

POLICY NO 22

**COMPLAINTS POLICY**

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| **Responsibility for Review:**  Principal | **Frequency of Review**:  3 Yearly |
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| National Minimum Standards: 2, 11, 16, 17, 18, 20 & 22. | DfE Requirement**:**  Guidance |
| Publish to  Staff Drive: | Publish to Website**:** |
| Include in Staff Handbook: | Included in Starter Pack**:** |

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Governors of New College Worcester (NCW) have adopted this policy for investigating and responding to formal complaints from members of the College community, that is parents, students and members of the public. Staff, Governors and Volunteers would raise concerns under the Grievance Policy (134).

NCW always welcomes positive suggestions to improve its practice and looks forward to hearing from anyone who knows of its work and wishes to contribute to its developing success.

Openness and a willingness to listen at all times are part of the culture at the College Complaints and suggestions should be investigated as promptly as possible, taking account of the need for appropriate consultation.

Guidance for students on making complaints is included in Appendix 2.

The College will provide an initial written response to all complaints within seven calendar days of receipt during term time and 14 calendar days during holidays. The initial response will acknowledge receipt of the complaint, clarify the issues to be considered and give a date for the likely completion of the process for looking into the complaint. The College will aim to complete this process within 2 working weeks 14 calendar days where possible. The complainant will be updated where additional time is required for looking into the complaint.

All observations and complaints will be treated with respect and in accordance with the College code of confidentiality. No complaint will be treated less favourably as a result of making a complaint or observation.

The College will notify Ofsted of all serious complaints against the college or staff of the college. This is in addition to any other notification requirements placed on the college by a local authority, or the Department for Education.

Concerns regarding Student Welfare can be raised with Worcestershire Children’s Social Care and Ofsted. They can be contacted as follows:

Family Front Door

Tel: **01905 822666**

Web l

<https://www.worcestershire.gov.uk/info/20501/children_young_people_and_families/1842/how_to_contact_childrens_social_care>

Ofsted

Piccadilly Gate

Store Street

Manchester

M1 2WD

Tel: 0300 123 1231

[**enquiries@ofsted.gov.uk**](mailto:enquiries@ofsted.gov.uk)

# Complaints Procedure

# Addressing Concerns at the Earliest Opportunity – Stage 1

If parents, students or members of the public have concerns they should:

1. Discuss their concerns with the member of staff most directly involved and, if not satisfied;

2. Discuss the complaint with the line manager of the member of staff who is directly involved and, if not satisfied:

3. Discuss their concerns with a member of the Senior Leadership Team.

Many complaints will be resolved informally when they are raised informally. However, where the complainant does not consider that the complaint has been satisfactorily resolved during this less formal stage, the formal process set out below must be followed.

4. Discuss their concerns with the Principal: this is Stage1 of the formal procedure.

At each stage in the procedure, the aim will be to resolve the concern.

It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

* an appropriate apology;
* an explanation;
* an admission that the situation could have been handled differently or better;
* an assurance that the event complained of will not recur;
* an explanation of the steps that have been taken to ensure that the matter complained of will not happen again;
* a commitment to review College policies in light of the complaint.

Complainants should be encouraged to provide details of any remedial actions which they believe 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. Areas of agreement between the parties should be identified and any misunderstandings that might have occurred should be clarified.

Where, after the complaint has been considered by the College Principal, and the complainant does not consider that the complaint has been satisfactorily resolved, the complainant may raise the complaint with the Chair of Governors or the Clerk to the Board of Trustee Governors.

# Principles Informing our Complaints Procedure

This procedure is designed to:

* be well publicised and easily accessible
* be simple to understand and use
* be impartial
* be non-adversarial
* allow prompt consideration with clear time limits for action and for keeping people informed regarding progress
* allow for mediation where the complainant agrees this would be helpful
* allow for consideration by a panel of Governors, where appropriate
* respect the need for confidentiality, wherever possible
* address all points of concern, provide an effective response and appropriate redress where necessary
* provide information to the College's Senior Leadership Team so that services can be improved.

# Making a Complaint to the Governing Body - Stage 2

Where Stage 1 of the formal process proves unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors or Clerk to the Board of Trustee Governors at the College address. The envelope should be marked 'FOR IMMEDIATE ACTION: PRIVATE AND CONFIDENTIAL’ and the Clerk to the Board of Trustee Governors or the Principal’s PA must ensure that the letter is forwarded without delay to the Chair of Governors.

The complainant will be asked to complete a complaint form (Appendix 1) if they have not already done so. The Clerk to the Board of Trustee Governors will offer to help an individual to complete the form, where this would be helpful.

