



Complaints Policy

Status – Statutory

Approved By	Date Approved	Review Date	Sponsor
Governors	June 2015	June 2018	College Administrator

Equality and Diversity at TMC

TMC aims to be an equitable employer that delivers a high quality education for all. Our goal is to promote diversity and equality of opportunity in an environment that is free from discrimination so that all members of our community are able to thrive. The college is committed to eliminating discrimination, advancing equality of opportunity and fostering good relations with regard to people of different age groups, disability, ethnicity, gender, religion and belief and sexual identity.

Our approach and ethos is underpinned by the Equality Act 2010 and we are fully compliant with all legislation. To demonstrate our commitment to equality and diversity, we have developed a draft Equalities Statement that will be put forward to Governors for ratification in spring 2014. This statement is about how the principles of the Equalities Act are incorporated into all of the college's policies, practices and planning and complies with the Public Sector Equality Duty.

At TMC, we expect all learners to engage, progress and achieve and we provide strong pastoral care and support to ensure every learner is known, valued and understood. Challenging prejudice is embedded within the everyday college ethos through a strong focus on the development of social, moral, spiritual and cultural awareness; and reinforced within sector programmes and the workplace curriculum. At TMC, equality is about ensuring all people are treated fairly and equally and that any decisions made are based on objective relevant criteria.

Definitions

At TMC, diversity is about recognising and valuing the different contributions that all learners, staff, carers and families can bring to the college.

At TMC, we adhere to the Equalities Act 2010 and ensure:

- an environment in which learners, employees, carers, parents, visitors and the wider community are treated with consideration, dignity and respect and remain free from harassment and intimidation
- that learners, carers, parents and visitors do not suffer detriment, disadvantage or unequal treatment for any of the above reasons
- employees and job applicants do not receive less favourable treatment on the grounds of any of the above reasons
- developing Our Equality and Diversity Objectives

We have developed our Equality and Diversity objectives which are incorporated within the College Development Plan and on the website.

Status – Statutory**1. Purpose of policy and guiding principles**

- 1.1. This policy is intended as a good practice guide applying to most general complaints which the college is likely to receive from parents.
- 1.2. The purpose of this policy is to address and resolve parental concerns and complaints. The aim of this complaints procedure is to:
 - encourage resolution of problems by informal means wherever possible;
 - be easily accessible and publicised;
 - be simple to understand and use;
 - be impartial and non-adversarial;
 - allow swift handling with established time-limits for action and keeping people informed of the progress;
 - ensure a full and fair investigation by an independent person where necessary;
 - respect confidentiality;
 - address the concerns raised and provide an effective response and appropriate redress, where necessary; and
 - provide information to senior leaders about where improvements can be made.
- 1.3. There are separate procedures for complaints about:
 - the provision of religious education and collective worship;
 - the Local Authority's special needs assessments;
 - allegations of child abuse;
 - financial improprieties;
 - other criminal activities;
 - contracted staff.

2. Links with other policies or legislation

- 2.1. The college is required by the Education Act 2002 to have a complaints procedure. Guidance on school complaints procedures can be found on the Department of Education website.

3. Raising a concern; Guidelines for dealing with concerns and complaints informally

- 3.1. The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the tutor, College Manager, administration staff, pastoral manager, Senior Leader, Principal's PA etc.
- 3.2. Parents must feel able to raise a concern with members of staff without any formality, either in person, by telephone or in writing. On occasions it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- 3.3. The normal response time to respond to these times is for an initial response or acknowledgement to be made within 24 hours. Where this is not possible, an explanation must be given for the reason for delay.
- 3.4. Members of staff dealing with these concerns should record the nature of the concern and steps taken to resolve.
- 3.5. If the parent is not satisfied by the actions taken to resolve the issue they should follow the formal complaints process.

4. Formal complaints

- 4.1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The college has a three stage formal complaint process.
- 4.2. As the Principal has responsibility for the day-to-day running of the college they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at various stages. One of the reasons for having various "stages" in a complaints procedure is to reassure complainants that their grievance is being heard by more than one person. The Principal will make arrangements to ensure that his/her involvement will not predominate at every stage of a particular complaint. If the is involved at stage 1, that stage 2 should be carried out by another senior leader.
- 4.3. Stage 1 – Complaint heard by a member of staff
- 4.3.1. Parents have an opportunity for discussion of their concern with the appropriate member of staff (e.g. lecturer, College Manager, Senior Leader) who clarifies with the parent the nature of the concern, and reassures them that the college wants to hear about it. The member of staff may explain to the parent how the situation happened. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 4.3.2. If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number.
- 4.3.3. Any member of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been successful.
- 4.3.4. On certain major issues, the Principal may decide to deal with concerns directly at this stage.
- 4.3.5. If the concern relates to the Principal, the parent is advised to contact the Chair of the Governing Body, via the College Administrator.
- 4.3.6. The staff member dealing with the concern makes sure that the parent is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear.
- 4.3.7. Where no satisfactory solution has been found within 10 college days, parents are asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.
- 4.3.8. *Note – college days refers to term time days throughout this policy.*
- 4.4. Stage 2 – Complaint heard by a Senior Leader
- 4.4.1. At this stage it has become clear that the concern is a definite complaint. In some cases the Principal has already been involved in looking at the matter; in most cases however the complaint will be delegated to a senior leader to respond to.
- 4.4.2. The process at Stage 2, with more information on who will be involved and timescales included in [Appendix 1](#).
- 4.4.3. If a complaint is against the action of a member of SLG, the Principal will designate another member of the Senior Leadership Group to investigate.
- 4.4.4. If a complaint is against the action(s) of the Principal, the Chair of the Governing Body should carry out the Stage 2 procedures.
- 4.5. Stage 3 – Complaint heard by Governing Body appeal panel
- 4.5.1. If the complainant indicates, in writing, that they wish to appeal against the outcome of the investigation into their complaint, this is referred to an appeal panel.
- 4.5.2. It is important that this review not only be independent and impartial but that it is seen to be so. The review is the last stage of the internal complaints process and

is not there to merely rubber stamp previous decisions. Therefore, individual complaints should not be considered by the full governing body as serious conflicts of interest can arise; for example in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and governors may be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly some governors might have knowledge of the problem which led to the complaint and would be unable to give unbiased consideration to the issue.

