



**University Technical College Warrington (UTCW)**

## **Complaints Policy**

<b>Document Detail</b>	
<b>Reference Number</b>	UTCW016
<b>Category</b>	Statutory
<b>Authorised by</b>	Trust Board
<b>Author</b>	Business Director
<b>Version</b>	2
<b>Status</b>	Approved
<b>Issue Date</b>	December 2017
<b>Reviewed</b>	January 2021
<b>Next Review Date</b>	January 2022

## CONTENTS

1 COMPLIANCE .....	1
2 ABOUT THIS POLICY .....	1
3 WHO THIS POLICY APPLIES TO.....	2
4 ROLES AND RESPONSIBILITES .....	2
5 PRINCIPLES OF INVESTIGATION.....	3
6 STAGE ONE – INFORMAL .....	4
7 STAGE TWO – FORMAL COMPLAINT .....	4
8 STAGE THREE – COMPLAINTS PANEL.....	6
9 COMPLAINT TO THE EDUCATION SKILLS FUNDING AGENCY (ESFA) .....	8
10 PERSISTANT COMPLAINTS .....	9

## **1 COMPLIANCE**

1.1. This complaints policy statement has been drafted with regard to the following statutory provisions and guidance:-

1.1.1. Education (Independent School Standards) (England) Regulations 2014

1.1.2. Education Skills Funding Agency's guidance, "Best practice guidance for academies complaints procedures" 16 July 2020.

## **2 ABOUT THIS POLICY**

2.1 University Technical College Warrington (UTCW) is committed to attaining and maintaining the highest standards achievable. There can be occasions when matters fall short of the required standard. This complaints policy has been prepared to allow anyone to raise any issues he/she has with the college, and provides a set of stages which will deal with complaints in an efficient and fair way.

2.2 The college will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2.3 There are three stages to UTCW's complaints policy. It is in our aim to ensure that the vast majority of complaints raised are dealt with informally at Stage One.

2.4 In the event that the complaint cannot be resolved at an informal level, this policy sets out a formal procedure for complaints to be investigated and resolved.

2.5 "UTCW days" means a college day during term time and does not include inset days, weekends, bank or public holidays or any other days that are outside term time.

### **3 WHO THIS POLICY APPLIES TO**

- 3.1 This policy applies to anyone who has a complaint regarding the students, employees, governors, premises or operation of UTCW, whether he/she is a parent or guardian of a student, or a member of UTCW's local community ("the Complainant").
- 3.2 This policy does not apply to complaints arising from:
- 3.2.1 admissions;
  - 3.2.2 child protection and safeguarding;
  - 3.2.3 exclusions;
  - 3.2.4 college re-organisation proposals;
  - 3.2.5 services provided by third party suppliers/contractors who may use the UTCW's premises;
  - 3.2.6 employee grievances and disciplinary procedures;
  - 3.2.7 statutory assessment of special educational needs or educational healthcare plans and,
  - 3.2.8 whistleblowing.
- 3.3 The Trust Board reserves the right to reject a complaint from a vexatious complainant.
- 3.4 Vexatious or frivolous complaints are:
- complaints which are obsessive, persistent, harassing, prolific, repetitious
  - complaints which are designed to cause disruption or annoyance

### **4 ROLES AND RESPONSIBILITIES**

#### **4.1 The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the college
- throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

#### **4.2 The investigator**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely

- Prepare a comprehensive report to the Principal or complaints committee which includes the facts and potential solutions

-

#### **4.3 Clerk to the governing board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

#### **4.4 Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

### **5. PRINCIPLES OF INVESTIGATION**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

#### **5.1 Time scales**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first college day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## **6 STAGE ONE – INFORMAL**

- 6.1 The Complainant should first approach the PAT tutor of the student or alternatively another member of UTCW employees (“Member of Staff”). If the Complainant is not a parent or guardian of a student, he/she should direct his/her complaint to the Principal.
- The Complainant may raise his/her complaint in person, by telephone or in writing.
- 6.2 The Complainant should be prepared to give details of the circumstances which have given rise to the complaint that he/she wishes to raise, and express how he/she would like the matter to be dealt with or how he/she see a resolution being achieved. It may be necessary to put the details in writing (“the Complaint”).
- 6.3 There may be some occasions where the Complaint can be resolved on the spot. If that is achievable, details of the concern and the resolution will be recorded by the Member of Staff for monitoring purposes.
- 6.4 There may be some complaints which require further enquiries, with accounts being taken from other parties involved. The Member of Staff dealing with the Complaint at Stage One will make a record of the issues raised, and will carry out those enquiries. The enquiries shall be concluded within five Academy days from the date when the Complaint was made.
- 6.5 Once the enquiries have been concluded, the Member of Staff will contact the Complainant and provide:
- 6.5.1 a summary of his/her understanding of the Complaint raised;
  - 6.5.2 a summary of the information which he/she has discovered as part of his/her Stage One enquiries (if required to be undertaken);
  - 6.5.3 provide UTCW’s response to the Complaint and an explanation as to how the response has been reached;
  - 6.5.4 confirm whether any action is to be taken; and,
  - 6.5.5 confirm that the matter will be logged and that a record will be retained to ensure that steps can be taken to avoid the issue arising again.