On receipt of the complaint the Chair of Governors (or another governor) will:

* clarify the nature of the complaint and any points which have not yet been resolved
* contact the complainant (where further information is necessary)
* clarify any remedial action which the complainant considers helpful in resolving the complaint

At this point the Chair of Governors will decide whether the complaint should be referred to the Governors' Complaints Panel or whether mediation should be offered. Mediation can only take place where both the complainant and the Principal agree to participate. If mediation is not successful the complaint will be referred to and considered by the Governors' Complaints Panel.

# Mediation

Mediation can be an effective approach to resolving a complaint because:

* It gives both complainant and Principal another opportunity to hear each other's points of view (with the support and facilitation of a neutral third party)
* The third party can assist the complainant and the Principal to identify and build on areas of agreement
* It provides a structure for safely resolving remaining differences
* If both complainant and Principal consider that the mediation outcome is satisfactory that is the best foundation for a continuing positive relationship between the parties
* Even if the complaint is then referred to a Governors' panel, the issues for consideration are likely to be much clearer following the mediation

Mediation may elicit one or more of the responses listed below from either party:

* an acknowledgment that the complaint is valid in whole or in part
* an appropriate apology
* an explanation
* an admission that the situation could have been handled differently or better
* an assurance that the event complained of will not recur
* an explanation of the steps that have been taken to ensure that the matter complained of will not happen again
* Agreement that no further consideration is necessary
* a commitment to review College policies in light of the complaint

# Governors' Complaints Panel

Where the complainant continues to consider the complaint has not been appropriately investigated and resolved, with the agreement of the Chair of Governors, the complainant may submit the matter to a panel, consisting of at least two Governors and an independent person, that is independent of the management and running of NCW. The purpose of the Governors’ Panel is to review the matter to ensure that the correct procedure has been followed and that any decision and action taken are fair and reasonable. The role of the panel does not include reconsideration of the evidence and substitution of its own conclusions for any conclusions or decisions which have been properly reached at an earlier stage.

# Establishing a Complaints Panel

The governing body should agree the composition of the complaints panel at the first meeting of the Governing Body each year.

As governors may not be available at all times governing bodies are advised to agree the names of 4 possible governors from whom a panel may be drawn. The membership of each panel will depend on factors such as availability, whether any governors have prior knowledge of the matter or a potential conflict of interest. The decision will be made by the Chair of Governors.

When the Clerk to Governors receives a copy of the complaint form he/she will inform the Board of Trustee Governors that a complaint has been received and that it has been referred for mediation or passed to the panel to deal with. No further information about the complaint should normally be shared with other governors. However, the Chair of Governors may decide that it would be appropriate to share limited information with other members of the Governing Body in exceptional circumstances, for example if adverse publicity may result.

There are several principles which will govern any panel hearing:

1. It is essential that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had any prior involvement in the complaint or in the circumstances surrounding it
2. The aim of the hearing, which needs to be held in private, will always be to ensure that the complaints procedure has been followed, that the conclusions and any subsequent action are fair and reasonable and that reconciliation between the complainant and the College is promoted
3. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial

The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Principal are given a fair hearing and that the panel reaches its decision honestly and impartially.

# Remit of the Panel

The Complaints Panel can:

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

It may:

* Consider and, if appropriate, raise concerns regarding the way in which an operational decision was communicated — but cannot overturn the decision itself
* Consider the thoroughness with which the Principal investigated a complaint about a member of staff — but cannot expect the Principal to provide details about confidential discussions with that staff member
* Consider the manner in which a complaint about any decision was addressed and request a review of the decision— but cannot expect the Principal to change the decision
* Consider and, if appropriate, identify limitations in a policy or procedures —but cannot make changes to the policy. (It can, however, recommend that the policy be reviewed by the Board of Trustee Governors to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
* Consider whether it should recommend that the Board of Trustee Governors offer appropriate redress

# Format of a Panel Hearing

1. Complainant (and a companion if required) and Principal will enter the room where the hearing is taking place together
2. The chair will introduce the panel members and the clerk and outline the process
3. The complainant will be invited to explain the complaint
4. The Principal may question the complainant
5. The panel will question the complainant
6. The Principal is then invited to explain the College's actions
7. The complainant may question the Principal
8. The panel will question the Principal
9. The complainant is then invited to sum up their complaint
10. The Principal is then invited to sum up the College's actions and response to the complaint
11. The chair will explain that both parties will receive a response the panel within seven calendar days during term time and 14 calendar days during holidays
12. Both parties leave together while the panel considers and reaches a decision and recommendations regarding issues
13. The clerk will remain with the panel to clarify any issues

# Notes

The panel may ask questions at any point. Panel members must ask probing questions while maintaining their impartiality.

