



MORLEY COLLEGE LONDON

Complaints Policy and Procedure

POLICY OWNER: Clerk to the Governing Body and Company Secretary
APPROVAL: Governing Body

Policy Category: Corporate
Approved by Policy Committee: 9 January 2020
Approved by Governing Body: 20 January 2020
Review Date: 31 March 2022

Equality Analysis Screening

Equality analysis is a way of considering the effects on different groups protected from discrimination by the equality act. Consider if there are any risks within this policy that will adversely affect a particular group or a variety of groups. Are there any changes that need to be made to the policy its self or additional actions that need to be made to mitigate the risks? The protected characteristics are:

Race
Gender
Disability
Age
Sexual Orientation
Gender reassignment
Religion and Belief
Maternity and Pregnancy
Marriage and Civil Partnership

Risks identified:

Implementation of the Policy will not adversely affect different 'protected' groups, conversely it will promote engagement and inclusivity.

Evidence used (data, consultation):

The content of this Policy

Does this policy need a further action before it can be approved?
(changes made to policy or further equality analysis needed)

**Has this policy been identified as requiring an Equality Analysis Screening? No
(to be discussed with Head of Quality and Standards and Head of Human Resources)**

A COMPLAINTS POLICY

1. Introduction and Purpose: The Code of Good Governance for English Colleges, which the College adopted in October 2015, expects all colleges to have comprehensive complaints procedures through which students and the public can hold them to account. Paragraph 2.9 of the Code states: "There should be clear and published complaints and whistleblowing procedures. The board should receive regular reports on the number and types of complaint and how complaints are resolved."

In the context of student voice, the Code also sets out an expectation that the board will ensure that "student complaints are effectively addressed and that summary reports are produced and considered (at least annually) on student complaints and appeals" (Paragraph 3.8).

The UK Quality Code for Higher Education also requires the College to implement "a fair and accessible complaints procedure for the informal, and where appropriate, formal investigation and determination of a student complaint." The College has a Higher Education Complaints Policy, which sets out in detail the steps that should be followed by any Higher Education (HE) student who may be dissatisfied with some aspect of the College's HE provision. The HE Complaints Policy has been developed and will be implemented within the framework provided by this policy.

2. Policy Statement: The College is committed to providing a high quality service to its students, to members of the communities that it serves and to the wider public. We welcome feedback from all users of our services and recognise that this feedback may from time to time include expressions of dissatisfaction with an aspect of service. We aim to deal with each expression of dissatisfaction courteously, sympathetically, fairly and objectively and to offer an appropriate remedy to anyone who is adversely affected by the failure of any service to meet the standards set for it. In doing so, we will take account of any reasonable adjustments as a consequence of any declared disability

Definitions:

A concern is an informal (oral or written) expression of dissatisfaction with an aspect of the service provided by the College.

A complaint is a formal statement requiring a formal response, which the complainant has the right, if not satisfied with the response, to pursue further.

A complainant may be an individual or group raising a concern or making a complaint

Vexatious Complaints

A complaint may be considered to be vexatious when it may or may not be the latest in a series of requests and it:

- clearly does not have any serious purpose or value;
- is designed to cause disruption or annoyance, or gives rise to disproportionate inconvenience or expense;
- has the effect of harassing the College and/or its staff; or
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Appendix 2 gives examples of the circumstances in which a complaint may be considered vexatious, and sets out the procedures that will be followed in such cases.

Frivolous Complaints

A complaint may be considered to be frivolous where:

- it is clear that is not serious or sensible in content, attitude or behaviour; or
- there is an absence of clear desire for a sensible or reasonable form of redress.

Malicious Complaints

A complaint may be considered to be malicious where:

- there is evidence of intention to do harm or mischief; or
- it is reasonable to assume that the complainant intended to do harm or mischief; or
- malice may be implied (where, for example, it is clear that no redress is sought).

Unsubstantiated Complaints

A complaint may be considered to be unsubstantiated where:

- an investigation of the complaint has taken place;
- the complainant has been given full opportunity to provide evidence in support of the complaint; and
- no such evidence has been provided to the College.

