



COLLEGE COMPLAINTS RESOLUTION POLICY AND PROCEDURE

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VERSION CONTROL

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1. Introduction

We are committed to ensuring all our students receive the best experience possible during their time at our college. However, there may be times when members of our community, or the community we serve, feel that they have not received the high quality of education or level of service which might reasonably be expected. When this happens, we wish to work together to resolve any disputes constructively and speedily, creating lasting solutions.

Focusing on resolution is good for our college, students and the wider community. It will enable us to create an outstanding experience for our students enabling them to thrive and flourish.

2. Purpose and scope

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.

This Policy and Procedure applies to complaints from any student, former student (who has left within three months at the point of submitting a complaint), their family or carer or external stakeholder who wishes to express dissatisfaction with an aspect of the College's activities.

3. Using this policy

This policy covers areas of college activity where an individual or group has a complaint arising from their college experience. This policy should not be used where an issue is covered by any other college policy or procedure.

Examples of incidents dealt with under this policy include:

- Uncertainty regarding the application of college rules or disciplinary procedures;
- Misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom;
- Where a parent/carers believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter;
- Where an individual has a serious concern over an incident that has taken place or a decision made and believes we have fallen short of appropriate standards;
- Where there has been, or allegedly been, a serious conduct issue regarding a member of the college community (i.e. about a staff member or another student).

Immediate concerns about possible abuse of students must be dealt with under the Safeguarding and Child Protection Policy. We are also committed to supporting the Prevent agenda and any reported concern regarding the threat of radicalisation and/or

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terrorism will be reported to the Designated Safeguarding Lead and investigated in accordance with relevant legislation, statutory requirements and college policies.

With regards to complaints specifically relating to a member of staff, consultation and advice will take place with HR to determine the most appropriate way forward which may result in the concern being pursued in accordance with HR policies and procedures. During the course of an investigation if it is identified that there may be concerns regarding the capability or conduct of any individual, then the appropriate manager should consider further investigation in accordance with relevant HR policies and procedures.

4. Definitions

For the purpose of applying the provisions contained in this policy, the following definitions will apply:

Term / acronym	Definition
Concern / complaint	Is an expression of dissatisfaction made to the college, either written or spoken, and whether justified or not, about actions taken or lack of action which requires a response. These terms will be used interchangeably throughout this document.
Serious complaints	An issue related to safeguarding; inappropriate or abusive actions by staff; significant failings or shortfalls in experiences of learning; student safety incidents; adverse events, injury or harm; discrimination impacting access or learning
Complainant	Anyone who submits a concern or complaint
Student Companion	A parent /carer or staff member who accompanies and supports a student during the process
Stakeholder	Anyone with a vested interest in the College, including students, employers, parents/carers and the local community
Vexatious complaint	A complaint pursued regardless of its merits solely to harass, annoy, or subdue somebody or something that is unreasonable, without foundation, frivolous, repetitive, burdensome, or unwarranted
Malicious complaint	A complaint may be deemed malicious when there is evidence of intention to do harm or mischief. Malice may be directed against an individual member of staff or the institution

5. Duties and Responsibilities

The Principalship and College Leadership Team will actively promote a culture of openness and transparency where everyone in the college is supported and encouraged to speak out where they have concerns. They will make themselves available to anyone who wishes to raise a concern.

The Principal is responsible for ensuring that any concerns raised are investigated and responded to appropriately and any learning is recognised. The Principal is ultimately responsible for the implementation of this document.

Our Governing Body is responsible for holding the Principal to account for taking appropriate action in resolving complaints. They will assess the effectiveness of college processes on raising concerns and the handling of individual cases ensuring that the response is appropriate or intervening when they are failing and making recommendations for improvements. Governors will also ensure that immediate action is taken when concerns are raised that quality and/or safety is being compromised.

6. Effective Complaint Resolution

All complaints will be handled with sensitivity and confidentiality; complainants should expect to be treated fairly, amicably, and quickly. Nobody making a complaint under this policy will be disadvantaged. Should evidence be found to the contrary the matter will be fully investigated and, if necessary, disciplinary proceedings may be undertaken.

6.1 Early resolution

The principle of this policy is that all concerns are resolved as soon as possible, therefore, issues should be raised within three months of the incident(s) occurring. This is to provide all parties with an opportunity to resolve issues whilst all details can be recalled. It may, in exceptional circumstances, be appropriate to consider issues outside of this timeframe. In such cases the Principal will determine the timeframe.

