



Calderdale College Complaints Procedure Toolkit

AUTHOR: David Ellis – Quality Systems Manager

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VERSION 1

1 PURPOSE

It is the policy of the College to ensure that the learning experience and the services provided meets and exceeds the expectations of all our stakeholders. To support this we encourage our stakeholder to complain if they feel that their expectations have not been met. The College will use a structured approach to ensure the problem is resolved in a fair and timely manner and will use this information to implement continuous improvement and promote good practice.

2 SCOPE

3 DETAILS OF POLICY

3.1 General Principles of Complaints

3.1.1 Dealing with complaints – initial concerns

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the Tutor/Training Officer/Progress Coach/Learner Services Advisor or in the case of Business Support Units the individual delivering the service, will receive the first approach. It should be the aim of all staff where possible to resolve issues on the spot, including apologising where necessary.

3.1.2 Dealing with complaints – formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Quality Unit have the responsibility for the operation and management of the College's complaints procedure. However all members of staff who are requested to investigate a complaint must ensure that they follow the procedure and do so within the prescribed timescales.

3.1.3 Framework of Principles

For the complaints procedure to be effective:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-confrontational**;

- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** so that the learner experience and/or services can be improved.

3.1.4 Vexatious Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue and has exhausted all levels, the Quality Unit will inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the College to respond.

It is important to note however that, should a complainant raise an entirely new and separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence. *Vexatious (denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance)*

3.1.5 Time Limits

Complaints need to be considered and resolved, as quickly, and efficiently as possible.

- All complaints will be acknowledged in writing within 2 working days confirming who will carry out the investigation along with contact details.
- Investigating staff will aim to meet with the complainant within first 5-10 working days.
- Final response letter within 20 working days of first receiving the complaint.
- These are our targets for all complaints, however, where further investigations are necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation for the delay.
- If the complainant remains dissatisfied, he/she has the right of appeal which must be done in writing to the College Principal, within 10 working days of the date on the final response letter being issued.
- The Principal or Deputy/ Vice Principal depending on who conducts the appeal will respond within 10 working days and arrange an appropriate time to meet with the complainant to discuss his/her appeal.
- Appeal hearing letter sent within 10 working days of appeal hearing.

3.1.6 Cut-off Limits

It is reasonable to expect people to make a complaint as soon as possible after an incident arises but there may be good reasons why some people do not raise a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). In light of this, the College cut-off is 3 months after the date of an incident unless there is clear evidence that the complainant needed longer and therefore the College is willing to consider these exceptions.

3.1.7 Things staff need to consider when conducting Investigations and Appeals

An investigation into a complaint and an appeal hearing will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their young person. The person leading the investigation or appeal will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not confrontational.

Extra care needs to be taken when the complainant is a young person. Careful consideration of the atmosphere and proceedings will ensure that the young person does not feel intimidated. The staff member needs to be aware of the views of a young person and give them equal consideration to those of adults. Where the young person's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the investigation or appeal hearing, if any, the young person needs to attend.

3.1.8 Summary for Dealing with Complaints

Stage 1 – Concern heard by **Staff Member**

- Attempt to resolve the matter informally

If not resolved, then escalate to Stage 2 – Complaint investigated by **Manager/Head of Unit**

- Acknowledge receipt of complaint
- Investigate the complaint-talk to and where appropriate meet face to face
- Write to complainant with the final outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Appeal heard by the **Principal or Deputy/ Vice Principal**

- Acknowledge receipt of appeal
- Appeal Hearing
- Write to complainant with outcome of appeal
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – **Appeal to External Body**

The aim of the complaint investigation and/or appeal hearing will always be to resolve the complaint and achieve reconciliation between the College and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the investigation or appeal hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

3.2 The Investigation into a Formal Complaint

3.2.1 Receipt of a Formal Complaint

On receipt the Quality Assurance Unit will evaluate the severity of the complaint and decide the correct approach for example:

- complaints regarding Teaching & Learning or Staff and Learner relationships will follow the full procedure as these types of complaints can escalate if not thoroughly dealt with and close monitoring and review are not put in place
- complaints regarding a missing certificate, late payment of invoice or those that can be dealt with ideally within 48 hours will be led by the Quality Assurance Unit. In some cases if these are resolved within this timescale then the complaint in agreement with the complainant will be withdrawn. However trends of similar issues will be monitored.
- If the complaint requires a full investigation then on receipt the Quality Assurance Unit will log the complaint and will send an acknowledgement letter to the complainant explaining the process and who will investigate the complaint and our intended timescales for completion. This will be completed within 48 hours from receipt of the complaint.
- The formal complaint and any supporting information, the Complaint Investigation Checklist Form and a Final Response Letter template will be sent to the relevant Curriculum Manager / Assistant Principal Teaching & Learning / Unit Manager or member of the Executive for investigation.

Note: If the initial complaint is against the Principal, then the Governing Body will deal with the complaint and follow the complaints and appeal procedure.

