

# LINK19 College



## COMPLAINTS PROCEDURE POLICY

Date agreed: Autumn 2023

Review date: Autumn 2025

## LINK19 College Complaints Procedure

LINK19 College is committed to providing the very best education for our young people and want our learners to be healthy, happy, and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers, and the wider community. We are aware that there may be occasions where people have concerns or complaints, and the following procedure sets out the steps that should be followed to resolve these as quickly and informally as possible.

The primary responsibility for receiving feedback and investigating complaints promptly and thoroughly rests with LINK19 College. We have procedures in place in this policy including but not limited to a complaints framework, to gather and act upon feedback and complaints from Learners and/or their representatives and employers and the wider community. LINK19 College keeps a log of the complaints received which are accessible to the ESFA upon request.

LINK19 College ensures that Learners are made aware of its procedure for dealing with complaints and that the procedure is clear and accessible to Learners who wish to complain. The Complaints Policy is published on the LINK19 College and provided as part of induction.

LINK19 College is responsible for resolving complaints in accordance with its own procedures and any ESFA guidance.

Once LINK19 College has concluded its investigations, including any appeal, it will inform the complainant in writing of the outcome.

Where a complaint has not been resolved to the satisfaction of the complainant LINK19 College will advise the complainant of their right to complain to the Department (Complaints procedure - Education and Skills Funding Agency - GOV.UK ([www.gov.uk](http://www.gov.uk))) and co-operate with any ESFA investigation and act on any ESFA recommendations following the investigation.

Complaints are also covered by other policies and guidance. These include:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances / Discipline
- Safeguarding & Child Protection
- Whistleblowing.

It is expected that all complaints will be referred to LINK19 College in the first instance and that all stages will be pursued before considering a referral to a relevant external body if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, to resolve the complaint.

### **Aims and principles of the Complaints Policy**

This policy aims to:

- encourage the resolution of concerns and complaints by informal means wherever possible
- ensure that concerns are dealt with quickly, fully, and fairly within defined time limits wherever possible
- provide effective and appropriate responses to concerns and complaints
- maintain good relationships between LINK19 College and all those involved.

LINK19 College intends for complaints to be dealt with fairly, openly, and promptly. The LINK19 College board has

approved the following procedure which explains what the Complainant should do if they have any concerns about LINK19 College.

Where appropriate, LINK19 College may offer mediation to resolve a concern or complaint at any stage of the process. LINK19 College may also use someone independent from LINK19 College to investigate a complex issue and to report back to the LINK19 College Lead or Chair of the LINK19 College board (depending on which stage of the process the complaint is being dealt with).

The LINK19 College board has a reciprocal agreement with KSENT so that in certain circumstances a complaint reaching Stage 4 of the process may be dealt with by a Panel consisting of or including Governors from the KSENT board.

Key principles of this policy are:

- **Accessibility** – the policy is available on LINK19 College’s website and can be requested from LINK19 College office. It will be in a useable format, free from jargon and will assume no specialist knowledge
- **Good communication** – LINK19 College will be happy to explain the process for dealing with concerns and complaints
- **Timescales** – there will be clear timescales which LINK19 College will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.
- **Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant
- **Confidentiality** – appropriate confidentiality will be maintained by all those involved (including college staff and directors).

The LINK19 Board of Directors will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within LINK19 College.

### **Raising Concerns**

Most concerns can be dealt with without resorting to the complaints procedure. Where the Complainant has a concern or query about any aspect of LINK19 College they can raise this with the learner’s form tutor or allocated staff member in the first instance. Ideally, they will be able to address the Complainant’s concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, and in accordance with the LINK19 College privacy notice, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

### **Recording Complaints**

LINK19 College will comply with obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties LINK19 College will allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept, and a copy of any written response added to the record. Where there are communication difficulties, schools and colleges may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- LINK19 College will record the progress of the complaint and the final outcome. The LINK19 College Lead and LINK19 College board should be responsible for these records and hold them centrally.
- Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

## **Safeguarding**

Wherever a complaint indicates that a learner's wellbeing or safety is at risk, LINK19 College is under a duty to report this immediately to the local authority. Any action taken will be in accordance with LINK19 College's Safeguarding Policy.

