



COMPLAINTS POLICY AND PROCEDURE

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Complaints Policy and Procedure

INTRODUCTION

Orchard Hill College (the College) is committed to providing outstanding educational opportunities for all our students and apprentices. The College welcomes feedback from our learning community, from our stakeholders and from the general public. We use this process positively to improve services for our students and apprentices and the wider community.

We encourage parents and carers of College students to enter into constructive discussions with the College in order to positively resolve any problems or complaints. Parents/carers can contact the College by telephone, email, via the contact form on the website, and are always welcome to discuss concerns with College staff in person. The Complaints Policy is available via the College website or from the relevant College centre. Where parents/carers need support to raise a concern or make a complaint, we will work responsively with them to facilitate communication.

Orchard Hill College is committed to the continuous improvement of its services. We recognise that, occasionally, mistakes will be made or the service offered will not meet an individual's requirements or expectation. As well as being managed as set out in this procedure, complaints will be used as feedback to improve the service which we as educational providers offer.

This policy sets out the procedure for students, apprentices or parents/carers only, wishing to make a complaint about College staff or practice.

The procedure for complaints from other stakeholders, external bodies or individuals other than students, apprentices or parents/carers consists of a single stage. Complaints should be made in writing to the Principal of the College c/o rtucker@orchardhill.ac.uk, who will investigate and respond in writing within 20 working days. Should the complainant remain dissatisfied after this, they can request that the response is reviewed by writing to the CEO of the College c/o rtucker@orchardhill.ac.uk.

Use of AI-generated complaints

The College encourages complainants to present their concerns in their own words. Complaints generated using artificial intelligence tools are discouraged, as they may not accurately reflect the complainant's voice, can lack the specific detail required to investigate the matter effectively, and may introduce unnecessary legalistic or generic content.

Where a complaint is excessively lengthy, contains irrelevant or generic material, or includes inaccurate legal assertions that obscure the substance of the concern, the College may request clarification or a concise summary. The College reserves the right to focus its investigation and response on the substantive issues raised.

PRINCIPLES

This procedure exists to provide students, apprentices and parents/carers with a formal structure to make a complaint about the College. The College seeks to ensure all concerns and complaints are dealt with efficiently, sensitively and where possible in confidence, at the appropriate level. All complaints are handled in a balanced, neutral way, and assuming nothing until all of the facts are established.

The difference between a concern and a complaint

It is important to understand how different forms of feedback are considered.

All complaints can initially start as a concern, which can be defined as *‘an expression of worry or doubt over an issue, considered to be important, for which reassurances are sought’*. For example, a student might wish to be assured that they are receiving appropriate support with communication, or a parent might ask a member of staff to clarify a comment that the student has made about something at College.

Concerns can materialise into a complaint if the initial response from the College is perceived as unreasonable or dismissive. A complaint is defined as *‘an expression of dissatisfaction however made, about actions (or lack of actions) taken’*. A complaint includes an element of blame against the College.

EXCEPTIONS TO THE COMPLAINTS PROCEDURE

This Complaints Procedure covers all complaints about any provision of facilities or services at the College. However, the exceptions listed below are not covered under the complaints procedure because separate procedures exist.

In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, the College’s own process will be suspended until those investigations are concluded.

Exceptions include:

<i>Admissions</i>	Concerns about admissions should be handled through a separate process via the local authority.
<i>Statutory Assessment of SEN</i>	Concerns about statutory assessments of special educational needs should be raised directly with local authorities

<i>Matters likely to require a Child Protection Investigation</i>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Contact the Designated Safeguarding Lead at the College in the first instance.
<i>Whistleblowing</i>	We have separate policy for whistleblowing for staff including temporary staff and contractors. Protect is a useful source of further information.
<i>Staff grievances</i>	Complaints from staff will be dealt with under OHC&AT's grievance policy and procedures. Contact your HR contact in the first instance.
<i>Staff conduct</i>	Complaints about staff will be dealt with under OHC&AT's disciplinary procedures, if appropriate. You will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.
<i>Data Protection complaints</i>	Concerns or complaints relating to data protection matters, including subject access requests, data breaches, or the handling of personal data, will be managed under the College's Data Protection Procedures rather than through the multi-stage complaints process. These matters are governed by statutory requirements under the UK GDPR and the Data Protection Act 2018, which set out specific timescales and processes. Data protection complaints will therefore be acknowledged, investigated and responded to by the Data Protection Officer (DPO) or their delegate. Where the complainant remains dissatisfied, they may raise their concerns directly with the Information Commissioner's Office (ICO). Such matters will not progress through the College's three-stage complaints procedure

The College will not investigate anonymous complaints under the procedure in this Complaints Policy, except in exceptional circumstances. Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.

If your complaint relates to an external service provider used by the College, this should be raised with the Principal in the first instance, but it might be that you or the College will have to follow the provider's own complaints policy thereafter.

If your complaint relates to a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Principal will be informed immediately. The appropriate policy and procedures will be followed and the Designated Safeguarding Lead must be informed.

