaint to relevant staff in order to allow the College a fair opportunity to resolve the issue.

6.6 Location and access to the policy

This Complaints Policy and Procedure will be published on the College website/intranet, and made available to all students during induction.

6.7 Review

This policy will be reviewed every three years.

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COMPLAINTS PROCEDURE (Student version on back of complaint form)

What to do if things go wrong

Do you need to complain?

If you feel that the College has let you down in any way, please let us know. Your first step should be to talk to your Tutor who will attempt to solve the problem. If you are still not satisfied you should make a formal written complaint. The College will always take your complaints seriously and ensure that you are fully informed of the procedure and outcome of their complaint.

How to Complain

If you are sure that you want to make a formal complaint then you need to put the complaint in writing. A complaint form is available from Student Services or Moodle. If you need help with the process including filling in the form, then a member of Student Services staff will help you.

Hand the completed form to the Deputy Principal (Operations) (D P (O)) (currently Steve Gooch). He will ask someone to investigate the complaint on your behalf.

That person will investigate the complaint and present a written report back within 5 working days. A written response from the D P (O) should be given to you within 7 working days.

At this stage most complaints will be resolved however if you are still unsatisfied you can appeal.

Appeals Procedure

If you are not satisfied with the response then you may appeal. To do this you must give the give your reasons why the response is unsatisfactory in writing. You must also state what you want from the Appeal Panel. A member of Student Services staff will help you to fill in the form if you need it.

Conduct of the Appeal

The appeal will be as friendly as possible.

You will receive notice, in writing, of the time of the appeal. You can bring somebody with you if you wish.

At the appeal, the Principal will listen to your case and may ask you questions. The D P (O) will present the College case and detail the College view.

After careful consideration, you will be notified of the outcome of the appeal.

The decision is final, but if you are still not satisfied can take the complaint further by taking your complaint to the Education Funding Agency (EFA)

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Student Complaint Form

Use this form to make a complaint. Only fill in this form if you cannot get the help you need by first talking to other people around the college eg your Tutor or Student Services.

This is a serious step that you are undertaking

- Your name and why you have complained will be shared with the charged party*.
- A copy of this form may be shown to the person you are complaining about.*

Your Details

Your Name:	
Your Tutor Group:	
Your ID Number:	

Details about the complaint

Who or what is your complaint about?	
When did this happen?	
What happened? It is very important to be as clear as possible. Give witnesses and all of the details? If you want somebody to help write it down then please ask in Student Services. Write on the back if you need more space.	
What would you like to happen? (eg an apology or something to change)	

Signature:	Date:
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*Confidentiality will be maintained if the safety of the complainant may be jeopardized.