6.2 Confidentiality

We will make every effort to ensure that staff observe the confidential nature of a complaint. Complainants are also expected to respect confidentiality. On rare occasions we may need to share information with third parties to protect the complainant or others from harm. The Investigating Officer will advise if details of the complaint are to be shared outside of the College.

Where a complaint is made about another student or a member of staff they will be informed about the nature of the complaint so that they may adequately respond. The complainant will be told the outcome however, it is not appropriate to share specific details affecting the other students or staff members, particularly where further action is being taken, and therefore these details will remain confidential.

6.3 Multiple complainants

Where the same complaint is raised by multiple individuals at a similar time this will be treated as a single complaint. If a group of students submit a complaint it may be appropriate to appoint one student to act as a representative to liaise with the College.

Where the college receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the college, the college may respond to these complaints by publishing a single response on the college website or sending a standard response to all of the complainants.

6.4 Inappropriate behaviours

All college staff have the right not to be subjected to aggressive, offensive or abusive actions, language or behaviour, regardless of the circumstances. We will not tolerate aggressive behaviour, bad language, or racist, sexist, or discriminatory comments. Should such circumstances occur, we may:

- Prematurely conclude progressing the complaint. Where this is the case, the complainant will have the opportunity to appeal against the decision by following the appeals process set out within this policy, however previous aggressive or abusive responses may be taken into consideration and could affect the outcome.
- Terminate an abusive telephone call or meeting.
- Require the complainant to have contact with a specified member of staff only.
- Decline to accept telephone calls but maintain at least one other form of contact.

6.5 Vexatious or malicious complaints

We reserve the right not to investigate or otherwise to deal at any stage with complaints it considers to be vexatious or malicious. If the College deems this to be the case, the Complainant will be informed in writing. Making of vexatious or malicious complaints could result in disciplinary action (where appropriate).

Complainants may be considered persistent or unreasonable where contact with them meet two or more of the following criteria (or one in extreme circumstances):

- Persist in pursuing a complaint where this procedure has been fully and properly implemented and exhausted or refuse to accept the remit of the procedure;
- Have, in the course of making a complaint had an excessive number of contacts placing unreasonable demands on staff. A contact may be in person, telephone or in writing;
- Do not clearly identify the precise issues, which they wish to be investigated despite reasonable efforts made by the College to help them;
- An insistence upon pursuing unsubstantial complaints, and/or unrealistic or unreasonable outcomes;
- Have harassed or been verbally abusive or aggressive on more than one occasion towards staff dealing with their complaint, or failed to engage with staff in a manner which is considered appropriate.

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns;
- We have provided a clear statement of our position and their options;
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make provided they are unrelated to the initial complaint.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the college site and refusing to engage.

6.6 Student Companion

Students raising a concern or complaint have the right to be accompanied to any meetings by their parent or guardian or member of the College community (a “Student Companion”). The role of the Student Companion is to support you in putting your complaint to the College. Student Companions should take care to ensure as far as is reasonable that their advice and conduct is at all times in your best interests. We do not accept students being accompanied by someone acting in a legal capacity.

6.7 Supporting students and staff

We recognise that there are occasions when staff can be under considerable stress when a complaint is being investigated against the teaching, services or management, which have been provided in good faith. Staff who have had complaints made about them may require support during and/or after the investigation. Line Managers have an obligation to ensure that adequate support mechanisms are available to their staff in such situations.

We also recognise that it can be a worrying experience for the individual raising a complaint as they may be concerned that this may have a detrimental effect on their experience at our college or the support/teaching they receive. During any complaint process you can seek support from your Progress Tutor, Key Worker or a trusted adult.

Complaint processes can be very stressful and in cases where a complaint has been made about a member of staff there may be occasions where it is necessary to separate parties involved. This may be decided either before the investigation has commenced, or part way through the investigation where it becomes clear that the process is putting undue strain on the parties or where the wellbeing of either party is significantly impacted.

The underlying principle is that unless the Complainant specifically requests otherwise, every effort should be made to not move them. However, there will be occasions where this is not feasible and the Complainant may need to be moved. In making such a decision the following factors will be considered:

- The health and wellbeing of both parties;
- The impact on other students;
- The nature of the concerns.