If there is any doubt about whether an issue should be dealt with as a complaint or through another formal procedure, guidance can be sought from the Central Team – telephone 0345 402 0453 or email rtucker@ohcat.org

EQUALITY

The College will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 (please refer to the Equality, Diversity & Inclusion Policy for further details).

DATA PROTECTION

Complaints sometimes include requests for information or documentation. Such requests will either be a 'subject access request' under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the Data Protection Act 1998 must be responded to within one calendar month, and requests under the Freedom of Information Act 2000 must be responded to within 20 working days.

Please refer to the Data Protection Policy and Freedom of Information Policy for further details.

INDICATIVE TIMETABLES

NB: At all stages, the College will seek an informal resolution to your complaint. In complex cases, it might take longer to investigate a problem, meaning the timings of the complaints process might be extended. You will be informed should this happen.

The College will try to resolve your complaint as quickly as possible. In complex cases, it might take longer to investigate than is provided for below. We will advise you as soon as possible if we need to extend the time we need to resolve your complaint. A complaint will not be upheld solely because a deadline has been missed.

In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, the College's own process will be suspended until those investigations are concluded.

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Where reasonable or in exceptional circumstances we may consider complaints made outside of this timeframe

Any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of College holidays and the unavailability of personnel required for the investigation to be undertaken properly.

We will consider complaints made outside of term time to have been received on the first College day after the holiday period.

Timeline for raising a complaint

Please note that when we refer to **working days**, we mean Monday to Friday when the College is open **during term time**. The dates of terms are published on the Orchard Hill College website.

Stage 1: Informal complaint

- You should raise an informal complaint within 10 working days of the incident in question
- The complaint will be acknowledged verbally or in writing within 5 working days of receipt
- The complaint will be investigated and responded to verbally or in writing within 20 working days of receipt of the informal complaint

Stage 2: Formal complaint

- If you are not satisfied with the outcome at Stage 1, you should escalate to a formal complaint (following the process described in this document) within 5 working days of receiving the response to Stage 1
- The formal complaint will be acknowledged in writing within 5 working days of receipt
- The formal complaint will be investigated and responded to within 20 working days of receipt

Stage 3: Appeal

- If you remain dissatisfied, you may make an appeal to request a review of the outcome at Stage 2, on one or more of the following grounds:
 - new evidence has come to light which was not reasonably available at the time of the complaint investigation
 - the outcome at Stage 2 was manifestly unreasonable and/or any resulting action was disproportionate
 - the complaints procedure was not followed
- Your appeal must be made within 10 days of the date of the Stage 2 response
- A final response will be given in writing within 20 working days.

Resolving complaints

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken
- an undertaking to review college policies in light of the complaint
- an apology

Withdrawal of a complaint

If you tell us that you wish to withdraw your complaint, we will confirm this in writing.

COMPLAINTS PROCEDURE

Stage 1: Informal complaint

It should be possible to resolve most complaints informally and we will endeavour to manage your complaint as swiftly as we can. In the first instance, you should speak to the member of staff dealing with the matter. If you are unsure who to speak to please contact the Head of College (HOC).

At this stage, clarification about the complaint and the desired outcome will be sought. Even though this is likely to be a spoken exchange, it is important that all parties are in agreement on outcomes and agreed actions.

The final resolution to the complainant can be provided verbally or in writing. A written log of the complaint and response will be maintained by the College.

Stage 2: Formal complaints

If all attempts to resolve the issue remain unsuccessful, you may then follow the formal process by placing your complaint in writing to the Principal. This written document should include:

- A description of your complaint
- Any attempts made to raise/resolve the complaint (including who you have communicated with)
- Any reasonable actions you feel may resolve the issue

The complaint will be investigated by a staff member (not the subject of the complaint) nominated by the Principal. Where the complaint is about the Principal, it will be referred to the CEO.

The complaint will be acknowledged within 5 working days. The formal complaint will be investigated and responded to within 20 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the investigator to be of a complex nature. Where there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible.

An accurate log of the complaint will be maintained.

The written response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to resolve the complaint. The response will advise you of how to escalate your complaint should you remain dissatisfied with the outcome at Stage 2.

Formal complaints made about the CEO

In exceptional circumstances, you may wish to complain formally about the CEO.

If all informal attempts to resolve the issue have been unsuccessful, you may then follow the formal process by making your complaint in writing to the Chair of the Board of Trustees. Please include details of any previous attempts to raise the complaint and any reasonable actions you feel may resolve the issue. Your formal complaint will be acknowledged within 5 working days. Please send your formal complaint about the CEO to the Chair of Trustees c/o governance@ohcat.org

The Chair of Trustees may nominate someone with no previous involvement in the issue to investigate and will respond to you within 20 working days.

Stage 3: Appeal

If you remain dissatisfied following Stage 2, you can appeal against the outcome. You must do this within 10 working days of receiving the response at Stage 2 of the process in writing to the CEO, c/o rtucker@ohcat.org. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The request will only be considered if the procedures at Stages 1 and 2 have already been completed in full.

