



MidKent College

Complaints and Appeals Policy

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****Major change is defined as:**

Anything that represents a significant change of working practice, legal requirement, procedure or process within the organisation, or a change that impacts an employee's terms and conditions of employment.

****Minor change is defined as:**

Any change of dates, job titles or terminology that do not represent a significant change to working practice. Examples changes of terminology to reflect current legislation/ DfE/Ofsted such as the change of terminology in the safeguarding policy from peer-on-peer abuse to child-on-child abuse.

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MidKent College Safeguarding Policy 2024-2026	MKC-Safeguarding-002

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CONTENTS

1	INTRODUCTION	4
1.1	Introduction	4
1.2	Definition and Scope.....	4
2	Submitting Complaints	4
2.1	Procedures	4
2.2	Safeguarding	5
2.3	Staff Conduct.....	6
3	Responsibility.....	6
3.1	Partner Schools	7
4	Monitoring & Reporting	7
4.1	Review.....	8
5	Confidentiality	8
6	Data Protection	8
7	Status of Procedure	9
8	Appeals.....	9
9	Appendices.....	9
9.1	Appendix 1 – Complaints Procedure.....	9

1 INTRODUCTION

1.1 INTRODUCTION

Our aim at MidKent College is to provide an outstanding service and we welcome feedback about the services we provide as a College.

Most people who engage with MidKent College do not experience any problems. However, we recognise that sometimes things can go wrong, and when it does, we would like to know about it in order that we can put it right.

1.2 DEFINITION AND SCOPE

The purpose of the Complaints and Appeals Policy is to ensure all complaints and appeals are handled in a consistent, fair, non-discriminatory way and resolved with a satisfactory and just outcome.

The Complaints Policy provides the framework for anyone who has experienced dissatisfaction with College services to raise their concerns. This includes complaints from students, parents, guardians, carers, customers, support workers, employers, contractors, local residents, visitors or consumers of products.

The Complaints Policy is designed to encourage an initial immediate response to a complaint in the period of between 3 and 5 working days after the response is received by the college. The complaint will be allocated to a Curriculum Manager, Director (or equivalent) for an attempt to be made to informally resolve the issue. At this stage the complaint will be recorded as a concern.

Following the 3-5 working day period the complaint will be transferred to the formal complaints process and be prescribed as a complaint.

2 SUBMITTING COMPLAINTS

2.1 PROCEDURES

Complaints may be made in person, over the phone, via social media or electronically via the College website.

MidKent College is regulated by Ofsted for all funded educational programmes. If you are unhappy with how a complaint has been dealt with by the College, you can contact Ofsted by visiting their website www.ofsted.gov.uk. Ofsted may not accept your complaint if you have not completed the College's complaints procedure.

MidKent College is also regulated by the Education and Skills Funding Agency (ESFA) for all funded apprenticeships programmes. If you are unhappy with how a complaint has been dealt with by the College, you can contact ESFA by visiting their website <https://www.gov.uk/complain-further-education-apprenticeship>. ESFA may not accept your complaint if you have not completed the College's complaints procedure.

In addition to the above:

Further Education Programmes are regulated by awarding bodies. Complaints about the delivery or certification of programmes can be made to the relevant awarding body.

Higher Education programmes are regulated by local partner Universities and the Office For Students (OFS). If you are unhappy with how a complaint has been dealt with by the College, you can contact the partner University by visiting their website. OFS may not accept your complaint if you have not completed the College's and partner Universities complaints procedure.

When making a complaint please use the Online form or directly to a College representative. As a result of our email securities. Emails received from external College addresses will also likely be treated as Spam and are likely to not be received by the intended recipient. Complaints should not be made to multiple people at the same time internally as this will delay our response. Complaints should also not be made directly to the Principal as this may prevent the complaint being received and recorded appropriately and may delay us from dealing with your complaint correctly.

