

# BHASVIC

## COMPLAINTS POLICY AND GUIDELINES

**Last Updated:**                      **DECEMBER 2018**

**Review Date:**                        **DECEMBER 2021**



## COMPLAINTS POLICY: Helping Us Get It Right

### 1. Policy statement

- 1.1 Whilst it is the College's aim to have few or no complaints about any aspects of its activity, when complaints do arise, the College will ensure that they are dealt with in a positive spirit: complaints which are justified help us improve. To this end, we will aim to resolve complaints
- effectively (in making changes if and where needed)
  - speedily (particularly with regard to the impact on learning; but not at the expense of thoroughness)
  - by keeping stress to a minimum for all involved
  - with consistency and fairness
  - with mindfulness that dealing with a complaint may itself have an educational value for all involved which we should not lose

### 2. Policy scope

- 2.1 This policy covers all complaints made by students, parents and guardians, and members of the general public.
- 2.2 This policy does not cover the following issues:
- Staff issues, which are the subject of separate College procedures (for example, Grievance Procedures, the Dignity at Work Policy)
  - Contractual disputes
  - Matters that are already the subject of legal action
- 2.3 The College reserves the right not to investigate complaints that are considered to be vexatious or malicious and to deal with these as disciplinary matters if appropriate to do so.

### 3. Policy aims

- 3.1 To ensure that the College has in place procedures to resolve complaints in the manner indicated in 1.1 above.
- 3.2 To ensure equality of treatment for all. This may very well not mean treating all parties the same.
- 3.3 To support the College's mission and uphold its values.

### 4. Monitoring and review of Policy and Procedures

- 4.1 This policy and procedures will be reviewed every three years.
- 4.2 Where necessary, the policy and procedures will be reviewed more frequently, for example to ensure compliance with legislation.
- 4.3 The Joint Union Management Consultative Group (JUMCoG) will review the application of the policy and procedures every time the policy is updated.
- 4.4 The Principal will keep a log of all complaints they receive. This is to ensure that closure is achieved in every case and the reputation of the College thereby safeguarded. The Principal will present a report to the Q&C Committee annually, informing the Committee of the nature and outcome of all complaints which have been brought to his attention.
- 4.5 All paperwork connected with 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 & Safer Recruitment.

**4.6** In order to ensure that the College is learning all that it could from complaints it receives, all line managers (with the exception of the Principal – see 4.4) should notify their line- manager of any patterns that may be emerging from complaints received. Where there is such a pattern, this must be addressed.

**4.7** A summary of the Complaints Policy and Procedures will be incorporated into other relevant documents and handbooks.

**5. Related documents** (these can all be obtained from the College if required and are available on BHASVIC Intranet)

#### **5.1 Staff-related documents**

- Data Protection Policy
- Dignity at Work Policy
- Disciplinary (Misconduct and Capability) Policy and Procedures
- Equality, Diversity and Inclusivity Policy
- Grievance Policy and Procedures
- Health and Safety Policy
- Instrument and Articles of Government
- Staff Code of Conduct
- Whistle blowing Policy

#### **5.2 Student-related documents**

- Acceptable use of computers and the Internet Policy
- Admissions Policy
- Attendance Policy
- Bullying and Harassment (Students) Policy and Procedures
- Safeguarding Policy and Procedures
- College Contract
- Coursework Deadlines Policy
- Educational Visits Policy
- Policy on Substance Misuse by Students
- Student Charging and Financial Support Policy

## COMPLAINTS PROCEDURES

**NB. Please see Appendix A at the end, which may assist you.**

### 1.0 Summary

- 1.1 We deal with complaints in a positive spirit, regarding them as potential opportunities for improving the standard of our work. Dealing with complaints falls into three stages: Investigation, Further Enquiry (not always needed) and Resolution.
- 2.0 We will do our best to investigate and resolve every case. See 5.5
- 2.1 In order to minimise the risk of disagreements and to facilitate review should an appeal be invoked, staff involved in dealing with complaints should minute key decisions made and actions taken. Such minutes should be as brief and concise as possible and should include date, time, rationale and colleagues consulted.
- 2.2 We will also be guided by our Trust Culture principles.
- 2.3 Complaints which are made well after the events they relate to, which are anonymous, which are made orally only or in which the complainant's identity cannot be divulged may, as a result, be hard or impossible to investigate or resolve. Consistent with our ethos, however, we will do our best to investigate and resolve in every case. See 5.5
- 2.4 Sometimes a complainant may ask for information about a third party who is a member of the College community. Before taking any action to meet such a request, advice must be taken of the College's Information Manager.
- 2.5 Especial care should be taken if there may be safeguarding issues attaching to a complaint. Advice should be sought from the Assistant Principal (Director of Student Services) if there might be.
- 2.6 Complaints must be acknowledged within five working days of being received and we will try to resolve Stage 1 complaints within ten working days. This may not always be possible, and complaints that go to Stage 2 will almost certainly take longer. When it is not possible, the complaint manager (definition of this term is at 5.2) will explain why not to the complainant and keep the complainant informed of the probable timescales involved.
- 2.7 In order to minimise the risk of disagreements and to facilitate review should an appeal be invoked, staff involved in dealing with complaints should minute key decisions made and actions taken. Such minutes should be as brief and concise as possible and should include date, time, rationale and colleagues consulted.

