



Complaints Policy

Version 3

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1. Introduction

- 1.1 The Trust and its colleges are committed to high quality provision and support and we operate in a climate of fairness, equality and mutual respect. We believe that we can learn from the experience and views of students, parents and other stakeholders and want to listen to and address any concerns that may arise.

At any stage of the complaints procedure, based on the details of the complaint, a decision may be made to deal with the complaint under a different and more relevant policy or procedure if appropriate.

- 1.2 Complaints should be logged promptly or at least within 2 calendar months of the incident. If a complaint is received after this time, unless there are exceptional circumstances, no further action will be taken.

2. Stage One – Informal Resolution

- 2.1 We will treat promptly, fairly and seriously any concerns from students, parents or other individual or organisation involved with the Trust or its colleges and endeavour to reach a speedy and satisfactory solution.

Initially, it is often good to talk to the member of staff most directly involved and this may be done as an informal query, rather than a complaint necessarily under this policy. However, you may also direct your concerns or complaint to the relevant Head of School or the appropriate Senior Progress Tutor under stage one of this procedure. If a complaint is raised directly with the Principal, it is likely the Principal will forward the complaint to the most appropriate member of staff in the college for it to be addressed. If you're not sure who to contact, please contact the main college reception who will be able to help.

If you are a college student, you can speak to one or more of the following:

- subject teacher
- Head of School
- Progress Tutor
- Senior Progress Tutor

- 2.2 It is important not to let problems get too big or out of hand. Discussing or reporting a concern quickly will help you and us to find a quick and effective resolution. If, after attempting to resolve the issue within stage one, a complainant remains dissatisfied with the outcome, they will be provided with information about the Trust's formal complaints procedure and will enter stage two.

It is the responsibility of all staff to inform the Complaints Officer (who is the Trust Director of HR) of all complaints received. If at any time the Complaints Officer feels that the complaint requires a formal investigation the complaint will be moved to stage two of this policy.

3. Stage Two – Formal Resolution

- 3.1 Stage two is for complaints that have already been viewed within stage one of the complaints policy or for complaints which have been moved to stage two by the Complaints Officer.

Formal complaints are dealt with by a single point of contact for all colleges in the Trust, this point of contact is Lauren Walker (Complaints Officer) who can be contacted at lauren.walker@nclt.ac.uk.

If a complainant is dissatisfied with the outcome of stage one, the complainant should put their complaint in writing to the Complaints Officer outlining the grounds for formal action. The form attached at Appendix One can be used but is not essential. The written complaint should:

- Outline in reasonable detail the nature of the complaint and any unresolved issues.
- Clarify what actions they believe should be taken to resolve the complaint.

Receipt of the complaint will be acknowledged in writing within 5 college days. The Complaints Officer will review the complaint and determine the most appropriate member of staff to handle the complaint or conduct further investigations, where the Complaints Officer deems this is required. Where complaints are serious, the Principal and/or the Trust CEO will be notified.

- 3.2 The investigating officer will carry out whatever further investigation is deemed necessary to understand the facts of the case and to achieve a successful outcome regarding the complaint. This may include, but is not confined to, interviewing relevant witnesses and taking statements of those involved, reviewing electronic or printed materials/policies etc.

The investigating officer will keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation and evidence gathered.

A written response will be made to the complainant within 20 college days of the written complaint being received, with a copy being submitted to the Complaints Officer. Outcomes to a complaint may include:

- A finding that the complaint requires no further action.
- A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld.
- An acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence).
- An apology.
- An explanation of the steps that have been taken to ensure it will not happen again.
- An undertaking to review college or Trust procedures in light of the complaint.

The complainant will be advised that if they are dissatisfied with the outcome they may appeal the outcome of the complaint (see Stage Three).

4. **Stage Three – Appeal**

- 4.1 If previous mechanisms fail to produce an acceptable solution you may then appeal in writing within 10 college days of receipt of the letter informing the complainant of the outcome of stage two. This should be addressed for the attention of the Complaints Officer (Lauren Walker) in the first instance.

A panel will be appointed to hear the appeal and will comprise of three individuals not previously directly involved with the complaint. One panel member will be from the Board of Directors or the college Advisory Group.

A complainant will be entitled to attend the appeal panel hearing and is able to be accompanied by an appropriate companion if they wish. The panel should be notified of the chosen companion in good time in advance of the hearing.

The panel may agree with the outcome of the initial complaint or may find that further investigation is required and/or that recommendations are put in place. The outcome of the appeal will be communicated in writing to the complainant within 5 college days.

A record of all complaints and their outcome will be kept confidentially by the Director of HR.

- 4.2 If you are not satisfied with the college's response or the Chair of the Board of Director's response to a complaint, you may complain to the **Education and Skills Funding Agency (ESFA)** or in some special circumstances to the **Secretary of State for Education** for students studying level 3 courses. The ESFA would normally expect such complaints to be made within 3 months of the conclusion of the college's own complaints procedure.

