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## Scope

For the purpose of this policy the term “learner” is used to mean any student enrolled on TCAT provision. Where the learner is under 18, or classified as a vulnerable learner, then their parent, guardian or carer may make a representation on their behalf, with the agreement of the learner.

## Introduction

### PURPOSE OF POLICY

This policy reflects the principles, good practice and procedures that relate to responding to learner complaints and complaints made by other stakeholders including employers, partner organisations, external organisations and members of the public.

For the purpose of this policy the term “learner” is used to mean any learner enrolled on TCAT provision. Where the learner is under 18, or classified as a vulnerable learner, then their parent, guardian or carer may make a representation on their behalf, with the agreement of the learner.

### THE POLICY DOES NOT APPLY TO:

- Complaints made by members of staff of the College (see Staff Grievance Procedure) unless they are complaining in their capacity as a learner.
- Complaints related to or covered by learner disciplinary procedures (see Learner Disciplinary Policy).
- Allegations of a young person or vulnerable adult suffering, or suspected of suffering harm or abuse (see Safeguarding Policy).
- Appeals against assessment and grading decisions (see Assessment and IV guidance).
- Whistleblowing (see Whistleblowing Procedure).

## Policy

### 1. METHODOLOGY

- 1.1 This policy applies to all services offered by the College.
- 1.2 This policy applies to all complainants who are enrolled on a TCAT course, stakeholders and members of the public, and applies to its services provided on campus and employer or community venues including with partners, work-based learning and assessment environments and work placements.
- 1.3 The time lines and principles of prompt response and right to appeal set down here apply to all complaints. All complainants will be fully informed of any changes to timelines due to exceptional circumstances.

## 2. STANDARDS OF SERVICE

- 2.1 The TCAT Learner Agreement, Citizenship Code and College Charter set out the standards of service learners and employers can expect the College to provide, as well as their responsibilities.
- 2.2 Anyone not satisfied with the level of service should feel able to approach relevant staff to address their concern promptly and directly.
- 2.3 Every attempt should be made to resolve complaints through a dialogue with those immediately concerned

## 3. COLLEGE ACCOUNTABILITY

- 3.1 All College staff have a responsibility for receiving complaints, treating them seriously and dealing with them promptly and courteously in accordance with the procedure set out below.
- 3.2 Deputy Principal of Quality & Standards has responsibility for tracking, recording and reporting on the outcomes of formal complaints.
- 3.3 The College Leadership Team members have a responsibility for resolving a complaint and leading or contributing to an investigation into a complaint when this is considered appropriate.
- 3.4 The College Principal or Deputy Principal is responsible for resolving complaints which have reached the appeals stage.
- 3.5 The Governing Body is responsible for ensuring that the complaints policy is operating effectively and may become directly involved if a complaint is directed against the Principal, the Clerk, other senior post holders or members of the governing body.

## 4. DEFINITIONS

- 4.1 A complaint is defined as the expression of dissatisfaction, whether in writing or verbally, by anyone who uses, or is affected by, any of the College's services and facilities.
- 4.2 An informal complaint is one that is verbally received by a member of staff and is resolved with the agreement of the complainant verbally at a local level.
- 4.3 A formal complaint is a written or verbal complaint which cannot be resolved satisfactorily at a local level or is referred directly to the Deputy Quality & Standards or other senior manager.

- 4.4 An individual should submit his or her own complaint. Assistance can be provided to capture in writing the complaint, however the complainant should be present and should sign the complaint to say that they agree with it and it is a true reflection of the concern.

## 5. COMPLAINTS FROM HIGHER EDUCATION LEARNERS

- 5.1 For those learners who are studying a higher education course that is franchised through a university there may be times when your complaint is dealt with through the University Complaints procedure. This will be determined by the nature of the complaint, and you will be notified of this in writing.
- 5.2 For learners studying Higher Education the same appeals process should be followed.
- 5.3 If you are not satisfied with the final decision you can request that this is reviewed by The Office of the Independent Adjudicator (OIA). You should complete an OIA form which you can obtain from their website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>. You can also contact them by email, post or telephone and they will send you a form.

