

**KING EDWARD VI COLLEGE**

**NUNEATON**

**PROCEDURAL STANDARD FOR**

## COMPLAINTS PROCEDURE

<b>Strategic Ownership:</b>	Principal
<b>Approved by SMT:</b>	November 2019
<b>Date Reviewed by JCC:</b>	November 2019
<b>Date Approved by Governors Sub Committee:</b>	N/A
<b>Date Approved by Governors Full Board:</b>	November 2019
<b>Date Staff Informed:</b>	January 2020
<b>Date Impact Assessed:</b>	This policy has been impact assessed and found to be compliant with the College's E&D statement and with most recent legislation.
<b>This Policy is shared on:</b>	KEC Website / KEC Intranet
<b>Date of Next Review:</b>	December 2022

## COMPLAINTS PROCEDURE

### INTRODUCTION

- 1 This is the procedure, approved by the Local Governing Body (LGB) of the College, for dealing with complaints relating to King Edward VI College, Nuneaton. This procedure needs to be read in conjunction with the Complaints Policy of Better Futures Multi-Academy Trust.
- 2 The purpose of this procedure is to detail the mechanisms for dealing with and resolving complaints.
- 3 There is a difference between a concern and a complaint. A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. A complaint may be defined as ‘an expression of dissatisfaction about actions taken or a lack of action’.
- 3 The procedure covers complaints made about either the service provided by the College or the performance of duties and exercise of power by the LGB.
- 4 The procedures will not cover complaints concerning incidents that occurred more than three months previously, unless there are specific and exceptional reasons why the complaint could not have been taken up on an earlier occasion.
- 5 There are some complaints that will not be handled through these procedures:  
  
Staff grievances;  
Student disciplinary matters;  
Exclusion from the College;  
Statements of special educational needs;  
and the availability of courses, qualifications and examination results.

When taking up any concern with the College, appropriate advice will be given should the matter fall within other procedures and practices.

### 6 **Complaints**

The College welcomes suggestions for improvement and all staff will be receptive to constructive comments. Where a Stakeholder would like to make an informal complaint and would like a member of staff to take action to address their complaint, the Stakeholder can direct their complaint to the relevant member of staff, their line manager or a member of the senior management team, other than the Principal. Such informal complaints will lead to discussions in College and a response to describe actions that have been taken or explain reasons for the decisions made.

### 7. **Formal Complaints**

Any complaint, which is directed to the Principal in writing, will be regarded as a formal complaint. Stakeholders may choose to send a formal complaint to the Principal if they

feel that an informal complaint has not been resolved satisfactorily or if the nature of their complaint is of serious concern.

Formal complaints are investigated by a member of the senior management team and a report is prepared for consideration by the Principal.

Should the formal complaint concern the Principal, the Stakeholder should direct their complaint to the Clerk of the Local Governing Body and Chief Executive Officer of Better Futures Multi-Academy Trust. The CEO of BFMAT and the Clerk to the LGB will appoint a Governor to complete all the actions at stage 1 and 2 of the complaint's procedure. Stage 3 of the complaint's procedure will be handled directly by the CEO of BFMAT and the Chair of the LGB.

Brief details of all formal complaints and resulting actions and outcomes are reported to the Local Governing Body.

## GENERAL PRINCIPLES

- 8 All complaints will be dealt with as quickly and efficiently as possible. Each stage of the procedure should be completed within 10 working days.
- 9 We will not normally investigate anonymous complaints. However, the Principal or Chair of the LGB if appropriate, will determine whether the complaint warrants an investigation.
- 9 All complaints will be investigated carefully, fully and confidentially, by an appropriate member of the Senior Leadership Team.
- 10 Any individual, who is the subject of a complaint, has the right to be informed, at an early stage, of any allegations made and have the opportunity to respond to them.
- 11 At all stages, complainants may be assisted by a friend, representative or interpreter, as appropriate.
- 12 The College welcomes suggestions for improvement, will investigate all formal complaints made in writing but will recognise a duty of care to staff with regard to unfounded malicious allegations. **If the outcome of the investigation is that the Stakeholder has made deliberately false and malicious accusations, then the staff/student disciplinary procedure could be invoked.**

## STAGES IN THE COMPLAINTS PROCEDURE

- 13 This procedure specifies three stages at which a complaint may be considered: -

Stage 1 An Informal Complaint

Stage 2 Formal Complaints to the Principal

Stage 3 Panel

### **Stage 1: An Informal Complaint**

- 14 There may be times when students, parents or other members of the community will have comments, suggestions or complaints to make. Often, matters can be resolved informally by clarification of College policy on specific matters or through discussion of the details of particular incidents. Please read section 7 for dealing with complaints against the Principal.
- 15 This Stage will usually involve the College middle or senior managers. The complainant should contact the College by letter, telephone or in person, as soon as possible, to arrange to discuss the matter with the relevant manager.
- 16 Unless there are exceptional circumstances, all complaints should be discussed at the informal stage initially to seek to resolve them.