## **Social Media**

For complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by LINK19 College and we expect complainants to observe confidentiality also.

## **Complaints that result in staff capability or disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the LINK19 College Lead and/or the LINK19 College board. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

## **Complaints about the LINK19 College Lead or LINK19 College Directors**

Where a complaint concerns the actions of the LINK19 College Lead, the complainant should first approach the Chair of the LINK19 College board care of the Company Secretary that they wish to take a complaint forward. The Stage 2 process will then commence and the Chair of the LINK19 College board will take the process forward.

Where a complaint concerns a LINK19 College Director, the complainant should notify in writing the Chair of the LINK19 College board care of the Company Secretary. Where a complaint concerns the Chair of the LINK19 College board, the complaint should be made in writing to the Company Secretary. For Complaints against any member of the LINK19 College board, appendix 4 should be followed.

## **The Stages of the Complaints Process**

*(flowchart of process at appendix 2)*

### **Stage 1 – Informal Complaint**

The Complainant should start by sharing their concern with the LINK19 allocated staff member. This is usually the best and quickest way of resolving issues. In some cases, the allocated staff member may feel it more appropriate to refer the complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

- *It is recommended that the complainant makes an appointment to speak to the allocated staff member as soon as possible as this will give everyone the opportunity to talk about the issue without being interrupted*
- *It is important to recognise that colleges are busy places and may not be able to offer an appointment straight away*
- *The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem*
- *It is good practice for the allocated staff member to make a brief written record of the concerns raised and any actions agreed*
- *LINK19 College will respond to initial complaints within five working days.*

### **Stage 2 – Formal Written Complaint** (non-parental complaints are likely to go straight to this stage).

If the complainant is dissatisfied with the outcome of discussions with the allocated staff member, they should then contact the LINK19 College Lead or member of the Leadership Team either by arranging an appointment to see them or by putting a complaint in writing. *You may use the form attached as appendix 1 to do this.*

If the complainant is not using the form, their letter should set out clearly the concern and why you say the issue has not been resolved through informal channels. It is also helpful if the complainant can set out what resolution they are

seeking.

- The LINK19 College Lead will consider the complaint and in doing so will:
  - establish what has happened so far, and who has been involved
  - meet or contact the complainant if they need further information
  - clarify how the complainant considers things could be put right if this has not been set out in the letter or included on the complaints form
  - interview those involved in the matter and those complained of, allowing them to be accompanied if they wish
  - conduct any interviews with an open mind
  - keep notes of any interview for the record.
  
- The LINK19 College Lead will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
  - an apology
  - an explanation
  - an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
  - an assurance that the event complained of will not recur
  - an explanation of the steps that have been taken to ensure that it will not happen again
  - an undertaking to review policies and practice considering the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The LINK19 College Lead will discuss the outcome with the complainant and should send a detailed response within a maximum of 20 college days. Where this proves to be unrealistic, the complainant will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where the complainant is unhappy about the decision the LINK19 College Lead has made about the complaint, this does not become a complaint about the LINK19 College Lead. However, the complainant will be advised of their entitlement to take the original complaint to the next stage by writing to the Company Secretary to the LINK19 College board as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting a complaints panel is convened.

Where the complaint is about the actions of the LINK19 College Lead, go straight to Stage 3.

If the Complainant is not satisfied with the response from the LINK19 College Lead, they should be advised that they can put their complaint in writing to the Chair of the LINK19 College board care of the Company Secretary. When writing the initial letter to the Chair of the LINK19 College board (using the form at the end of this procedure) the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents. If the complaint concerns the LINK19 College Chair, the complaint should be addressed to the LINK19 College Vice-Chair.

The Chair of the LINK19 College Board should write to the complainant within five college days of receipt of their letter, setting out who is conducting the investigation and that the investigator will write to the Complainant within a further 20 college days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The Complainant should be advised if this is the case.

The Chair of the LINK19 College Board will be responsible for carrying out an investigation or appointing another LINK19 College Director to carry out the investigation who will then reach a conclusion based on the investigation. The involvement of the Local Authority should be considered where the issues cannot be resolved internally by LINK19 College or the expertise of carrying out investigations is required. Notes should be kept of any interviews held as part of the investigation. To clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating LINK19 College Director may consider it necessary to meet with the complainant. The investigating LINK19 College Director should produce notes of this interview.

