

CONCERNS, COMPLAINTS & COMPLIMENTS POLICY & PROCEDURE

<i>Agreed at RPHR</i>	<i>21/6/23</i>
<i>Approved at Board of Governors</i>	<i>6/7/23</i>
<i>Next review date</i>	<i>30/06/24</i>

Concerns, Complaints and Compliments Policy and Procedure

Context

This policy is designed to deal with complaints fairly and efficiently. The Education and Skills Funding Agency (ESFA) has a complaints policy that the associated policies within all Sixth Form Colleges need to be compliant with. St Brendan's undertakes to update our policies regularly to reflect this (e.g. to keep updated ESFA contacts in our policy).

This Policy states that complaints against staff by other staff will be dealt with under the Dignity & Respect at Work, Grievance or Disciplinary Policies, and will not be captured within the Complaints Register.

This revised and updated policy has been discussed and agreed by the College Leadership Team.

Concerns, Complaints and Compliments Policy

Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The college will resolve concerns through day-to-day communication as far as possible.
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Background

The College considers concerns, complaints and compliments from all stakeholders to be a crucial element of its quality assurance processes and will ensure that they are dealt with in a consistent and satisfactory way, are formally recorded and monitored.

We will always try to minimise the likelihood of concerns through good practice and to resolve any issues initially through the informal process to the satisfaction of all parties.

We recognise that concerns, complaints and compliments will usually come from key stakeholders (students, parents/carers, visitors etc.), but they may also come from members

of the public or others who have limited contact with the College. We will ensure all are dealt with equally seriously to protect the College's reputation.

Compliments, concerns and complaints from staff will not be dealt with under this Policy, but under the relevant staff policies. Compliments, concerns and complaints relating to staff submitted by other non-staff stakeholders will be covered by this policy and procedure.

The nature of the relationship between the Education Skills and Funding Agency (ESFA) and Sixth Form Colleges is set out in the Funding Agreement. This requires institutions to have a procedure in place that refers complainants to specified ESFA contacts if their complaint cannot be resolved internally, or if their procedures have been exhausted or misapplied.

If the complaint is against the Board of Governors or an individual Governor, refer below to Appendix 1.

Procedure for Dealing with Compliments, Concerns and Complaints

Compliments from all stakeholders which may be received in the form of letters, cards or emails and should all be passed to the Principal who will keep them on file and will only share them with the Marketing Team for publicity/promotional purposes where appropriate permissions have been obtained (i.e. express consent under General Data Protection Regulations).

Concerns and complaints will be dealt with through the procedure outlined in Appendix 2.

Accessibility

As required by the Equality Act, reasonable adjustments will be made to support complainants to access this process. This policy and any relating documentation can be made available in different formats and complaints can be received in alternative formats as preferred by any complainant with a disability or impairment. Any other reasonable access needs will be met by the College (e.g. request for interpreters and translations, accessible meeting places, advocacy etc.)

Monitoring and Review

This Policy will be reviewed by the Board of Governors every three years. Monitoring of the procedure will take place through at least termly reports from the Principal to the College Leadership Team and his/her annual reports to the appropriate Governors' Committee.

Procedure for Dealing with Complaints

All staff have a responsibility, on receiving informal or formal complaints, to treat them seriously and to deal with them promptly. The Principal will be informed of all informal and formal complaints, record their receipt and pass them on to the appropriate Manager.

Managers who receive formal complaints will investigate them promptly and respond in writing within ten working days to the complainant, keep records and send a copy of the correspondence to the Principal (Template Appendix 4).

If the formal complaint relates to the performance or actions of particular members of staff, the line manager of the staff concerned will be asked to investigate the matter and deal with it. Senior Managers will be asked to deal directly with more serious formal complaints.

Stage I - Informal Complaints Procedure

Concerns are where a person wishes to register their unease with a situation without (at least initially) proceeding to a formal complaint and may be raised in writing via email/letter. These may be raised with any member of staff, who should pass it to the manager of the area concerned, to be dealt with through the Informal Complaints Procedure.

The manager will investigate the concern and will aim to resolve the matter informally, initially contacting the complainant and exploring their issues and asking what outcome they are looking for.

All concerns will be dealt with confidentially, provided there are no safeguarding issues, but all concerns and their outcomes will be recorded on file by the manager for future reference.

