

COMPLAINTS POLICY & PROCEDURES

Date Reviewed by SMT:	13 December 2022
Date Approved by Governors:	15 May 2023
Member of Staff Responsible:	Deputy Principal (Welfare & Progression)
Next Review Date:	March 2024

INTRODUCTION

At Peter Symonds College, we strive to achieve high standards in the discharge of our responsibilities. We welcome feedback on all aspects of our work, since this is invaluable in helping us to make improvements, and we seek to minimise the likelihood of concerns occurring. Where a concern does arise, we shall treat the matter seriously and aim to resolve it quickly, effectively and to the satisfaction of all parties. We hope that, wherever possible, complaints will be resolved informally.

KEY PRINCIPLES

1.1 This policy applies to all enrolled students, parents and other stakeholders.

1.2 Areas excluded from this procedure are:

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual
- Individual employment issues which are the subject of separate procedures
- Contractual disputes
- Data Protection which should be raised directly with the College Data Protection Officer nallen@psc.ac.uk
- Matters that are the subject of legal action.
- Matters which relate to the College's higher education provision. These are covered by the HE Complaints and Grievance Procedure
- Complaints against the Board and Clerk to the Governors which are covered by separate procedures in the Annex

The College reserves the right not to investigate complaints considered to be vexatious or malicious.

1.3 This policy will be reviewed on an annual basis by the Senior Management Team.

1.4 The College acknowledges that information provided throughout the complaint is often of a sensitive nature, and is accordingly treated as confidential. Appropriate disclosure procedures will be followed when sharing information is necessary.

1.5 Those investigating the complaint will take into account the views of all concerned and weigh up all relevant evidence carefully. In dealing with complaints, the College will have regard to promote respect, tolerance and inclusivity for others.

2. ANONYMOUS COMPLAINTS

In responding to an anonymous complaint, the following principles will apply:

2.1 Complaints received anonymously will be considered, but action will be limited if further information is required to ensure a full and fair investigation.

2.2 A complaint will only be investigated under Stage 2 (and beyond) if the complainant gives permission for full details of the complaint to be shared with the subject(s) of the complaint.

2. PROCEDURE

The College Complaints Procedure operates in two stages

2.1. Stage 1 (informal): seek the help of a member of staff

2.1.1. Concerns should be raised in the first instance with the person or area concerned as soon as possible, and not later than within ten weeks of the incident.

2.1.2 In the case of a current student or parent of a current student, if an issue arises concerning a member of College staff, another student, the College estate or service, and where it is not felt possible to talk directly to the person concerned, another member of staff should be approached. This might be the personal tutor, a teacher or more senior staff member and can also include business support staff, if relevant to the complaint. If unsure, students and parents should raise concerns with the Faculty Administration team in the first instance, who will forward the matter to the most appropriate person.

Complaints may be passed to:

- Senior Tutor or a Director of Curriculum and Support/ Director of Adult & Higher Education division for issues relating to teaching and learning, and pastoral support
- Head of Student Services for issues relating to other aspects of student support for example transport
- Head of Boarding for issues relating to boarders concerning their boarding experience

In the case of concerns about a member of the management team, the complainant should contact the Vice Principal (where a complaint concerns teaching, learning, student support or Human Resources)

In almost all cases it is possible to resolve complaints quickly and informally

2.2. Stage 2: Formal Complaint

If the complaint is not able to be resolved informally, the complainant has the right to make a formal complaint in writing by emailing principal@psc.ac.uk. The PA to the Principal will co-ordinate the response and hold any evidence centrally.

2.2.1. All formal complaints will be acknowledged by the PA to the Principal within five working days (during term time).

2.2.2. The complaint will be delegated to an appropriate member of staff for investigation and response. The complaint will be acknowledged and the complainant will be informed of which member of staff is investigating the complaint. The relevant member of the Senior Management Team or her/his nominated representative (the investigating officer) will then investigate the matter and respond within ten working term-time days of receiving the formal complaint (during term time) to explain how the complaint has been dealt with, and the outcome of their complaint.

The complaint will usually be delegated to the Deputy Principal (Welfare & Progression) for 16-19 students or to the Director of Adult & Higher Education for adult students but may be delegated to another appropriate member of staff. They will take all complaints seriously and will always try to seek a resolution. This may involve talking with all parties concerned.