- 4.5.3. Many complaints are inevitably seen by parents as being “against” a particular member of staff and their actions. However, all complaints that reach this stage will have done so because the complainant has not been satisfied at the earlier stages of the procedure. Therefore it may be appropriate for the Governing Body to consider the complaint is against the college rather than against the member of staff whose actions led to the original complaint.
- 4.5.4. The process at Stage 3, with more information on who will be involved and timescales included in [Appendix 2](#).

5. Roles and responsibilities

5.1. The role of the Principal

- 5.1.1. The Principal will ensure that staff are familiar with this policy and receive appropriate training in complaint handling.
- 5.1.2. The Principal will assign a member of SLG to deal with formal complaints.

5.2. The role of the Governing Body

- 5.2.1. The Governing Body will monitor complaints (nature and level) to review any improvements to current college processes or systems.
- 5.2.2. The Governing Body will convene an appeal panel for complaints under Stage 3 of the policy.

5.3. The role of the employee/other staff

- 5.3.1. All staff should deal with complaints, queries or concerns from parents in a professional manner and in line with the timescales of this policy.
- 5.3.2. The Principal’s PA will keep a complaints log to record formal complaints.

6. Monitoring and Evaluation

- 6.1. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.
- 6.2. As well as addressing an individual’s complaints, the process of listening to and resolving complaints will contribute to college improvement. When individual complaints are heard, the college may identify underlying issues that need to be addressed. The monitoring and review of complaints by the college and the Governing Body can be a useful tool in evaluating the college’s performance.

Appendix 1 - Procedure at Stage 2

1. A member of SLG acknowledges the complaint orally, or in writing, within 3 college days of receiving confirmation that the complaint is now to be dealt with at stage 2. The acknowledgement gives a brief explanation of the college's complaint procedure and a target date for providing a response to the complaint. This should normally be within 10 college days; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.
2. The member of SLG provides an opportunity for the complainant to meet him/her to supplement information provided previously. It is made clear to the complainant that if s/he wishes, s/he may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on his or her behalf; and that interpreting facilities are available if needed.
3. If necessary, the member of SLG should interview witnesses and take statements from those involved. If the complaint centres on a student, the student should also be interviewed. Students would normally be interviewed with parents/guardians present. In some situations circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a student has specifically said s/he would prefer that parent/guardians were not involved. In such circumstances another member of staff with whom the student feels comfortable may be asked to attend. If a member of staff is complained against, the needs of that person should be borne in mind.
4. The member of SLG keeps written records of meetings, telephone conversations, and other documentation. Once all the relevant facts have been established, the member of SLG should then produce a written response to the complainant to discuss/resolve the matter.
5. A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the college will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Governing Body within two weeks of receiving the outcome letter.

Appendix 2 - Procedure at Stage 3

Upon receipt of a written request by the complainant for the complaint to proceed to stage 3, the procedures outlined below should be followed:

1. The Clerk to the Governing Body should write to the complainant within 3 college days to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by three members of the Governing Body, within 20 college days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members of the panel.
2. The Clerk to the Governing Body should arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Vice-Chair of the Governing Body should chair the Panel. If not, a Chair must be elected for this purpose. It is not appropriate for the Principal to have a place on the Panel. Governors will want to bear in mind the advantages of having a parent (who is also a Governor) on the Panel. Governors will also be sensitive to equality issues.
3. The Chair of the Panel will ensure that the complaint is heard by the Panel within 20 college days of receiving the letter. All relevant correspondence regarding the complaint should be given to each Panel member when the composition of the panel is confirmed.
4. The Chair of the Panel will write and inform the complainant, Principal, any relevant witnesses and members of the Panel at least 5 college days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
5. The Chair of the Panel should invite the Principal (or other SLG member who responded to the complaint at Stage 2), to attend the panel meeting and prepare a written report for the panel in response to the complaint. The SLG member may also invite members of staff directly involved in matters raised by the complainant to respond in writing, or in person, to the complaint. Any relevant documents including the Principal's report should be received by all concerned, including the complainant, at least 5 college days prior to the meeting.
6. The involvement of staff other than the Principal is subject to the discretion of the Chair of the Panel.
7. It is the responsibility of the clerk to the Panel to ensure that the meeting is properly minuted.
8. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the college and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
9. The Panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures the proceedings are as informal as possible.

10. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
11. The meeting should allow for:
- the complainant to explain their complaint
 - the Panel to question the complainant
 - the Principal to explain the college's response
 - the Panel to question the Principal and/or other members of staff about the College's response
 - any party to have the right to call witnesses (subject to the approval of the Chair)
 - final statements by both the complainant and the Principal.
- } At this stage it is generally more acceptable to see the Principal and complainant separately
12. The Chair of the Panel will explain to all concerned that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 college days.
13. The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the college's systems or procedures to ensure that problems of a similar nature do not happen again.
14. The written statement outlining the decision of the Panel must be sent to the complainant and Principal. The letter to the complainant should explain whether a further external appeal can be made, and if so, to whom.
15. The college should ensure that a copy of all correspondence and notes are kept. These records should be kept separately from the student's personal records.