The manager should respond in writing to the person raising the concern within five working days to explain how it will be dealt with. A record of this should be kept using the formal complaints form (Appendix 5) and a copy sent to the Principal. The manager should then carry out an investigation, consider all relevant facts and endeavour to resolve the matter informally and respond with the recommended outcome as soon as possible, preferably within a further five working days. If the investigation is likely to exceed this period, they will contact the complainant and advise when they expect a response will be available. They should aim to resolve the situation to the person's satisfaction at this stage, and to avoid the concern becoming a formal complaint. Again a record of this should be kept and a copy of the resolution should be sent to the Principal.

If the complainant is satisfied with the outcome, there will be no further action. If they are dissatisfied with the outcome, the concern will be considered to become a formal complaint and will proceed to Stage 2.

Dealing with Formal Complaints

Stage 2 – Formal Complaints Procedure

Complaints are serious concerns that may be received by email or in writing, or are concerns that could not be resolved at the informal stage above.

All formal complaints received must be notified to the Principal, who will allocate them to the appropriate member of the College Leadership Team (CLT) to investigate and lead on resolving the issues. The nominated member of CLT will investigate the issue and will respond to the complainant in writing within ten working days. A record of this should be kept and a copy of the resolution should be sent to the Principal. As part of this process, the nominated member of CLT will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. At the conclusion of the investigation the investigating officer will provide a written response within 10 working days of the date of receipt of the complaint. If the investigating officer is unable to meet this deadline, they will provide the complainant with an update and revised response.

If the complaint is about a specific member of staff they must follow the specific procedure for dealing with those complaints (outlined in Appendix 2). Liaison with the Head of HR needs to take place in these situations in case there may be any disciplinary or conduct issues. If the complaint is about the Principal it should immediately move to Stage 4.

Where a complaint is found to be justified, remedial action will be taken and recorded. Where a complaint is not upheld, a full explanation will be given to the complainant and the right of appeal and timescales will be explained.

If the complainant is not satisfied with the outcome they can appeal to the Principal within ten working days of receiving the response.

Copies of all complaints must be forwarded to the Principal to be centrally recorded on the Complaints Register which will be held in a secure area on the College's IT network. Records will be kept detailing the nature of the complaint raised, the College's response, any action taken and the reasons for that action. These records will be kept confidentially and retained in accordance with the General Data Protection Regulations (EU) 2016/679 and Data Protection Act 2018 which may require release of certain data to individuals on their request. Copies of any meeting records will be given to the individual concerned, although in certain circumstances some information may be withheld, for example to protect a witness or in respect of personal or sensitive information relating to other individuals.

Formal complaints will be reported by the Principal to the College Leadership Team on a termly basis and a report on all Compliments, Concerns and Complaints will be provided annually to either the Governors' Ethos Safeguarding and Welfare Committee or the Governors' Resources Premises and HR Committee, depending on the nature of the complaint.

Dealing with Formal Complaints at Appeal Stage

Stage 3- Appeal to Principal

The appeal to the Principal should be made in writing within ten days of receiving the official response from the CLT member, and should state why the complainant is not happy with the outcome or with the process that has been undertaken to resolve the complaint.

The Principal may meet with the complainant and carry out a further investigation and will either uphold or overturn the initial decision. As appropriate, all discussions and meetings will be recorded and the complainant notified of the outcome within ten working days of lodging the appeal.

At any stage in the formal complaints procedures, the complainant may be accompanied by a friend or representative. If a student, this could be a fellow student, parent/carer or friend. In order for complainants to exercise their right to be accompanied, they must make a reasonable request to the College. Where the chosen representative cannot attend on the date proposed for any meeting, an alternative time and date can be offered so long as it is reasonable and falls within five working days of the original proposed day.

If the complainant is still dissatisfied after Stage 3 and the response from the Principal, they can appeal in writing to the ESFA within 3 months of receiving written notification of the outcome.

Dealing with Formal Complaints at Appeal Stage

Stage 4 - Appeal to the Board of Governors (in case of complaints against the Principal only)

If the complaint is about the Principal, the Chair of Governors will arrange to meet with the complainant, if deemed appropriate.

An Appeals Panel of governors (excluding the Principal, Staff members or Student members) will be convened by the Clerk to the Governors within ten days of the appeal being received, or as soon as practicable thereafter, with the intention to hear the appeal at the earliest opportunity.

The Clerk to the Governors will provide all interested parties with the relevant documents before the appeal hearing.

Both parties involved in the appeal shall have the right to make representations (including oral representations) for which purpose they may be accompanied by a representative or friend (see above).