Before the investigating LINK19 College Director interviews a member/s of staff, they must be informed that they may be accompanied by a colleague.

At the conclusion of their investigation the investigating LINK19 College Director will compile a report detailing their findings and any recommendations or proposed actions.

Once satisfied that the investigation has been concluded and they have reached a decision on the complaint, the investigating LINK19 College Director or in the case of an independent investigation, the Chair of the LINK19 College board, will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 college days as set out above. The investigating LINK19 College Director may consider it appropriate to meet with the complainant to communicate the findings.

The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld and an apology given;
- The complaint was substantiated in part or in full which may include details of how LINK19 College may improve future practice (some details would be given of the actions LINK19 College will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion, so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld.

At this stage the complainant will be told that consideration of the complaint by the Chair of the LINK19 College Board is now concluded. Where the complainant is unhappy about the decision the Chair of the LINK19 College Board or investigating LINK19 College Director has made about their complaint, this does not become a complaint about the Chair of the LINK19 College Board/investigating LINK19 College Director, however, the complainant will be advised of their entitlement to write to the LINK19 College Board Company Secretary as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Complaints Panel is convened..

### **Stage 3 – LINK19 College Director Review Panel**

If the complainant is not satisfied with the response of the LINK19 College Lead, or you have a concern or complaint that is specifically about the LINK19 College Lead which has not been resolved in the stages detailed above, then they must write to the LINK19 College Chair of the Board of Directors as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a complaints panel is convened and marking any envelope or email “urgent, private and confidential”. LINK19 College will provide you with the appropriate contact details or you can find it on LINK19 College’s website.

- The Chair of the Board of Directors will acknowledge receipt of the letter within five college days. The acknowledgement will inform the complainant that members of the LINK19 College Board (which may include a compromise of governors and directors from the KSENT Board with whom LINK19 College has a reciprocal agreement in place) will hear the complaint within 20 working days of receipt. The letter will invite the complainant to attend a meeting and explain that the complainant has the right to submit any further documentation relevant to the complaint. The complainant may bring a friend or someone else for support to

the arranged meeting.

- For complaints specifically about the LINK19 College Lead the Chair of the LINK19 College Board of Directors will arrange for the complaint to be investigated, either by themselves or by an appropriate independent investigator.
- A meeting of the LINK19 College Complaints Panel will be convened. No persons with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the LINK19 College Board) to ensure the Panel can meet within the set time. An experienced person will lead the panel meeting. The chair/clerk of the complaints panel will contact the complainant with the arrangements.
- Once the panel has been held, the complainant and LINK19 College will be informed of their decision within five college working days. If it is not possible to meet these timescales, the chair of the panel will contact everyone to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at appendix 3.

#### **Stage 4 – Escalation to appropriate external body**

If the complainant remains unsatisfied by the outcome of the LINK19 College Director's panel, they will be advised to contact the Education, Skills and Funding Agency (ESFA) to review the processes LINK19 College has gone through when dealing with your complaint. Contacts details are

The Complaints team,  
The Office of the Chief Executive,  
Education and Skills Funding Agency,  
Cheylesmore House,  
Quinton Road,  
Coventry,  
CV1 2WT

#### **Complaints about qualifications**

Where a complaint concerns a learner and their qualifications, the complainant should first approach the Tutor to resolve the issue informally. If the complainant is not satisfied with this outcome, they should notify the LINK19 College Lead that they wish to take a complaint forward.

Should this fail to provide you with a satisfactory resolution, or you feel it is inappropriate to address your complaint to the Tutor, then please contact the LINK19 College Lead in writing to:

LINK19 College Lead  
LINK19 College  
LINK Centre  
Dering Way  
Gravesend  
DA12 2DP

Telephone: 01474 555799.

When you contact the LINK19 College Lead, please provide your full name, contact details, and include a daytime telephone number along with:

A full description of your complaint (including the subject matter and dates and times if known);

Any names of the people you have dealt with so far; and copies of any papers or letters to do with the complaint.