3. Scope of the Policy: The Policy applies to all persons (including, but not limited to, past, current and prospective future students) who may have contact with the College or may be affected by what the College does, other than College staff. Staff should use the College's established procedures for obtaining and responding to staff feedback, including its Grievance Procedure. Students should note that appeals against assessment outcomes are covered by the College's Assessment, Examinations and Appeals Policy and disciplinary appeals by the Student Disciplinary Procedure.

4. Policy Structure: This Policy is supported by a detailed Complaints Procedure, which sets out the responsibilities of Service Managers, Centre Principals and Heads of Service, the Principal and other members of the Senior Leadership Team and members of the Governing Body. The Policy and Procedure are summarised in a brief guide which should be readily available to students and other users of the College's services.

5. Responsibility for implementation: The Governing Body is responsible for ensuring that a policy is in place and that its operation is monitored. Implementation of the policy is the responsibility of the Head of Quality and Standards.

6. Practical implementation: The Policy will be implemented through the Complaints Procedure, which details how to express a concern or make a complaint and how different types of complaint will be handled.

7. Communication and training: College managers are responsible for ensuring that staff under their direction are aware of the Complaints Policy and Procedure. These documents, together with the Guide for Students and Other Users of the College's Services will be published on the College website. In addition, the Clerk to the Governing Body should ensure that governors are aware of their roles in relation to complaints.

8. Related References, Policies, Procedures, Forms and Appendices (if appropriate): This Policy must be considered in conjunction with the following:

- the Student Charter (included in the Student Handbook);
- the Higher Education Complaints Policy;
- the Information and Data Protection Policy;
- the Public Interest Disclosure (Whistleblowing) Policy;
- the Equality and Diversity Policy and Action Plan; and
- the Student Harassment and Bullying Policy.

B COMPLAINTS PROCEDURE

1. Introduction

1.1 The College is committed to providing a high quality service to its students, to members of the communities that it serves and to the wider public. This Complaints Procedure sets out how students and other users of the College's services can express a concern or make a complaint about the service that they have received. Higher Education (HE) students should read this in conjunction with the Higher Education Complaints Policy.

1.2 The College Student Charter is the framework for the learning experience of students, stating what students can expect from the College (and what the College expects from them). It includes a statement of the service that students and other users of the College's services are entitled to expect. The Charter is provided to enrolled students as part of the Student Handbook. It is also available from the Library and Learning Centre, Reception Desk and College website. Student complaints should be based on the undertakings of the Charter or the College's associated policy statements on equality and diversity and harassment and bullying.

1.3 The College welcomes feedback not only from students but also from other users of its services. It recognises that this feedback may from time to time include expressions of dissatisfaction with an aspect of service. The College aims to deal with each expression of dissatisfaction courteously, sympathetically, fairly and objectively and to offer an appropriate remedy to anyone who is adversely affected by the failure of any service to meet the standards set. At the same time, the College expects complainants to use the procedure in a positive spirit. The College reserves the right not to proceed with a complaint where the complaint does not directly concern the complainant or where initial investigation shows that there is insufficient evidence to justify further action. The College's Public Interest Disclosure (Whistleblowing) Policy and Procedure provides for concerns to be raised about matters of public interest.

1.4 It is expected that the majority of concerns will be resolved as part of normal, informal communication.

1.5 Where the complainant is a current student, members of the Class Representatives' Committee (CRC) are available to give advice about the use of this procedure. Contact details for CRC members are available on Student Council noticeboards in the College and on the College website.

2. Principles

2.1 Complaints and concerns will be handled sensitively and confidentiality will be preserved wherever possible. Where a complaint or concern relates to a specific individual the College will seek the complainant's permission to share details of the complaint with that person, who will be informed of the substance of the complaint or concern and have the right to respond to any allegations made. If permission is withheld by the complainant, it may not be possible for the College to investigate or resolve the matter.

