

# Complaints Policy and Procedure

## **Document Summary**

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## Complaints Policy and Procedure

### 1: Statement of complaints policy

1.1 The City College has a high level of commitment to the provision of quality academic and personal support services for all its students and, because it recognises that sometimes things may go wrong, the College has developed the complaints policy and procedure set out in this document. In the development of the policy and procedure, the College has been mindful of the UK Quality Code for Higher Education which defines a complaint as **“the expression of a specific concern about matters that affect the quality of a student’s learning opportunities”** and has also paid particular attention to the definition supplied in its Good Practice Framework by the Office of the Independent Adjudicator:

**“An expression of dissatisfaction by one or more students about a college’s action or lack of action, or about the standard of service provided by, or on behalf of, the college.”**

1.2 The College works to minimise complaints by working pro-actively with students and their representatives to make sure that they are involved at all levels in the committee structure, by encouraging regular feedback via the Student-Staff Liaison Committee and student evaluation surveys and through its well-tried open door policy which gives students immediate access to senior management.

1.3 This statement of policy, together with the accompanying detailed procedure, is designed to ensure that the Student Complaints Procedure is open, equal, fair and unbiased and that complaints are addressed at the earliest possible opportunity. The College would wish that students try to address any concerns informally as soon as these are raised and that they seek early resolution whenever possible.

### 2: Scope of the City College complaints policy:

- Complaints may be made by registered students of The City College or by individuals who have until recently been so registered.
- Registered students must make their complaint within 30 calendar days of the origin of their concern.
- Individuals who are no longer registered students must make their complaint within 30 calendar days of the cessation of their registration.
- The College recognises that, on occasion, a group of students may wish to raise a common concern in which case the group should nominate one of its number to act as its representative and to receive the response from the College.
- Complaints must be made directly by the student/s concerned
- Within the scope of this policy, complaints may be made about:
  - The delivery of a programme of study
  - Misleading or incorrect information presented in written form

- Poor quality of facilities or learning resources provided by the College
- Inefficiencies in administration or services
- An action or inaction on the part of the College.

### **3: Issues outside the scope of the City College complaints policy:**

- Appeals against decisions made by the Extenuating Circumstances Panel unless it is alleged that the correct procedure has not been followed
- Appeals against assignment grades
- Appeals against progression decisions made by the appropriate College boards
- Anonymous or third party complaints
- Allegations of academic malpractice
- Complaints about the decisions made in the course of disciplinary proceedings
- Allegations regarding the behaviour of a City College student or a member of the College staff.

### **4: Detailed complaints procedure:**

In line with the Good Practice Framework of the Office of the Independent Adjudicator, the complaints procedure developed by The City College is made up of three internal stages and one external referral stage:

1. Informal – the complainant is encouraged to resolve the complaint with the other party/ parties before it escalates if possible
2. Formal – the complaint is put in writing and formally investigated by the college
3. Appeal – the complainant is not satisfied with the outcome of stage 2 and asks for the decision to be looked at again
4. Referral – the complainant is not satisfied with the outcome of stage 3 and has the option of taking the complaint to the Office of the Independent Adjudicator (OIA).

Where references are made to “working days” in this policy, these are considered to be Monday to Friday (inclusive).

### **5: Stage 1 - Informal**

5.1 The City College strongly advises that all parties involved in a complaint should make every reasonable effort to resolve the issue informally as soon as is practicable after the concern come to light. To this end, the complainant should first approach the staff member most immediately concerned with the issue. This may be an individual staff member or Programme Leader. Alternatively, a student may raise, for example, a concern about the delivery of a programme with their group student representative who will raise the matter at a Programme Team meeting.

5.2 The most likely method of resolution would be a face to face meeting however, it may be appropriate for details of the outcome to be provided in written form.

5.3 At Stage 1: the complaint should be made as soon as practicable and no more than 10 working days after the issue arises. The member of staff involved must attempt to resolve the issue through a meeting with the complainant also no more than 10 working days after the issue is raised with them.

5.4 The College would hope that most complaints would be dealt with at this stage in a manner satisfactory to all the individuals concerned.

5.5 In the case of a concern to be raised at a Programme Team meeting, the group student representative should ensure that the item is on the agenda for the next available meeting.

## **6: Stage 2 - Formal**

6.1 If a complainant is not happy with attempts to resolve the complaint at Stage 1, or if an attempt at early resolution is either not possible or inappropriate then it is open to the complainant to move to Stage 2 and make a formal complaint.

6.2 Formal complaints must be made on the appropriate complaints form (available from The City College Admin Office or Sharepoint) and must be made no more than 10 working days after a failed attempt at early resolution or within 30 calendar days of the origin of the concern if there has been no attempt at early resolution.

6.3 The complaints form must be completed in full, must be signed and if there has been no attempt at early resolution, then the complainant should explain why this is so.

6.4 The complaint form must be presented in The City College Admin Office within the published timescales and written acknowledgement of the receipt of the complaint will be made within 5 working days. Extensions to the published timescales are possible only in extenuating circumstances and will be dealt with by the Extenuating Circumstances Panel.