2.2.3. Where a complaint is upheld, action will be taken and you will be informed.

2.2.4. Where a complaint is not upheld, a full explanation will be given and the right of appeal will be explained.

2.2.5. If a formal complaint is submitted without first following stages 1, the relevant member of the Senior Management Team or her/his nominated representative will usually advise the complainant to seek redress informally before submitting a formal complaint.

The exception to this is where the complaint is of a very serious nature (e.g. where the health or safety of one or more members of the College community is put at risk) in which case you may choose to progress straight to Stage 2. A complaint received from a parent may be passed to another member of staff to be dealt with under the Stage 1 (informal) section of this procedure.

2.2.6. If the complaint is about a member of the Senior Management Team, the complaint should be directly addressed to the Principal. If the complaint is about the Principal, it should be addressed to the Clerk to the Governing Body for the attention of the Chair of the Governing Body who will nominate a representative from the Governing Body to resolve the complaint. Please note that the Governing Body is not usually involved in complaints other than those concerning the Principal.

3. APPEAL

3.1 If the complainant remains dissatisfied after Stage 2, they may appeal in writing to the Principal within ten working days (during term time) of receiving a response at Stage 2. If the complaint is about the Principal, the appeal should be made to the Chair of the Governing Body by writing to the Clerk to the Governing Body. The complainant should set out the outcome of their formal complaint, as well as the reasons they are not satisfied with that outcome.

The Principal will decide how to proceed, depending on the nature of the original complaint and the reason(s) why the complainant feels it has not been resolved at stages 1 and 2. The Principal may review the situation and respond to the complainant or may decide to convene a panel to review the complaint. A panel will usually be made up of three people, with its composition depending on the nature of the complaint. The complainant and any others invited to attend a panel meeting will be informed five

working term time days beforehand who is on the panel and how the panel meeting will operate. Any recommendations or decisions made by the Principal or a panel shall be final.

In the event of a formal complaint from a student or parent being about the actions of the Principal, this should be made in writing to the Clerk to the Governing Body who, in consultation with the Chair of Governors, will decide how to proceed. For example, there may be a review of the situation by the Chair of Governors or the Chair may decide to convene a panel to review the complaint. A panel will usually be made up of three people, with its composition depending on the nature of the complaint. The complainant and any others invited to attend a panel meeting will be informed five working term time days beforehand who is on the panel and how the panel meeting will operate.

3.2 The outcome of the appeal will be communicated in writing to the complainant within five working days (during term time).

3.3 After this stage, the complainant has exhausted the College procedure. If they remain dissatisfied with the outcome of the appeal, they are referred to the Complaints Procedures of the Education and Skills Funding Agency. This is available at <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

3.4 For Higher Education courses of a franchised or partner nature, the complainant will use the College's HE Complaints and Grievance Procedure in the first instance. After this stage, if the complainant remains dissatisfied with the outcome of the appeal, the complainant may be able to escalate the complaint to the Office of the Independent Adjudicator for Higher Education. The complainant will be issued with a Completion of Procedures Letter within 28 days. This Letter will inform the complainant of their right to bring a complaint to the Office of the Independent Adjudicator for Higher Education. The complainant will then have twelve months from the date of the Completion of Procedures Letter to register a complaint with the OIA. The complainant will also be required to provide supporting documentation related to the complaint.

3.5 Please note the OIA will not review complaints related to: admissions, academic judgement; student employment, matters which have been considered by a court or tribunal and where the proceedings have been concluded; matters which are being considered by a court or tribunal where the proceedings have not been stayed; matters which the OIA consider have not materially affected the complainant as a student; the matter complained about was previously considered by another ADR Entity; and/or the OIA will not normally look at complaints that took place three years before the complaint was received by the OIA.

3.6 Further information regarding complaints to the OIA can be found on www.oiahe.org.uk. The College's OIA Point of Contact is the Principal.

4. REVIEW OF ARRANGEMENTS

4.1 The PA to the Principal will administer all formal complaints and hold all records.

4.2 An annual report on complaints and their outcomes will be presented to the Board.

The Principal will keep the Chair and/or Vice Chair of Governors informed through the year of complaints of an unusual nature, those that have been upheld and those that are being referred to an external organisation.

