



# Complaints Policy

September 2023



## Contents

1.0	Introduction .....	1
2.0	Stage 1 – Informal Resolution.....	1
3.0	Stage 2 – Formal Resolution.....	2
4.0	Stage 3 – Panel Hearing.....	2
5.0	Timeframe for Dealing with Complaints.....	3
6.0	Records and complaining to regulators.....	4
7.0	Wider consideration.....	4
8.0	Vexatious Complaints.....	5

## 1. Introduction

- 1.1 The College prides itself on its high standards and excellent provision. If any person has cause to make a complaint they can expect it to be treated fairly by the College in accordance with this procedure.
- 1.2 The College makes its complaints procedure available to all stakeholders on the College's website and will ensure that anyone who requests it is made aware that this document is published or available and of the form in which it is published or available.
- 1.3 This procedure should be read in conjunction with the following College policies: Behaviour, Rewards & Sanctions policy; Anti-bullying policy; Child Protection and Safeguarding policy and Data protection policy. The policy is applicable to all students, parents and staff.
- 1.4 Although not mandatory, in line with good practice and in accordance with the Independent School Standards Wales (2003), Cardiff Sixth Form College will make available to parents of students and of prospective students and provide, on request, to the Chief Inspector, the National Assembly or an independent inspectorate, details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding College year.
- 1.5 In any matter which relates to child protection or safeguarding, parents and students should feel free to contact the Designated Safeguarding Governor (Tim Fish), Cardiff Children's Services or the Local Authority Designated Officer. The College's Safeguarding and Child Protection Policy should be referred to for further details.
- 1.6 Complaints follow through a series of stages as outlined below.

## 2. Stage 1 – Informal Resolution

- 2.1 It is hoped that most complaints and concerns will be resolved quickly and without recourse to formal proceedings.
- 2.2 If students / parents have a complaint, they should normally contact their child's Head of House (Sixth Form) or the Director/Assistant Director of Lower School (Years 10-11) in the first instance to discuss their concern. In many cases, the matter will be resolved straight away by this means to the students' / parents' satisfaction. If the Head of House or Director/Assistant Director of Lower School cannot resolve the matter alone, it may be necessary for him/her to consult a Head of Department or a member of the Senior Leadership Team. The Head of House or Director/Assistant Director of Lower School will seek written confirmation from the complainant that a satisfactory resolution has been established.
- 2.3 Complaints of an academic nature, made directly to a Head of Department will be addressed as above, in conjunction with the Senior Vice Principal.
- 2.4 If the complainant is not a parent/guardian or a student, they should direct their complaint to an appropriate member of staff which may be a member of the Senior Leadership Team.
- 2.5 The member of staff receiving the complaint will make a written record of all concerns and the date on which they were received.
- 2.6 In most instances, complaints can be resolved swiftly and to the satisfaction of the complainant (informal resolution). When the College has received written confirmation that the complaint has been satisfactorily resolved, this will be logged as an *informal complaint - resolved*.
- 2.7 Should the matter not be resolved within two full working College days, or in the event that the member of staff and the complainant fail to reach a satisfactory resolution, then the

complainant will be advised to proceed with their complaint in accordance with Stage 2 of this procedure. The member of staff passes the information to the Academic Data Manager (ADM) who registers the complaint and informs the relevant parties that a Stage 2 complaint has been received.

### **3. Stage 2 – Formal Resolution**

- 3.1 If the complaint cannot be informally resolved, then the complainant should put their complaint in writing to the ADM ([complaints@ccoex.com](mailto:complaints@ccoex.com)). The ADM will inform the Principal (or an appropriate member of the Senior Leadership Team in the absence of the Principal) who will decide a course of action to and nominate a person to investigate the complaint (‘the investigator’).
- 3.2 If a complainant chooses to bypass Stage 1 and raise a Formal (Stage 2) Complaint immediately, the member of staff receiving the Formal Complaint will ask the complainant to confirm that this is a Formal (Stage 2) Complaint. The complainant, on considering this policy, may decide to proceed with Stage 2 or may decide to make their complaint informal (Stage 1).
- 3.3 On receiving the Formal (Stage 2) Complaint, the Principal will communicate to the complainant details of the course of action and who the nominated investigator is, within two days of receiving the Stage 2 (formal) complaint.
- 3.4 The investigator concerned will contact the complainant within two working days, to discuss the matter. If possible, a resolution will be reached at this stage. However, it may be necessary for the investigator to carry out further investigations.
- 3.5 The investigator will keep written records of all meetings, interviews and other evidence held in relation to the complaint.
- 3.6 Once the investigator is satisfied that, as far as is practicable, all the relevant facts have been established, the Principal will be informed and a decision will be made. The complainant will be informed of this decision in writing, with reasons given within five working College days of the complaint being raised or within the timeframe stated by the investigator/Principal, if longer than five working days.
- 3.7 If the complaint is against the Principal, the Managing Director will decide a course of action and direct the investigation. Once The Managing Director is satisfied that, as far as is practicable, all the relevant facts have been established, the complainant will be informed of their decision in writing, with reasons given within five working College days of the complaint being raised or within the timeframe stated by the Managing Director, if longer than five working days
- 3.8 If the complainant is still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

### **4. Stage 3 – Panel Hearing**

- 4.1 If the complainant seeks to invoke Stage 3 they will be referred to the Managing Director who will instigate a complaints panel hearing.
- 4.2 The matter will be referred to the complaints panel for consideration. The panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the College. The Managing Director

shall approve each of the panel members. The convenor, on behalf of the panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within seven full working College days.

