



## COMPLAINTS PROCEDURE

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Originator	Paul Ashdown
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### A INTRODUCTION

- A1 The College strives to deliver an outstanding service to all students, visitors and other stakeholders. Where any party is dissatisfied with an aspect of the College's performance they are entitled to follow this procedure in order to express such dissatisfaction, so that they can work with the College aiming to identify appropriate responses or improvements. This Procedure explains how you would make a complaint.
- A2 The College is committed to treating complaints fairly and seriously. We wish to improve our service and complaints help us to understand where changes need to be made. This Procedure is designed to ensure a consistent and open approach to the handling and resolution of complaints.
- A3 Where a complaint is, in effect, an appeal against a decision taken by the College within another formal procedure which includes an Appeal Process, (such as Student Disciplinary Procedures or enrolment or grading decisions), the matter will be dealt with under such Appeal Processes, and not handled as a complaint.

### B INFORMAL STAGE

- B1 Most problems at College can be resolved without recourse to the Complaints Procedure, and the first stage with any problem should be to discuss concerns you have with the relevant member of staff. You should always try this first.
- B2 Most complaints are best resolved informally and should be raised initially with the person or persons involved at the College. It may be helpful to talk to any member of staff that you trust such as an Academic Coach or a Teacher, who will try to help you begin such a discussion.
- B3 The aim of such informal discussions is to identify and resolve issues that have become a problem. This process needs to be distinguished from everyday discussions you may be having with a member of the College, so you do need to make it clear that you are seriously concerned about the issue and wish the College to treat it as an Informal Complaint.
- B4 Such an informal discussion should aim to clarify:
- exactly what the issue causing concern involves
  - what response you wish to see from the College
  - how the College is able to respond to these

- the extent to which this resolves the issue

B5 The member of College staff who handles such an informal complaint should record the outcomes of the discussion. If it is appropriate, this should be done on the Student Record section in Tyber. If the issues involved are too sensitive to record in this way, or the informal complaint does not refer directly to a particular student, the member of staff should discuss how the record should be kept with you and an Assistant Principal or other senior member of staff. If there is no better method of recording the outcome of the discussion, it should be passed to the Executive Assistant to the Principal who maintains documentation relating to complaints.

B6 If the informal discussion does not identify a resolution to the issue causing concern, records should be kept in the same way.

## **C FORMAL COMPLAINT**

C1 If the issue causing concern is unable to be resolved through an informal discussion, a formal Complaint can be made. This is done by writing a formal letter setting out the basis of the Complaint. E-mail or other forms of communication are not accepted. The letter should be addressed to the Executive Assistant to the Principal, and handed in to main College Reception.

C2 On receipt of the letter, the date will be recorded and the College will write in response formally acknowledging receipt. The Principal (or Vice-Principal acting for the Principal) will consider the nature of the Complaint. The Principal will:

- establish that there are grounds for a formal complaint and appoint an Investigating Officer, or
- establish that there are no reasonable grounds for a complaint.

In either case, a letter will be written. This will set out a reasonable timeframe for any investigation that has been initiated, which will normally last no longer than 15 College term-time working days, and will always be completed as quickly as possible.

C3 The Investigating Officer may contact the complainant for further discussion, and is likely to talk to other relevant parties. Sometimes people involved wish to give information “in confidence”, or wish their involvement to remain anonymous. When evidence cannot be shared with all parties involved, the weight it carries is significantly reduced.

C4 The Investigating Officer may, in certain circumstances, be obliged to share material with external agencies such as child protection authorities or the police. In such circumstances, the investigation is normally suspended pending clarification of how these external agencies wish to proceed: the complainant will normally be informed that this has happened.

C5 Once the investigation is completed, the Investigating Officer will write to the complainant indicating findings. The investigation will establish one of three possible outcomes:

- that the complaint is not upheld
- that there is insufficient evidence to come to a conclusion about the complaint
- that the complaint is upheld

- C6 If the complaint is not upheld, the formal process is completed and the College will take no further action. The Investigating Officer may suggest further informal discussions to address outstanding issues outside the Complaints Procedure.
- C7 If there is insufficient evidence to come to a conclusion about the complaint, no further action can be taken. Records of the investigation will be kept by the College. The Investigating Officer may suggest further informal discussions to address outstanding issues outside the Complaints Procedure.
- C8 If the complaint is upheld, the College will take appropriate action in response to this finding, which will normally be shared with the complainant. Where this includes any disciplinary action with staff and/or students, this cannot be discussed and is subject to the relevant College Policy. Information may be shared with external agencies as in C4 above.