2.2 SAFEGUARDING

Information will be shared with the Designated Safeguarding Lead or their representatives in the following circumstances:

If the College receives information that a student is, or has been, put at risk of harm or the complaint contains safeguarding content.

If a complaint is received that is deemed to affect protected characteristics.

If a complaint is received from a student containing a complaint about another student (including Apprentices) and contains safeguarding content.

If while investigating the complaint the Investigating Officer encounters issues that relate to safeguarding.

After consideration by the Designated Safeguarding Lead and safeguarding team, information received may have to be shared with the relevant statutory agencies in accordance with the Safeguarding and Students at Risk Procedures.

If a complaint is received concerning an immediate safeguarding concern, the complainant will be directed to the emergency safeguarding number.

If information is shared with the Safeguarding Director or their representatives following the escalation of a formal complaint the safeguarding team will be expected to:

1. Review the information given and ask for any additional information required from the informant or investigator.
2. Check safeguarding records to establish if there are any additional records relating to the individual, close relative or event.
3. Check the students additional needs requirements, EHCP, Pro-Solution and Pro Monitor record.
4. Decide whether the matter should be referred to the local authority or the police
5. Pass any pertinent information gathered to the investigator for the benefit of the complainant or student. (Within the confines of data protection)
6. To support the investigator by offering advice on dealing with safeguarding issues related to supporting the student/complainant.

7. Consider whether a report to LADO is required in the event of: a harmed a child, a crime against a child, a risk of harm to children or may be unsuitable to work with children, even if the behaviour happened outside work but indicates risk at work.

All staff are responsible for safeguarding. In the event of a staff member becoming aware of a safeguarding issue they are to report it to safeguarding irrespective of the above processes.

2.3 STAFF CONDUCT

If a complaint is made against a named member of staff, information will be immediately shared with the Director of People. The complaint will be dealt with in accordance with this policy unless the People team and relevant line manager feel that an investigation into misconduct needs to be considered. In these cases, Terms of Reference will be written by the People Team and the Investigating Officer (IO) assigned. The People Team will then support the IO, ensuring that staff Disciplinary Policy/Procedures are followed if applicable.

If while investigating the complaint the Investigating Officer encounters issues that relates to staff conduct, the Director of People will be consulted as appropriate.

If information is shared with the Director of People or their representatives following the escalation of a formal complaint the People team, in all cases, will be expected to:

1. Review the information given and ask for any additional information required from the informant or investigator.
2. Check staff records to establish if there are any additional records relating to the individual or event
3. Pass any pertinent information gathered to the investigator for the benefit of the complainant or student.
4. Support the IO by offering advice on dealing with People issues related to supporting the student/complainant.
5. Support the IO conducting interviews with staff and any other witnesses, including students so that the threshold for use in an internal investigation is reached. Advice with regards to students may be sought from the Safeguarding and Student Support teams. Staff should be in receipt of all the protections and procedural safeguards contained in the staff discipline processes.

3 RESPONSIBILITY

MidKent college will acknowledge Appeals, Concerns and Complaints within 3 working days of receipt.

MidKent College will ensure that complaints are dealt with effectively, reasonably and in a manner sensitive to all involved. Concerns will be informally resolved within 3-5 working days of the acknowledgement of the initial complaint/concern. If the matter has not been informally resolved within 5 working days, the matter will be escalated to the formal complaints process.

Formal complaints will (whenever possible) be investigated within 10 working days of the acknowledgement of the formal complaint. If the complaint cannot be fully investigated or resolved within the 10 working days the complainant will be informed of the delay.

MidKent College will support an individual in making a complaint. This could be in the form of making a written record of the complaint following a phone call or meeting or simply providing a safe environment in which a complaint can be composed.

If any criminal activity is found during a complaint investigation, the matter will be reported to the relevant authority.

MidKent College's Governing Body is responsible for ensuring that the complaints policy is operating effectively and will become directly involved if a complaint is directed against the Principal or members of the Governing Body.