7. Informal approaches for complaint resolution

We wish to encourage the use of informal mechanisms to resolve complaints at an early stage. Except where concerns are deemed by the Principal to be sufficiently serious to warrant immediate formal action, issues should, in the first instance, be dealt with at the lowest possible level.

Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be raised as soon as possible to allow the matter to be considered carefully, potentially including the following information (as appropriate to the issue that has been raised):

- Clarifying the nature of the concern and what remains unresolved from the perspective of the person raising the concern; and

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- Establishing what has happened so far and who has been involved, including seeking input from those who have been involved.

Concerns should normally be raised with the member of staff most directly involved in the situation giving rise to the concern. Parents/carers will appreciate that it is helpful if a concern is raised as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within five working days. If this time limit is not practicable, the person raising the complaint will be informed and the period may be extended.

Formal written responses are not necessarily required for concerns. However, where appropriate, staff should make recommendations for improvement within their own area which should be discussed with the appropriate member of the College Leadership Team and logged by the manager in charge of the area.

If concerns are not satisfactorily resolved complainants may follow the College's formal complaints procedure. If the concern is of a serious nature this can be automatically escalated to the formal stage of the policy as a complaint.

8. Formal approaches for compliant resolution

No formal action will be taken under this policy without prior consideration of the potential for informal resolution, unless the complaint is deemed to be sufficiently serious to warrant formal action by the Principal.

8.1 Formal resolution request

If it has not been possible to resolve the issue(s) using the approaches outlined above you should complete the 'Complaint Resolution Form' (available on our website). This should:

- State clearly the issue(s) being raised and set out the reason(s) for the request;
- Explain the reasons why it has not been possible to resolve the concerns informally or for raising the request formally without seeking any informal route;
- Submit all relevant evidence with the request form;
- Set out clearly and concisely how you believe the complaint could reasonably be resolved, with outcomes.

This should be sent to the Principal via their PA. If the complaint is about the Principal or member of the governing body it should be sent to the Governance Professional.

Formal complaints will be acknowledged within five working days (this may be longer during college closure periods) of receipt and will be recorded on the College's complaints log. The acknowledgment will include details of the manager appointed to hear the concerns (to be assigned by the Principal) and timeframes for a response.

8.2 Formal resolution assessment meeting

This meeting, which will take place within seven calendar days of receiving a request, is an opportunity for an appropriate member of the College to meet with you to better

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understand the issues and identify the most suitable route to resolution. This meeting can result in one (or more) of three courses of action:

- Resolution during the meeting;
- An investigation leading to a formal resolution outcome meeting;
- Complaint dismissed – no further action.

If the issue is resolved during the assessment meeting the decision and actions will be confirmed in writing within seven calendar days of the meeting.

8.3 Appointing an Investigating Officer

When investigating a complaint it is important that an appropriately skilled individual is appointed. The table below outlines who will be appointed to investigate a complaint:

Individual who the complaint is about	Appropriate Investigating Officer
Staff member	The Principal will appoint a member of the College Leadership Team to investigate
College Leadership Team	The Principal will appoint a member of the Principalship Team to investigate
Principalship Team	The Principal will carry out the investigation
Principal	An independent Governor will be appointed by the Chair of Governors to carry out an investigation
Governor	An independent Governor will be appointed by the Chair of Governors to carry out an investigation
Chair of Governors	An independent panel (which may include suitable persons from outside the Board of Governors, such as a member of the Governing Body of another School in the Diocese) will be appointed to formally consider and investigate the complaint. The panel normally will be appointed by the Chair. Where the complaint is against the Chair, the panel normally will be appointed by the Vice-Chair. Where the complaint is also against the Vice-Chair, the other Governors (excluding any that are also subject to the complaint) will appoint the panel.
Governing Board	Where the complaint is about the entire Board of Governors or the majority of the Board of Governors, an independent investigation panel will be selected by the Clifton Diocesan Department for Schools and Colleges.

8.4 Investigation timescales

Any necessary investigations will be carried out before reaching a decision and these will vary from case to case. Investigations will not normally include historic issues not raised at the appropriate time, i.e. within three months of the occurrence, or matters previously investigated.

We will aim to complete investigations within 14 calendar days, however, complex cases may take longer. Where possible indicative timescales should be set and you will be kept advised of progress.

8.5 Formal resolution outcome

At each stage in the procedure the person attempting to resolve the complaint will 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) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation and details of any steps that have been taken to ensure that it will not happen again;
- An admission that the situation could have been handled differently or better; and
- An undertaking to review policies in light of the complaint.