## **D APPEAL PROCESS**

- D1 If the complainant is not satisfied with the outcome of a Formal Complaint, he/she is entitled to appeal to the Principal. This is done by writing a formal letter to the Principal setting out the grounds for your appeal. This should be received within five working days of receipt of the outcome to the complaint. The letter should carefully set out the grounds for the appeal.
- D2 The Principal will acknowledge receipt of this letter and will appoint an Appeal Officer who has had no previous involvement in the case, and who is senior to the Investigating Officer. The Principal may decide to undertake this role him/herself.
- D3 The Appeal Officer will review all matters relating to the complaint including the conduct of the investigation and the judgements made. The complainant will be invited to attend a meeting with the Appeal Officer to further explain the concerns.
- D4 On completion of this review, the Appeal Officer will report in writing to the Principal recommending either that the Appeal is upheld, or that the original decision is upheld. The Principal will invite the complainant to a meeting to discuss this outcome, and an independent member of the Corporate Board will be included in this meeting.
- D5 The Principal makes the final decision about the Appeal. If the Appeal is upheld, appropriate action will be taken as in C8 above. If the original decision is upheld, the matter is concluded and there is no further recourse in College procedures.
- D.6 The Education Funding Agency (EFA) is able to consider complaints about the College only after our internal complaints procedure, set out in this document, has been exhausted. Full details of the EFA complaints process are available online at [www.gov.uk/government/publications/complaints-about-post-16-efa-funded-institutions](http://www.gov.uk/government/publications/complaints-about-post-16-efa-funded-institutions). See appendix 2 attached.

## **E REPORTING COMPLAINTS TO THE CORPORATE BOARD**

- E1 The Complaints Procedure is monitored by the Corporate Board. A summary of all complaints, including the nature/area of the complaint and the outcome is reported once each year to the Curriculum & Quality Committee of the Corporate Board. Independent Board members attend final appeal meetings to ensure that the Board has a proper understanding of any issues involved and can monitor the integrity of the procedure.

**F COMPLAINTS RELATED TO SENIOR POSTHOLDERS**

- F1 If a Complaint refers specifically to the Principal or Vice-Principals (including the role of Clerk to the Board), this process is amended to ensure a fair and independent process.
- F2 In such cases, the Chair of the Corporate Board replaces the Principal and appoints such other officers as he/she feels fit. In certain circumstances this may involve the appointment of appropriate external persons.
- F3 There is a separate Complaints Procedure if a complaint relates to the Corporate Board, which is handled by the Clerk to the Board.

Appendices attached:           1       Appeals relating to Enrolment Decisions  
  2       EFA Complaints Process

## **APPEALS RELATING TO ENROLMENT DECISIONS**

- 1 College Entry Requirements and Application Procedures are published annually on the College Website and in the Prospectus. These include general entry requirements, specific entry requirements in addition for individual subjects and courses, and details of application processes stating the deadline for receipt of applications.
- 2 Applications received after the published deadline are considered late applications and will only be considered at the College's discretion. The Principal's decision regarding such applications is final.
- 3 Where an applicant is dissatisfied with the outcome of an enrolment decision the following procedure will be followed.
- 4 The decision will be reviewed by an Assistant Principal if one has not already considered the case as part of the enrolment process. He/she will check that the normal College rules have been properly applied but do not have the authority to over-rule standard entry criteria.
- 5 If this review confirms the decision, the student, or parent/carer on their behalf, can write to the College requesting an Appeal. E-mails will not be accepted. This letter must include full details of the reasons why the College's normal rules should not apply, including evidence of any mitigating circumstances and other supporting material. The College will consider such appeals as a matter of urgency, and normally reply within three College working days.
- 6 This appeal will be considered by a Vice-Principal who does have the authority to modify entry criteria in the light of individual special circumstances. However, appellants should be aware that the College expects any exceptional circumstances which impact on GCSE performance to have been reported to the host school at the time exams were taken, so that they can be considered by the examination boards under their procedures for special consideration. The College is only able to consider actual GCSE grades. The Vice-Principal will normally discuss the issues with the appellant as part of this process.
- 7 If the outcome of this appeal confirms the original decision, the student or parent/carer on their behalf can ask for the decision to be reviewed by the Principal. This review is started by a short letter to the Principal asking for the decision of the Vice-Principal to be re-considered. No further letter is required because the Principal will have access to the documentation from the Appeal, and no new material can be added at this stage. The review will be treated urgently and the College will normally respond within three College working days. The Principal will normally discuss this review with the appellant as part of the process. The Principal will check that all College processes and policies have been properly applied and ensure that correct decisions have been made. The Principal's decision is final.
- 8 If the outcome of the review is that the original decision is upheld, there is no further appeal.