### 3.0 Complaints: defining what we mean

- 3.1 We define a complaint as: any criticism which:
- the person making it says it is a complaint, or which
  - in the interests of maintaining high standards and constant improvement, the College should investigate.

### 4.0 Receiving and directing complaints

- 4.1 Any member of staff who is a recipient of criticism of any aspect of the College should first ascertain whether they are dealing with a complaint (as defined at 3.1). They should, if possible:

- record the criticism using the proponent's own words (if it is oral criticism)
- ascertain whether the proponent is seeking action from the College in response to their criticism
- stop short of promising any action or outcome in response to the criticism (see 6.1)

If the recipient is in doubt about whether or not the criticism qualifies as a complaint, they should seek advice of a Head of Department, Head of Faculty, Guidance Manager, Support Staff Manager or SMT member.

If the criticism clearly does not qualify as a complaint, the recipient of it may nonetheless pass it on to an appropriate colleague if, in their professional judgement, it would be sensible to do so.

- 4.2 If it is agreed that the criticism should be treated as a complaint the recipient should inform:

- the immediate line-manager if the complaint is about a member of staff
- the relevant Head of Department if the complaint is about a specific subject
- the relevant Support Staff Manager if the complaint is to do with provision managed by support staff

- the Guidance Manager if the complaint is about more than one subject or is to do with student welfare
- the Executive Assistant to the Principal if the complaint is other than above or if the member of staff is uncertain where to direct it.

## 5.0 Investigation of complaints (Stages 1 and 2)

**5.1 Investigation** is the first stage of dealing with a complaint. Its purpose is to ascertain all the relevant facts (Stage 1). Frequently **Resolution** (Stage 3) will follow on the completion of this stage. Sometimes however investigation as defined above may lead to **Further Enquiry** (Stage 2) because some further matter has come to light in the course of Stage 1, for example: a College procedure appearing possibly defective; a potential capability issue; a complaint beginning to appear malicious, etc.

It is possible that at Stage 2 matters will have to 'transfer' to another policy to be dealt with (for example under safeguarding or capability procedures). If this happens it may nonetheless be possible to resolve the original complaint under Stage 3 of the procedures whilst progressing matters from Stage 2 discretely.

A complaint is not satisfactorily dealt with until at least Stage 1 and Stage 3 have been completed.

- 5.2** The member of staff notified under 4.2 will be responsible for appointing a 'complaint manager' or for briefing a more senior manager who will ensure the appointment is made. It is possible that the member of staff notified under 4.2 may also be the most appropriate complaint manager.
- 5.3** The complaint manager will normally be the manager hierarchically closest to the subject of the complaint. In the case of the Principal, this will be the Chair of Governors. It is possible that more than one person may act as complaint manager during the course of dealing with a complaint. The key thing is that from the point at which 5.2 is actioned, there must only ever be one complaint manager in charge of dealing with the complaint.
- 5.4** The manager assuming or tasked with responsibility for investigating a complaint (whether in Stage 1 or 2) should devise a strategy for this work and consult on it with their line-manager or other appropriate colleague, checking that the proposed course of action best matches our aims at 2.1 above. The circumstances and nature of each complaint will be unique and judging how best to meet the ethos we aspire to in an individual case will benefit from a second pair of eyes.
- 5.5** If it seems likely that a complaint may be difficult (or even impossible) to deal with effectively because of any of the issues identified at 2.3, the complainant should be alerted to this at the outset (assuming this is possible). This caution includes ensuring the complainant understands the implications of the proposed course of action. For example, they may not have considered the question of confidentiality until or unless it is pointed out that the contents of their letter might be shared with someone else.
- 5.6** It may be that documentation or meetings, supplied by or with, third parties will be needed.
- 5.7** 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. It is possible that in some circumstances a disequilibrium of power and authority (for example between a student and teacher or between a teacher and the complaint manager) may lead to constrained communication and unnecessary stress.
- 5.8** 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.
- 5.9** It may be easier to comply with our complaints ethos if people who are likely to have differing views of matters are spoken with discretely rather than together.
- 5.10** The Principal will not normally conduct the investigation or resolution of a complaint in order that he can be called on to adjudicate an appeal.

5.11 If a complaint is made directly to a member of staff about them, this may indicate that the member of staff has established an open and trusting relationship with the complainant that permits this. It may also indicate that the complainant and the recipient of the complaint can quickly straighten matters out. However, the member of staff should still be guided in this circumstance by 4.1 above.