3.2.2 Investigating Complaints

It is required at this stage that the person investigating the complaint makes sure that they:

- Throughout the investigation complete the Complaint Investigation Checklist Form.
- If the complaint is about a member of staff the person responsible for the investigation will as part of the early stages of the investigations hold a meeting with the member of staff to obtain their response to the allegations being made, allowing them to be accompanied if they wish.
- Establish **what** has happened so far, and **who** has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Use evidence that is available through College systems such as Ebs, Promonitor, Learner Voice, Observations, Complaints Database etc.
- If more time is needed contact the complainant and explain why and when they can expect a response. This must be agreed with the Quality Assurance Unit.
- When complaints are made by learners and/or their parents **every effort must be made to meet with them face to face**, this ensures engagement, opportunity to clarify and agree outcomes. Allow them to be accompanied if they wish.
- Clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- Clarify what the complainant feels would put things right.
- When needed seek advice and guidance from other College services or external sources.
- Conduct the interview with an open mind and be prepared to persist in the questioning.

- Keep detailed notes of the interview or arrange for an independent note taker to record minutes of the meeting, this will be essential should the complaint go to appeal.

3.2.3 Resolving Complaints

Staff investigating complaints should keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part.

Complainants should always be encouraged to state what actions/outcomes they feel might resolve the problem at each stage. An admission that the College could have handled the situation better is not the same as an admission of negligence.

In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review College policies in light of the complaint;
- a change to current practices;
- reimbursement of fees or costs;
- or, the complaint has not been upheld and therefore not justified.

3.2.4 On Completion of the Complaint Process.

The person investigating the complaint completes the Final Response Letter detailing the outcomes that have been agreed to meet the issues raised. This will be sent to the Quality Assurance Unit to approve and dispatch. Note: the Final Response Letter will also provide details of the appeals process if the complainant is still dissatisfied.

The person investigating will also submit the Complaint Investigation Checklist Form, Meeting Notes and all other evidence and correspondence.

3.3 Complaints Appeal (Stage 3 Formal)

If the complainant remains dissatisfied, he/she has the right of appeal which must be done in writing to the College Principal, within 10 working days of the date on the final response letter being issued.

The Principal or designated Deputy/ Vice Principal will respond within 10 working days and arrange an appropriate time to meet with the complainant to discuss his/her appeal.

If the complaint was investigated by the Principal then the Governing Body will conduct the appeal hearing

After hearing appeal, the appeal decision will be final.

3.3.1 The role of the Appeal Hearing

- check that the correct procedure has been followed;
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five working days in advance);
- use a cross-section of staff to support the process;

- meet and welcome the parties as they arrive at the hearing;
- The remit of the hearing is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- other with respect and courtesy;
- to be open minded and act independently;
- other staff involved in the hearing do not have a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
- ensure the hearing is minuted;
- notify all parties in writing of the chair's decision;

3.3.2 Appeal Decision

The person conducting the appeal can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the College's systems or procedures to ensure that problems of a similar nature do not recur.

3.3.3 Notification of the Appeal Hearing decision

The Principal or designated Deputy/ Vice Principal Chair must ensure that the complainant is notified of their decision and the reasons for the decision, in writing within 10 working days of the appeal.

The letter needs to explain that if the complainant is still dissatisfied, he/she has the right to appeal/complain to either the: *Education and Skills Funding Agency (ESFA) or Awarding Body/University.

*Links to these are on the College website-Complaints Section.

3.3.4 What will the External Body do?

These bodies may not investigate the original complaint but will look at whether the College handled the complaint appropriately and fairly.

3.3.5 On Completion of the Appeal Hearing.

The person conducting the appeal will submit the Final Response Letter along with the Meeting Notes and all other evidence and correspondence to the Quality Unit.

3.4 Managing and Recording Complaints

3.4.1 Recording Complaints

The Quality Assurance Unit will be responsible for the retention of complaints records and hold them centrally.

The person investigating the complaint completes the Final Response Letter detailing the outcomes that have been agreed to meet the issues raised. This will be submitted to the Quality Assurance Unit along with Complaint Investigation Checklist Form, Meeting Notes and all other evidence and correspondence.

The person conducting the appeal will submit the Final Response Letter along with Meeting Notes and all other evidence and correspondence.

3.4.2 Quality Assurance Review

The Quality Assurance Unit will monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information will be shared with relevant committees and boards where requested.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to continuous improvement. When individual complaints are heard, the Quality Assurance Unit may identify underlying issues that need to be addressed in other areas or across the College.

The frequency with which the complaints procedure will be reviewed biannually, unless trends or issues require this to be conducted sooner.

3.5 Publicising the Procedure

The College's complaints procedure will be shared and publicised through:

- Induction;
- Course Handbook;
- Complaints leaflet which includes a form on which a complaint can be made;
- Posters displayed in Learner Services;
- The College Website

4 MONITORING

5 RELATED POLICIES/PROCEDURES/DOCUMENTS

6 POLICY REVIEW

Change(s) Made		Reason for Change			
e.g. 2.1.1 wording change from student to learner		College has requested use of learner rather than student			
Review Date	Reviewed by:	Initial Approval by:	Final Approval by:	Next Review Date:	Review Period
Sep 2017	Quality Systems Manager	Policies and Procedures Committee	Policies and Procedures Committee	Sep 2020	3 Years

7 EQUALITY IMPACT ASSESSMENT

First Assessment Conducted by:	Date:	Final/Approved Assessment Conducted by:	Date:
Quality Systems Manager	Sep 2017	David Ellis Quality Systems Manager	Sep 2017

8 PUBLICATION

Audience:	Published:
Staff	Staff Intranet
Students	Moodle
General	College Website