

## CONCERNS AND COMPLAINTS POLICY & PROCEDURE

Version	Approved by Management Board	Reviewed
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Revisions: none currently		

### 1. TO LISTEN, UNDERSTAND AND WORK IN PARTNERSHIP

The College aims to listen to and resolve concerns and complaints in a robust, swift and informal way. The College encourages clear and transparent communication through its Quality Team and aims to work with you to address concerns or complaints as quickly as possible so you can continue to enjoy learning and developing your skills successfully with us.

The College would like to outline the following distinction between a concern and a complaint as outlined by the Department for Education – Best Practice Guidance March 2019:

- A concern is ‘an expression of worry or doubt over an issue considered to be important for which reassurance is sought’.
- A complaint is ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

In either case, the College is dedicated to working with you to resolve any concern or complaint you might have in an effective and informal way leading to a successful and welcome outcome for all.

### 2. THE FIRST STEP TO RESOLUTION

In the first instance, please raise your concern or complaint with the relevant member of our team who will be happy to listen to you and work with you to reach a resolution. This might be your tutor or their Manager. If you need help or guidance on this please speak to a member of the Quality Team, contact options below:

**College contacts:**

By phone:	01702 445700
By email:	SACC@southend-adult.ac.uk
By feedback form:	Available at all Centres
In writing:	Southend Adult Community College, Ambleside Drive, Southend on Sea, Essex. SS1 2UP

The sooner the College understands your concern or complaint the quicker it will be resolved.

### **3. FORMAL COMPLAINTS PROCEDURE**

Using the College contacts above:

#### **Stage 1 – Review of initial concern/complaint**

1. Contact the Quality Team who will review the original complaint.
2. Please provide as much of the information below as possible:
  - An overview of the complaint so far
  - Who has been involved
  - Why the complaint remains unresolved
  - The actions you would like to be taken to put things right
3. A member of the Quality Team will respond within 3 working days of having received the written complaint to explain the next steps.
4. The investigating staff member might arrange to speak with you either in person or by telephone. They will provide written confirmation of the outcome of the review within 10 working days. 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 and might direct that certain actions be taken to resolve the aspect that is found to be upheld

#### **Stage 2 - Review of Stage 1 Outcome**

1. Contact the Principal stating why you are dissatisfied with the outcome of the Stage 1 complaint.

2. A member of the Quality Team, will respond in writing within 3 working days to acknowledge receipt of the complaint and explain what action will be taken and provide a clear timeframe.
3. 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 the individual who is the subject of the complaint
  - any previous correspondence regarding the complaint and any supporting documents in either case
  - interviews with anyone related to the complaint
4. The Principal, or another member of the Senior Leadership Team, may decide to have a meeting or telephone conversation with the complainant (and, where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
5. 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 and might direct for certain action to be taken to resolve the aspect that they uphold
6. The Principal, or another member of the Senior Leadership Team, will inform you of their decision in writing within 15 working days. They will explain why they have come to their decision. They will, if appropriate, detail any agreed actions resulting from the complaint.
7. The Principal and Senior Leaders take complaints very seriously and are committed to on-going quality improvement and resolving concerns or complaints in the initial stages of the process. If **complaints** do reach Stage 2 there is an expectation that the complaint would have been rigorously investigated and it is hoped resolved.

### **Stage 3 - Appeal Stage 2 Outcome**

1. Contact the Chair of Management Board stating why you are dissatisfied with the outcome of the Stage 2 complaint and request that the appeal is heard by the Management Board.
2. Your appeal must be made within 10 working days of receiving the Principal's decision or it will not be considered.
3. On receipt of written notification, the following steps will be followed:
  - A member of the Management Board will write to you within five working days to confirm receipt of the appeal request and outlining the next steps.

- The appeal hearing will take place within 30 working days of the date of the confirmation correspondence.
  - The member of the Management Board will organise the appeal panel and distribute all previously collected evidence relating to the case five days in advance of the meeting.
4. There will be three independent Management Board members on the panel. The Management Board abides by the National Management Board Association's code of conduct and is committed to providing a fair and rigorous Stage 3 process where all sides are given due consideration as outlined in the appeal agenda.
  5. The following parties may be interviewed as part of the appeal hearing where applicable:
    - You, as complainant
    - The Principal or member of the Senior Leadership Team who dealt with the complaint at Stage 2
    - Another member of staff if applicable
  6. You can bring a companion with you to the hearing. Neither party is able to bring legal representation with them.
  7. Where the complaint is about a Management Board member, you as the complainant may request that the appeal is heard by an entirely independent panel. This is at the discretion of the Management Board who will notify you of their decision. Where an entirely independent panel is required, timescales may be affected while the College sources appropriate individuals.
  8. The appeal hearing will:
    - 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.
  9. All involved parties will be informed in writing of the outcome within 10 working days.
  10. This is the final stage at which the College will consider the complaint. If you remain dissatisfied and want to take the complaint further, please see the contact details at the end of the document.

#### **4. COMPLAINT ABOUT THE PRINCIPAL OR MANAGEMENT BOARD MEMBERS**

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

2. Where a complaint is about a Management Board member, the same process applies as for the Principal.
3. Where a complaint concerns the Chair of Management Board, you should contact Southend-on-Sea City Council. An informal resolution will be sought, but where this fails, Stage 3 of the procedure will take place. The Vice Chair, a Senior Leader at Southend-on-Sea City Council or an independent investigator will mediate any proceedings.

## **5. UNREASONABLE OR VEXATIOUS COMPLAINTS**

1. 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.
2. 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 Education and Skills Funding Agency.
3. 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 Management Board and it is clearly intended to aggravate
  - The complainant acts in a way that is abusive or offensive.
4. 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 Management Board 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.
5. If the Chair of Management Board upholds the Principal's decision not to look into the complaint then you, as the complainant, may write to the Education and Skills Funding Agency.

## **6. UNREASONABLE BEHAVIOUR**

The College does not tolerate behaviour by complainants which is unreasonable, such as abusive, offensive or threatening behaviour towards staff. 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 Management Board.

**7. ESFA**

The College is committed to following its robust complaints process, which is in line with Government and Local Authority guidelines. However, if you remain dissatisfied after the thorough complaints process has been exhausted, you can contact the Education and Skills Funding Agency (ESFA): ESFA complaints team [complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk). Complaints Team, ESFA, Cheylesmore House, Quinton Road, Coventry CV1 2WT.

**8. COMPLAINT PROCESS SUMMARY**

**Step 1 Raising a Concern or a Complaint**

We aim to resolve all concerns or complaints at this stage of the process.

Informal and immediate addressing of issues by a relevant staff member, overseen by the Quality Team.

*Complaint to be raised within five working days and no later than three months.*

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If the formal complaint process is needed, the College aims to resolve the concern or complaint by Stage 1. Stage 2 and then Stage 3 are for grave concerns or complaints.

**Stage 1**

Investigation by a member of the College’s Quality Team.

*Response to be provided to the complainant within ten working days.*

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**Stage 2**

Review of complaint by the Principal/member of the Senior Leadership Team with written response.

*Response to be provided to the complainant within 15 working days.*

**Stage 3**

To be received by the College within ten days of being informed of the outcome of Stage 2.

Formal appeal heard by the Management Board via a Complaints Panel within 30 working days.

*Written*

*response following the Complaints Panel with the final decision within ten working days.*

This is the final stage of the College's complaints procedure. If a complainant is dissatisfied with an outcome, they are advised to contact the ESFA, as noted in the final response letter from the Chair of Complaints Panel.