## **7 STAGE TWO – FORMAL COMPLAINT**

- 7.1 If the Complainant is not satisfied that the matter has been resolved at Stage One, he/she can progress his/her Complaint to the formal procedure under Stage Two (“Stage Two Complaint”).
- 7.2 The Complainant will be required to complete UTCW’s Stage Two Complaint form. A copy of the form is attached at appendix one of this policy. Failure to complete the form may

result in the complaint not being progressed unless reasonable adjustments are required by law.

- 7.3 The completed form should be addressed to the Principal of UTC Warrington. If the Complaint concerns the Principal the form should be addressed to the Chair of the Trust Board.
- 7.4 The Stage Two Complaint form will be acknowledged in writing within three UTCW days.
- 7.5 The Letter of Acknowledgement will provide:
  - 7.5.1 the contact details of the Principal or the Chair of the Trust Board (as applicable); and,
  - 7.5.2 specify that the Complaint will be investigated within ten UTCW days (“the Stage Two Investigation”).
- 7.6 During the Stage Two Investigation, the Complainant is required to keep the details of the Complaint private and confidential. This is to enable a just and fair investigation to be undertaken. Any steps taken by the Complainant which do not preserve the confidentiality of the Complaint may undermine the efficiency and effectiveness of the Stage Two Investigation.
- 7.7 The Principal or Chair of the Trust Board will be entitled to delegate the Stage Two investigation to another senior Member of Staff or governor, so long as he/she has not

been involved with the Complaint at Stage One or in any other way (“the Investigating Officer”).

- 7.8 In the event that the Stage Two Complaint is about the Principal/Chair of the Trust Board, or if the Principal/Chair of the Trust Board has dealt with the matter at Stage One, the
- 7.9 Stage Two Complaint will be investigated by another member of UTCW’s senior leadership team or another member of the Trust Board.
- 7.10 The Complainant will be invited to attend a meeting with the Principal/Chair of the Trust Board/Investigating Officer to discuss the Stage Two Complaint and the findings of the Stage Two Investigation (“Stage Two Meeting”).
- 7.11 The Stage Two Meeting will be arranged within five UTCW days of the conclusion of the Stage Two Investigation, and not more than thirteen UTCW days from the date of the Letter of Acknowledgement referred to at paragraph 7.5 of this policy.
- 7.12 The Complainant will be entitled to be accompanied at the Stage Two Meeting by one of the following:
  - 7.12.1 a relative;
  - 7.12.2 a friend; or,
  - 7.12.3 a representative.
- 7.13 At the Stage Two Meeting, a decision will be given regarding the outcome of the Stage Two Investigation and the decision of UTCW regarding the Stage Two Complaint. The decision will be confirmed in writing within five UTCW days of the Stage Two Meeting.
- 7.14 Minutes of the Stage Two Meeting will be taken by an appropriate person appointed by the Principal or Chair of the Trust Board.
- 7.15 A record of the Stage Two Complaint, along with any documentation prepared during the Stage Two Investigation, and the Stage Two Meeting minutes, will be retained by UTCW for six years.

## **8 STAGE THREE – COMPLAINTS PANEL**

- 8.1 If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, he/she may progress his/her Complaint to Stage Three (“the Stage Three Complaint”).
- 8.2 The Complainant will be required to write to the Clerk to the Trust Board (“the Clerk”) to request that the Complaint be dealt with at Stage Three. (Contact details for the Clerk will be available from UTCW’s General Office or UTCW’s website).
- 8.3 The Stage Three Complaint will be considered by a complaints panel (“the Panel”).
- 8.4 The Panel will have three members:
  - 8.4.1 two members from the Trust Board who have had no involvement with the Stage Three Complaint at Stage One or Stage Two; and,