2.2 It is expected that, except in exceptional circumstances, anyone who wishes to raise a concern or make a complaint will do so within two calendar months of the incident to which the concern or complaint relates.

2.3 No complainant will be treated less favourably by the College as a result of having raised a concern or made a complaint, irrespective of whether the complaint is upheld or not, unless the complaint is found to be malicious or vexatious.

3. Different Types of Complaint and How They Are Handled

3.1 Individual Complaints are dealt with according to the guidance set out in this document.

3.2 Group Complaints

Where a complaint is brought by a group comprising two or more individuals, one person should be nominated as spokesperson and correspondent for the purposes of the Formal Procedure. All members of the group must give written consent for the spokesperson to discuss the case on their behalf. Each member of the group must be able to demonstrate that he or she has been personally affected by the matter which is the subject of the complaint.

3.3 Anonymous Complaints

Complaints require investigation to enable resolution; where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons, therefore, no action will normally be taken in the event of complaints made anonymously. There may be exceptional circumstances where the College judges it appropriate to investigate a complaint received from an anonymous complainant, but this is at the discretion of the College.

3.4 Third Party Complaints

No complaint made on behalf of another person will be investigated without that person's written consent. This includes complaints made on behalf of a student by a parent or carer (unless the student is a child or vulnerable adult for whom the complainant has responsibility). The person on whose behalf the complaint is made must tell us what information we may and may not share with the complainant.

3.5 Vexatious or Malicious Complaints

Appendix 2 describes the College's procedures for handling vexatious or malicious complaints.

3.6 Complaints addressed to Governors or to the Governing Body

Should a complaint be received by a Governor or by the Governing Body it will be acknowledged and referred to the Head of Quality and Standards who will ensure that it enters the procedure at the appropriate point.

3.7 Access to Information

Persons pursuing a complaint through this Complaints Procedure will be entitled to apply for access to personal data in accordance with the policies and procedures of the College under the provisions of the Data Protection Act 1998 and other legislation. Applications should be made in writing to the Deputy Principal. The College will not normally charge the complainant for providing this information.

4. Concerns

4.1 Concerns should be expressed to the member of College staff who is directly responsible for the service that is the subject of the concern. This may be the tutor, Centre Principal or Head of Service. It is the responsibility of the person to whom the concern has been expressed to deal with the situation promptly and, if the concern is justified, to try to put things right as soon as is reasonably practicable. HE students should refer to Section 4 of the Higher Education Complaints Policy: Student Complaints Procedure – Concern.

4.2 It is hoped that most concerns will be resolved informally.

4.3 If a concern relates to discriminatory behaviour, harassment, or matters of a sensitive nature which the complainant feels cannot be raised with the relevant staff member, the matter should be treated as a formal complaint.

5. Formal Complaints Procedure - Complaint to Head of Quality and Standards

5.1 If a complainant is not satisfied with the steps taken to resolve the problem informally or feels that the matter is too grave to be dealt with informally, or if 4.3 applies, a formal complaint should be considered. HE students should refer to Section 5 of the Higher Education Complaints Policy: Student Complaints Procedure – Complaint.

5.2 A formal complaint must be written down, preferably by the complainant, but if not, with the assistance of a third party (who may be a member of College staff). Formal complaints can be made by email, by letter or by completing a Complaints Form which can be obtained from Reception Desks, Libraries/Learning Centres or any School or Service administrator. In the case of HE Students, a Higher Education Concerns and Complaints Form (HECF) must be completed (see Appendix 1 of the Higher Education Complaints Policy).

5.3 The complaint should explain the problem that has arisen and set out what outcome the complainant would like from the College.

5.4 The complaint should be sent to the Head of Quality and Standards.

5.5 Complaints will normally be acknowledged within five working days followed by a response in writing from the Centre Principal or Head of Service within 15 working days. This timescale may be extended during College holidays. When a response cannot be sent within 15 working days, the complainant will be kept informed of progress.

