

COMMENTS, COMPLIMENTS AND COMPLAINTS POLICY AND PROCEDURE

Policy

Lancaster & Morecambe College will not discriminate on the grounds of gender, colour, race, language, religion, belief, disability/learning difficulty, age, marital status, sexual orientation, socio-economic status or family responsibility.

There may be times when an individual or organisation wishes to offer feedback, pay a compliment or voice a complaint about the College and the College will endeavour to make this process as easy as possible.

If anyone wishes to submit a comment, compliment or complaint to the College, they should be advised to do so either via the email address 'comments@lmc.ac.uk' or by completing a Comments, Compliments and Complaints Feedback Form (Appendix A).

Procedure for Formal Comments and Compliments

On occasion, the College receives a general comment or feedback which is not identified as a specific personal complaint, but which nevertheless raises a concern or issue to be addressed. All such **formal comments** will be recorded and reported to:

- The Senior Management Team
- Corporation (via Annual Report)

Action will be taken to address/improve any issues raised.

If the College receives a **compliment**:

Where practicable, written compliments will be recorded and reported to:

- The Senior Management Team
- Corporation (via Annual Report)

Procedure for Complaints

If someone wishes to make a **complaint**:

1. Wherever possible, complaints should be resolved on the spot, informally. If the complaint is from a student, they should initially be advised to approach their tutor and then their Programme Area Manager.
2. If a complaint cannot be resolved informally then a Comments, Compliments and Complaints Form should be completed (See Appendix A). The form is available from the College Reception Desk, from Morecambe Learning Centre and can also be accessed and downloaded from the College's website (<https://www.lmc.ac.uk/the-college/college-policies/complaints-procedure/comments-compliments-and-complaints-form>). A copy of the College's Comments, Compliments and Complaints Policy and Procedure can also be found on the website and is available in other formats.
3. All formal complaints will be logged by an SMT Administrator and investigated by the appropriate manager and/or senior manager.

4. The **manager** will acknowledge receipt of the form. A formal reply will then be sent within ten working days.
5. Complaints from clients who wish to remain anonymous are still investigated and recorded, even though a direct reply will not be possible.
6. If a complaint is related to a student and/or staff conduct, **this should be referred to a member of the Senior Management Team** who will, if appropriate, action the complaint via the staff/student disciplinary procedure. **The appropriate Senior Manager will respond to the complainant as appropriate, and provide sufficient detail to the Administrator for the record.**
7. If a complaint is related to an individual's learning programme, the Programme Area Manager and/or Senior Manager will investigate the matter **and provide details to the Administrator to log.**
8. If a complaint is related to College services the Senior Manager responsible will investigate the matter and provide details to the **Administrator to log.**
9. If a complaint is related to the Governing Body (*Corporation*) then the Clerk to the Corporation will investigate.
10. If the Senior Manager considers the complaint to have a significant effect on the reputation of the College or significant implications that affect curriculum and the educational character of the College, they will inform the Chair of Corporation.
11. Appeal process: If the complainant is not satisfied with the outcome he or she should write to the Principal (or Chairman of the Corporation if the complaint is about the governing body). The Principal (or Chairman of the Corporation) will review the complaint including convening an appeal hearing as necessary, and will notify the complainant of his decision within ten working days.
12. When a complaint goes to this appeal stage, complainants have the right to be accompanied at the appeal hearing by a friend or, if a student, by a representative of the Students' Union.
13. The decision of the Principal (or Chairman of the Corporation, if the complaint is about the Governing Body) will be final.
14. Providing the College internal procedure for complaints has been fully followed first, students and others then have a right to lodge a complaint with the Skills Funding Agency (SFA):

Complaints Team, Skills Funding Agency , Cheylesmore House, Quinton Road, Coventy, CV1 2WT
and/or:
OfQual, Spring Place, Herald Avenue, Coventry, CV5 6UB
- Note: if the complainant is not satisfied with the outcome at any stage, he/she may choose to seek redress from an external source outside the College. In this instance, to avoid potential conflict of interest, we regret that College staff will not be able to offer any further advice or assistance.
15. Following the resolution of a complaint, in the event that for some reason the original complaint was not received on a formal Comments, Compliments and Complaints Form, a complaints monitoring form should be sent out in order to ascertain statistical information (see Appendix B).
16. **Appendix C of this policy outlines the College's definition of what may constitute vexatious or habitual complaints, and its policy and procedure for dealing with them.**

Review

This policy and procedure is reviewed annually by a member of the Senior Management Team.

