



# COMPLAINTS, COMMENTS AND COMPLIMENTS POLICY

Approved by the Governing Body on: 6 December 2017

Signed by: John Duprey, Chair of Governors



Date of next review: December 2018

## **1. OUR COMMITMENT TO YOU**

At Southend Adult Community College we try hard to give the best possible service. If you are unhappy about the standard of service you receive, our actions or lack of action, please tell us. Your comments – good or bad – help us plan for the future.

- We aim to provide a full and clear response to your comment or complaint within 10 working days from acknowledgement of receipt. If the comment or complaint investigation needs more time for operational reasons, we will write to you to tell you the expected deadline date.
- We will look into your comment or complaint fully and fairly. If your comment is not to be progressed, we will explain why.
- We will be honest and polite.
- We will preserve the confidentiality of information supplied as far as possible.
- We will apologise if we have made a mistake.
- We will tell you what we are doing to put things right.
- We are totally opposed to all forms of unfair discrimination. We are committed to conducting College activities in a way that is fair and appropriate to all sections of the community.
- We recognise the need to deliver services in ways that are appropriate to everyone and, whenever possible, by removing barriers that will limit access.
- We will tell staff when a compliment is received about them.

## **2. MAKING COMPLIMENTS AND COMMENTS**

If you have made a comment on how to improve our service we will acknowledge your comment within 3 working days and respond to you, with a full response, within 10 working days (excluding those that fall in the College holidays).

To make a comment or compliment, you can contact the College by telephone (01702 445700) or by email to: [SACC@southend-adult.ac.uk](mailto:SACC@southend-adult.ac.uk). You can also complete a feedback form, available from Reception at all College sites.

If you make a comment that is not to be progressed further then we will explain why.

## **3. COMPLAINTS**

We want our services to be excellent but we know things can go wrong.

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

A complaint can highlight any of the following:

- A failure to provide a College service at an appropriate level or standard
- A slow response in dealing with a matter raised with us, such as a query or request for a service
- Unsatisfactory behaviour by a member of staff, for example rudeness, unfair discrimination, malice or bias
- Failure to follow agreed policies or procedures, or to take relevant factors into account

- Failure to inform you of your rights, relative to a matter raised with the College

The College welcomes any feedback it receives from learners, parents and carers and third parties and accepts that not all of this will be positive. Where complaints are raised, the College intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

In order to do so, the Governing Body of Southend Adult Community College has approved the following procedure which explains what you should do if you have any concerns about the College. All members of staff will be familiar with the procedure and will be able to assist you.

#### Raising complaints

The majority of complaints can be dealt with without resorting to the procedure.

All complaints will be dealt with confidentially, although the staff member may need to take notes if they feel the matter may need to be taken further or that it may arise again in future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used as evidence if further investigation was required or if the complaint was taken further.

#### Safeguarding

Wherever a complaint indicates that a learner's wellbeing or safety is at risk, the College is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the College's Safeguarding and Wellbeing policy.

#### Social Media

In order for complaints to be resolved as quickly and fairly as possible, Southend Adult Community College requests that complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

