

**HILLS ROAD SIXTH FORM COLLEGE**  
**Complaints Policy and Procedure**  
**(Adult Education Students)**

Date approved by the Principal	8 <sup>th</sup> March 2013
Non-substantive changes approved by the Principal:	October 2013
Date for next review	June 2016
Post of member of staff responsible:	Assistant Principal (Resources)

## **1. Policy Statement**

At Hills Road Sixth Form 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.

In responding to a concern, the College undertakes to:

- listen carefully to the complaint, and acknowledge the matter within five working days
- record the complaint accurately and in accordance with the Data Protection Act
- investigate the complaint fully, objectively and within the stated time frame
- notify the complainant of the results of the investigation and any right of appeal
- if the complaint is upheld, inform the complainant of any action that will be implemented in order to ensure that there is no re-occurrence.

### **Anonymous complaints**

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

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**

### **2.1 Informal Resolution of Concerns**

#### **2.1.1 Stage 1: seek the help of a member of staff**

If an issue arises concerning a member of College staff or another Adult Education student where you do not feel able to talk directly to the person concerned, you should first of all seek the help of a member of staff. This member of staff will most likely be your Adult Education (AE) tutor but, if your concern is about your tutor, you are invited to contact the relevant AE Coordinator. If your concern is about an AE Coordinator you are invited to contact the Director of Business and Finance.

- Discuss the issue with the relevant member of staff and decide what, if any, further action you want to be taken.
- With your consent, this member of staff may seek further advice or evidence.

### **2.1.2 Stage 2: seek the help of a more senior member of staff**

- If after Stage 1 the issue has not been resolved (to your satisfaction), you may refer it to the relevant A E Coordinator. In the case of a concern with an AE Coordinator that remains unresolved or with the Director of Business and Finance, progress to Stage 3.
- On your request, the AE Coordinator will investigate the issue fully and will respond to you within five working days to discuss the case and, where appropriate, to agree what action will be taken to resolve the matter.

## **2.2 Formal Resolution of Complaint**

### **Stage 3: Refer to the Assistant Principal (Resources).**

- If after Stage 2 you are not satisfied that the issue has been dealt with satisfactorily, then you may submit to the Assistant Principal (Resources) a formal written statement of your complaint (an exemplar form which you may wish to use for this purpose is attached in Appendix A)<sup>1</sup>.
- Formal written complaints made about any aspect of Adult Education provision will receive an acknowledgement from the Assistant Principal (Resources) within three working days.
- The Assistant Principal (Resources) or her/his nominated representative (the investigating officer) will then investigate the matter and respond within ten working days of receiving your written statement to explain how your complaint has been dealt with.
- Where a complaint is found to be justified, remedial action will be taken.
- Where a complaint is not upheld, a full explanation will be given and your right of appeal will be explained to you.
- If you submit a complaint to the Assistant Principal (Resources) without first following stages 1 and 2 above, the Assistant Principal will usually advise you to seek redress informally before submitting a formal complaint. The exception to this is where the complaint is of a very serious nature (eg where the health or safety of one or more members of the College community is put at risk) in which case the complainant may choose to progress straight to Stage 3.

---

<sup>1</sup> If the complaint is about the Assistant Principal (Resources), you should address your complaint directly to the Principal. If the complaint is about the Principal, it should be addressed to the Clerk to the Corporation for the attention of the Chair of the Corporation.

## **2.3 Appeal**

### **2.3.1 Refer to the Principal**

If you remain dissatisfied after Stage 3, you may appeal in writing to the Principal within ten working days of your receiving a response at Stage 3. If the complaint is about the Principal, your appeal should be made to the Chair of the Corporation by writing to the Clerk to the Corporation.

2.3.2 Your appeal will be heard by an Appeal Committee which will be chaired by the Principal (see appendix B).

**CONFIDENTIAL  
HILLS ROAD SIXTH FORM COLLEGE  
FORMAL COMPLAINT FORM**

**Adult Education Students**

Name: .....

Address: .....  
.....

Course studied: .....

AE Tutor/Coordinator: .....

---

**STATEMENT**

Please include the nature of the formal complaint, relevant dates and the steps which have already been taken to resolve this matter (continue overleaf or on a separate sheet if necessary):

Signed: .....

Date: .....

Please return the completed form to the Assistant Principal (Resources).

**Appeal Committee (College Complaints Procedure  
for Adult Education students):**

**Terms of Reference**

<b>Purpose</b>	To hear appeals against decisions made in Stage 3 of the College Complaints Procedure for Adult Education students
<b>Powers</b>	Decision-making.
<b>Membership</b>	The Principal (or designated alternate) and one other senior manager; or, if the complaint is about the Principal, the Chair of Corporation (or designated alternate) and one other member of the Corporation. In order to maintain objectivity, members of the committee should not have been involved in stages 1, 2 or 3 of the Complaints Procedure.
<b>Chair</b>	The Principal (or designated alternate); or the Chair of Corporation (or designated alternate) where the complaint concerns the Principal.
<b>Notes</b>	Notes of the meeting will be taken and issued to relevant parties together with the committee's decision.
<b>In Attendance</b>	The complainant The complainant's friend, if requested The investigating officer from Stage 3 Other persons, as necessary, at the invitation of the Chair.

## Rules of Procedure

- 1.1 The purpose of the appeal hearing is to consider whether:
- o stage 3 was conducted in line with College policy and procedures
  - o the outcome of Stage 3 was reasonable in light of the available evidence.

Any appeal must be made to a higher authority: if action stemming from the complaint has been taken by the Principal, the appeal must be to the Corporation. If the action has been taken by a senior member of staff other than the Principal, then the appeal must be to the Principal.