At the appeal hearing:

- The Appeals Panel will hear evidence from both parties and question any witnesses (evidence may be given to the Appeals Panel in private)
- The complainant or their nominated representative may present the case. Both the complainant or nominated representative and the College have the right to call witnesses
- The Appeals Panel will then retire to consider the evidence
- The Appeals Panel will put its decision in writing to the complainant within five working days of the Appeal Panel hearing.

Appeal to the Education & Skills Funding Agency (ESFA)

If the complainant wishes to take the matter further after Stage 3 or 4, they can contact the Education & Skills Funding Agency and would need to provide evidence as to why they believed that the complaint was not dealt with appropriately or effectively by the College, or how the College did not comply with its own procedures.

Initial complaints about institutions should be made (within three months of the decision being taken).

Email or post your complaint to the ESFA complaints team.

ESFA complaints team complaints.ESFA@education.gov.uk

Complaints team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

ESFA will acknowledge your complaint within 5 days and will let you know what will happen next.

Persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the college's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on college time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take:

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the college in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

Stopping responding:

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.

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.

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

Complaint campaigns

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
- Sending a standard response to all of the complainants

If complainants are not satisfied with the college's response, or wish to pursue the complaint further, the normal procedures will apply.

Complaints against a Governor or the Board of Governors

In the event that a complaint is lodged against an individual Governor or the Board of Governors the following modified procedures will be applied.

Stage 1: Informal

Complaints made against the Board of Governors, or any individual Governor or group of Governors, should be directed to the Clerk to the Board of Governors in the first instance via clerk@stbrn.ac.uk.

If the complaint is about individual members of the Board of Governors (including a Chair or Vice Chair), a suitably skilled and impartial Governor will carry out the steps at the informal stage in Appendix 2 Stage 1 with a view to informally resolving the matter. The impartial Governor normally will be appointed by the Chair. Where the complaint is against the Chair, the impartial Governor 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 impartial Governor.

Where the complaint is about the entire Board of Governors or the majority of the Board of Governors the Clerk will consult the Clifton Diocesan Department for Schools and Colleges with the view to appointing an impartial party, such as a member of the Governing Body of another School in the Diocese, to carry out the steps at the informal stage in Appendix 2 Stage 1 with a view to informally resolving the matter.

Stage 2: Formal

If the complaint is about individual members of the Board of Governors (including a Chair or Vice Chair), then 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 (under Appendix 2, stage 2). 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.

Where the complaint is about the entire Board of Governors or the majority of the Board of Governors, an independent investigation panel selected by the Clifton Diocesan Department for Schools and Colleges will carry out the steps in Appendix 2 stage 2. A formal response will be delivered at the end of the investigation.

Stage 3: Appeal

If a complainant still wishes to take the matter further after Stage 2 they need to provide evidence as to procedural irregularity (e.g that the relevant procedures had not been followed) within 10 working days of being notified of the outcome of Stage 2.

If the complaint is about individual members of the Board of Governors (including a Chair or Vice Chair), the complainant should contact the Clerk, who will arrange for the Board of Governors to appoint an independent appeal 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, but will not include persons involved at Stage 1 or Stage 2).

Where the complaint is about the entire Board of Governors or the majority of the Board of Governors the complainant should contact the Director of the Clifton Diocesan Department for Schools who will arrange for an independent panel to consider the appeal.

Email or post your complaint to the Director of the Clifton Diocesan Department for Schools and Colleges.