Appeals concerning a complaint about the CEO will be referred to the Board of Trustees.

Appeals will only be heard on one or more of the following grounds:

- new evidence has come to light which was not reasonably available at Stage 2
- the outcome at Stage 2 was manifestly unreasonable and/or any resulting action was disproportionate
- the complaints procedure was not followed

Your written appeal should include:

- details of all the grounds of the appeal (see above);

- the outcome desired;
- a copy, or a list, of any documents which you believe to be in the College's possession that you wish to be reviewed;
- your full contact details.

Assistance in doing this will be made available to you should you require it.

The request will be acknowledged in writing within 5 working days of receipt during term time and as soon as practicable if received during the holidays.

The CEO or Trustees will review your appeal and all available evidence and will decide whether to:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the College's systems or procedures to ensure that problems of a similar nature do not recur.

The decision, findings and any recommendations will be confirmed in writing to you within 20 working days of receipt of your request.

The decisions, findings and any recommendations will also be available for inspection by the Board of Trustees and the CEO.

This represents the conclusion of the College's complaints procedure.

If you remain dissatisfied, you may complain to the Department for Education (DfE) and/or the Charity Commission.

Complaint campaigns

If the College receives a significant number of complaints about the same issue within a similar time period, particularly where these are received from individuals not directly connected to the College, these will be treated as complaint campaigns.

The College may choose to respond to complaint campaigns by publishing a single response on its website or by sending a template response to all complainants.

SERIAL, PERSISTENT, FRIVOLOUS OR VEXATIOUS COMPLAINTS

Serial and persistent complaints are taken seriously as they put a strain on valuable resources and hinder the progress of proper investigations.

The College will not mark a complaint as 'serial' before it has completed all stages of the complaints procedure.

If a complainant tries to re-open the same issue, the College will inform them that the procedure has been completed and the matter is now closed.

If the complainant contacts the College again on the same issue, the correspondence may be viewed as 'serial' or 'persistent' and the College may choose not to respond.

The College may consider a complaint to be 'frivolous' or 'vexatious' if:

- complaints are obsessive, persistent, harassing, prolific, repetitious;
- there is insistence upon pursuing unmeritorious complaints and / or unrealistic outcomes beyond all reason;
- there is insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints are designed to cause disruption or annoyance; or
- demands for redress lack any serious purpose or value.

Complainants should try to limit their communication with the College about the complaint while it is being progressed, as it is not helpful if repeated correspondence is sent (either by letter, phone, email or text) which is likely to delay an outcome being reached.

For complainants who excessively contact the College causing a significant level of disruption, we may specify particular methods of communication, provide a single point of contact and / or limit the number of communications which may be made with the College in a communication plan. This will usually be reviewed after three months.

The College will stop responding to a complainant where:

- the College has taken every reasonable step to address the complainant's concerns;
- the complainant has been given a clear statement of the College's position and their options; and
- the complainant contacts the College repeatedly, making substantially the same points each time.

The case to stop responding will be stronger if any of the following statements apply:

- the complainant's letters, emails, or telephone calls are often or always abusive or aggressive; and/or
- the complainant makes insulting personal comments about or threats towards staff; and/or
- there is reason to believe the individual is contacting the College with the intention of causing disruption or inconvenience.

In response to any serious incident of aggression or violence, the College will immediately report this to the police for criminal investigation. The College may also withdraw the complainant's implied permission to enter or be on the College site(s). Please refer to the Families and Visitors Code of Conduct for more information.

REPORTING AND RECORDING COMPLAINTS

All formal complaints and appeals should be made in writing. The College Complaint Form can be used for this purpose. Orchard Hill College is mindful of its obligations

under the Equality Act 2010 and will endeavour to facilitate alternative methods of communication where these are necessitated by disability or other unavoidable circumstance.

Once a complaint is received, the College will keep a record of the complaint, the response and any actions taken as a result of the complaint. Heads of College keep records of Stage 1 complaints, and the Head of Regulator Compliance keeps records of Stage 2 and 3 complaints. All records of complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.

Any complaints will be reported to the OHC Executive Senior Leadership Team on a regular basis. A termly report is provided to the OHC Board of Trustees.

RELATED POLICIES AND PROCEDURES

Child Protection, Adult Protection & Safeguarding Policy and Procedures
Equality, Diversity & Inclusion Policy
Families and Visitors Code of Conduct
Freedom of Information Policy
Positive Behaviour and Restraint Reduction Policy
Staff Code of Conduct
Whistleblowing Policy

APPENDIX 1: OHC COMPLAINT FORM

Name	
Date	
Address	
Student Name/Year (if applicable)	
Relationship to student (if applicable)	
Student's address (if different from above)	
Contact number(s) (if you have a preferred time within the day, please state it)	
Email	
Details of Complaint	
What action have you already taken to try and resolve the complaint?	

What actions do you feel might resolve this complaint?
(e.g. an explanation, an apology, review of policy etc.)