- Education  
Funding  
Agency (<https://www.gov.uk/government/organisations/education-funding-agency>)

See more information about this Guidance (<https://www.gov.uk/government/publications/complaints-about-post-16-efa-funded-institutions>)

Guidance

## How to complain about post-16 EFA-funded institutions

Updated 1 September 2015

### Contents

1. Making a complaint about an Education Funding Agency (EFA) funded institution
2. Making a complaint to your institution
3. EFA role
4. What we can investigate
5. What we cannot investigate
6. How to complain to EFA
7. The complaints procedure

## 1. Making a complaint about an Education Funding Agency (EFA) funded institution

This process will guide you through how to make a complaint to the EFA about an institution we fund. Our complaints procedure will ensure we can respond to your complaint promptly and fairly, and proportionately.

- Before making a complaint to the EFA, you should have exhausted the institution's complaints procedure, including any appeals process.

If your complaint (<https://www.gov.uk/complain-about-school>) or concern is about a financial irregularity by an institution you should follow separate procedures, which are published on GOV.UK.

### 1.1 This process is for complaints about

- sixth-form colleges
- commercial and charitable training providers where the complaint relates to EFA funded provision for students aged 16 to 18 and up to 25 if the learner is subject to a learning disability assessment

### 1.2 If your complaint is about another type of institution, please see below

- academies and free schools should be made to the EFA, academies group (<https://www.gov.uk/complain-about-school>)
- general further education colleges, commercial and charitable training providers where the complaint relates to Skills Funding Agency (<http://skillsfundingagency.bis.gov.uk/aboutus/contactus/complaints/>) (SFA) funded provision for post-19 students, and/or apprenticeship programmes, should be made to the SFA
- schools (including non-maintained special schools) should be made to the DfE (<https://www.gov.uk/complain-about-school>)

If your complaint is about a child protection or safeguarding concern, please contact your local authority

### 1.3 If you wish to make a whistleblowing complaint

If you work in an early years or educational setting, or a children's social care service, and are concerned about suspected wrongdoing, you should follow the institution's process for blowing the whistle (<https://www.gov.uk/whistleblowing>).

If you're not satisfied with how your whistleblowing complaint has been handled tell someone else (eg a more senior member of staff) or a prescribed person or body (<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>).

To make a public interest disclosure (whistleblowing) about an EFA funded institution please contact the Department for Education (<https://www.education.gov.uk/help/contactus/efa>).

## 1.4 Preventing extremism and radicalisation

If you wish to raise a concern regarding preventing extremism and radicalisation relating to a post 16 institution, please contact:

counter.extremism@education.gsi.gov.uk

## 2. Making a complaint to your institution

All institutions are required to have a procedure in place for handling complaints. Your institution's procedure should explain how you can make a complaint, have the complaint investigated and resolved.

Institutions should ensure all details of their complaints procedure are understood by you before you make a complaint. Where necessary, appropriate support should be made available to help guide you through the institution's complaints process, for example access to a learner support assistant.

Institutions should also make complaints information available in other formats (for example braille, large print, or other languages).

If it has not been possible for you to resolve your complaint through your institution's complaints procedure, it should supply you with relevant contact details for the EFA.

## 3. EFA role

We will not usually investigate complaints until the institution's procedure, including any appeal, is complete. Where we have evidence that gives us reason to believe that the institution is not dealing with a complaint appropriately or effectively, we may begin our investigation before the institution's procedure has been exhausted.

If we receive multiple complaints from individuals about the same issue (for example a lobby group or Association) we may choose to agree a single point of contact for progressing the complaint.

We are unable to overturn an institution's decision in relation to a complaint or impose our own decision.

## 4. What we can investigate

We will investigate complaints that fall into the following two areas

- the institution has not complied with its own complaints procedure: if our investigation finds that the institution has not complied with its own procedure, we may request that the institution reconsiders your complaint in accordance with their complaints procedure
- the institution has failed to comply with an obligation imposed on it under its funding agreement or contract

Complaints under this section may include, but are not limited to

- the quality or management of learning provision
- poor administration

## 5. What we cannot investigate

There are some circumstances where we cannot investigate a complaint. These include

- exam results or curriculum content - these complaints should be dealt with by the appropriate examination awarding body or by Ofqual (<https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure>)
- individual employment issues that are a matter for the employer and the employee, and where employment law provides appropriate remedies
- institutional contractual disputes, including for example, complaints about the terms of sub-contracting agreements between an institution and a sub-contractor
- matters that are already the subject of legal action, proposed legal action, or where legal proceedings are the most appropriate way of resolving the dispute
- matters relating to child protection/safeguarding which we will refer immediately to the relevant local authority

We will not normally investigate complaints more than three months after the decision or action was taken by the institution. We may use our discretion here if there is good reason for the delay in making the complaint.

We reserve the right not to investigate complaints we consider to be vexatious or malicious, or where we are satisfied with the action that has already been taken, or proposed to be taken by the institution to resolve the complaint.