- 4.3 If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than two working College days prior to the hearing.
- 4.4 One other person may accompany the complainant to the hearing. This might be a relative, teacher, translator, or friend. Legal/union representation will not normally be appropriate. Any request for legal/union representation should be made in writing to the Managing Director.
- 4.5 If possible, the panel will resolve the complaint immediately without the need for further investigation. Where further investigation is required, the panel will decide how it should be carried out.
- 4.6 After due consideration of all the facts it considers relevant, the panel will reach a decision and may make recommendations which it shall complete within five working College days of the hearing.
- 4.7 The panel will write to the complainant informing them of its decision and the reasons for it. The decision of the panel will be final. The panel's findings and, if any, recommendations will be sent by electronic mail or otherwise given to the complainant, the Principal, the ADM and, where relevant, the person complained of.
- 4.8 The complainant can be assured that all concerns and complaints will be treated seriously and confidentially. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the College premises by the Managing Director and the Principal. Correspondence, statements and records will be kept confidential except where the National Assembly, inspectors acting under section 163 of the Education Act 2002, parents and other interested parties require access to the number of complaints registered under the formal procedure in the preceding year.

## **5. Timeframe for Dealing with Complaints**

- 5.1 All complaints will be handled seriously and sensitively. They will be acknowledged within two working College days if received during term time and as soon as practicable during holiday periods.
- 5.2 It is in everyone's interest to resolve a complaint as speedily as possible: the College's target is to complete the first two stages of the procedure within 20 working College days. Stage 3, the Appeal Panel Hearing, will be completed within a further 20 working College days.
- 5.3 Please note that, for the purposes of this procedure, 'working College days' refers to weekdays (Monday to Friday) during term time.

## 6. Records and complaining to regulators

- 6.1 Following the resolution of a complaint, the College will keep a written record of all complaints in a Complaints Register (Stage 2 and above) - when they are resolved at the formal stage or proceed to a panel hearing and any action taken by the College as a result of the complaint (regardless of whether the complaint is upheld). The records will make clear which stage in the steps outlined above the complaint reached.
- 6.2 Stage 1 (informal) complaints that are resolved (*informal complaint – resolved*) will be recorded by the Principal, separately.
- 6.3 All correspondence, statements, records and other information relating to a complaint will be kept confidential except where an official body conducting an inspection of the College requests access to them.

## 7. Wider consideration

- 7.1 A complainant, acting in good faith, can expect to be treated fairly and objectively at all times.
- 7.2 Under certain circumstances, the College may need to make third parties outside the College aware of a complaint or of the identity of those involved. This would happen where, for example, a pupil's safety may be at risk or where matters need to be referred to the police. In such circumstances, parents would be kept fully informed unless the third-party agency advises against this.
- 7.3 In respect of the timescales outlined above, if a formal written complaint is sent during a College holiday period when the College office may be closed or relevant parties away from the college or on holiday, the timings may have to be extended accordingly. The complainant will be informed of the timescale.
- 7.4 As a College, we recognise and acknowledge the entitlement of individuals to complain and take our duty-of-care to students and staff seriously, at all times.
- 7.5 In rare circumstances complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the College and directly or indirectly the overall well-being of the students or staff in the College. In these exceptional circumstances the College may take action in accordance with our vexatious complaints policy (point 8.0 below).
- 7.6 With effect from 1st October 2015, it is considered good practice for Colleges in line with the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 ('the ADR Regulations') to provide complainants at conclusion of the final stage of the complaints procedure with the contact details of a certified alternative dispute resolution ('ADR') entity (such as a mediation or arbitration body) which would be competent to deal with any unresolved dispute, should both parties wish to engage in ADR. Colleges are not required to include information about ADR in the complaints procedure itself. A list of ADR providers certified by the Chartered Trading Standards Institute can be found here to satisfy this requirement: <http://www.tradingstandards.uk/advice/ADRApprovedBodies.cfm>. On providing information about a certified ADR provider, Colleges are also required to notify the student / parents whether the College is obliged and/or prepared to enter into ADR.

## 8. Vexatious Complaints

- 8.1 Cardiff Sixth Form College is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the College. However, we do not expect members of our community to tolerate unacceptable behaviour and will take action to protect individuals from such behaviour, including that which is abusive, offensive or threatening.
- 8.2 Cardiff Sixth Form College defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - refuses to co-operate with the complaints investigation process;
  - refuses to accept that certain issues are not within the scope of the complaints procedure;
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
  - introduces trivial or irrelevant information which they expect to be taken into account and commented on;
  - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
  - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - changes the basis of the complaint as the investigation proceeds;
  - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed;
  - seeks an unrealistic outcome;
  - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
  - uses threats to intimidate;
  - uses abusive, offensive or discriminatory language or violence;
  - knowingly provides falsified information;
  - is found to be slandering the College or individuals within the College;
  - publishes unacceptable information on social media, other public forums or provides information of the complaint to unrelated third parties.
- 8.3 If a complainant unnecessarily directs a complaint about the school, legitimate or otherwise, at a third-party organisation (such as Estyn, CIW, Welsh Government or a Member of Parliament), without following the Complaints Procedure, this may be considered vexatious behaviour.
- 8.4 Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.
- 8.5 Whenever possible, the Principal or Managing Director will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.



- 8.6 If the behaviour continues, the Principal (or Managing Director) will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Cardiff Sixth Form College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- 8.7 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Cardiff Sixth Form College.
- 8.8 If vexatious behaviour persists, the Principal reserves the right to terminate the contract with the Parent or pursue appropriate legal action.