LINK19 College asks that you raise your complaint as soon as possible after the event so that we have the opportunity to investigate fully. The LINK19 College Lead will investigate your complaint and respond to you within 20 college days.

In the unlikely event that you remain unhappy after your complaint has been investigated and a decision reached then you may escalate your complaint to the LINK19 College Board of Directors, please follow Stages 3 & 4 of the main complaints procedure set out above within this policy.

This will be the final route of escalation within LINK19 College. Therefore, if you remain dissatisfied after following our own internal complaints procedure and your complaint refers to your course and achieving your qualification then you are entitled to appeal the decision, please refer to our Learner Appeals Procedure policy in the first instance, or you can contact the Awarding Organisation directly. Furthermore, you can contact the Qualification Regulator should you feel the need for further escalation/resolution.

### **Policy for unreasonable complainants**

LINK19 College is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with LINK19 College. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening.

LINK19 College Ltd defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with LINK19 College, hinder our consideration of their or other people's complaints'*.

### **Examples: A complaint may be regarded as unreasonable when the person making the complaint:**

- 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 while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the 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 LINK19 College's complaint procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome;
- makes excessive demands on college time by frequent, lengthy, complicated, and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

**A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -**

- maliciously
- aggressively



- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with LINK19 College while a 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.

Whenever possible, the LINK19 College Lead or Chair of the Board of Directors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the LINK19 College Lead will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact LINK19 College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from LINK19 College premises.

#### **Barring from LINK19 College Premises**

Although fulfilling a public function, colleges are private places. The public has no automatic right of entry. LINK19 College will therefore act to ensure they remain a safe place for learners, staff, and other members of their community.

If a parent's behaviour is a cause for concern, LINK19 College can ask them to leave the premises. In serious cases, the LINK19 College Lead can notify them in writing that their implied licence to enter the site has been temporarily revoked subject to any representations. LINK19 College will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, considering any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the LINK19 College Lead or the Board of Directors. Once LINK19 College's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

#### **Dealing with complaints by Parents or Carers on Social Networking Sites**

LINK19 College will follow current KCC guidance in establishing the required procedure for dealing with complaints on Social Networking Sites.

[Complaints-on-Social-Networking-Sites.pdf \(kelsi.org.uk\)](#)

#### **Equalities Act 2010**

This policy has been developed to ensure that there is no negative or adverse impact on any individual or group in terms of disability, race, belief, gender, sexual orientation or age. All opportunities for potential positive impact on individuals, groups and the community are embedded within the ethos, vision, and values of LINK19 College.

*LINK19 College is committed to achieving Best Value in all decisions made. We use the principles of Best Value as they apply to securing continuous improvement.*

