



MORLEY COLLEGE LONDON

## Complaints Policy and Procedure

POLICY OWNER: Clerk to the Governing Body and Company Secretary

APPROVAL: Governing Body

Policy Category: Corporate

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## A COMPLAINTS POLICY

1. Introduction and Purpose: The Code of Good Governance for English Colleges, which the College adopted in October 2015, expects all colleges to have comprehensive complaints procedures through which students and the public can hold them to account. Paragraph 2.9 of the Code states: “There should be clear and published complaints and

- clearly does not have any serious purpose or value;
- is designed to cause disruption or annoyance, or gives rise to disproportionate inconvenience or expense;
- has the effect of harassing the College and/or its staff; or
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

[Appendix 2](#) gives examples of the circumstances in which a complaint may be considered vexatious, and sets out the procedures that will be followed in such cases.

### Frivolous Complaints



## **B COMPLAINTS PROCEDURE**

### **1. Introduction**

**1.1** The College is committed to providing a high quality service to its students, to members

### 3. Different Types of Complaint and How They Are Handled

3.1 Individual Complaints are dealt with according to the guidance set out in this document.

#### 3.2 Group Complaints

Where a complaint is brought by a group comprising two or more individuals, one person should be nominated as spokesperson and correspondent for the purposes of the Formal Procedure. All members of the group must give written consent for the spokesperson to discuss the case on their behalf. Each member of the group must be able to demonstrate that they have been personally affected by the matter that is the subject of the complaint.

#### 3.3 Anonymous Complaints

Complaints require investigation to enable resolution: where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons, therefore, no action will normally be taken in the event of complaints made anonymously. There may be exceptional circumstances where the College judges it appropriate to investigate a complaint received from an anonymous complainant, but this is at the discretion of the College.

#### 3.4 Third Party Complaints

No complaint made on behalf of another person will be investigated without that person's written consent. This includes complaints made on behalf of a student by a parent or carer (unless the student is a child or vulnerable adult for whom the complainant has responsibility). The person on whose behalf the complaint is made must tell us what information we may and may not share with the complainant.

#### 3.5 Vexatious or Malicious Complaints

[Appendix 2](#) describes the College's procedures for handling vexatious or malicious complaints.

3.6









APPENDIX 1: COMPLAINTS  
FLOWCHART

Incident/cause for concern

Complainant  
tries to  
resolve with  
member of

## APPENDIX 2: VEXATIOUS AND OTHER UNREASONABLE COMPLAINTS

### 1. Introduction

1.1 Dealing with unreasonable complaints can result in significant resource issues for College staff. The College also has a duty to ensure the safety and welfare of its staff, which may be compromised by such complaints. This Policy sets out the College's approach to the relatively few complainants whose actions or behaviour it considers to be unacceptable or unreasonable.

1.2 The College understands that making a complaint can be a stressful experience, and no action will be taken against any complainant where a complaint is made in good faith, but following investigation is not upheld. If, however, the investigation of the complaint reveals the allegation to be vexatious, malicious, frivolous or unsubstantiated, the College reserves the right to dismiss the complaint and, if the complainant is a student, to take disciplinary action.

### 2. What do we mean by a Vexatious Complainant?

2.1 The College considers as unreasonably persistent or vexatious complainants those complainants who, because of the frequency or nature of their contacts with the College, hinder our investigation of their or other people's complaints. Vexatious complainants may be characterised as trying to make life difficult for the College rather than genuinely seeking to resolve a grievance.

2.2 Behaviours that might result in a complainant being considered vexatious or unreasonably persistent include, but are not limited to, the following:

- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
-

Please note that this list is not exhaustive, nor does the existence of any feature on its own necessarily imply that a complainant will be considered as vexatious.

### 3. Imposing Restrictions

3.1 Where a complainant behaves unacceptably during a telephone conversation, we may as a last resort and after sufficient warning terminate the call.

3.2 If the unacceptable behaviour persists despite previous warnings, the Vice Principal (Innovation, Quality and Performance) may decide to take action to restrict the complainant's contact with the College in connection with the complaint. Any restrictions imposed will be appropriate and proportionate. The College will take account of any reasonable adjustments as a consequence of any declared disability. The options which will be considered include:

- asking the complainant to enter into an agreement about their conduct;
- requesting contact in a particular form only, for example by letter only;
- requiring contact to take place with a named person only;
- restricting telephone calls to specified days, times and duration;
- asking the complainant to appoint a representative to correspond with the College;
- requiring any personal contact to take place in the presence of an appropriate witness; and
- letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read any future correspondence) unless we determine that it is necessary for the completion of the investigation.

3.3 When the decision has been taken to apply any of these restrictions to a complainant, the Vice Principal (Innovation, Quality and Performance) will contact the complainant in writing (and/or by email as appropriate) to explain why we believe that the behaviour is unacceptable, what action we are taking and the duration of that action (typically three months) and to draw the complainant's attention to this procedure.

3.4 Where a complainant continues to behave in a way that is unacceptable, the Vice Principal (Innovation, Quality and Performance)

if extended, at the end of every subsequent three month period, even if this means crossing into the following academic year. The complainant will be informed of the result of this review.

APPENDIX 3: HOW TO RAISE A CONCERN OR MAKE A COMPLAINT – A GUIDE FOR STUDENTS AND OTHER USERS OF THE COLLEGE’S SERVICES

### Vexatious or Malicious Complaints

The College reserves the right to dismiss a complaint that it regards as vexatious or malicious and, if the complaint is from a student, to invoke the Student Disciplinary Procedure. Further information on such types of complaint can be found within the Complaints Procedure.

### Other materials you might find useful

The Complaints Policy and Procedure and, for HE students, the Higher Education Complaints Policy, should be read alongside this document to explain further the process of raising a concern or making a complaint.

### Timescales

We ask that you bring any concern or complaint to our attention within one month of the incident that gave rise to it. It is at the discretion of the College to decide whether there is an exceptional reason for considering any complaint outside this time frame.

Whether you make a fo