5.6 Responsibility for the investigation of complaints lies with the Centre Principal or Head of Service who is responsible for the service to which the complaint relates. The Head of Quality and Standards will inform the Centre Principal or Head of Service, as appropriate, of each complaint. The Centre Principal or Head of Service should investigate the complaint thoroughly and then report the findings back to the Head of Quality and Standards, who will help draw up a response. The Head of Quality and Standards will check that the response is fair and consistent with College policy. The Deputy Principal or other member of the Senior Leadership Team responsible for the Centre or Service concerned will be copied into the response as appropriate.

5.7 If the complaint is upheld, the response will contain a formal apology and indicate the actions that the College intends to take to prevent a recurrence, together with an appropriate timescale.

6. Appeals

6.1 If the complainant finds the response unsatisfactory, he or she may appeal in writing to the Principal. This appeal must be made within ten working days of receiving the College's original response. The Principal will acknowledge the appeal within five working days of receipt. For the HE appeals process, see Section 6 of the Higher Education Complaints Policy: Appeals.

6.2 In order for an appeal to be considered, a complainant must either:

- provide new evidence which was not available for consideration in the original investigation; or
- be able to demonstrate that the investigation was not carried out in accordance with this procedure or (where appropriate) the commitments set out in the Student Charter.

6.3 If grounds for appeal are accepted the Principal may hear the complaint or convene a Complaint Hearing Panel to investigate the matter further. The Chair of the Complaint Hearing

Panel will be a Centre Principal, Head of Service or member of the Senior Leadership Team not involved with the complaint. The other members of the panel will be a staff member from a Centre or Service not involved in the complaint and independent of the Chair, and a member of the Student Council.

6.4 The Complaint Hearing will normally take place within 20 working days (excluding College holidays) of receipt of the appeal.

6.5 A complainant may be accompanied at the Complaint Hearing by a friend for the purposes of support. The friend may not put forward the case except in exceptional circumstances. If the complainant is unable to attend, the Complaint Hearing will be rescheduled. If the complainant cannot attend on the second scheduled date the hearing will be held in the complainant's absence.

6.6 The Chair of the Complaint Hearing Panel will report the findings of the panel to the Principal. The Principal will then decide upon a resolution of the complaint. The resolution will be communicated in writing to the complainant and the Centre Principal or Head of Service concerned within 20 working days of the hearing (excluding College holidays). The Principal's letter will set out the reasons for the resolution. If the complaint is upheld, the Principal's letter will contain a formal apology and indicate how the College intends to prevent a recurrence.

6.7 The Principal's resolution will be final. There are no further rights of appeal within the College Procedures. If the complaint concerns the quality of the College's educational provision, a complainant who is still dissatisfied may appeal to the Education and Skills Funding Agency (ESFA) or, in the case of HE complaints, the Office of the Independent Adjudicator. The ESFA will check that the College's procedures have been fully used before taking any appeal forward.

6.8 Following resolution of any complaint, a report will be prepared by the Head of Quality and Standards for the Senior Leadership Team, to assist in monitoring the effectiveness of the Complaints Procedure and to identify relevant quality issues. The Governing Body will receive an annual summary of all such reports.

7. Complaints against Senior Post-holders and Governors

7.1 If the subject of a complaint is a senior post-holder (other than the Principal or Clerk), the Principal must appoint another senior post-holder to investigate the complaint. Any appeal will be considered by the Principal.

7.2 If the subject of the complaint is the Principal, the Clerk or a governor (other than the Chair), the Chair of Governors must appoint a panel comprising three governors to investigate the complaint. Any appeal will be considered by the Chair of Governors. In the event of a complaint against the Chair of Governors, the responsibility for appointing a panel and hearing any appeal falls to the Vice-chair.