#### Complaints that result in staff capability or disciplinary proceedings

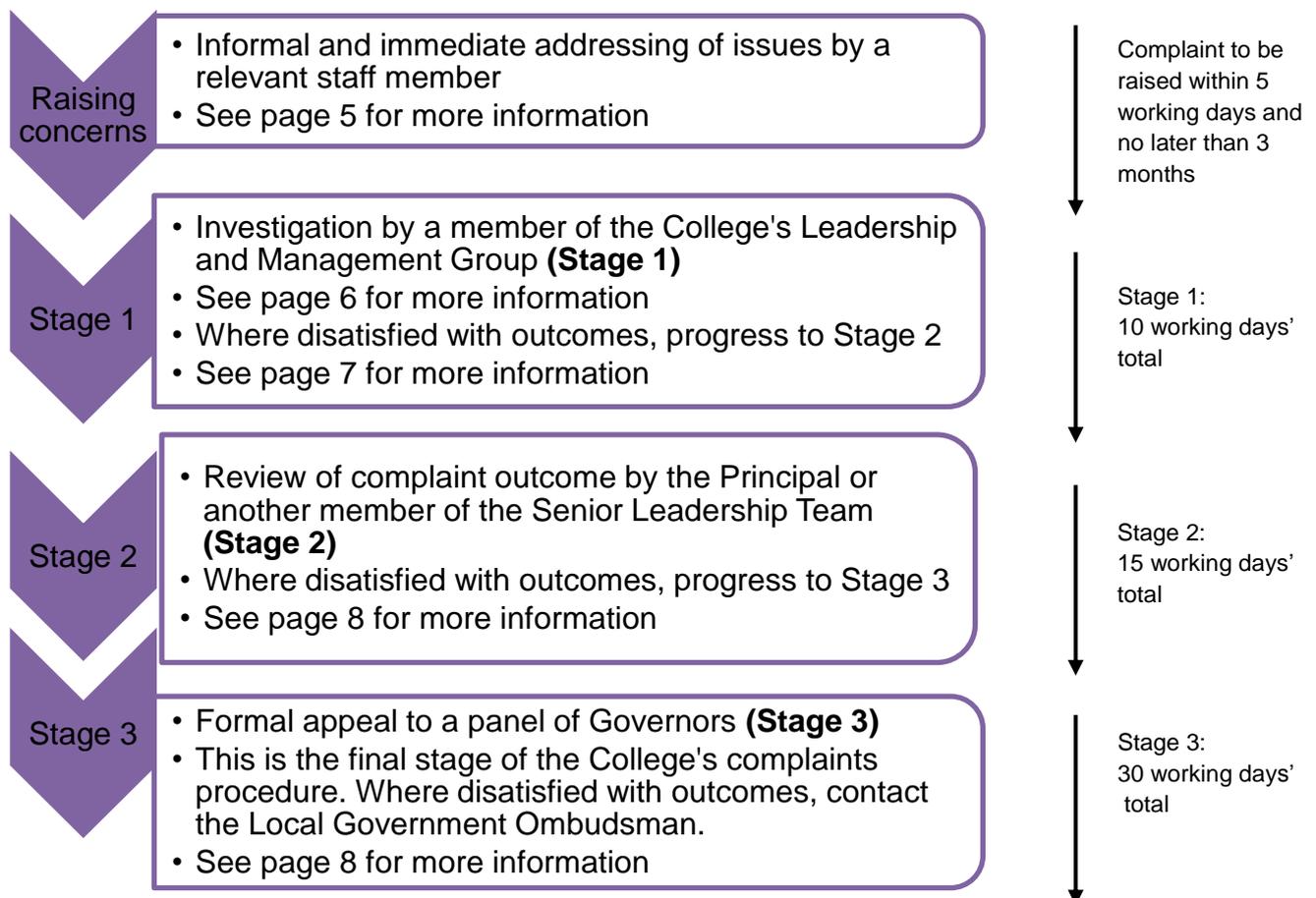
If, at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Principal and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

#### Refunds or compensation

Section 2 of the Compensation Act 2006 makes it clear that an apology in itself does not amount to an admission of negligence or breach of statutory duty.

## 4. PROCEDURE

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. This is likely to be your tutor or their Line Manager. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.



## 5. TIMEFRAMES

Southend Adult Community College will endeavour to abide by timeframes stated under each stage but acknowledges that, in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Southend Adult Community College reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new

evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Principal will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

## **6. HOW TO MAKE A COMPLAINT**

Most concerns can be resolved by discussing the issue with the person directly involved or an appropriate member of staff who will be happy to talk to you and seek to establish a solution. This is likely to be your tutor or their Line Manager.