Complainants should submit complaints via the college website using the complaints form. Appellants should appeal via the college website using the Appeals form. Complainants and Appellants should not complain directly to the Principal or to multiple people as this may delay the complaints process.

Complaints that relate to students from the Colleges partner schools: West Heath, Grange Park and Meadowfields should be made to the partner school. (see section 3.1)

Complainants should carefully consider the evidence of an event being complained about and give all the information they can as this will assist the complaints process. Complainants should try to make one complaint or appeal to the quality team. Complainants should not drip feed new issues into a complaint as this may prompt the opening of multiple complaints that will delay the complaints process. Appellants should try to give as much information as possible in respect of their appeal including grounds, desired outcome and additional evidence related to the same event.

Complainants should provide a good contact number and email for correspondence and check it is correct before sending the form. Please do contact the quality office quality@midkent.ac.uk for advice or guidance when making a complaint or appeal. Please liaise with the quality team for updates, advice or guidance and use the reference number supplied with all correspondence.

3.1 PARTNER SCHOOLS

MidKent College works with three partner schools. West Heath School, Grange Park School and Meadowfields School. These schools subcontract delivery of specialist curriculum to MidKent College to teach their students who are registered at the school. Should a complaint or appeal arise in respect of a student from one of our partner schools then the complaint should be referred in the first instance to the school to deal with in accordance with their own complaints procedure. All complaints received by MidKent College where a student is from one of these schools will be referred on to the school. MidKent College will then work and support the complaints procedure of the school in the first instance on behalf of the partner school.

Should MidKent College arrange future partnerships with other Schools or institutions this process will apply to complaints and appeals related to their students even though not specifically named in this policy.

4 MONITORING & REPORTING

MidKent College will keep an accurate record of complaints received to support continuous improvement of the College's services to students, staff, employers and the public.

Complaints when resolved will be identified as either avoidable or unavoidable. Details will then be collated and made a part of the reporting protocol.

Should remedial actions be identified during the investigation process, they should be detailed in the complaint report. When this occurs, prior to the closure of the complaint an individual will be identified as responsible for overseeing the implementation and monitoring of these actions.

The findings and analysis of complaints will be regularly reported to the Senior Management Team and the Governing Body to ensure procedures are in place to improve the College's services to students, staff and the public.

4.1 REVIEW

The College will review the Complaints Policy every two years. Any feedback from students, staff and the public will be considered when updating the policy.

5 CONFIDENTIALITY

Every attempt will be made to ensure that details of a complainant and the contents of their complaint will be held confidentially. However, where a complaint is of a personal nature against an individual, it is likely that the complainant's identity will be revealed at some stage in all but the most exceptional cases, so there can be a fair investigation.

If a student is aged under 18 at the start of the academic year information will only be released to that student or their pro solution named emergency contacts.

If a student is over 18 years of age, information will only be released to that person or to others with their permission.

6 DATA PROTECTION

All complaints will be kept and stored according to the relevant data protection legislation. If you have concerns about how your personal data is used or stored, or you wish to exercise your rights under the Data Protection Act contact data.protection@midkent.ac.uk.

Where a concern, complaint, or appeal indicates that an individual may wish to exercise their rights under the Data Protection Act 2018, relevant information will be shared with the Data Protection Officer and the Information Governance team.

If information is shared with the Data Protection Officer following the escalation of a formal complaint the Data Protection Officer will:

1. Review the information given and ask for any additional information required from the informant or investigator.
2. Check Information Governance logs to confirm whether the individual has made previous requests under the Data Protection Act 2018 or has been involved in a data incident or breach.
3. Pass any relevant information to the investigator to support the complainant or student.
4. Advise the investigator on handling information-related issues connected to the complaint.
5. Ensure the investigator understands that all documents and communications are in scope for a Subject Access Request, subject to applicable exemptions.

7 STATUS OF PROCEDURE

The Complaints Policy process (detailed at appendix 1) will be kept under review by the Director of Quality and may be varied from time to time.

