



# Complaints Policy & Procedure

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## 1. Aims

Our college aims to meet its statutory obligations when responding to complaints from parents of learners at KITE college.

When responding to complaints, we aim to:

- o Be impartial and non-adversarial
- o Facilitate a full and fair investigation by an independent person or panel, where necessary
- o Address all the points at issue and provide an effective and prompt response
- o Respect complainants' desire for confidentiality
- o Treat complainants with respect and courtesy
- o Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- o Keep complainants informed of the progress of the complaints process
- o Consider how the complaint can feed into improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

We will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of learners at the college.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

## 3. Definitions and scope

### 3.1 Definitions

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

- o A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”

- o A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

### 3.2 Scope

The College intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- o Admissions
- o Statutory assessments of special educational needs (SEN)
- o Safeguarding matters
- o Suspension and permanent exclusion
- o Whistle-blowing
- o Staff grievances
- o Staff discipline

## 4. Roles and responsibilities

### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- o Follow these procedures
- o Co-operate with the college throughout the process, and respond to deadlines and communication promptly
- o Ask for assistance as needed
- o Treat all those involved with respect
- o Do not publish details about the complaint on social media

### 4.2 The investigator

An individual will be appointed to investigate the complaint and establish the facts. They will:

- o Interview all relevant parties, keeping notes
- o Consider records and any written evidence and keep these securely
- o Prepare a comprehensive report to the principal or complaints committee, which includes the facts and potential solutions

### 4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- o The principal
- o The designated complaints trustee
- o Any other staff member providing administrative support

The complaints co-ordinator will:

- o Keep the complainant up to date at each stage in the procedure
- o Make sure the process runs smoothly by liaising with staff members, the principal, chair of trustees and clerk.
- o Be aware of issues relating to:
  - o Sharing third-party information
  - o Additional support needed by complainants; for example, interpretation support or where the complainant is a young person.
- o Keep records

#### 4.4 Clerk to the trustee board

The clerk will:

- o Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- o Arrange the complaints hearing
- o Record and circulate the minutes and outcome of the hearing

#### 4.5 Committee chair

The committee chair will:

- o Chair the meeting, ensuring that everyone is treated with respect throughout
- o Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

### 5. Principles for investigation

When investigating a complaint, we will try to clarify:

- o What has happened
- o Who was involved
- o What the complainant feels would put things right

#### 5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- o Set new time limits with the complainant
- o Send the complainant details of the new deadline and explain the delay

## **6. Stages of complaint (not complaints against the principal or trustees)**

### **6.1 Stage 1: informal**

The college will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the principal as appropriate, either in person or by letter, telephone or email. There is also a facility on the website for parents to raise a complaint.

The college will acknowledge informal complaints within 2 days and investigate and provide a response within 5 days.

The informal stage will involve a meeting between the complainant and a member of the leadership team. If the complaint is not resolved informally, it will be escalated to a formal complaint.

### **6.2 Stage 2: formal**

Formal complaints can be raised:

- o By letter or email
- o Over the phone
- o In person
- o By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the college office.

The principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 days.

The principal (or designated member of the senior leadership team) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the college of the identity of their companion in advance.

In certain circumstances, the college may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the college will notify the complainant as soon as they are aware, so that the complainant can arrange alternative accompaniment.

The principal (or other person appointed by the principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 14 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the trustee board within 5 days.

### **How to escalate a complaint**

Complaints can be escalated by contacting the clerk to the trustee board:

- o By letter or email
- o Over the phone
- o In person
- o Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 14 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the trustee board in writing within 5 days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 2 days.

### **6.3 Stage 3: submit the complaint to the review panel**

#### **Convening the panel**

The review panel consists of the first 2 members of the trustee board available who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The trustees will select a panel chair from among themselves.

If not enough impartial trustees are available, we will seek panel members from other colleges, the local authority or other relevant professionals. We will make sure the trustees sourced are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 5 days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 days before the date of the meeting.

### **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the college as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a college employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, everyone will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the representative will be given the chance to ask and reply to questions. Once the complainant and representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint and make a copy of the findings and recommendations available for inspection by the principal.