If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

### **Stage 1 – Investigation by a member of the Leadership and Management Group**

You can contact us:

By email [SACC@southend-adult.ac.uk](mailto:SACC@southend-adult.ac.uk)

Via our website [http://southend-adult.ac.uk/contact\\_us.php](http://southend-adult.ac.uk/contact_us.php)

By phone 01702 445700

By feedback form, available at all Centres

In writing PA to Senior Leadership Team, Southend Adult Community College, Ambleside Drive, Southend on Sea, Essex. SS1 2UP

An acknowledgement of receipt will be sent to you within three working days, with confirmation of when the full response can be expected.

### **Stage 2**

We hope we can resolve your complaint at stage 1. However, if you are not satisfied with our response, please contact the Principal who will review the outcome of your original complaint. Our aim is for you to receive a written response within fifteen working days.

### **Stage 3**

If you are still dissatisfied, after the Stage 2 review, you have the right of appeal to the College's Governing Body, by writing to the Chair of Governors at the address shown on page 8 of this document.

A panel of Governors will consider your appeal and will let you know of their decision in writing within thirty working days of your request.

## **COMPLAINTS ABOUT THE PRINCIPAL OR THE GOVERNORS**

Where a complaint regards the Principal, you should first directly approach the Principal in an attempt to resolve the issue informally. If you are not satisfied with this outcome you should notify the Clerk to the Governors. The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the Principal or another member of the Senior Leadership Team.

Where a complaint regards a Governor, the same process applies as for the Principal. Where a complaint concerns the Chair of Governors, you should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair, a senior leader at Southend-on-Sea Borough Council or an independent investigator will mediate any proceedings.

## **7. STAGES OF THE COMPLAINT**

### **Stage 1**

#### **Investigation by a member of the College's Leadership and Management Group**

Where, as a result of raising a concern, you still feel the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, you may progress it by making an informal complaint. In doing so, the following steps will be followed:

1. You should contact the PA to the Senior Leadership Team.
2. You must explain in writing
  - An overview of the complaint so far
  - Who has been involved
  - Why the complaint remains unresolved
  - The action you would like to be taken to put things right.
3. The PA to the Senior Leadership Team will respond within 3 working days (excluding those which fall in the College holidays) of having received the written complaint. This member of staff will explain the next steps in the complaints process.
4. The investigating staff member from the Leadership and Management Group will provide written confirmation of the outcome of their investigation within 10 working days (excluding those which fall in the College holidays) of having sent confirmation of their intended action.

After considering the available evidence, the investigating member of staff can:

- Uphold the complaint and direct that certain action be taken to resolve it
- Reject the complaint and provide the complainant with details of the Stage 2 appeals process
- Uphold the complaint in part; in other words, the investigating member of staff may find one aspect of the complaint to be valid but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in

favour of you, the complainant.

5. The investigating staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the Principles of the Data Protection Act 1998.

If you are not satisfied with the outcome, you are able to progress to Stage 2 of the complaints process and submit a formal written complaint.

## **Stage 2**

### Review of complaint outcome by the Principal or another member of the Senior Leadership Team

1. You should write to the Principal stating why you are dissatisfied with the outcome of your complaint.
2. The Principal, or another member of the Senior Leadership Team, will respond in writing within 3 working days (excluding those that fall in the College holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The Principal, or another member of the Senior Leadership Team, will consider all relevant evidence; this may include but is not limited to:
  - a statement from the complainant,
  - where relevant a statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents in either case
  - interview with anyone related to the complaint.
5. The Principal, or another member of the Senior Leadership Team, may decide to have a meeting with you (and, where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the Principal or another member of the Senior Leadership Team can:
  - Uphold the complaint and direct that certain action be taken to resolve it
  - Reject the complaint and provide the complainant with details of the Stage 3 appeals process
  - Uphold the complaint in part: in other words, the Principal or another member of the Senior Leadership Team may find one aspect of the complaint to be

valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of you, the complainant.

7. The Principal, or another member of the Senior Leadership Team, must inform you of their decision in writing within 15 working days (excluding those that fall in the College holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide you with details of how to progress the complaint to Stage 3 if you are not satisfied, providing you with the contact details of the Clerk to the Governors.