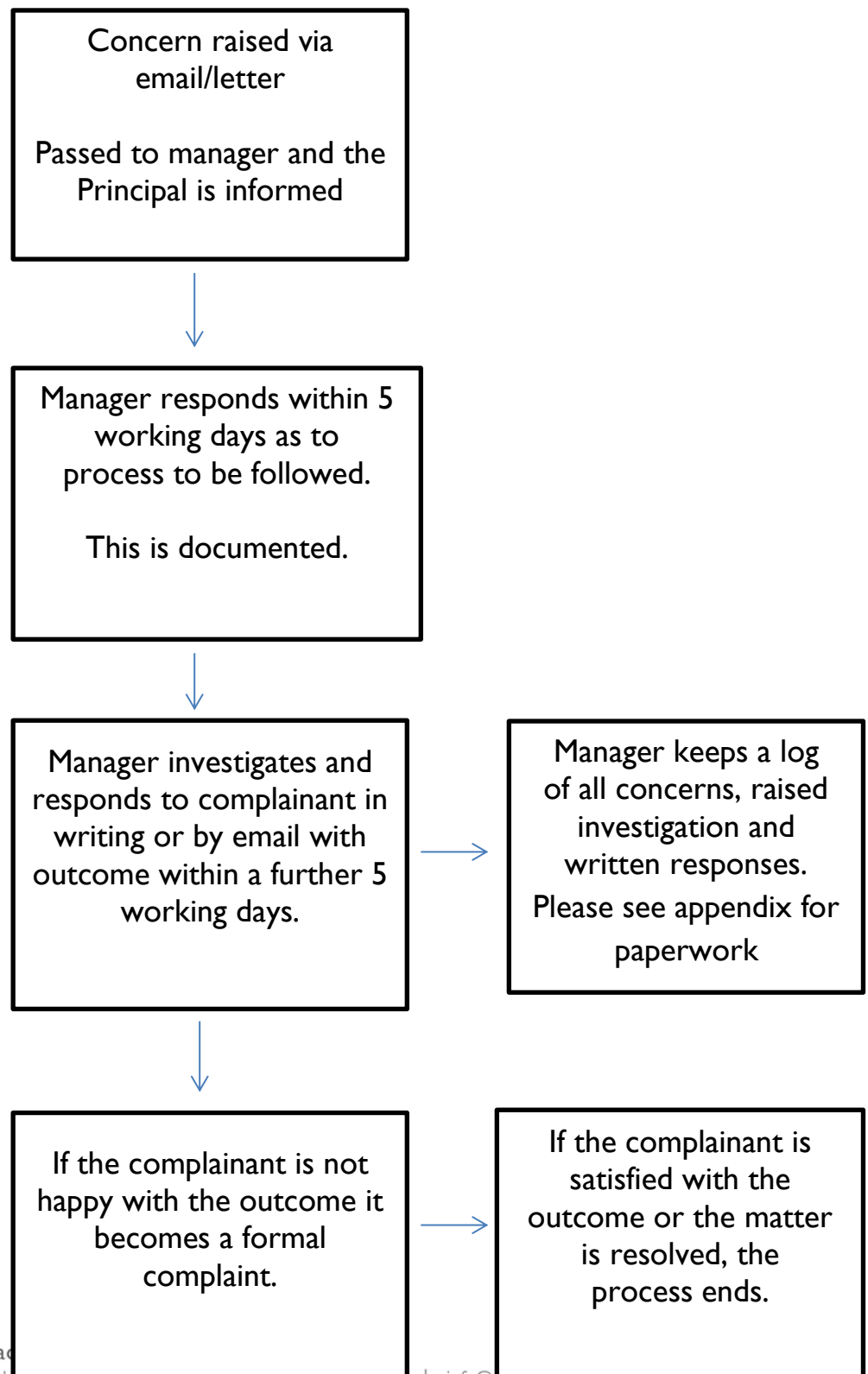
Dept for Schools & Colleges
Alexander House
160 Pennywell Road
Bristol
BS5 OTX