APPENDIX A

COMMENTS, COMPLIMENTS AND COMPLAINTS

Feedback form

(Please contact the College if you would like this form in any other format)

Name	
Address	
Telephone No	
Course (if applicable)	
Student No (if applicable)	

Please give brief details of your comment, compliment or complaint:

(Please continue on an additional sheet if necessary):

If a complaint, have you taken steps to resolve it informally?

e.g. if you are a student, have you spoken to your tutor or programme mentor or if not, directly to the department where your concerns lie? If this has not been possible or the outcome is not satisfactory, please say why.

If a complaint, please let us know what you would like us to do to resolve the matter.

Please note that staff are under an obligation not to allow a complaint to have any bearing on the way the complainant is treated or assessed.

Would you like your name to be kept confidential? Yes No

Signature: _____

Date: _____

Please return this form to **The Principal, Lancaster and Morecambe College, Morecambe Road, Lancaster. LA1 2TY**

Help us to get it right!

Lancaster & Morecambe College is committed to providing high quality services for all our learners, employers and the community in general and we welcome feedback, as this forms an important part of how we improve quality.

Comments and compliments

The College is pleased to receive comments to inform and assist the College to operate as effectively and efficiently as possible. We also welcome compliments and like to know that what we do is appreciated and to hear about positive experiences. This assists the College to understand how well we perform, to feedback praise to our staff and to continually improve. If you wish to comment on any of our services, or wish to pay the College a compliment, please complete the attached form or send your views to 'comments@lmc.ac.uk'.

Complaints

If you are unhappy with the standard of service that you've received from us, we need you to tell us. We will do everything we can to resolve your complaint, by putting things right and making sure that the problem doesn't happen again. Most complaints are resolved informally.

If you wish to make a complaint, you can:

- arrange an appointment to see a member of staff in Student Services, who will help you to resolve the complaint informally and, where necessary, complete the attached form or
- complete the form yourself or
- email the details to 'comments@lmc.ac.uk'

Lancaster & Morecambe College will not discriminate on the grounds of gender, colour, race, language, religion, disability, age, marital status, sexuality, social background or any other unjustifiable reason. We will consider and try to overcome any difficulties that you have in accessing the College. We will do our best to understand your needs and answer your questions.

We will let you know that we have received your form, and will normally reply within ten working days, detailing the outcome of the investigation. Some complaints may take longer, in which case we will let you know and keep you up to date on what we are doing. If you don't wish to tell us your name, we will still investigate your complaint, but we won't be able to respond to you.

Whilst LMC endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done. For more information, please see the College's Policy for Habitual or Vexatious Complaints in Appendix C of the Comments, Compliments & Complaints Policy & Procedure

Appealing

If your complaint relates to information, advice or guidance given by Student Services, and you aren't satisfied with the result of the appeal, you may be referred to the Guidance Council for arbitration. Their address is: The Guidance Council, 2 Crown Walk, Jewry Street, Winchester, Hampshire, SO23 8BB.

If your complaint is about the Governing Body, please write to the Chairman of the Corporation, c/o Lancaster & Morecambe College, explaining why you are not satisfied.

The Charter for Further Education says that you have the right to complain to the Skills Funding Agency (SFA) or the Secretary of State. Send your complaint to:

Complaints Team, Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry. CV1 2WT

You may also lodge a complaint with Ofqual – Ofqual, Spring Place, Herald Avenue, Coventry. CV5 6UB

Please note: If you are not satisfied with the result, at any stage, you may decide to take legal action. If you do this, we regret that College staff will not be able to offer you any more advice or help, to avoid a conflict of interest.