**Date: Autumn 2023**

**Review Date: Autumn 2025**

**Signed by Chair of LINK19 College Board of Directors:.....**

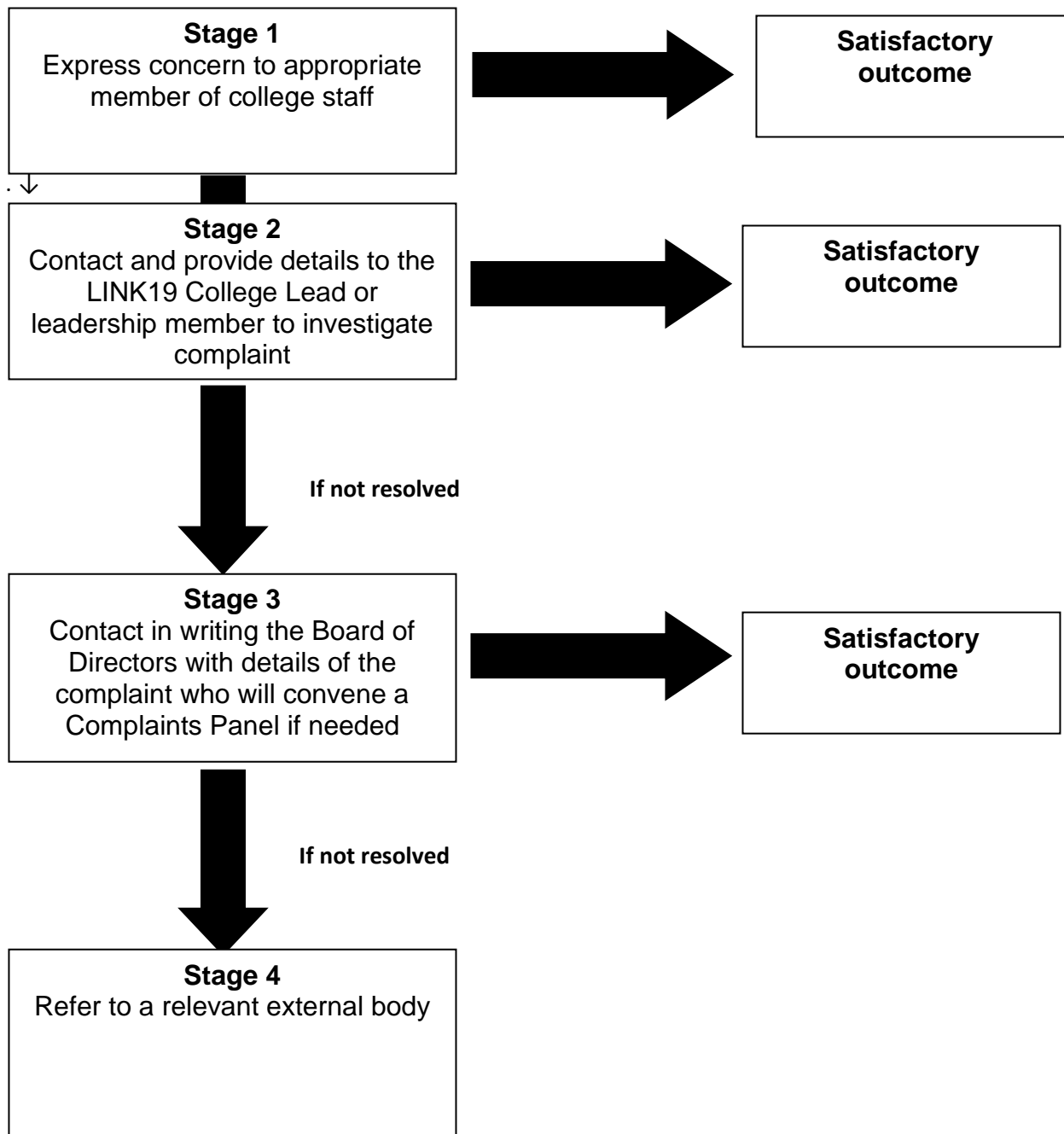
**Signed by LINK19 College Lead:.....**

## Complaints Form

## Appendix 1

Please complete and return to the LINK19 College Lead who will acknowledge receipt and explain what action will be taken	
Your Name	
Learner Name	
Your relationship to the Learner	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
<b>For Office Use only</b>	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

LINK19 College Complaints Procedure Flowchart



### LINK19 College Directors Complaints Panel procedure

- At the panel hearing:
  - the complainant will have the opportunity to present the complaint
  - the LINK19 College Lead will explain LINK19 College's position
  - those present will have the opportunity to ask questions
  - panel members will have the opportunity to ask questions of the complainant and the LINK19 College Lead
  - the LINK19 College Lead will be given the opportunity to make a final statement to the panel
  - the complainant will be given the opportunity to make a final statement to the panel
  - the chair will ask the complainant if he or she feels they have had a fair hearing
- The Chair of the Panel has responsibility to ensure that detailed notes are taken.
- The Chair of the Panel will explain to the complainant and LINK19 College Lead that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, LINK19 College Lead, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and
  - agree a decision on the complaint
  - decide upon the appropriate action to be taken to resolve the complaint
  - where appropriate, suggest recommended changes to LINK19 College's systems or procedures to ensure that problems of a similar nature do not recur
- A written statement clearly setting out the decision of the Panel must be sent to the complainant and LINK19 College Lead. The letter to the complainant should also advise how to take the complaint further.
- LINK19 College should ensure that a copy of all correspondence and notes are kept on file in the LINK19 College's records. These records should be kept separately from the learner's personal records.