Email: mary.cox@cliftondiocese.com

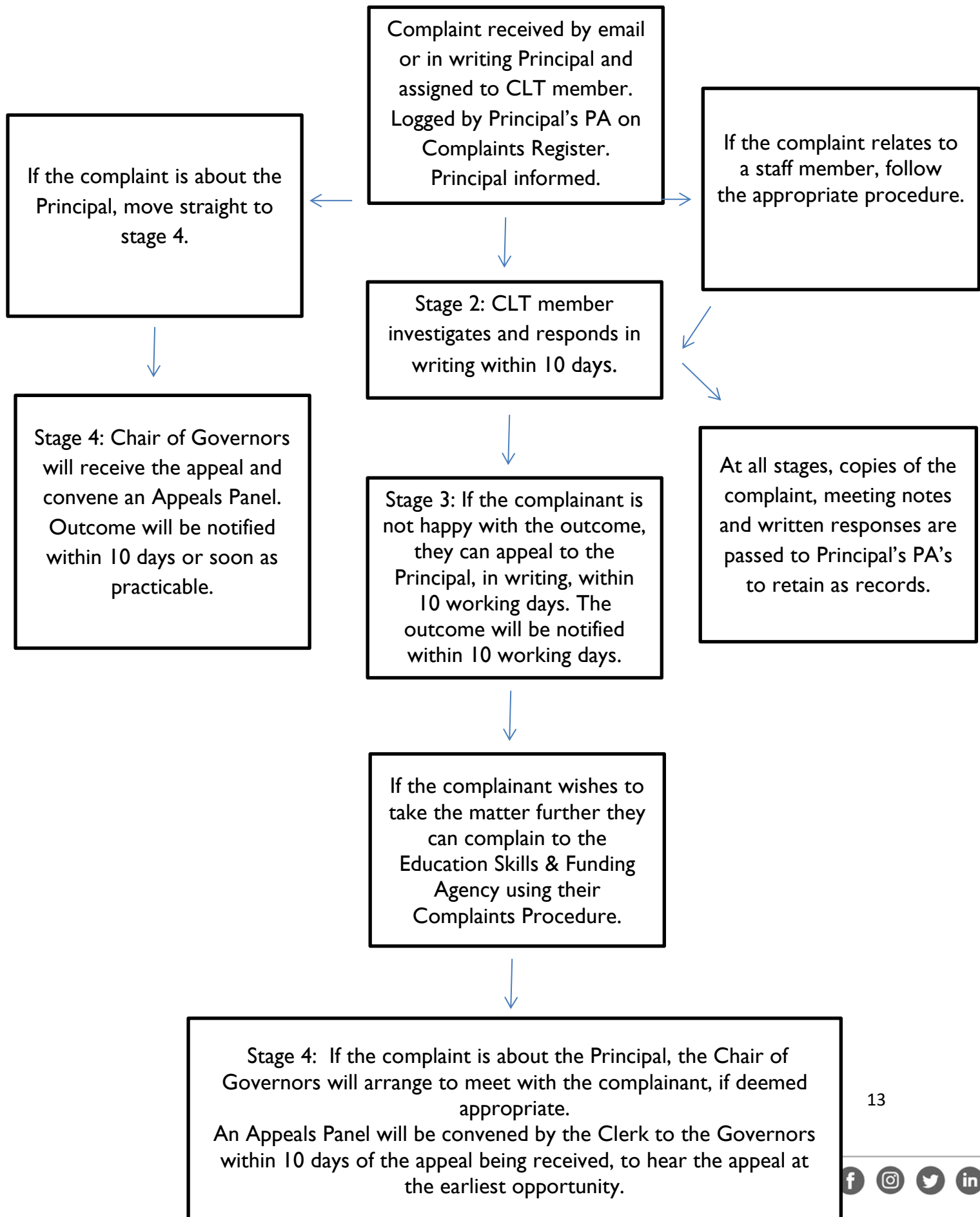
Telephone: 0117 902 5599

Appendix 2

CONCERNS (INFORMAL COMPLAINTS) PROCESS FLOW CHART – STAGE I



FORMAL COMPLAINTS FLOW CHART – STAGE 2



How to Compliment or Complain about St. Brendan's Sixth Form College: Information for students and their parents/carers

(Please also refer to the more detailed Compliments, Concerns and Complaints Procedure available on the College's external website, Moodle or from Reception).

1. Why are your views important?

We are always aiming to improve the services we provide to students and to their parents/carers, and to develop good practice. Receiving compliments, concerns, and even complaints, can help us to review how well we are doing. We will take them all very seriously, and use them to improve the quality of our College overall, as well as to address the issues raised.

2. How can you pay us a compliment or raise a concern?

We are always pleased to hear if there is something you think we are doing well, or if a staff member has excelled in their work. Similarly, if you have a concern about something in the College that could be improved or about a staff member, we would like to know about it. You can raise these with us initially through an informal process and then decide what, if any, further action you want to be taken. You can ask for confidentiality, providing there are no safeguarding issues.

To raise issues with us you can:

- Speak to, email or write to any member of staff, (such as your Academic Mentor or anyone else you feel comfortable with).
- Email the College info@stbrn.ac.uk or contact us through the website www.stbrn.ac.uk

The compliment or concern will be passed on to the relevant manager who will look into it and respond to you within ten working days.

Alternatively, as a student, you can also:

- Ask your Tutor Representative to raise it in the Student Experience Forum
- Talk to the Student Union or the Student Engagement Officer

3. How can you make a formal complaint about the College or a staff member?

If you feel the issue is serious enough to be a formal complaint, you do need to make it in writing, by email or letter, to one of the Senior Managers in the College, to the Principal or to info@stbrn.ac.uk. You will need to give us your contact details so we can respond to you. If you want to complain about a particular teacher or staff member, you should also follow this process.

All complaints will be dealt with confidentially (unless there are safeguarding issues), and will be passed to a member of the College's management to investigate. The manager will try and resolve the situation, and may ask to meet with you to ask what outcome you are looking for, may interview witnesses etc. S/he will respond formally to you within ten working days.