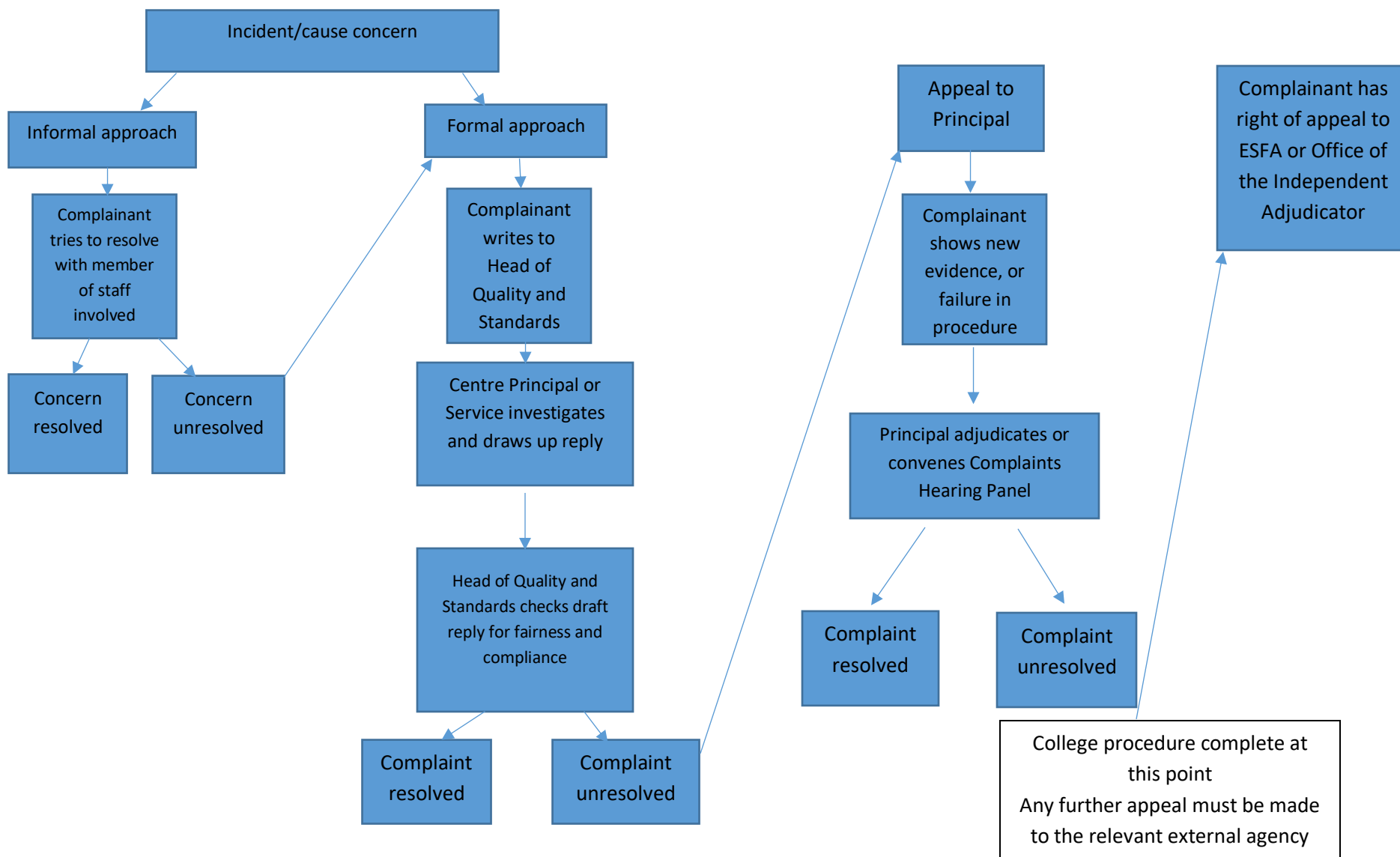
8. Monitoring and Evaluation

8.1 The College monitors and tracks complaints made in order to improve the quality of its services. The Head of Quality and Standards will ensure that records show the nature of each complaint, how it was dealt with, the time taken for a resolution to be reached and the outcome.

8.2 This Complaints Procedure is one aspect of the College's quality assurance system and complaints are considered an important source of feedback on the quality of the College's services. Where possible, complaints will be used to improve services and facilities.