You should normally exhaust college processes first before accessing the ESFA or Secretary of State for Education.

5. **Unreasonable Complainants**

- 5.1 New Collaborative Learning Trust (NCLT) is committed to dealing with all complaints fairly and to providing a high quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

NCLT defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with a college would cause significant disruption to the safe and effective operation of the college, harass or threaten any members of NCLT, or engage in vexatious complaints by seeking to re-open matters that have already been subject to a concluded complaints procedure.'

Where a complainant acts in an unreasonable manner, the Complaints Officer may inform the complainant that the complaints procedure has been drawn to an end by reason of the conduct of the complainant.

- 5.2 A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint and provide the relevant information using the form at Appendix 1, despite assistance being offered.
- Refuses to co-operate with the complaints investigation whilst still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of this policy.
- Insists on the complaint being dealt with in a way that is incompatible with the Complaints Policy or with good practice.
- Changes the basis of the complaint as the investigation proceeds.
- Introduces trivial or irrelevant information which the complainant expects to be taken in to account, or 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 complaint.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint has no grounds or has already been addressed).
- Seeks an unrealistic outcome.
- Refuses to accept the findings of an investigation, where the Complaints Policy has been exhausted.
- Makes excessive demands on the college whilst the complaint is being dealt with, in terms of the amount of contact with staff regarding the complaint.
- Behaves inappropriately, such as maliciously, aggressively, threatening or intimidating, uses abusive language, falsifies information or knows the complaint to be false.

Where a complainant's behaviour is very serious, the concerns will be put in writing, the police may be informed and the complainant may be banned from college premises. The safety of staff and students is of paramount importance to us and the public has no automatic right of entry.

Complainants should limit the number of communications with the college whilst a complaint is being processed, so as not to delay an outcome being reached.

6. The Awarding of Grades in Summer 2021

- 6.1 For a significant number of qualifications, including A level, GCSE, UAL and WJEC qualifications, the grades awarded will be based on teacher assessed grades submitted by the college/academy to the awarding body.

Each college/academy has produced a Centre Policy setting out the arrangements for determining teacher assessed grades, including the steps taken to ensure that the arrangements are fair and transparent.

- 6.2 Complaints/appeals in relation to the evidence used and the teacher assessed grades established by the college/academy will be dealt with in their entirety by the arrangements set out in section 6 of this policy and via the review and appeals process determined by the Joint Council for Qualifications (JCQ). The complaint form included

in the appendices of this policy should not be used for concerns, complaints or appeals in relation to any aspect of the awarding of teacher assessed grades in 2021.

- 6.3 Each course will outline to students details of the evidence that will be used to determine teacher assessed grades. Teachers will also share with students details of any individual variations to the process or evidence used that apply in their case, for example because of mitigating circumstances, or if they did not complete an assessment or a piece of evidence that was intended to be used, or where it has been identified that a piece of evidence will be given less emphasis.
- 6.4 Students and parents will be provided with an opportunity to notify the college/academy if they believe there has been an error or omission in terms of identifying and addressing individual variations to the arrangements and evidence to be used to determine teacher assessed grades, including special consideration. The college/academy will explain to students and parents how and when they can notify the college/academy if they believe there is an error or omission. We will not consider notifications outside of this timeframe and mechanism.

The college/academy will review any valid notifications received and will determine whether:

- i) To make an adjustment with respect to intended individual variations for the student concerned
- ii) To make no adjustment with respect to intended individual variations for the student concerned

This review process will be carried out by a member of the senior leadership team and the SENDCo. The decision of this review will be communicated to the student/parent, and the decision will be final.

- 6.5 Under no circumstances will teachers disclose to students or parents the specific grades they will be submitting to the awarding bodies, prior to the official results day.
- 6.6 Undue influence from students or parents with respect to teacher assessed grades, for example by lobbying teachers about the teacher assessed grades they might submit, is considered to be malpractice and will be reported to the awarding bodies.
- 6.7 The need for appeals on or after results day should be very limited as students should be confident in their grades because of a number of factors:
- An effective Centre Policy which is adhered to by all staff within the college/academy, and which has been submitted to and reviewed by awarding bodies.
 - A large body of evidence used to determine teacher assessed grades.
 - A high standard of internal quality assurance, both when determining teacher assessed grades using the evidence available, and steps to ensure there are no administrative or procedural errors.
 - Clearly defined procedures to identify and recognise students with special circumstances.
 - The provision of access arrangements to students where they have been approved.

- Effective communication with students and parents about the college's/academy's approach to determining teacher assessed grades, transparency about the evidence to be used, and the accessibility of that evidence for students and parents.
- 6.8 Students who consider that an error has been made in determining their grade will have a right to appeal under arrangements set out by JCQ after they have received their results. We will make information available to students upon the publication of results about how they can access both the centre review and appeal stages. Appeals will be dealt with by awarding bodies under arrangements determined by JCQ. Complaints and appeals will be dealt with in their entirety via this process.