### **Stage 3**

#### **Appeal - Review by a Panel of the College's Governing Body**

If you wish to appeal a decision by the Principal or another member of the Senior Leadership Team at Stage 2 of the procedure, or you are not satisfied with the action that the Principal or member of the Senior Leadership Team took in relation to the complaint, you are able to appeal this decision.

You must write to the Clerk to the Governing Body within 10 working days after receiving notice of the Principal's decision, briefly outlining the content of the complaint and requesting that a Complaints Appeal Panel is convened. The address is:

Clerk to the Chair of Governors  
Southend Adult Community College  
Ambleside Drive  
Southend on Sea  
Essex  
SS1 2UP

By email to: [Governors@southend-adult.ac.uk](mailto:Governors@southend-adult.ac.uk)

The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this five days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

You must request an Appeal Panel within 10 working days of receiving the Principal's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Clerk will write to you, as the complainant, within five working days (not including the College holidays) to confirm receipt of the appeal request and detail the further action to be taken.
2. The Clerk will convene a panel of three College Governors. All three panel members will have no prior knowledge of the content of the complaint.

3. The appeal hearing will take place within 20 working days (excluding those which fall in the College holidays) of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal.
4. In addition to the Appeal Panel, the following parties will be invited, where applicable:
  - You, as complainant
  - The Principal or member of the Senior Leadership Team who dealt with the complaint at Stage 2
  - Where the complaint regards a member of staff, the staff member who is the subject of the complaint

You are also able to bring a companion with you to the hearing if you wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If, after the hearing, any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. Where the complaint is about a Governor you, as the complainant, may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Governing Body who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the College sources appropriate individuals for the review.
6. The Appeal Panel can make the following decisions:
  - 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 that problems of a similar nature do not recur.
7. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 10 working days (excluding those which fall in the school holidays).

This is the final stage at which the College will consider the complaint. If you, as the complainant, remain dissatisfied and wish to take the complaint further, please see the contact details at the end of the document. The College will not consider the complaint beyond this.

## **8. UNREASONABLE OR VEXATIOUS COMPLAINTS**

Where a complainant raises an issue that has already been dealt with via the College's complaints procedure, and that procedure has been exhausted, the College will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Principal will write to them explaining that the matter has been dealt with fully in line with the College complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Local Government Ombudsman if you wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the College's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and College governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Principal will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they will inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate, they can redirect the Principal to investigate the complaint. The full complaints procedure will commence from Stage 1 on this direction.

If the Chair of Governors upholds the Principal's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then you, as the complainant, may write to the Local Government Ombudsman.

Anonymous complaints will be investigated where they raise serious concerns and it is possible to do so. But it would help the College if complainants were able to give their contact details in case the College needed to ask additional questions.

#### Vexatious complaints

There can be a small number of complainants who, because of the frequency of their contact with the College, hinder consideration of their, and other people's complaints. In exceptional circumstances, action will be taken to limit the contact of such unreasonably persistent and vexatious complainants with the College. The decision to do so, and the form of such limitations, will be taken by the College's Governing Body.

#### Unreasonable behaviour

The College does not expect its staff to tolerate behaviour by complainants which is unreasonable, such as abusive, offensive or threatening. The College will take action to protect staff from such behaviour. In appropriate circumstances, action will be taken to limit the contact of such complainants with the College. The decision to do so, and the form of such limitations, will be taken by the College's Governing Body.

## **9. CONTACT DETAILS FOR EXTERNAL ORGANISATIONS IF NOT SATISFIED WITH THE OUTCOMES OF THE COMPLAINTS PROCEDURE**

If you have any queries regarding any aspect of the complaints procedure, please direct these to the College Principal.

If you feel that the Governing Board acted 'unreasonably' in the handling of your complaint, you can complain to the Local Government Ombudsman after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. They can be contacted on 0300 061 0614 or via [www.lgo.org.uk/contact-us](http://www.lgo.org.uk/contact-us)

You can contact the Education and Skills Funding Agency (ESFA) about how your complaint was handled via <https://www.gov.uk/complainfurthereducationapprenticeship>

Ofsted will also consider complaints about the College via [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)