APPENDIX B

Insert for final letter enclosing monitoring form

The College finds it useful to collect statistical information relating to the complaints it receives. It would be appreciated if you would kindly take a little time to complete the enclosed Complaints Monitoring form and return in the enclosed envelope.

COMPLAINT MONITORING

Please kindly provide the following information which is for statistical purposes and will be treated as confidential. *(please tick relevant boxes)*

Age: 14-19 19 plus

Gender: Male Female Other

Disability/
Learning Difficulty Yes No

Asian or Asian British: Bangladeshi	<input type="checkbox"/>	Mixed: White & Asian	<input type="checkbox"/>
Asian or Asian British: Indian	<input type="checkbox"/>	Mixed: White & Black African	<input type="checkbox"/>
Asian or Asian British: Pakistani	<input type="checkbox"/>	Mixed: White & Black Caribbean	<input type="checkbox"/>
Asian or Asian British: other Asian	<input type="checkbox"/>	Mixed: other Mixed background	<input type="checkbox"/>
Black or Black British: African	<input type="checkbox"/>	White: British	<input type="checkbox"/>
Black or Black British: Caribbean	<input type="checkbox"/>	White: Irish	<input type="checkbox"/>
Black or Black British: other Black	<input type="checkbox"/>	White: other White background	<input type="checkbox"/>
Chinese	<input type="checkbox"/>	Any other	<input type="checkbox"/>

Signature: _____

Name (please print): _____

Date: _____

Please return the form to The Principal in the enclosed return envelope.

APPENDIX C: Policy for Vexatious or Habitual Complaints (new section)

Policy statement

LMC welcomes feedback in a variety of forms, including through its compliments and complaints policy. Normally, LMC is able to demonstrate quickly and effectively that it takes feedback seriously, investigates complaints following this policy and either upholds the complaint, does not uphold the complaint or upholds the complaint in part.

Although LMC welcomes feedback, it understands that at times it may become the focus of frustrations of individuals over matters that may be out of its control, or not result in the complainants' desired outcome. Very occasionally this can result in unacceptable conduct, language or behaviours by the complainant towards members of the LMC staff team. Should this happen, LMC will follow this policy as a consequence.

1. Introduction

- 1.1 This policy applies to all situations where a complainant, either individually or as part of a group, or a group of complainants, may be considered to be 'habitual or vexatious' and to ways of responding to these situations.
- 1.2 Whilst the term complaint in this policy may include requests made under the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004, it should be noted that these legislations have their own procedures in relation to vexatious requests which will likely supersede this policy.
- 1.3 Habitual and/or vexatious complainants can be a problem for LMC staff and governors. The handling of such complaints can place a strain on time and resources. Whilst LMC endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done.

2. Scope

- 2.1 It is not necessary for a complaint to have become a Stage 3 complaint before this policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.
- 2.2 The policy should only be invoked following careful consideration by the Principal who has been authorised by the Governing Board to make decisions in such instances as this policy may apply. If the complaint is principally or to a reasonable degree against the Principal or Chair then authorisation will be from a third person panel of the Governing Board.
- 2.3 No individual may undertake a role in authorisation if he or she was an object of the complaint.

3. Definition of Habitual or Vexatious Complainant

- 3.1 Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on his or behalf) may be deemed to be habitual or vexatious if previous or current contact shows that they may meet any or all of the following criteria, dependent upon degree.
- 3.2 On the occasion where complainants:
 - a) Persist in pursuing a complain where LMC's complaints procedure has been fully and properly implemented and exhausted (e.g., where several responses have been provided);
 - b) Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These may need to be addressed as separate complaints.