The Principal must only have contact with members of the governors' complaints panel regarding the complaint while the complainant is present to preserve the principle of neutrality. This means that the complainant and Principal should enter and leave the room where the hearing is held at the same time.

The Chair of the panel should discourage the introduction of fresh documentary evidence at the hearing — The complainant and Principal should provide evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the Chair, the Chair will adjourn the hearing for a few minutes to allow everyone to read any documents submitted. Both parties must leave the hearing room during the adjournment.

1. Some Notes on Exceptional Circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

The Chair of Governors may not be able to find at least two governors who have no prior knowledge of the case. In this case, the Chair can nominate two governors with minimal prior knowledge.

A complaint to the governors' Complaints Panel will never be against a junior member of staff (it may be against the way the Principal handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Principal. That would need to be considered very carefully but if agreed the senior manager would be 'the Principal' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the Chair of Governors — e.g. for refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Principal' would be read as 'Chair of Governors'.

# Writing the Decision Letter

The clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Principal and, where appropriate, the person complained about.

The clerk should ensure that the letter reaches the complainant and the Principal within calendar days during term time and 14 calendar days during holidays. by a deadline given by the Chair at the end of the hearing.

# Monitoring Complaints

Complaints books are held in each of the houses and the hostel. This allows the College to monitor its processes and the need for any broad action. A complaints log will contain the following information:

1. the person making the complaint
2. date of the complaint
3. the nature of the complaint
4. any action taken and
5. the outcome of the complaint

The Strategic Lead for Wellbeing collects the complaints books in each half term to monitor all complaints and reports half termly to the Principal and, in turn, the Senior Leadership Team.

As well as addressing an individual's complaint, the process of listening to and resolving complaints contributes to College improvements. When individual complaints are heard, the College may identify issues that need to be addressed, regardless of whether or not the complaint was upheld. The monitoring and review of complaints by the College and Governors can be useful to evaluating the College's performance. Any discussion of complaints by the Board of Trustee Governors or others in the College community should not name or be able to identify individuals.

# Vexatious Complaints

Where a complaint is made in a manner which is unacceptable or the complainant behaves in a manner which is unacceptable, the Vexatious Complaints Protocol should be adopted (see Appendix 3)

**Appendix 1**

**NCW Complaint Form**

**Notes**

This form must be used by any person making a complaint about the operation of the College which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from students or members of the public, e.g. College neighbours.

Anyone receiving this form should be advised that help in completing it is available from the College. A member of College staff who is familiar with the process should be nominated to give help.

# New College Worcester: Complaint Form

Please complete and return to the Principal’s PA who will acknowledge receipt and explain what action will be taken.

Your name: ……………………………………………………………………

Address:…………………………………………………………………………

…………………………………………………………………………………

…………………………………………………………………………………

………………………………………………

Postcode: ……………………………

Daytime telephone number: ………………………………….

Evening telephone number:…………………………………..

If applicable, name of child at College:

…………………………………………………………………

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

Your relationship to the College, e.g. parent, carer, neighbour, member of public:

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Official Use:

Date of acknowledgement sent:

By whom:

Complaint referred to:

Date:

**Appendix 2:**

# STUDENT GUIDANCE ON COMMUNICATING PROBLEMS, SUGGESTIONS OR COMPLAINTS

The nature of New College Worcester, particularly its small size and the availability of its staff, means that the College prides itself on informal means of hearing and acting on the concerns of students.

**How do I take further any concern?**

Students should always begin by talking over any points with any member of staff who may be able to help. If the student should then wish to take the matter further, the issue can be taken, in writing if necessary, to a more senior member of staff. The student may of course also do this as part of a group or through their parents. The college counsellor plays an important role and can be easily contacted by e-mail, through the nurse, the Assistant Principal or by putting a note in her pigeonhole.

**Independent Listener**

An independent listener is someone you cancontact for external support and advice over personal problems or concerns at the College.  The Independent Listener is **not** a member of staff at New College Worcester.  Below is the name and contact details of your Independent Listeners.

**Elizabeth Baio**

**15 Rowley Hill Street**

**St Johns**

**WR2 5NL**

**01905 421257**

[ebaio@btinternet.com](mailto:ebaio@btinternet.com)

**Who do I see?**

Students may take any issue to any member of staff but for those things that are of especial concern, senior members of staff should be approached, such as those on the Senior Leadership Team.

**Does it matter what the issue is?**

These can be big or small problems but if students feel they need assistance it is New College Worcester’s job to try and provide it.