5.12 **Throughout Stages 1 and 2, the complaint manager will need to bear in mind their duty of care to any member(s) or staff who are the subject of a complaint. Such staff should be kept as fully informed as possible of how Stage 1 (and Stage 2 if applicable) is progressing. There may be limitations on such openness and difficult decisions to make about this in which case the complaint manager should take advice from HR and/or their line manager.**

## 6.0 Resolution of complaints (Stage 3)

6.1 The purpose of Resolution is to bring the complaints procedure to a conclusion. If this can be done to the satisfaction of all parties then so much the better but this will not always be possible. In the final analysis, the test of the satisfactoriness of a resolution is:

- how closely we have fulfilled our aims (see 2.1)
- how thorough our investigation has been, and
- how appropriate the judgements are which we've reached in the course of, and on the basis of, the investigation.

6.2 All the advice relating to Investigation in Section 5 of these Procedures equally applies to Resolution and should be carefully considered.

6.3 Resolution will be in the form of one of the following outcomes:

- the complaint disappearing because it rested on a simple misunderstanding which was quick to clear up;
- upholding the complaint;
- partially upholding the complaint;
- rejection of the complaint;
- inability to progress the complaint (for example, because the complainant wished not to be identified).

6.4 A decision to uphold the complaint (whether fully or partially) is likely to be because of one or more of the issues identified in our document 'Supporting our Colleagues' has arisen: a problem with a College process; a member of staff has made an error of omission or commission, or a member of staff has been unable or unwilling to do something.

6.5 Where a complaint is upheld, the complaint manager will take advice from appropriate colleagues on what action the College needs to take. The complaint manager will communicate this to the complainant.

6.6 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
- has been found to be malicious or to conflict with the professional judgement of the complaint manager

6.7 If a resolution cannot be reached (as defined at 6.1) 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

6.8 In deciding how to communicate the resolution of a complaint, staff should seek advice (as recommended at 5.3) and should be mindful of, or that:

- the very different signals sent by different forms of communication (phone message, email, face-to-face, letter etc.)
- the seriousness (or otherwise) of the complaint;
- though reconciliation of aggrieved parties is desirable, caution should be exercised. The difference in authority between student and teacher or between teacher and line manager in a context that may be perceived to be antagonistic may make it extremely difficult to achieve genuine, rather than merely verbal reconciliation and may increase stress for those concerned (see 2.1.)

- how far it may be advisable to explain what investigation was done;
- the need to keep in mind the aims at 2.1 when communicating the outcome of the complaint.

**6.9 In Stages 3, the complaint manager will need to bear in mind their duty of care to any member(s) of staff who are the subject of a complaint. Such staff 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.**

## **7.0 Appeal**

**7.1** If a complainant is dissatisfied with the resolution of a complaint, they may appeal to the complaint manager.

**7.2** On receipt of an appeal, the complainant should be supplied as soon as possible with a copy of the Complaints Policy and the Complaints Procedure by the complaint manager. The complaint manager will pass the appeal to the Principal to be dealt with. If the complaint manager is the Principal, the Principal will pass the appeal to the Chair of Governors.

**7.3** The Principal will appoint someone who has not so far been involved in dealing with the complaint as the 'appeal manager'. This will normally be the line-manager of the member of staff who conducted the original investigation and resolution and could therefore be the Principal. Alternatively, if the Principal's resolution is being appealed, the Chair of Governors will be the appeal manager (see Appendix C).

**7.4** The criteria for dealing with the appeal of an investigation and/or resolution of a complaint are (i) compliance with these Procedures and (ii) in particular the points at 6.1:

- have we fulfilled our aims as well as we might?
- has our investigation been satisfactorily thorough?
- how appropriate are the judgements reached in the course of, and on the basis of the investigation?

**7.5** 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.

**7.6** If, on appeal, the outcome remains unchanged, successive reviews i.e., further appeals, see 7.7, may be undertaken at the discretion of SMT with the final arbiter on behalf of the College's management being the Principal.

**7.7** If, after the Principal's review, the complainant still remains dissatisfied, they may appeal to the Chair of Governors (see Appendix C). Communication with the Chair of Governors should be routed via the Clerk to the Corporation via the Clerk's pigeon-hole or email address.

**7.8** If, after review by the Chair of Governors, the complainant still remains dissatisfied, they may appeal to whichever national body has responsibility for Sixth Form Colleges. Currently, this is the Education and Skills Funding Agency. Go to <http://www.education.gov.uk/help/contactus/> and fill out and submit the electronic form.

## **Appendix A:**

### **If you make a complaint, please note the following:**

1. Complaints are acknowledged within five working days (para 2.6).
2. Try to resolve the complaint with the relevant member of staff / Department in the first instance (section 4).
3. We will try to resolve a complaint within ten working days (para 2.6).
4. If your complaint remains unresolved, the complaint will be passed up the line management chain until it is resolved (section 6).
5. If your complaint still remains unresolved, it could go to appeal (section 7).
6. It is not always possible to resolve a complaint through the normal management chain or appeal and it may have to go to the national body for Sixth Form Colleges (currently the Education & Skills Funding Agency – ESFA) (section 7.8)

### **Summary of stages a complaint could go through:**

1. Resolution with relevant member of staff / Department
2. Line Management Chain
3. Principal – appeal
4. Chair of Governors
5. The ESFA