### **Stage 2: Formal Complaint to the Principal**

- 17 Where complaints cannot be resolved through Stage 1, the complainant will be made aware of the procedure under Stage 2, which is a formal complaint to the Principal.
- 18 The complaint should be in writing and submitted to the Principal, marked 'Confidential'.
- 19 Receipt of the complaint will be acknowledged, within 10 working days.
- 20 If the complaint is outside the scope of this procedure, the complainant will be advised about other appropriate steps that may be taken
- 21 If the complaint comes within the scope of the procedure, the Principal will arrange for the complaint to be investigated. It will usually be considered by the Principal or a designated alternative on his/her behalf. This will usually be a member of the Senior Leadership Team (SLT)
- 22 The Principal will appoint an investigator to investigate the complaint within five working days following receipt of the complaint. The complainant will be invited to a meeting, with the investigator, to discuss the complaint in more detail. The investigator will usually be a member of the Senior Leadership Team (SLT)
- 23 When the complaint has been fully investigated and considered, the Principal will inform the complainant in writing of the outcome. This will include an explanation of the conclusion, the reasons for that conclusion and any action taken or proposed. The complainant will be invited to a meeting with the Principal.

### **Stage 3: Panel**

- 24 Where complaints cannot be resolved through Stages 1 or 2, the complainant will be made aware of the option of pulling together a Panel to review the complaint.
- 25 The complaint should be in writing and submitted to the Chief Executive Officer (CEO) of Better Futures Multi-Academy Trust, using the College address.

- 26 Receipt of the complaint will be acknowledged, within five working days, and copies of the correspondence forwarded to the CEO.
- 27 If the complaint is outside the scope of this procedure, the complainant will be advised about appropriate alternative steps that may be taken.
- 28 If the complaint comes within the scope of the procedure, the CEO will arrange for the complaint to be investigated. It will usually be considered by a panel of between 3 and 5 senior staff drawn from the Central MAT team and the LGB.
- 29 The sub-group will meet to consider the complaint within ten working days following acknowledgement of the complaint. The complainant will be invited to the meeting to discuss the complaint in more detail and every effort will be made to arrange it at a time convenient to him / her.
- 30 When the complaint has been fully investigated and considered, the CEO will inform the complainant in writing of the outcome. This will include an explanation of the conclusion, the reasons for that conclusion and any action taken or proposed.
- 31 If any complaint is not resolved to the complainant's satisfaction after Stage 3 and he / she believes that the College is behaving unreasonably, a complaint may be made to the Current Funding Body or to the Secretary of State at the Department for Education. Addresses are available from the relevant web sites.

#### **NOTES ON THE HANDLING OF COMPLAINTS**

- 32 A copy of this Complaints Procedure will be issued to **all relevant parties** when the procedure enters the formal stage.
- 33 Any investigation that is required should be initiated promptly and should be such as to ensure that all the necessary and relevant information and advice is available to enable a proper and reasoned decision to be reached.
- 34 Any response to a complaint should also indicate what further recourse is available, if the complainant is not satisfied with the outcome of the investigation.

#### **MONITORING OF COMPLAINTS**

- 35 The LGB will monitor the number and nature of formal complaints made under this procedure, through **consideration of headline performance indicators**.
- 36 Monitoring will also cover the time taken to deal with complaints and their outcomes and will form part of the College's quality monitoring procedures.

Please see Appendix A for definitions of what constitutes persistent or vexatious complaints.

## APPENDIX A

### Persistent or Vexatious Complaints

A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

The college will not apply the complaints policy where any of the following behaviours are evidence and which hinder our ability to deal with their or another person's complaint.

- Challenging a historical decision/action which cannot be changed
- Changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached
- Frequently complaining about a variety of different matters, or the same issue through a number of different channels
- Seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved
- Persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint
- Refusing to co-operate with the investigation process, whilst still wishing their complaint to be resolved
- Refusing to accept information provided, for no justifiable reason
- Supplying manufactured 'evidence' or deliberately falsifying information
- Raising a large number of detailed but unimportant questions and insisting that they are all fully answered
- Lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
- Using obscene, racist, offensive or threatening language in written or verbal communications
- Threatening or aggressive or abusive behaviour in direct personal contacts with staff
- Using the vehicle of valid new complaints to resurrect issues which were included in previous complaints
- Making an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints

Any complainants demonstrating such behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.