### **The outcome**

The committee can:

- o Uphold the complaint, in whole or in part
- o Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- o Decide the appropriate action to resolve the complaint
- o Where appropriate, recommend changes to the 's systems or procedures to prevent similar issues in the future

The college will inform those involved of the decision in writing within 5 days.



### **6.3 Stage 3: submit the complaint to an independent reviewer**

The independent reviewer is appointed by or on behalf of the trustees. This person must not, at any time, have been a trustee of the college, or a member of staff or supply staff at the college and must not have been the parent of a registered or former registered learner at the college. They must also not have been directly involved in any matter detailed in the complaint.

The independent reviewer will convene a review meeting with the complainant and representatives from the college as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, everyone will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The independent reviewer, the complainant and the representative(s) will be given the chance to ask and reply to questions.

The complainant, proprietor and principal and, where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person.

The college will inform those involved of the decision in writing within 14 days.

## **7. Complaints against the principal, a trustee or the trustee board**

### **7.1 Stage 1: informal**

Complaints made against the principal or any member of the trustee board should be directed to the clerk to the trustee board in the first instance.

If the complaint is about the principal or 1 member of the trustee board (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is:

- o Jointly about the chair and vice-chair or
- o The entire trustee board or
- o Most of the trustee board

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the trustee board and will write a formal response at the end of their investigation.

### 7.3 Stage 3: review panel

If the complaint is:

- o Jointly about the chair and vice-chair or
- o The entire trustee board or
- o Most of the trustee board

A committee of independent trustees will hear the complaint. They will be sourced from local colleges or schools or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

## 8. Referring complaints on completion of the college's procedure

If the complainant is unsatisfied with the outcome of the 's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the college's complaints policy and any other relevant statutory policies that the college holds were adhered to. The DfE also looks at whether the 's statutory policies adhere to education legislation.

The DfE will intervene where the college has:

- o Failed to act in line with its duties under education law
- o Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the college will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-](http://www.gov.uk/complain-about-)

We will include this information in the outcome letter to complainants.

If the complainant is unsatisfied with the outcome of the college's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the college. The ESFA will not overturn a college's decision about a complaint, but will intervene if a college or trust has:

- o Breached a clause in its funding agreement
- o Failed to act in line with its duties under education law
- o Acted (or is proposing to act) unreasonably when exercising its functions

If the 's complaints procedure is found to not meet regulations, the college will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-](http://www.gov.uk/complain-about-)

We will include this information in the outcome letter to complainants

If the complainant is unsatisfied with the outcome of the 's complaints procedure and the complaint is regarding the college not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- o Education
- o Pupil welfare and health and safety
- o Premises
- o Staff suitability
- o Making information available to parents
- o The spiritual, moral, social or cultural development of learners

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the college deals with serious failings.

For more information or to refer a complaint, see the following webpage:

[/www.gov.uk/complain-about-](http://www.gov.uk/complain-about-)

## 9. Persistent complaints

### Unreasonable persistent complaints

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

- o Has made the same complaint before, and it's already been resolved by following the 's complaints procedure
- o Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- o Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- o Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses 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 timeframes it sets out
- o Makes a complaint designed to cause disruption, annoyance or excessive demands on time
- o 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:

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

### **Stopping responding**

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

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

When 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 our college site.

### **9.2 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 added information we need to consider.

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

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

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

### **9.3 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:

- o Publishing a single response on the website
- o Sending a template response to all the complainants

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

## **10. Record keeping and confidentiality**

The college will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during an inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole trustee board in case a review panel needs to be organised at a later point.

Where the trustee board is aware of the substance of the complaint before the review panel stage, the college will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the trustee board, who will not unreasonably withhold consent.

## **11. Learning lessons**

The trustee board of KITE college will review any underlying issues raised by complaints with the principal, respecting confidentiality, to determine whether there are any improvements that the college can make to its procedures or practice to help prevent similar events in the future.

## **12. Monitoring arrangements**

The college trustee board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The KITE trustees will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the clerk to trustees.

This policy will be reviewed by trustee board every 3 years.

At each review, the policy will be approved by the full trustee board.

### 13. Links with other policies

Policies dealing with other forms of complaints include:

- o Child protection and safeguarding policy and procedures
- o Admissions policy
- o Learner Behaviour Policy
- o Staff grievance procedures
- o Staff disciplinary procedures
- o Special educational needs policy and information report
- o Privacy notices