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

After concluding the investigation, an outcome will be provided. This may be in the form of a meeting or in writing. The outcome will summarise the nature of the resolution request, the investigation (where applicable), the decision reached and the reason(s), and any recommendation(s) considered appropriate.

Information discovered during an investigation may be used as evidence for other procedures (e.g. disciplinary) should a breach of policy be found.

9. Appeal procedure

9.1 Submitting an appeal

If you are dissatisfied with the outcome made at the formal resolution stage you have the right to appeal the decision. You should use the Complaint Resolution Appeal Request Form to outline your reason for appeal and submit this to the manager named in the outcome letter within seven calendar days from the date of the outcome letter.

An appeal is an opportunity to request a reconsideration of a decision reached. It is usually not a re-hearing of the case previously presented. It is solely a review of that process, or procedure, which is intended to establish whether the conduct of the process was fair and had been conducted properly and that any decision(s) made were within a normal range of reasonableness.

Appeals can be requested for the following reasons:

- There was a procedural error (specific details must be given);
- An unreasonable decision was reached that is significantly out of line with the evidence considered;
- New evidence is now available which could not have reasonably been provided when the original decision was made. No new evidence may be given at an appeal meeting

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unless you provide a clear statement outlining the reason why this was not available for consideration at the previous stage and why it is material to the decision made.

On receiving an appeal, the details will be shared with the manager who made the original decision at the earliest opportunity to give them the opportunity to draft a written statement in response.

9.2 The appeal manager

An independent manager will be appointed to review the appeal.

9.3 Reviewing an appeal

In consideration of your appeal the Appeal Manager may either:

- Consider the written documentation and make a decision based on the information available; or
- Invite you to an appeal meeting in order to establish further information about the complaint and/or the reason for appeal.

If you are invited to an appeal meeting you will be given at least seven calendar days' notice. An appeal pack will be included with the letter. This pack will include details of the original outcome, your appeal documentation and any other supporting documents.

You must make every effort to attend an appeal hearing. If you are unable to attend, then, in exceptional circumstances, an alternative date may be organised. The revised date will be within seven calendar days of the first date offered unless we cannot support this logistically. If you fail to attend an appeal hearing without notifying the Chair the appeal will be treated as being withdrawn. A new date may be set in exceptional circumstances. A written statement can be submitted for consideration in your absence.

The Chair of the appeal will consider whether it is necessary for the original decision maker to attend the hearing or if a written statement would be sufficient.

9.4 Outcome of the appeal

The appeal manager will make their decisions on the evidence in front of them to:

- Uphold the original decision;
- Reject the original decision in full;
- Reject the original decision in part;
- To recommend a new or additional reconsideration of the initial decision.

The appeal manager will notify you of the decision in writing. The decision of the appeal manager is final and there is no further right of appeal to the college.

10. Appeals to the Education and Skills Funding Agency

If you wish to take the matter further after the College's internal procedures have been exhausted, you can contact the Education and Skills Funding Agency (ESFA) and would need to provide evidence as to why you believed that your complaint was not dealt with

appropriately or effectively by the College, or how the College did not comply with its own procedures.

Email or post your complaint to the ESFA complaints team:

- Complaints.ESFA@education.gov.uk
- Complaints team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2W

11. Learning and improving

Good complaints handling is not limited to providing a response or remedy to the complainant but should also focus on ensuring that the feedback received through complaints is used to learn lessons and contributes to service improvement. It is essential that lessons are learned and shared as a consequence of complaints.

Following a complaint, the following details should be recorded:

- Details of any lessons learnt and actions taken as a result of the complaint;
- An action plan with an identified lead person and target completion dates.

12. Equality Impact Statement

We are committed to ensuring that, as far as is reasonably practicable, the way we provide services to our students and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds of any of the protected characteristics defined by the Equality Act, which are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

We will endeavour to make reasonable adjustments to accommodate any individual with particular equality and diversity requirements in implementing this policy and procedure.

13. Further information

Relevant legislation and statutory requirements that have been taken into consideration for this policy include:

- Equality Act 2010;
- Education and Skills Funding Agency Complaints Procedure.

14. Policy review

This policy will be reviewed every three years from the date of approval.

The policy may be reviewed at an earlier date if necessary, for example, to update it in line with changes in legislation, organisational development or good practice.

Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the Policy Author.