

COMPLAINTS POLICY AND PROCEDURE

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COMPLAINTS PROCEDURE

A. Introduction

At Joseph Chamberlain Sixth Form College, we aspire to excellence in all aspects of our work with students and are committed to the continuous improvement of the education and service we provide. We aim to listen carefully to the views of our students and others, and to be a College that is self-critical and willing to learn.

We do recognise, however, that from time to time, an individual may feel that the College has fallen short of these high standards of education and service. When concerns or issues arise, we will treat these concerns and issues seriously, respond promptly, and investigate fully to resolve the matter in a fair, timely and appropriate way. We recognise too that complaints are an important source of feedback. Complaints will be monitored and analysed and we will use this feedback to help bring about continuous improvement in our work.

B. Who Can Make a Complaint?

This complaints procedure is not limited to students, parents or carers of students that are registered at the College. Any person, including members of the public, may make a complaint to Joseph Chamberlain College about any provision of facilities or services that we provide.

C. The Definition of a Complaint

A complaint may be defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

D. Aims of the Complaints Procedure

1. All complaints will be dealt with fairly and quickly
2. All complaints will be investigated thoroughly. This may involve obtaining statements, interviewing witnesses or some form of hearing
3. An initial response will be made as soon as possible and certainly within fourteen working days at each stage of the process
4. The complainant will be kept informed of every step taken
5. A clear explanation of the outcome of the complaint will be given. In the case of complaints beyond step 1, a letter will be sent to the complainant covering such issues as the complaint, how it was dealt with, the action taken, and any further steps, including the right of appeal

E. Types of Complaint

Students should talk to their Personal Tutor in the first instance whenever this is appropriate. Where complaints are about admissions to the College or

progression decisions, appropriate stages of those policies should be adhered to.

Staff should follow appropriate College policies. The College has a Whistleblowing Policy and Grievance Procedure in place for appropriate concerns to be raised by staff.

A written complaint, via a letter or email to complaints@jcc.ac.uk, must be lodged. In the case of a letter, this should be sent to the Principal's PA.

Any complaints concerning safeguarding issues including PREVENT (anti-terrorism and anti-radicalisation strategy) will be handled in accordance with the Safeguarding Policy and other relevant College policies.

For HE complaints, see the **Complaints Procedure for HE Students**

F. Confidentiality

All complaint information will be handled sensitively, telling only those who need to know in a way that is compliant with any relevant data protection and other statutory requirements.

G. How to Raise a Concern or Make a Complaint

A concern or complaint can be made in writing or by email. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate written consent from the complainant to do so. Complainants should not approach individual governors to raise concerns or complaints.

Written complaints may be sent to Joseph Chamberlain College at 1 Belgrave Road, Highgate, Birmingham B12 9FF, marked for the attention of the PA to the Principal or by email to complaints@jcc.ac.uk. Please mark them as Private and Confidential. Complaints that involve or are about the Principal should be addressed to the Chair of Governors via the College. Please mark them for the attention of the Clerk to the Corporation, clerk@jcc.ac.uk.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the College Office, clerk@jcc.ac.uk.

For ease of use, a template complaint form is included at the end of this procedure and is available via the College website. If you require help in completing the form, please ask the College Reception. You can also ask third party organisations such as the Students Union or Citizens Advice Bureau to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this

complaints procedure. Examples include: providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If you are not sure about who is the most appropriate person to resolve your issue, please email complaints@jcc.ac.uk and you will be referred to the correct member of staff.

H. Anonymous Complaints

We will not normally investigate anonymous complaints. However, the Assistant Principal (College Services), Principal or Chair of Governors, as appropriate, will determine whether the complaint warrants an investigation.

I. Timescales

You must raise the complaint within 28 days of the incident or, where a series of associated incidents have occurred, within 28 days of the last of these incidents

J. Complaints Received Outside of Term Time

We will consider complaints made outside of term time to have been received on the first College day after the holiday period.

K. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Joseph Chamberlain other than complaints that are dealt with under the HE Complaints procedure and other statutory procedures, including those listed below.