All complaints will be processed via the Complaints procedure and escalated accordingly. In exceptional circumstances the Executive Team or Director of Quality may bypass the informal process and immediately escalate the complaint to the formal stage.

Any concerns not resolved under the informal process within 3-5 working days will automatically be escalated to the formal process.

Anonymous complaints will be accepted under this process but may not be investigated if there is insufficient evidence to substantiate the complaint or the complaint is considered vexatious.

The complaints reporting form can be accessed from the Website complaints page.

8 APPEALS

Appeals should be submitted using the procedures and forms relevant to the specific appeal. Appeals processes exist in College, Awarding Body and University processes and procedures.

All appeals that are not submitted in accordance with the above policies and procedures should be submitted via the appeals form or in writing to the Quality Team who will acknowledge receipt within three working days and forward the appeal for consideration of investigation by an appropriate manager.

If the appeal relates to a complaint against the Principal or Governors, the appeal will be referred immediately to the Governing Body. The Clerk will administer the process and arrange an appropriate appeals panel based on the nature of the appeal.

9 APPENDICES

9.1 APPENDIX 1 – COMPLAINTS PROCEDURE

Stage 1 – Informal

Most complaints or concerns can usually be addressed informally through a conversation with a responsible member of the College's staff.

We aim to deal with all concerns informally within 5 working days by arranging for the appropriate Director/Curriculum Manager of staff to contact the complainant.

In certain circumstances the Principal or Director of Quality may deem it necessary to escalate a concern/complaint directly to the formal stage.

Stage 2 – Formal

If you feel that your concern has not been resolved at the informal stage, you may request that the matter is dealt with as a formal complaint by phone to Complaints Course Enquiries Team 01634 383000. All informal complaints that are unresolved will be forwarded to the Quality team to progress to the Formal process.

On receipt of the formal complaint the Quality Team will acknowledge that complaint within 3 working days.

The Quality Team will assign a suitable Investigating Officer. If the complaint concerns safeguarding information will be shared with the Designated Safeguarding Lead.

Any safeguarding allegation or concern regarding a member of staff (including low-level concerns) will be reported immediately to the Principal, or if the Principal is not available, to the Designated Safeguarding Lead.

The Investigating Officer has 10 working days to review and respond to the complaint. Should the complaint take longer than 10 working days to resolve/investigate the complainant will be informed of the delay.

The Investigating Officer may contact the complainant to discuss the complaint and clarify any issues. The Investigating Officer will hear the views of other people concerned with the complaint.

If the complaint is against the Principal or Governors, the complaint will be referred immediately to the Governing Body. The Clerk will administer the process and arrange an appropriate investigation panel based on the nature of the complaint.

Stage 3 – Appeal

If the complainant is not satisfied with the outcome of the formal complaint investigation process, the complaint can be appealed within 5 working days. In exceptional circumstances, the Director of Quality may accept appeals submitted after 5 working days.

Following a request for a review the appellant will be asked to identify:

1. Their grounds for appeal.

The appeal investigation process is not a reinvestigation of the same information. The appeal investigation will be based upon the grounds for appeal given by the appellant. Appellants should think carefully about the grounds for their appeal and the reasons they are not satisfied with the investigation outcome.

2. Their desired outcome from an appeal.

Consideration of the opinions of the appellant are an essential element of the appeal investigation process. The investigator will consider all desired outcomes within their investigation outcome.

3. Any additional evidence or information you have about the original complaint.

If appellants provide additional information or evidence about the events on which the original complaint was based, they will be taken into consideration by the investigator. If the appellant provides new information not related to the original complaint, then this may constitute a new complaint and may delay the outcome of the appeal.

Appeals will only be forwarded to the Principal after the information above (1-3) has been supplied by the appellant. Appeals will be investigated by the Principal or designated Executive Director, to be completed within 15 working days.

The Principal or designated Executive Director may contact the complainant and others involved to discuss the complaint and clarify any issues.

The Principal's/Executive Director's decision is final.

Appendix 2