6.5 Formal complaints will be dealt with in the first instance by the City College Principal and the Director of Studies who will ascertain whether the correct procedures have been followed / all necessary information is provided / timescales have been met / whether the concern would be more appropriately dealt with through an alternative process e.g. the Academic Appeals Process.

## **7: The process of investigation**

The outcome of the initial evaluation described above might be that the complainant is referred to a different procedure / that the complaint is not accepted / that the complaint will be formally investigated. Whichever is the case, the complainant must be informed in writing within 10 working days and clear reasons must be given for the decision made.

7.1 The City College Principal and the Director of Studies will work together to carry out appropriate investigations into the complaint.

7.2 If the subject of the complaint is a named individual then that individual will be asked to provide a written statement of response.

7.3 A meeting will be held with the complainant so as to ensure that both sides understand the purpose and scope of the investigation. The complainant will have the right to be accompanied by a 'Friend' at meetings (the role of the 'Friend' is outlined in 10.1 below). A written record will be kept.

7.4 When the investigation has concluded then the City College Principal and the Director of Studies will produce a report which sets out their conclusions and the reasons for them. The report will then be made available to the complainant and/or their representative and also to the Academic Board.

7.5 The report will also give the complainant information about their right to take their complaint to review stage / the grounds on which it is possible so to do / timescales involved / the procedure to follow.

7.6 If the complainant does not move to review stage within the published timescale then The City College will assume that the complaint is closed and will notify the complainant this is so.

7.7 The City College will keep formal records of complaints and their outcomes.

### **8: Stage 3 - Appeal (the final internal stage)**

8.1 If any complainant is unhappy with the outcome of the formal complaint procedure then it is possible to request a review. Any request for a review must be made within 10 working days of the despatch of the Formal Complaint Report.

8.2 Requests for an appeal may be made on the grounds set out below:

- That the complaints procedure was not followed correctly (subject to the provision of evidence that this is so)
- That the outcome was not reasonable (subject to the provision of evidence to show that the findings were not sufficiently substantiated)
- That new evidence has become available and that it was not possible to provide this earlier.

8.3 Any request for an appeal will be dealt with by The City College Legal Officer working with one other senior manager who has not so far been involved with the process of investigation of this complaint.

8.4 The appeal must be made on the appropriate form which is available from The City College Admin Office or Sharepoint. The form must be completed fully, must be signed and, together with supporting evidence, returned to The City College Legal Officer within the published timescale.

8.5 An appeal will not revisit the original complaint or become involved in any additional investigation unless substantial new evidence has been provided.

8.6 The review request will first be evaluated to see whether it comes within the grounds and timescale required for the acceptance of the need for review. At this stage, the complainant may be asked for clarification.

8.7 If the appeal request is deemed ineligible then then the complainant will be informed in writing within 10 working days and the process will be deemed complete. At the stage, the complainant will be given information about independent review and the Office of the Independent Adjudicator.

8.8 If the appeal request is deemed eligible then the procedure decided upon for the review will be communicated, in writing, to the complainant within 10 working days. A projected timescale will be given.

8.9 If the appeal does not uphold the complaint then the decision should be communicated, in writing, to the complainant within 30 calendar days. If the complaint is upheld then the complainant should be told, in writing and within the same timescale how and when any remedy will be implemented also whether or not any apology is to be made.

8.10 The complainant should be given clear reasons for the decision whatever form it takes.

#### **9: Stage 4 - External review by the Office of the Independent Adjudicator (OIA)**

9.1 Once the appeal stage has been completed and the College's internal procedures for dealing with complaints and appeals are therefore exhausted, the College will automatically issue a Completion of Procedures (COP) Letter. A COP Letter confirms the decision made and that the student has reached the end of the College's internal processes.

9.2 If the student's appeal is not upheld and the student does not agree with this decision, the student can apply to the OIA to have the decision reviewed. The COP letter is normally needed when applying to the OIA for a review.

9.3 Applications for review must be submitted to the OIA within 12 months of a COP Letter being issued. The OIA may be contacted by ringing 0118 959 9813. Details of the OIA may be found at <http://www.oiahe.org.uk>

9.4 If the matter is concluded before the appeal stage, for example because the student does not wish to appeal, the student may request a COP Letter if they want one. There is a deadline of one month for the student to make such a request, beginning when the relevant College decision was made.

9.5 If the student makes a request after the deadline has passed, the College will issue a COP Letter containing the date upon which the original Fitness to Practise Panel Hearing decision or the Appeal Panel decision was reached. The time for bringing the matter to the OIA will normally run from that date, rather than the date of the COP Letter.

## **10: The Role of the 'Friend'**

10.1 The 'Friend' may be an official Student Representative or another member of the College community and is there to provide moral support and to support the student when the student is asking or answering questions during the meetings and/ or Hearings. The 'Friend' may not be a lawyer or legally qualified adviser or representative. The 'Friend' may also take notes of the meetings for the student. While students are normally expected to speak for themselves, the 'Friend' may speak with the agreement of the Chair of the Panel. In the event that the student is unable to continue the meeting in the absence of the 'Friend', the meeting will continue in the absence of the student, based on the oral evidence heard to date and the written documentation.