Exceptions	Who to contact
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs, should be raised with the appropriate Local Authority. However, the College's Inclusive Learning Manager can be contacted for initial advice.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. In the first instance, the College's Designated Safeguarding Lead (DSL), Jo Lawrence, should be contacted on jlawrence@jcc.ac.uk

	If you have serious/urgent concerns, you may wish to contact the Local Authority Safeguarding Team or the Police if there is an immediate risk to the wellbeing and safety of a young person.
Whistleblowing	We have an internal Whistleblowing procedure for all our employees, including temporary staff and contractors.
Staff Grievances	Complaints from staff will be dealt with under the College's internal grievance procedures
Staff Conduct	Complaints about staff will be dealt with under the College's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use College premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

L. Resolving Complaints

At each stage in the procedure, the College wants to resolve the complaint. If we acknowledge that the complaint is upheld in whole or in part, then in addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure that the event complained of will not reoccur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review College policies in light of the complaint

It is also possible that, following investigation, the complaint will be rejected in its entirety where it is deemed that the substance of the complaint was not justified.

M. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing by letter or by email to complaints@jcc.ac.uk.

N. The Procedure You Should Follow

Stage 1 – Informal

If you have a complaint or concern, in the first instance you should take it up with the member of staff or person responsible for the area concerned. In most instances, we should be able to resolve your concern through these means. If you are a student, you should contact Student Services, a Head of Department or the Director of Studies.

The member of staff will then consider all relevant facts, needs and interests of all concerned and use their discretion to resolve the matter informally with due sensitivity. The member of staff will normally provide feedback to you within ten working days. If the investigation is likely to exceed ten working days, they will contact you and tell you when they expect a response will be available.

If, as a student, you do not feel comfortable discussing your complaint with a member of staff from your area you can talk to your Personal Tutor or any manager from the Student Pastoral team. They will talk through your concerns in confidence and help you with the process.

Parents/carers, visitors or college partners should contact the relevant member of staff, or the appropriate Head of Department. The member of staff or Head of Department will then consider all relevant facts, needs and interests of all concerned and use their discretion to resolve the matter informally with due sensitivity. The member of staff will normally provide feedback to you within fourteen working days. If the investigation is likely to exceed this period, they will contact you and tell you when they expect a response will be available.

If you are dissatisfied with the outcome of this informal stage, you should proceed to Stage 2 – Formal.

Stage 2 – Formal

Formal complaints, unless they are about the Principal, must be made to the Assistant Principal (College Services), via an email to complaints@jcc.ac.uk or by letter/the College's Complaints Form to the College Reception.

The Principal's PA will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within seven working days.

Within this initial acknowledgement, the Assistant Principal (College Services) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Assistant Principal

(College Services) can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Assistant Principal (College Services) may pass the investigation to another member of the College's Senior Leadership Team.

During the formal investigation, the Investigating Officer will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish by a friend/parent/guardian. However legal representation is prohibited unless the College itself has instructed a solicitor to represent it.
- Keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of the investigation, the Assistant Principal (College Services) or Investigating Officer will provide a formal written response within fourteen working days of the date of receipt of the complaint.

If the Assistant Principal (College Services) or Investigating Officer is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that the College will take to resolve the complaint.

The Assistant Principal (College Services) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Complaints about the Principal or a member of the Governing Body must be made to the Clerk to the Corporation, via the Principal's PA by email on principal@jcc.ac.uk. An acknowledgement only will be received from the Clerk to the Corporation and this will conclude the College process in this case.

If the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire governing body or
- The majority of the governing body,

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response. This will conclude the College process in this case.

Generally, problems can be dealt with at this stage but if you are not satisfied by the outcome of Stage 2 and your complaint has been dealt with by the

appropriate Investigating Officer then you should move to Stage 3 – Consideration by the Principal.

Stage 3 – Consideration by the Principal

If, as the complainant, you are dissatisfied with the outcome at Stage 2 and wish to take the matter further, you can escalate the complaint to Stage 3. You should contact the Principal stating why you are dissatisfied with the response to your complaint. You may do this by writing or email. This is the final stage of the College's internal complaints procedure.

A request to escalate to Stage 3 must be made to the Principal's PA, principal@jcc.ac.uk, within five working days of receipt of the Stage 2 response. The Principal will review the complaint and the College's response and will reply within fourteen working days.