The outcome of any appeal to the awarding body will be the final resolution to any complaints or appeals with respect to the awarding of grades via teacher assessed grades by the college/academy.

Appendices

Complaints Form

In order to capture the relevant information, we suggest any formal complaint is submitted using the form below. Though this is not essential, we would expect similar information to be provided to ensure a complaint can be dealt with appropriately.

Complainant Name		Student Name (if applicable)	
Address		Contact Telephone	
		Contact Email	
Relationship to Student (eg, Mum/Dad) (if applicable)			

Full details of the complaint:

Details of any actions already taken to resolve the complaint (either by the complainant or the college):

What actions you believe will resolve the complaint:

The information I have provided on this form are true and accurate to the best of my knowledge.

Signature of Complainant: _____ Date: _____

Equal Opportunities Monitoring

NCLT is committed to a policy of equal opportunities. It is not compulsory that this form is completed. However, in order to help us monitor the effectiveness of this policy it would be helpful if you would complete the following sections. *The information is for statistical purposes only. It will be treated confidentially.*

Gender: Male/Female/Transgender/Non-Binary/Prefer not to say

Nationality: [Click here to enter text.](#)

AGE

16 - 24	<input type="checkbox"/>	40 - 44	<input type="checkbox"/>	60 - 64	<input type="checkbox"/>
25 - 29	<input type="checkbox"/>	45 - 49	<input type="checkbox"/>	65 or over	<input type="checkbox"/>
30 - 34	<input type="checkbox"/>	50 - 54	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
35 - 39	<input type="checkbox"/>	55 - 59	<input type="checkbox"/>		

RELIGION / BELIEF

Buddhism	<input type="checkbox"/>	Hinduism	<input type="checkbox"/>	Sikhism	<input type="checkbox"/>
Catholicism	<input type="checkbox"/>	Islam	<input type="checkbox"/>	Other <i>Please specify</i>	<input checked="" type="checkbox"/>
Christianity	<input type="checkbox"/>	Judaism	<input type="checkbox"/>		
Prefer not to say	<input type="checkbox"/>				

SEXUAL ORIENTATION

Lesbian	<input type="checkbox"/>	Bisexual	<input type="checkbox"/>
Gay	<input type="checkbox"/>	Heterosexual	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>		

ETHNICITY

Please tick a box from the list below which best describes the ethnic group to which you belong

White	British (A1)	<input type="checkbox"/>	Other White Background (A3)	<input type="checkbox"/>
	Irish (A2)	<input type="checkbox"/>	Please specify	
Mixed Race	White and Black Caribbean (B1)	<input type="checkbox"/>	Other Mixed Background (B4)	<input type="checkbox"/>
	White and Black African (B2)	<input type="checkbox"/>	Please specify Click here to enter text.	
	White and Asian (B3)	<input type="checkbox"/>		
Asian or Asian British	Indian (C1)	<input type="checkbox"/>	Chinese (E1)	<input type="checkbox"/>
	Pakistani (C2)	<input type="checkbox"/>	Other Asian Background (C4)	<input type="checkbox"/>
	Bangladeshi (C3)	<input type="checkbox"/>	Please specify Click here to enter text.	
Black or Black British	Caribbean (D1)	<input type="checkbox"/>	Other Black Background (D3)	<input type="checkbox"/>
	African (D2)	<input type="checkbox"/>	Please specify Click here to enter text.	
Other Ethnic Group	Other (E2)	<input type="checkbox"/>	Please specify Click here to enter text.	
Prefer not to say	<input type="checkbox"/>			

MARITAL STATUS

Single	<input type="checkbox"/>	Widowed	<input type="checkbox"/>	Civil Partnership	<input type="checkbox"/>
Married	<input type="checkbox"/>	Divorced	<input type="checkbox"/>	Other	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>				

DISABILITY

A disability is defined as: A physical or mental impairment which has substantial and long term effects on your ability to carry out normal day to day activities.

Do you have a disability?

[Click here to enter text.](#)

Policy Status

Policy Lead (Title)	Director of HR	Review Period	Every 3 years
Reviewed By	Trust Executive Team/ Board of Directors	Equality Impact Assessment Completed (Y/N)	Y

POLICY AMENDMENTS

Version	Approval Date	Page No./Paragraph No.	Amendment	Audience	How Communicated
1	28/5/2020	Pg 8, E & D form	Updated with amended titles/names throughout. All Categories include Prefer not to say	Staff	Email new policy
2	12.10.2020 BoD				
3	4/5/2021	Pg 6, Section 6	Addition of guidance related to awarding of grades in summer 2021	Students, parents, staff	Published on website and Moodle. Also communicated to staff via Briefings.