The Head of Quality and Standards will prepare a summary of all complaints for consideration each term by the Student Journey Sub-committee and annually by the Governing Body.

APPENDIX 1: COMPLAINTS FLOWCHART



APPENDIX 2: VEXATIOUS AND OTHER UNREASONABLE COMPLAINTS

1. Introduction

1.1 Dealing with unreasonable complaints can result in significant resource issues for College staff. The College also has a duty to ensure the safety and welfare of its staff, which may be compromised by such complaints. This Policy sets out the College's approach to the relatively few complainants whose actions or behaviour it considers to be unacceptable or unreasonable.

1.2 The College understands that making a complaint can be a stressful experience, and no action will be taken against any complainant where a complaint is made in good faith, but following investigation is not upheld. If, however, the investigation of the complaint reveals the allegation to be vexatious, malicious, frivolous or unsubstantiated, the College reserves the right to dismiss the complaint and, if the complainant is a student, to take disciplinary action.

2. What do we mean by a Vexatious Complainant?

2.1 The College considers as unreasonably persistent or vexatious complainants those complainants who, because of the frequency or nature of their contacts with the College, hinder our investigation of their or other people's complaints. Vexatious complainants may be characterised as trying to make life difficult for the College rather than genuinely seeking to resolve a grievance.

2.2 Behaviours that might result in a complainant being considered vexatious or unreasonably persistent include, but are not limited to, the following:

- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaints, or seeking to have them dismissed or replaced;
- making persistent and unreasonable demands or expectations of staff and/or the complaints process even after the unreasonableness has been explained to the complainant;
- harassing or verbally abusing or otherwise seeking to intimidate staff dealing with the complaint by use of foul, inappropriate, offensive or racist language;
- introducing trivial or irrelevant new information while the complaint is being investigated and expecting this to be taken into account and commented on;
- changing the substance or basis of the complaint without reasonable justification while the complaint is being addressed;
- denying statements made at an earlier stage in the complaint process;
- adopting an excessive 'scattergun' approach, for example, pursuing a complaint or complaints against a number of different members of staff and departments;
- refusing to accept the outcome of the complaint process even after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given; or
- making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insisting that the minor differences make these 'new' complaints which should be put through the full complaints procedure.

Please note that this list is not exhaustive, nor does the existence of any feature on its own necessarily imply that a complainant will be considered as vexatious.

3. Imposing Restrictions

3.1 Where a complainant behaves unacceptably during a telephone conversation, we may as a last resort and after sufficient warning terminate the call.

3.2 If the unacceptable behaviour persists despite previous warnings, the Head of Quality and Standards or Deputy Principal may decide to take action to restrict the complainant's contact with the College in connection with the complaint. Any restrictions imposed will be appropriate and proportionate. The College will take account of any reasonable adjustments as a consequence of any declared disability. The options which will be considered include:

- asking the complainant to enter into an agreement about their conduct;
- requesting contact in a particular form only, for example by letter only;
- requiring contact to take place with a named person only;
- restricting telephone calls to specified days, times and duration;
- asking the complainant to appoint a representative to correspond with the College;
- requiring any personal contact to take place in the presence of an appropriate witness; and
- letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read any future correspondence) unless we determine that it is necessary for the completion of the investigation.

3.3 When the decision has been taken to apply any of these restrictions to a complainant, the Head of Quality and Standards or Deputy Principal will contact the complainant in writing (and/or by email as appropriate) to explain why we believe that the behaviour is unacceptable, what action we are taking and the duration of that action (typically three months) and to draw the complainant's attention to this procedure.

3.4 Where a complainant continues to behave in a way that is unacceptable, the Head of Quality and Standards or Deputy Principal may decide to refuse all contact with the complainant and stop any further investigation into his or her complaint.

4. Disciplinary Actions

4.1 If the investigation of any complaint reveals the allegation to be vexatious, malicious, frivolous or untrue in nature the College reserves the right to dismiss the complaint. The complainant will be notified of this decision in writing as soon as possible. The complainant will be informed that such a complaint is deemed to be an abuse of the procedure and (if appropriate) disciplinary action may be taken.

