

Date: March 2004

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TOPIC: 5.2 Handling Complaints (and Compliments)

Rationale

King's College recognises that from time to time the College will receive a complaint about the actions of a staff member. King's College welcomes and values such feedback as it provides a means for the College to improve its service/s to stakeholders. Complaints may be made by parents, students or other staff members. Complaints or compliments may be received verbally or in writing. However if a complaint is from an 'external' source (e.g. from outside the immediate College environment – such as a parent), the complainant may be asked to put his/her complaint in writing.

Compliments are also an important component of stakeholder feedback.

Purpose

To ensure that when a complaint is made:

1. It is treated seriously and in confidence.
2. Respect is shown at all times.
3. The complaint is directed to the appropriate person in the first instance.
4. Where possible, the complaint is resolved co-operatively and at an early stage.
5. The complaint is properly investigated and decisions made only on the basis of sound evidence and proper evaluation.
6. All investigations into the complaint received will take into account the rights of the complainant and any staff about whom the complaint involves.
7. Persons making the complaint and decision makers are protected.
8. Staff who are subject to the complaint are not subjected to undue stress through matters being escalated out of proportion.
9. Staff are not unfairly harassed or unreasonably impeded from carrying out their allotted tasks.
10. Staff do not get into confrontational situations with persons making a complaint.

Guidelines

1. **Verbal Complaints**
 - 1.1 Where appropriate, verbal complaints will be dealt with at source.
 - 1.2 The complainant (student, parent or colleague) should air their complaint directly to the person they have the complaint with.
 - 1.3 The staff member should brief their HoD or Manager about the complaint and what was resolved. (This is to ensure that should the 'complaint' occur again, the HoD/Manager has already been briefed and thus reduce the chances of any misunderstandings).
 - 1.4 If the complaint is unable to be resolved, the complainant must be given the option of taking the issue further with the Head of Department or Manager.
2. **Written Complaints**
 - 2.1 Where the complaint is of a serious nature (i.e. it has 'potential' employment or legal implications) then it should be directed to the Deputy Headmaster (DHM).
 - 2.2 It is the responsibility of any staff member who receives a written complaint concerning an individual or generally, to direct the complaint immediately to their HoD (who must direct it on through the DHM if it may have serious implications).
 - 2.3 If a verbal complaint is made directly to the DHM, the complainant will be asked to put the complaint in writing.
 - 2.4 Where the complaint is 'potentially' serious, the DHM, in consultation with the Director of Staff Services (DSS), will consider the legal, contractual and media implications of the complaint and advise the Headmaster accordingly.
 - 2.5 Where the nature of the complaint involves a personal grievance claim or could result in a charge of Serious Misconduct, the Headmaster will be immediately informed and the procedures set out in the Collective or Individual Employment Agreements will be followed. (See King's College's Disciplinary Process – Appendix 1)
 - 2.6 Where possible, within **5 working days** of receiving the complaint the DHM is to investigate the complaint.
 - 2.7 The DHM will send written acknowledgment to the complainant within **3 working days** of receiving the complaint.
 - 2.8 The DHM is responsible for investigating the complaint and formulating a response within **10 working days**.
 - 2.9 Where individual staff members are under investigation, they should be encouraged to seek support and advice. The DHM, along with the DSS, is responsible for ensuring this option is discussed with staff involved in the investigation. (See King's College's Disciplinary Process – Appendix 1)