If the appeal is to the Corporation, the Adult Education student should inform the Clerk to the Corporation. If the appeal is made to the Principal the Adult Education student should inform the Principal.

- 1.2 The notice of appeal should be made without unreasonable delay and normally within five working days of receipt of the letter informing the Adult Education student of the original outcome of their complaint.
- 1.3 The Adult Education student must give specific grounds for the appeal and the appeal hearing shall address itself exclusively to consideration of these grounds. In the absence of such specific grounds, the appeal shall not be heard.
- 1.4 Appeal hearings should be convened without undue delay but with reasonable notice to the Adult Education student which should be no fewer than ten working days after the notice to appeal has been received. The appeal will be conducted by an appeal committee.
- 1.5 All existing documentation relating to the complaint shall be made available to the committee in advance of the appeal hearing at such time as may be determined by its Chair (which shall not be less than five days in advance of the date of the appeal hearing) and, unless the safety of any person would thereby in the opinion of a reasonable person be jeopardised or their rights under the Data Protection Act would be infringed, shall also be made available at the same time to the Adult Education student.
- 1.6 At the hearing of the appeal, the Adult Education student shall have the right to make representations, including oral representations, for which purpose he or she may be accompanied and represented by a friend.
- 1.7 During the hearing adjournments may be requested by either party on grounds which shall in all cases be stated. Such requests shall not be unreasonably refused by the Chair of the Committee and, where refused, an explanation for the refusal shall be given. Where adjournments are granted, witnesses shall observe the rules made by the Chair for their conduct during adjournments.
- 1.8 Decisions
- In the event of an appeal on grounds of defective procedure (hereinafter called "procedural grounds"), the outcome of the hearing shall EITHER be a statement that:

- the procedure followed during Stage 3 complies fully with the rules made for its operation, OR
- the procedure followed during Stage 3 entailed a minor breach or breaches of the rules made for its operation, but these were not of sufficient seriousness as to have prejudiced the interests of the Adult Education student or led to a different outcome of the investigation and/or hearing than would, in the opinion of a reasonable person, have been reached had the breach or breaches not occurred, OR
- the procedure followed during Stage 3 entailed a breach or breaches of the rules made for its operation which was of sufficient seriousness as to have prejudiced the interests of the Adult Education student or led to a different outcome than would, in the opinion of a reasonable person, have been reached had the breach or breaches not occurred.

If reaching the last decision set out above, the Committee shall ensure that the defect is remedied.

- In the event of an appeal on grounds that the decision reached was inappropriate in the context of the evidence presented, or that the action undertaken was disproportionate to the complaint (both hereinafter called "substantive grounds"), the outcome of the hearing shall EITHER be a statement that:
  - the decision reached was reasonable in the context of the evidence presented and the action undertaken proportionate to the complaint, OR
  - the decision reached was reasonable in the context of the evidence presented, but the action taken was disproportionate to the offence, OR
  - the decision reached was not reasonable in the context of the evidence presented.

If reaching either of the last two decisions set out above, the Committee shall ensure that the defect is remedied.

- The outcomes of appeal hearing shall be communicated to both parties within ten working days of the hearing (or as soon as practicable thereafter), which shall give reasoned grounds for the decision or decisions made, and which shall mark the final stage of the complaints process.

## Primary Impact Assessment

### 1 POLICY

1	Name of Policy	<b>Complaints Policy and Procedure(Adult Learners)</b>
2	Is it new or under review? (If under review, give date of last review)	Reviewed initially by John McCann (Staff Development and Communications) in the light of changes to the appeals process, September 2012. The policy is now under review following further clarification about the appeals process.
3	Person defining the policy and carrying out the assessment	John McCann (Assistant Principal, Staff Development & Communications)
4	What are the main aims and objectives or purpose of the policy/procedures being assessed?	To deal with complaints which arise, to treat them seriously and resolve them as quickly and fairly as possible.
5	Who implements, carries out or delivers the policy? Please state individuals, team, department, including, where appropriate, outside organisations.	The AE Coordinators implement the policy together with the Director of Business and Finance and the Assistant Principal (Resources).
6	Who is affected by the policy or by the way it is carried out? Include internal and external individuals, groups and communities.	All AE students on the College site and offsite when engaged in College activities.
7	Are there any groups that could be adversely affected by the policy or that would not have the opportunity to benefit?	No
8	Do we have monitoring data or evidence available for different individuals/groups affected by the policy? If yes, what do they show? If no, do we need to gather relevant data?	Yes – confidential complaints file held by the relevant AE Coordinator. Each record shows relevant details and corresponding action/resolution.
9	Are we aware of any relevant local or national equality or diversity related consultation, research or good practice guide for this area?	Yes

## 2 IMPACT

Gender/Age	Positive impact	Neutral impact	Adverse impact
Female		√	
Male		√	
Age		√	

Disability	Positive impact	Neutral impact	Adverse impact
Visually impaired		√	
Hearing impaired		√	
Physically disabled		√	
Learning disability		√	
Mental health problem		√	
Other (eg cancer, HIV)		√	

Race / Culture / Belief	Positive impact	Neutral impact	Adverse impact
Race / culture		√	
Religious belief		√	

Other factors	Positive impact	Neutral impact	Adverse impact
Sexual orientation		√	
Trans-gendered/transsexual		√	
Caring responsibilities		√	
Offending past		√	
Socio-economic factors		√	

## 3 DECISION

### ***Either***

The PIA has not identified a likely adverse impact on any equality target group.

Signed: *John McCann*

Date: 8<sup>th</sup> March 2013

### ***Or***

The PIA has identified the following risks/barriers/concerns.

.....

A secondary impact assessment will now be undertaken.

Signed ..... Date .....

**PLEASE PASS THE COMPLETED PIA TO THE DEPUTY PRINCIPAL**