- c) Are unwilling to accept proper and reasonably documented evidence of action.
- d) Are unwilling to accept that the Principal and/or the Governing Board has reached a final decision on a chosen course of action.
- e) Deny receiving an adequate response in spite of correspondence specifically answering their questions.
- f) Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.
- g) Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- h) Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Board to investigate.
- i) Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that in determining what is a 'trivial' matter can be subjective and careful judgments must be used in applying this criterion.
- j) Have, in the course of addressing a complaint, had an excessive number of contacts or demonstrated unacceptable conduct or behaviours with LMC staff placing unreasonable demands on LMC employees. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of 'excessive contacts' applicable under this section, using judgment based on the specific circumstances of each individual case.
- k) Have threatened or used physical violence towards staff at any time – this will, in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. LMC may also bar a parent or carer from the premises following a provisional and immediate bar sanctioned by the Principal to which an individual can make a formal representation by a specified deadline. All such incidences will be documented and parents will receive formal notification of a bar being upheld or withdrawn. A parent/carer/relation who is subject to a bar may therefore be causing a 547 offence under the Education Act 1996. If there are reasonable grounds for suspecting that someone has committed an offence under section 547 of the Education Act 1996 the offender can be removed from LMC. The removal may need to be effected by a police officer or personnel sanctioned by the Principal.
- l) Have harassed or been either personally abusive or verbally aggressive or acted to intimidate staff dealing with the complaint. Staff will document all instances of harassment, abusive or verbally aggressive behaviour.
- m) Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- n) Make unreasonable demands on the complaint procedure and fail to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable within the complaints procedure or normal recognised practice)

4. Procedure for Dealing with Habitual or Vexatious Complainants

- 4.1 Where complainants have been identified as habitual or vexatious under this policy, taking account of the above criteria, the Principal and/or Chair will determine what action to take. The complainant will be notified in writing of the reasons why he or she has been classified as habitual or vexatious and what action will be taken and of the review procedure detailed in the next section.
- 4.2 This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record must be kept of the reasons why a complainant has been classified as habitual or vexatious.

4.3 It may be decided that complainants will be dealt with in one or more of the following ways:

- a) Withdraw all contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. This contact may be limited to essential contact only.
- b) To restrict contact to liaison through a designated member of staff (and alternative arrangements should that member of staff be absent from College).
- c) Notify the complainant in writing that the Principal and/or Governing Board has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.
- d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, ensuring that the criteria outlined in Section 4.3 a) be met.
- e) In extreme circumstances inform the complainant that unreasonable or vexatious behaviour may result in legal action against them.

5. Appeal / Review Decisions and Withdrawing 'Habitual or Vexatious' Status

- 5.1 If the person categorised as habitual or vexatious is not satisfied with the decision made they may request that the decision be reviewed by the Governing Board which will appoint an appeal panel of three governors to review the decision. Such a request for a review may only be received once in relation to any specific decision. Notice of that decision will be given, as far as is practical, within 28 days of receipt of the request
- 5.2 Once a complainant has been determined as habitual or vexatious, such status may be reviewed (as provided below) and if/and when appropriate, withdrawn
- 5.3 Should a complainant wish for their case to be reviewed they should notify the Principal in writing following a period of no less than nine months from the time that the complainant was either a) registered as 'habitual or vexatious' or b) following the appeal decision. The Principal and/or Chair (or panel) will review this decision. The appeal should be reviewed and a decision relayed to the complainant within 28 days of the receipt of the request to appeal. Should a complainant be registered as 'habitual or vexatious' on three or more occasions then their right to a review will be withdrawn
- 5.4 The decision on review may either confirm or withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.
- 5.5 If it is deemed appropriate to withdraw the status of a habitual or vexatious complainant, normal contact with the complainant and application of LMC's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.
- 5.6 Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

6. Repetitive communications

- 6.1 If an individual is so persistent and vexatious against LMC (e.g. with repetitive communications via any form of media / communication channel) they should be invited to make a complaint in respect of any issue they are raising to bring them within the complaints policy. Should they remain vexatious following the outcome of that complaints investigation or if they choose not to follow the complaints process, then the process outlined in Paragraph 4 may be applied.

6.2 If communication is so substantial that it becomes unreasonable, all communication will be directed to a Member of the Senior Leadership Team or an LMC appointed solicitor who will review all communication to decide how LMC should respond in line with this policy.

7. Monitoring Arrangements

7.1 Statistical information will be presented annually to the Governing Board with details of complainants who are categorised as habitual and / or vexatious.

8. General

8.1 Nothing stated in this policy affects an individual's statutory rights.