The Principal's decision will be the final decision from the College's perspective and complete the end of the College process.

O. Next Steps

If the complainant believes the College did not handle their complaint in accordance with the published complaints policy and procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the appropriate funding body, the Education and Skills Funding Agency after they have completed Stage 3.

The Agency will not normally reinvestigate the substance of complaints or overturn any decisions made by the College. They will consider whether the College has adhered to education legislation and any statutory policies connected with the complaint. The procedure and further details can be found at:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure#complain-about-a-post-16-training-provider-college-or-employer-we-fund>

P. Persistent or Vexatious Complaints

We believe that the College can deal with the majority of complaints in an informal manner and resolve them quickly, sensitively and to the satisfaction of the complainant. We want to uphold the standards of courtesy and reasonableness that should characterise all communication between the College and persons who wish to express a concern or pursue a complaint.

We expect students/parents/carers/members of the public who wish to raise problems with the College to: treat all College staff with courtesy and respect; respect the needs and well-being of students and staff in the College; to avoid any use, or threatened use, of violence to people or property; to avoid

any aggression or verbal abuse; to recognise the time constraints under which members of staff in Colleges work and to allow the College a reasonable time to respond, recognising that resolving a specific problem can sometimes take some time.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the College and directly or indirectly the overall well-being of the students or staff. In these exceptional circumstances, the College may take further action, as detailed below.

For the purpose of this policy, a persistent complainant is a student, staff member, parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the College **and** whose behaviour is unreasonable. Such unreasonable behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) use of Freedom of Information requests excessively and unreasonably
- d) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- e) an insistence upon pursuing complaints in an unreasonable manner
- f) an insistence on only dealing with the Principal or Governors on all occasions, irrespective of the issue and the level of delegation in the College to deal with such matters
- g) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the College because it is unlawful

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- (a) appear to be targeted over a significant period of time on one or more members of College staff and/or
- (b) cause ongoing distress to individual member(s) of College staff and/or
- (c) have a significant adverse effect on the whole/parts of the College community and/or

- (d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

The College's Actions in Cases of Persistent or Vexatious Complaints

In the first instance, the College will verbally inform the complainant that his/her behaviour is considered to be unreasonable and, if it is not modified, action may be taken in accordance with this section of our complaints policy. This will be confirmed in writing.

If the behaviour is not modified there will be a joint decision between the Principal, Vice Principal and, if deemed appropriate, the Chair of Governors, as to the actions to be taken having regard to the nature of the complainant's behaviour and the effect of this on the College community. Actions may include some or all of the following:

- inform the complainant in writing that his/her behaviour is now considered by the College to be unreasonable/unacceptable
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the College should be by letter only
- in the case of physical or verbal aggression take advice from the College's legal team and consider warning the complainant about being banned from the College site or proceed straight to a temporary ban
- consider taking advice from the College's legal team about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Principal but only with a third person to be identified by the Governing Body who will determine whether or not the complaint is reasonable or vexatious and then advise the Principal accordingly

If a complainant's persistent complaining/harassing 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 at an appropriate level. In these circumstances, advice may be sought from HR/Legal Services.

Appendix A:

COMPLAINT FORM

The Complaints Procedure is intended for the use of students and/or their parents/carers. Please complete the following form and return it marked as follows:

Private and Confidential
F.A.O. Complaints Team
Joseph Chamberlain College
1 Belgrave Road
Highgate
Birmingham
B12 9FF

If sending electronically, please email the completed form to complaints@jcc.ac.uk

Full name	
Name of Student (if relevant) and ID number	
Your relationship to the Student (if relevant)	
Address	
Postcode	
Daytime telephone number	
Evening telephone number	
Email address	

Have you already tried to raise the issue informally?			
Yes		No	

Please give details of your complaint, including the names of anyone you have already spoken to at the college about it.

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

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Are you including any paperwork with your complaint? If yes, please give details

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Signature

--

Date

--

FOR OFFICE USE ONLY

Date complaint received

--

Date acknowledgement sent

--

Complaint referred to

--

Date complaint to be responded by

--