

Complaints Procedure

St Francis Xavier Sixth Form College is an inclusive educational community rooted in the Catholic faith, that has Christ at its centre. Our aim is to provide a broad curriculum which emphasises the pursuit of excellence and focuses on career preparation, leadership and service to others. We are committed to preparing the whole person to lead a life of purpose and success in a just and sustainable world

This policy should be understood in the context of the College's commitment to equality, equity, diversity and inclusion. We aim to ensure that all College practices operate in an inclusive manner.

1. Definitions and aims

1.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression or statement of dissatisfaction however made, about actions taken or a lack of action”

In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

1.2 Aims

Our college aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the college, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into college improvement evaluation processes

We try to resolve concerns by informal means wherever possible. Where this is not possible, the formal complaints procedures will be followed.

The college will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the college website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that colleges must have and make available a procedure to deal with all complaints relating to their college and to any community facilities or services that the college provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedures for complaints and for managing serial and unreasonable complaints.

3. Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- College's re-organisation proposals
- Curriculum
- Collective worship

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use college premises or facilities should be directed to the provider concerned.

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
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed by the complaints coordinator 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 which includes the facts and potential solutions

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- The principal
- A member of staff with delegated authority from the principal
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date as appropriate
- Make sure the process runs smoothly by liaising with staff members, the principal and, if necessary, chair of governors via the clerk to the governors
- Be aware of issues relating to:
 - Sharing third-party information
 - Additional support needed by complainants; for example, interpretation support
- Keep records

4.4 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, when a complaint is made against the principal or member of the governing body
- Arrange the complaints hearing when a complaint is made against the principal or member of the governing body
- Record and circulate the minutes and outcome of the hearing

4.5 Committee chair (Principal, SLT with delegated authority or member of the governing body)

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 for 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 Timescales

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 timeframe 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 timescales 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. Informal concerns

Our college will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the concern as soon as possible within the timescales set out in section 5.1.

6.1 Concerns raised by students

Where the concern raised is related to a student's course of study, we ask that the concern is discussed with the student's personal tutor, subject teacher or the Head of Department in the first instance. If it is a matter related to the wider learner experience, then it should be discussed with the student's personal tutor or head of house initially. It may be that the matter can be resolved easily at this informal stage.

Where this is not possible, or you feel that you can neither take the matter up in person with your tutor, teachers nor head of house, any matter related to your course of study should be submitted in writing to the Assistant Principal, Curriculum. If it relates to other matters, it may be submitted in writing to the Assistant Principal with cross-College responsibility for Student Welfare. A concern form for this purpose can be obtained from the College Reception. Alternatively, the student may prefer to submit their concern in the form of a letter or an email. A member of the College Reception Team or the College Chaplain will be happy to assist those who may have difficulty submitting the concern in writing.

6.2 Concerns raised by third parties (parents/ Carers/ members of public)

If the concern is raised by a third party such as a parent or carer, it should be addressed to the relevant member of college staff or the principal, either in person (by appointment) or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the college office via the enquiries@sfx.ac.uk mailbox.

The college will acknowledge informal concerns within 5 college days, which will confirm how the college intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve communication between the complainant and a member of the senior leadership team and a written response will be provided by the college within 10 college days following the communication.

If the concern is not resolved informally, it will be escalated to a **formal complaint**.

7. Stages of complaint (not complaints against the principal or governors)

We have adopted a 2-stage process for dealing with complaints:

- Stage 1 – formal investigation
- Stage 2 – review panel

7.1 Stage 1: formal

Formal complaints can be raised:

- By letter or email (this is preferred)
- Over the phone

- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the college office on 020 87726000 or enquiries@sfx.ac.uk

An associate principal (or other designated member of the senior leadership team) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 college days.

The associate principal (or designated member of the senior leadership team) will call a meeting to clarify the complaint and seek a resolution. The complainant may be accompanied to this meeting, and should inform the college of the identity of their companion in advance.

In certain circumstances, the college may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the college will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The principal (or other person appointed by the principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 college days of the conclusion of the investigation.

How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the PA to the principal within 5 college days. Requests received outside of this timeframe will only be considered in exceptional circumstances.

Complaints can be escalated by contacting the PA to the principal by letter or email or in person (by appointment only)

The PA to the principal will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The PA to the principal will acknowledge receipt of the request within 5 college days.

7.2 Stage 2: submit the complaint to the principal or chair of governors (if the principal has direct knowledge of the complaint)

The complaint will progress to a review hearing chaired by the principal or chair of governors in the event the principal has prior knowledge of the complaint

The complainant will be given reasonable notice of the date of the review hearing – no less than 3 days.

If the complainant rejects the offer of 3 proposed dates without good reason, a date will be set by the principal. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 2 college days before the date of the meeting.

The review hearing will be minuted.

At the meeting

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review hearing, the complainant and representatives from the college, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For

instance, if a college employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The principal (or chair of governors), the complainant and the college representative will be given the chance to ask and reply to questions. Once the complainant and college representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The principal (or chair of governors) will then put together their findings and recommendations from the case. The principal (or chair of governors) will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the principal.

The outcome

The principal (or chair of governors) can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the principal (or chair of governors) 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

The college will inform those involved of the decision in writing within 10 college days.

8. Complaints against the principal, a governor or the governing board

8.1 Stage 1: formal

Complaints that involve or are about the principal should be addressed to clerk of governors, via the college office, and marked as private and confidential.

Complaints about the chair of governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board via the college office, marked as private and confidential.

If the complaint is about the principal or 1 member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 7 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

An independent investigator will carry out the steps in stage 1 (set out in section 7 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 5 college days. Requests received outside of this timeframe will only be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board by letter or email or in person by appointment

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 college days.

8.2 Stage 2: review panel

If the complaint is about the principal or 1 member of the governing board (including the chair or vice-chair), a committee of members of the governing board will hear the complaint. They will carry out the steps at stage 2 (set out in section 7 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local colleges and will carry out the steps at stage 2 (set out in section 7 above).

9. Referring complaints on completion of the college's procedure

If the complainant is unsatisfied with the outcome of the college's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the college's complaints policy and any other relevant statutory policies that the college holds were adhered to. The DfE also looks at whether the college's statutory policies adhere to education legislation.

The DfE will intervene where a college has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the college will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainants.

10. Unreasonable and persistent complaints

10.1 Unreasonable complaints

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process

- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information that they expect to be taken into account and commented on
- 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 issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the college's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on college time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the college what is deemed to be unreasonable.

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

Steps we will take

We will take every reasonable step to address the complainant's comments 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.

Whenever possible, the principal or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the principal will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the college causing a significant level of disruption, 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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from college premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

10.2 Serial/persistent complaints

If the complainant contacts the college again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

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

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the college with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

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 that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which in the view of the college, warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

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.

11. Record keeping and confidentiality

The college will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a college inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the college will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

12. Learning lessons

The governing body will review any underlying issues raised by complaints with the senior leadership team to determine whether there are any improvements that the college can make to its procedures or practice to help prevent similar events in the future.

13. Monitoring arrangements

The Curriculum, Standards and Quality Committee will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The committee will also track the number and nature of complaints, and review underlying issues as stated in section 11.

This policy will be reviewed by the Curriculum, Standards and Quality Committee every 2 years

At each review, the policy will be approved by the Curriculum, Standards and Quality Committee of the Governing Body

14. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices

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