## 6. How to complain to EFA

Complaints about institutions funded by EFA can be made on the contact us form (<https://www.education.gov.uk/help/contactus/efa>) on GOV.UK.

They can also be made in writing to

EFA institutions - complaints  
Providers, Standards and Intervention  
Education Funding Agency  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

If you are unable to make the complaint yourself, we will be happy to deal with your representative. You must ensure that it is made clear in writing that they have the authority to act on your behalf, for example your parent or guardian.

## 7. The complaints procedure

### Timescales for investigating your complaint

All timescales in this procedure are indicative. If either party wishes to vary any timescales in this procedure, this can be discussed at the relevant stage. Any requests for extensions should be made in writing (post or email) and will be confirmed by EFA. A flow chart ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/342272/Complaints\\_about\\_EFA\\_Funded\\_Providers\\_Flow\\_chart\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342272/Complaints_about_EFA_Funded_Providers_Flow_chart_2014.pdf)) of the process is available.

### What happens when we receive your complaint

We will acknowledge receipt of your complaint and send you a copy of our complaints procedure within 5 working days of receiving your complaint. We will carry out an initial check on the information you have provided to confirm whether

- we are able to investigate the matter
- we require further information before we can determine if the matter is one that we are able to investigate
- your complaint should be referred to another organisation or is out of scope of this procedure

### If we are unable to investigate your complaint

We will reply to you within 5 working days of sending the acknowledgement letter explaining why we are unable to investigate. Where appropriate, we will provide you with information about other bodies that may be able to help. We will then consider your complaint to EFA closed.

### If we need more information to decide whether we can investigate

We will write to you within 5 working days of sending the acknowledgement letter, asking for further information. We will request that you submit any further information within 10 working days from the date of our letter. Once we receive this information, we will confirm in writing, within a further 5 working days, if the matter is one which we are able to investigate.

### If we can investigate but need additional information from you

We may need additional information from you before we can start our investigation. If so, we will ask you to provide additional information within 10 working days. This may include

- full details of your complaint in writing
- confirmation and evidence that your institution's own complaints procedure (including any appropriate appeal or review) has been exhausted
- permission to disclose details of your complaint to the institution concerned: if any details of the complaint should be withheld from the institution, for example due to Data Protection requirements, you must make this clear; if permission is not provided we will be unable to progress your complaint further
- any specific information required by us to enable your complaint to be investigated

## 7.1 Responding to your complaint

### What we will do

Once we have all of the information we need, we will prepare a summary of the complaint and share this with you within 5 working days.

We will ask you to confirm and/or comment on the summary within a further 10 working days. We will consider any changes or comments you make and, if necessary amend the summary of the complaint. If we amend the summary, then we will share this with you again before we share the summary with the institution.



Once we have finalised the summary we will forward the summary to the institution, including any relevant supporting information as agreed with you. We will do this within 5 working days.

### **What we will ask the institution to do**

The institution will be asked to submit the following documentation within 10 working days

- a copy of the institution's complaints procedure and, where relevant, details of other related procedures
- an explanation of how your complaint has been considered through each stage of the institution's complaints procedure
- a response to our summary of your complaint, including any supporting information or evidence
- confirmation that the information provided by the institution can be shared with you: if there is any additional information that cannot be shared with you (for example personal data belonging to individuals not involved in the complaint or commercially sensitive information), the institution will be asked to clearly mark this and provide an explanation for its exclusion

### **Next steps**

We will send the institution's response to you within 5 working days of receipt, ensuring that we have taken account of any information the institution has marked as not to be shared.

You will be asked to confirm, within the next 5 working days, whether you are satisfied that the response from the institution addresses your complaint and no further action is required by us; or that you wish us to continue this procedure.

Where you confirm that you are not satisfied with the institution's response and wish us to continue with the procedure, we will then consider all of the evidence provided. We will then make a decision and confirm the outcome to both you and the institution within a further 10 working days.

### **If we find in favour of your complaint**

If we find in favour of your complaint, we will consider what next steps are required. Actions could include, but are not limited to

- asking the institution to review its procedures to ensure non-recurrence
- asking the institution to review its decision on your individual case
- considering the need for any action under the terms of our Funding Agreement or contract
- considering the need for any action by, or on behalf of, the Secretary of State for Education

In some cases, we may not be able to require the institution to take specific action, but we can ask the institution to consider amendments and/or improvements to its policies and procedures.

### **If you are dissatisfied with the way we have dealt with your complaint**

If you are dissatisfied with the way we have dealt with your complaint under this process, you may wish to make a complaint about the EFA (<https://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure#complain-about-the-education-funding-agency-efa>).

Please note that the original complaint against the institution will not be re-investigated. This procedure will look at whether the complaint has been appropriately handled by us.

# Process Flow: How to complain about post-16 EFA-funded institutions