**What happens next?**

If possible, the member of staff who the student spoke to will deal with the problem. If not, he or she will take it on the student’s behalf to someone who can help. If independent advice is needed, the student’s house or hostel handbook contains a list of phone numbers for a range of people who may be able to help. If the student should feel that the College has not resolved any serious difficulty which the student has, the student may also contact, directly or indirectly, one of the designated Independent Persons.

**Do others have to know?**

The student should tell the member of staff concerned that they wish to keep information confidential and the member of staff will try very hard to respect their wishes. If they are not able to do so because of the importance of the information, the student will be informed.

**Appendix 3**

# VEXATIOUS COMPLAINTS PROTOCOL

The Principal, Senior Leadership Team and Governing Body are committed to the improvement of our College. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents/carers to use if they wish to make a formal complaint which is available on the College website.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

The aim of this policy is to clarify the process for dealing with unreasonable complainants or parents who do not act appropriately.

**What do we mean by ‘an unreasonable complainant’?**

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the College.

Unreasonable behaviour may include:

* Actions which are
  + Out of proportion to the nature of the complaint, or
  + Persistent – even when the complaints procedure has been exhausted, or
  + Personally harassing, or
  + Unjustifiably repetitious or
  + Obsessive, harassing, or prolific
* Prolific correspondence or excessive email or telephone contact about a concern or complaint.
* Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
* Acting in a way not in line with the College aim of reaching a reasonable resolution and working with the College.
* An insistence on:
  + Pursuing unjustified or unmeritorious complaints and/or
  + Unrealistic outcomes to unjustified complaints.
* An insistence on:
  + Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;
  + Making complaints in public; or
  + Refusing to attend appointments to discuss the complaint.

**What is ‘harassment’?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

* It appears to be deliberately targeted over a significant period of time at one or more members of College staff or others; or
* The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes on-going distress to College staff or others; or
* It has a significant and disproportionate adverse effect on the College community; or
* Actions are pursued aggressively or in any manner not appropriate to an effective resolution

**What can you expect from the College?**

Anyone who raises informal or formal issues and complaints with the College can expect the College to:

* Follow the College's complaints procedure.
* Respond within a reasonable time;
* Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the College and the nature of the complaint.
* Respond with courtesy and respect;
* Attempt to resolve problems using reasonable means in line with the College’s complaints procedure, other policies and practice;
* Keep those involved informed of progress towards a resolution.

**What the College expects of you**

The College expects anyone who wishes to raise concerns with the College to:

* Treat all staff with courtesy and respect.
* Respect the needs of pupils and staff within the College;
* Never to use violence (including threats of violence) towards people or property;
* Recognise the time constraints under which members of staff in Colleges work and allow the College a reasonable time to respond to a complaint;
* Recognise that some problems may not be resolved in a short time;
* Follow the College’s complaints procedure.
* Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling and professional degradation.
* Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space).
* To be prepared to work towards a resolution and in partnership with the College

**College’s responses to unreasonably persistent complaints, vexatious complainants, unreasonable complaints or harassment**

This policy is intended to be used in conjunction with the College’s complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution.

However, in cases of unreasonably persistent complaints or harassment, the College may take any or all of the following steps, as appropriate:

* Inform the complainant informally that his/her behaviour is now considered by the College to be unreasonable or unacceptable, and request a changed approach;
* Inform the complainant in writing that the College considers his/her behaviour to fall under the terms of the College guidelines on harassment and / or unreasonable behaviour;
* Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
* Inform the complainant that, except in emergencies, the College will not respond to email but will only respond to written communication received by post.
* Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the College considers to be reasonable.
* Place restrictions on the individual’s access to College and/or College staff.
* Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in College.
* Involve the policy.
* Alert the Governing Body, via the Chair of Governors, to the situation

The College has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

# Physical or Verbal Aggression

The College and Governing Body will not tolerate **any** form of physical or verbal aggression or personal harassment against College staff. If any member of staff is subject to this type of aggression or harassment the College may:

* Prohibit the individual / family from entering the College site, with immediate effect;
* Inform the individual / family that communication with them will cease other than in an emergency.
* Request an Anti-Social Behaviour Order (ASBO);
* Take legal advice and prosecute under Anti-Harassment legislation.

**Time Frame and Review**

If a complainant’s harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, the College, may resume the process identified above.

If a complainant’s harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Colleges complaints policy, the College will use its discretion and may resume the investigation of the complaint. The College will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered, even if the person making them is (or has been) subject to the vexatious or persistent complaints policy. The College nevertheless reserves the right not to respond to communications from individuals subject to the policy.