Linked Policies

- Admissions Policy for Students
- Disciplinary Policy and Procedures - Students
- Progress Monitoring and Support Policy for 16-19 Students
- Prevention of Bullying and Harassment (Students)
- Reviews of Marking - Centre Assessed Marks
- Equality, Diversity and Inclusion Policy for Students
- Appeals Against Assessment

When this policy was reviewed, consideration was given to equality and diversity in the context of the 2010 Equality Act and any necessary updates agreed.

Annex 1 to the Complaints Policy & Procedures

Procedures for handling complaints against the Corporation Board (the Board), its members or the Clerk to the Corporation

1. A complaint against the Board, a Board Member (including the Principal/Chief Executive if the complaint relates to his/her role as a Board Member) or the Clerk to the Corporation may be made by an individual or an organisation in relation to his/her or their dealings with the College. Complaints must relate to:

- the performance by the Board, a Board Member or the Clerk of the functions respectively allocated to them under the Articles of Government of the College; and/or
- the exercise by the Board of its powers; and/or
- any other alleged breach or non-observance of the duties of the Board, individual Board Members or the Clerk under the Instrument or Articles of Government of the College, its Code of Conduct for Board Members or the ESFA Financial Memorandum.

All complaints should be made in writing, identifying the complainant and addressed to the Clerk to the Corporation (save where the complaint is in relation to the Clerk in which case it should be addressed to the Chair of the Corporation) at Peter Symonds College, Owens Road, Winchester, Hampshire SO22 6RX.

2. The complainant is expected to state clearly the nature of and grounds for the complaint (see paragraph 1 above) and if appropriate provide copies of any related documentation. The complainant should also state the remedy they are seeking. It is not possible for a complainant to seek the disciplining of a member of staff or the removal of a Board Member or the Clerk since these are decisions for the Principal/Chief Executive of the College and the Board respectively in accordance with the Instrument and Articles of Government of the College.

3. The Clerk to the Corporation or in the case of a complaint against the Clerk the Chair of the Corporation will:

- acknowledge receipt of the complaint within seven working days; and
- refer the complaint to one or more of the following for investigation: the College's Audit committee; one or more Board members; a person (nominated by an external sector body) who has substantial experience of college governance (provided in each case that they have not been involved in the matters subject to the complaint).

5. Such person(s) shall:

- consider the complaint and, if necessary in order to determine disputed issues of fact, interview the complainant and those subject of the complaint. They may refer issues to the Board’s auditors (external and/or internal) or other independent advisers as they feel appropriate; and
 - produce a written report of their findings in relation to the complaint and provide the complainant and the Board with a copy of such report as soon as possible. In any event, they shall produce an interim report within 28 days of the complaint being referred to them.
6. The Board at its next scheduled Board meeting after receipt of the findings of the investigation shall consider the findings and determine whether they find the complaint substantiated in whole or part and, if so, what, if any, remedy should be granted to the complainant. Where the complaint relates to one or more specified Board Members or the Clerk those persons shall withdraw and take no part in the discussion of the investigation outcome.
7. The Clerk to the Corporation or in the event of a complaint against the Clerk the Chairman of the Board shall within seven working days of the Board’s determination of the complaint provide a written response to the complainant and to those subject of the complaint confirming the decision of the Corporation in relation to the complaint, with reasons for its decision. The response will advise that if the complainant is not satisfied with the outcome of their complaint they may wish to contact the Education and Skills Funding Agency (ESFA) south East whose current address is:

The Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
COVENTRY
CV1 2WT

The ESFA is there to ensure that the College’s procedures are working effectively. The ESFA will review the processes that the College has gone through when dealing with any complaint and the decisions that have been made. The Council will not investigate a complaint on an individual’s behalf or substitute its own judgement for that of the College, but it will seek to ensure that any complaint is dealt with properly. If a complaint received is justified the Council may make recommendations to the College to prevent the situation happening again.

8. This procedure will be reviewed periodically by the Board’s Policy & Resources Committee.

Reviewed by: Clerk to Governors

Approved: September 2017

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