- 2.10 The complainant will be offered the opportunity of further information/clarification following the investigation. The letter of reply may also outline changes in practice King's College is instigating to correct and/or improve problem/s highlighted.
 - 2.11 Where further investigation is required, the DHM will keep the complainant fully informed of progress in writing on the complaint, and negotiate a revised timeframe.
3. **Unsatisfactory Performance**
- 3.1 The staff member shall be given an opportunity to discuss the concerns regarding his/her performance.
 - 3.2 If not satisfied with the staff member's explanation, he/she shall be given a first warning of the matters causing concern and what must be improved.
 - 3.3 The staff member's performance will be **reviewed 5 weeks** after the issuing of this first warning.
 - 3.4 If his/her performance has not improved to the required level, a further and final warning will be issued, giving the staff member **a further 5 weeks** to improve his/her performance to a required level.
 - 3.5 Counseling assistance or advice may also be offered to the staff member.
 - 3.6 Where the staff member fails to rectify the matters complained, he/she will be liable to have his/her employment terminated in accordance with the relevant employment agreement.
 - 3.7 If the staff member does rectify the matters complained of within the specified time, he/she will be entitled to have this confirmed in writing but this will not prevent the procedure being repeated again should his/her performance cause concern again.
 - 3.8 This procedure must conform with the principles of natural justice in that the staff member is made aware at the outset of possible implications and his/her right to have legal representation during any meetings where they are asked to comment.
4. **Authority:**
- 4.1 The DHM, in consultation with the Director of Staff Services, will be responsible for administering and overseeing the complaints policy of King's College and will be responsible for investigating the complaint, providing written responses, and following resolution of the complaint, ensuring a review of the incident assists all staff in minimising and/or preventing a future occurrence.
 - 4.2 The Headmaster and the Board Chairperson may become involved at anytime throughout the complaints process and in particular where there are legal, contractual or media implications.

APPENDIX 1

Disciplinary Procedure

The Disciplinary Procedure comprises the following steps:

Step 1: Preliminary Investigation

- 1.1 In the event there is an allegation of misconduct or unsatisfactory work performance the HM (Headmaster), in consultation with the Director of Staff Services (DSS), will examine the allegation to determine whether or not there is any substance to the allegation.

Step 2: Advice To Staff Member Concerned

- 2.1 Where the above 'manager/s' determine that the allegation has substance the staff member concerned will be advised in writing of the nature of the allegation, the potential impact on his/her employment if the allegation is sustained, the right to be represented and the fact that the matter will be fully investigated.

Step 3: Suspension

- 3.1 Where the seriousness or nature of the incident requires, the Headmaster may suspend the staff member on pay and require him/her to remain available for discussions on the matter.
- 3.2 A suspension is not in itself a disciplinary measure.

Step 4: Formal Investigation

- 4.1 A formal investigation will then be carried out by the above manager/s.
- 4.2 Discussions will be held with all persons considered able to assist.

Step 5: Discipline Interview

- 5.1 The staff member concerned will then be advised in writing at the time of a meeting to discuss the matter, the right to be represented and possible disciplinary outcomes as a result of the meeting.
- 5.2 When the meeting commences the allegations will be described to the staff member, together with information obtained in the investigation.
- 5.3 Where a staff member does not have support representation, it must be established prior to the commencement of the discipline interview that they have agreed to conduct the meeting unrepresented.

Step 6: Staff Member's Explanation

- 6.1 During the Discipline Interview the staff member concerned will be given the opportunity to provide an explanation and ask any questions.

Step 7: Due Consideration

- 7.1 The meeting will be adjourned to consider the explanation of the staff member.
- 7.2 Further investigations will be conducted if required.

Step 8: Decision

- 8.1 If the above manager/s determine that the allegation is not substantiated no action will be taken against the staff member who shall resume duties as directed.
- 8.2 If the above manager/s determine that the allegation is substantiated, based on reasonable probability, the manager/s shall decide on the appropriate form of disciplinary action.
- 8.3 In circumstances where a staff member has been guilty of conduct of an unacceptable nature, but which is not sufficiently serious to warrant immediate dismissal, the Headmaster may, instead, issue a written warning which shall make it clear that any repetition of the act of misconduct, within a specified timeframe, may result in the conduct being deemed to be serious misconduct.
- 8.4 **In cases of proven serious misconduct, the staff member may be liable to dismissal without notice at the direction of the Headmaster.**

Step 9: Implementation

- 9.1 The Headmaster will then call a meeting to convey the decision to the employee.
- 9.2 After the meeting the decision will be confirmed in writing.
- 9.3 If a warning is issued as a result of the investigation, a copy will be kept in the employee's Personal File until the specified time has expired, at which time the warning letter will be removed and destroyed.
- 9.4 Each warning may be for unrelated matters.
- 9.5 At any stage in the process, the staff member may choose to be represented or have a support person present as a witness.