4. What if I am not happy with the outcome?

If you are not happy with the response, you can appeal to the Principal in writing within ten working days. S/he will carry out further investigations and may also want to meet with you, and will respond within ten working days.

If the situation is still not resolved, or you think the process has not been followed properly, you can complain, in writing, to the ESFA (within 3 months of being notified of the outcome).

If your complaint is about the Principal, you can appeal in writing to the Chair of Governors (c/o St Brendan's Sixth Form College) and an Appeals Panel of the Governors will be convened.

Procedure for dealing with a parent/carer, member of the public or student complaint about a member of staff

Stages 2-7 should be conducted as quickly as possible, within a maximum time scale of 10 working days, with regular feedback on the process given to the complainant.

Stage 1

Familiarise yourself with the contents of the letter or email from the complainant. Once you have a good understanding of the complaint, arrange for a meeting with the complainant within 3 days of receiving it or sooner if possible, clearly stipulating the purpose of the meeting and that there will be a note taker with you at the meeting.



Stage 2

Meet with the complainant and explain the investigation process. Ask neutral questions which encourage the complainant to talk, such as *"can you tell me what happened?"* Make sure that you elicit all details, e.g. *"I said something and she screamed at me"* = *"What did you say exactly, what did she say?"* However tempting, do not challenge the complainant at this stage - you are here to listen to the complaint. Ensure that the note taker is capturing all the information. Thank the complainant and explain what will happen next and whether they have further witnesses they would like you to interview. If the complainant decides to drop the complaint at this stage, the matter is closed.



Stage 3

Meet with all the complainant's witnesses and follow the procedures above.



Stage 4

Once you have captured all the information from the complainant and his/her witnesses, contact the member of staff, in person if possible, and explain that a complaint has been made and that a meeting needs to be arranged. Inform the staff member they may bring a colleague along for moral support. Remember that you are investigating a complaint at this stage, not going through a disciplinary procedure but make it clear that there will be a note taker with you at the meeting and notes will be taken of the meeting which they will be required to sign.



Stage 5

Ask neutral questions and elicit all details from the member of staff and any staff witnesses identified. If at the end of the meeting(s) you reached the conclusion that the complaint is unfounded, you may want to reassure the member of staff that no further action will take place. If however you conclude there is a case to answer do not share this with the member of staff until after stage 6.



Stage 6

If following your meeting with the member of staff you are still concerned, you need to meet with any additional witnesses (if any). If you feel that the complaint is likely to be upheld, liaise with the Head of HR so that they can go through the appropriate staff conduct and/or disciplinary procedures with you and advise you of any follow up action/formal correspondence required at this stage. Ensure you have your notes of all your meetings ready at this point so these can be discussed in detail with the Head of HR. These may become a key part of any further investigation needed under the relevant formal staff procedure OR may be deemed to stand as being a full and sufficient investigation to initiate a formal process.



Stage 7

Meet with the complainant.

- If the complaint has not been upheld, explain the reasons. Explain also to the complainant that they have a right of appeal (written letter to the Principal within 10 working days). After this, you may want to discuss any further issues that have been raised about the complainant.
- If the complaint is upheld, explain what will happen next and any changes in procedures following the complaint.
- If the complaint is upheld take care not to reveal any personal or sensitive information relating to the individual member of staff or the case against them.

Initial Complaint – Appendix 4

Person making the complaint: Please state if this is a student, parent , employer

Name:

Contact details

Please give detail of the complaint (attach any papers or summary of the complaint that was received)

-
-
-
-
-
-

Next steps and timeline to be followed.

Copy of initial complaint has been sent to the Principal

Appendix 5: Informal Investigation

Investigation into the allegation(s) of XXXXXXXX

Terms of Reference:

Describe how the incident came to light and the scope / objectives of the investigation.

Purpose:

To establish if there is any evidence to support the allegation(s) / describe the methodology of the investigation.

Findings:

Background to the case

Outline of the case:

Name of those interviewed and rationale as to why?

What evidence has been obtained?

Has evidence of other issues been uncovered that is substantial to the case?

Any conflicting advice

Conclusions:

What can be deduced from the evidence?

Consideration of Blameworthiness V Mitigating Circumstances

Recommendations:

Is there a case to answer? Actions to be taken: By whom and by when?

Name of the author of the report:

Position:

Name of the Commissioning Officer:

Position:

Date:

Attachments: see appendices for evidence