5. New complaints

5.1 New complaints from complainants who have previously been considered unreasonably persistent or vexatious will be treated on their merits. The Head of Quality and Standards or Deputy Principal will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We will not apply a "blanket policy" of ignoring genuine service requests or complaints where they are founded.

6. Review of restrictions

6.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Head of Quality and Standards or Deputy Principal after three months and, if extended, at the end of every subsequent three month period, even if this

means crossing into the following academic year. The complainant will be informed of the result of this review.

APPENDIX 3: HOW TO RAISE A CONCERN OR MAKE A COMPLAINT – A GUIDE FOR STUDENTS AND OTHER USERS OF THE COLLEGE’S SERVICES

A concern is defined as an informal (oral or written) expression of dissatisfaction with an aspect of the service provided by the College.

A complaint is a formal statement by a complainant requiring a formal response.

This document outlines how you can raise a concern or make a complaint if you feel that we haven’t fulfilled our obligations to you. The College’s Complaints Policy and Procedure explains the principles that underlie our approach to complaints and concerns and sets out in detail the steps that you should follow.

Concerns

We hope that the majority of concerns can be resolved informally, as this is quicker for you. If you are dissatisfied with any part of the College’s service you can talk to the tutor or other relevant member of staff involved and seek to resolve the matter directly with them.

Complaints

If, for whatever reason, an informal resolution is not possible, or if you feel uncomfortable approaching the member of staff involved, you can make a formal complaint. To lodge a formal complaint you can:

- complete a feedback form (or a Higher Education Concerns and Complaints form, if you are an HE student) available at the reception desk; or
- email feedback@morleycollege.ac.uk; or
- write to the Head of Quality and Standards, Morley College London, 61 Westminster Bridge Road, London SE1 7HT

The College’s Response

The College aims to acknowledge all formal complaints within five working days and to resolve complaints within fifteen working days. The manager responsible for the service you have complained about will be asked to investigate your complaint and to respond appropriately. The College takes complaints seriously and the investigation will be fair and impartial.

Appeal

In the event that you are still dissatisfied, you have a right to appeal the outcome of the investigation to the College Principal. You may write to Andrew Gower, Principal, Morley College London, 61 Westminster Bridge Road, London SE1 7HT. You should make your appeal within 10 working days of receiving the College’s reply.

The Principal will check the original investigation of your complaint and conduct any further investigation considered appropriate. The aim will be to reply to your appeal in fifteen working days.

In terms of the College’s procedures, the decision of the Principal is final, but if you are a Morley student and are still dissatisfied you may appeal to the Education and Skills Funding Agency (or the Office of the Independent Adjudicator if you are a Higher Education student). The Agency/Office will check that the College’s procedures have been used before taking your appeal forward.

Vexatious or Malicious Complaints

The College reserves the right to dismiss a complaint that it regards as vexatious or malicious and, if the complaint is from a student, to invoke the Student Disciplinary Procedure. Further information on such types of complaint can be found within the Complaints Procedure.

Other materials you might find useful

The Complaints Policy and Procedure and, for HE students, the Higher Education Complaints Policy, should be read alongside this document to explain further the process of raising a concern or making a complaint.

The Student Handbook contains the College's Student Charter. The Charter sets out the College's obligations to its students.

Timescales

We ask that you bring any complaint to our attention within two months of the incident that you are complaining about. It is at the discretion of the College to decide whether there is an exceptional reason for considering any complaint outside this time frame.

Whether you make a formal complaint or simply express a concern, it is always preferable for the matter to be handled quickly. On some occasions the nature of the complaint or concern will require a degree of investigation that means we will not be able to respond to you in fifteen working days. In these circumstances we will of course always strive to obtain an outcome for you as quickly as possible.

Copies of the Student Handbook can be found at the reception desk and in the college library/learning centre and are available upon request at feedback@morleycollege.ac.uk. An electronic version can be found on the college website [here](#)