- 8.4.2 One independent member who has no involvement with the management and running of UTCW.
- 8.5 Within three UTCW days of a written request for the Complaint to be considered at Stage Three, the Clerk will acknowledge the request in writing and arrange for a meeting of the Panel to take place within ten UTCW days (“the Panel Meeting”).
- 8.6 The Complainant and UTCW will be entitled to submit any relevant documentation for the Panel’s consideration. The documentation must be submitted to the Clerk three clear UTCW days before the date of the Panel Meeting.
- 8.7 The Complainant and UTCW must provide copies to each other of any documents submitted for the Panel’s consideration three clear UTCW days before the Panel Meeting.
- 8.8 The Complainant and UTCW will also be entitled to call any witnesses which each may reasonably require in order to support the submissions to the Panel. Details of the witnesses must be provided to the Clerk and other party three clear UTCW days before the Panel Meeting.
- 8.9 The Panel Chair shall have an absolute discretion as to whether the Panel will consider any party’s documents or witnesses where there has been non-compliance with either paragraphs 8.6, 8.7 or 8.8 of this policy.
- 8.10 Minutes of the Panel Meeting will be taken by an appropriate person appointed by the Principal or Chair of the Trust Board.
- 8.11 At the Panel Meeting, the Chair of the Panel will explain how the Panel Meeting will be structured. The Panel will invite the Complainant to outline the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 8.6 and 8.7, and to call on any witnesses he/she has identified in accordance with paragraph 8.8 of this policy. The Complainant will be entitled to put questions to his/her witnesses. UTCW will also have the right to put questions to the Complainant’s witnesses once the Complainant has concluded his/her questions.
- 8.12 UTCW will be invited to make its submissions once the Complainant has concluded his/her submissions to the Panel.
- 8.13 The Panel will invite UTCW to outline its response to the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 8.6 and 8.7, and to call on any witnesses it has identified in accordance with paragraph 8.8 of this policy. UTCW will be entitled to put questions to its witnesses. The Complainant will also have the right to put questions to UTCW’s witnesses once UTCW has concluded its questions.
- 8.14 When the Panel has heard the Complainant’s and the UTCW’s submissions, it will be entitled to adjourn to consider its decision.
- 8.15 **The committee can:**
- Uphold the complaint, in whole or in part
  - Dismiss the complaint, in whole or in part
  - If the complaint is upheld, the committee will:
  - Decide the appropriate action to resolve the complaint

- Where appropriate, recommend changes to the college's systems or procedures to prevent similar issues in the future
- 8.16 If the Panel is able to, it will deliver its decision at the conclusion of the Panel Meeting. A copy of the decision will be provided in writing within five UTCW days to the Complainant and the Principal of UTCW.
- 8.17 If the Panel is unable to reach a decision at the conclusion of the Panel Meeting, it will be entitled to adjourn the Panel Meeting and to deliver its decision in writing to the Complainant and the Principal of UTCW within five UTCW days.
- 8.18 A record of the Stage Three Complaint, along with documentation submitted to the Panel, and the Panel Meeting minutes, will be retained by UTCW for six years
- 8.19 Information which is recorded and retained is compliant with Data Protection and UK GDPR legislation

## **9 COMPLAINT TO THE EDUCATION SKILLS FUNDING AGENCY (ESFA)**

- 9.1 If the complainant is unsatisfied with the outcome of the colleges' complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the college. The ESFA will not overturn a college's decision about a complaint. However, it will look into:
- Whether there was undue delay, or the college did not comply with its own complaints procedure
  - Whether the college was in breach of its funding agreement with the secretary of state
  - Whether the college has failed to comply with any other legal obligation
- 9.2 If the college did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the college's complaints procedure is found to not meet regulations, the college will be asked to correct its procedure accordingly.
- 9.3 The Complaint can be submitted electronically using the Schools Complaint Form on the Department of Education's website, or alternatively by sending it to the address below:
- Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Coventry  
5 Quinton Road  
Coventry  
CV1 2WT
- 9.4 For more information or to refer a complaint, see the following webpage:  
<https://www.gov.uk/complain-about-school>  
We will include this information in the outcome letter to complainants.

## **10. PERSISTANT COMPLAINTS**

### **10.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the colleges complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on college time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### **10.2 Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the college in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

### **10.3 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

#### 10.4 Complaint Campaigns

Where the college receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the college, the college may respond to these complaints by:

- Publishing a single response on the college website
- Sending a template response to all of the complainants

If complainants are not satisfied with the college's response, or wish to pursue the complaint further, the normal procedures will apply.

**UTC Warrington**

#### **Appendix One - STAGE TWO COMPLAINT FORM**

<b>Name of Complainant</b>	
<b>Complaint's Address</b>	
<b>Complaint's contact number</b>	
<b>Relationship to UTCW</b>	
<b>Reason for complaint</b>	

<b>Details of complaint to be considered/investigation (continue on separate pages)</b>



The Stage Two Complaint Form should be completed and sent to the Principal of UTCW. In the event that the complaint is about the Principal, the form should be sent to the Chair of the Trust Board.