## 6. STAGE 1 – INFORMAL COMPLAINT

- 6.1 To approach the member of College staff directly and explain the concern. Often the complaint or concern can be resolved informally at the earliest opportunity.
- 6.2 It is likely that the vast majority of complaints to be resolved in this manner.
- 6.3 For complaints unable to be resolved, raise the complaint to a stage 2.

## 7. STAGE 2 – FORMAL COMPLAINT (NON-STAFF RELATED)

Where it has not been possible to resolve the complaint informally or where the Complainant feels they cannot approach the person directly then a formal complaint should be made through the Deputy Principal of Quality and standards.

- 7.1 Whilst normally a complaint will be in writing either using the complaints form on display in the College, by writing a letter or by email, if the complainant would prefer they can make the complaint verbally and a member of staff will write it down on the complaints form on their behalf.

- 7.2 An acknowledgement to the receipt of the complaint will be sent within 5 working days and the complaint will be registered on the complaints data base by the Quality Administrator. The complainant will be advised that the Head of School or Manager of Department will investigate the complaint and report their findings within 15 working days and if there is any delay the complainant will be informed of the reasons for this.
- 7.3 The complaint and letter of acknowledgment will be forwarded to Head of School, Business Sector Manager or relevant Manager of Department to investigate.
- 7.4 During the investigation, the complainant may be asked to attend a meeting with the Head of School or Manager of a Department about the incident or issue. The Head of School or Manager of a Department may also speak to or request statements off any members of staff involved.
- 7.5 Where appropriate, written records of all such meetings will be made and kept on file.
- 7.6 All complainants will be informed if the investigation is delayed and the complainant will be informed of the outcome in writing once the investigation has been concluded.
- 7.7 A copy of the response letter should be forwarded to the head of school, director of 14-19 & SEND, Director of Quality and Higher Education and Quality Administrator so a complete record of the complaint can be kept for analysis and reporting.

## 8. STAGE 2 - FORMAL COMPLAINT (STAFF RELATED)

- 8.1 The complaint should be submitted in writing to the Deputy Principal of Quality and Standards and the complaint will be acknowledged by the Quality Administrator.
- 8.2 A copy of the complaint policy will be included with the letter of acknowledgment.
- 8.3 The staff complaint will then be forwarded to the Deputy of Quality and Standards.
  - i. The Deputy Principal of Quality and Standards will review the complaint and allocate the appropriate Director, Head of School or Head of Department to conduct an investigation.
  - ii. If the Deputy Principal of Quality and Standards is not available a suitable substitute from the Executive Leadership Team will deputise.
  - iii. The Director/HOS/Head of Department investigating will inform the member of staff in writing of the investigations taking place, the concerns expressed by the learner and the anticipated timeline of the ensuing procedure. The member of staff will be asked for a written response to the concerns raised.
  - iv. During the investigation, if learner interviews are required, the learner will be informed in writing that he/she may be accompanied by a parent, guardian or other representative.

- v. If staff interviews are needed then the staff member being interviewed is entitled to be accompanied by a union representative or work place colleague.
- vi. The outcome of the complaint, upheld or not upheld, will be communicated in writing to the staff member and the learner by the Director, Head of School or Head of Department who has conducted the investigation, copies of the letter should be sent to the Deputy Principal of Quality and Standards.

**If the complaint is upheld:**

- i. Should the complaint be upheld, a review will be undertaken by the Deputy Principal of Quality and Standards prior to communicating with the learner.
- ii. The outcome may be management action or referral to the disciplinary processes. This will be recorded on the investigation file.
- iii. The complaint will be dealt with under the College's Staff Disciplinary Policy by the Director of Human Resources.

**If the complaint is not upheld:**

- i. If an outcome of the complaint is that it is not being upheld, then the complaint will be closed.
- ii. If the learner is found to be fabricating facts, then the learner may be disciplined by the Director of 14-19 and SEND or Director of Apprenticeships and Work Based Learning under the College's Disciplinary Code.

## 9. STAGE 3 - APPEALS PROCEDURE

- 9.1 If the complainant is not satisfied with the outcome of the complaint at Stage 2 for non-staff complaints, an appeal may be made against the decision in writing to the Deputy Principal of Quality and Standards within 10 working days of receipt of the decision.
- 9.2 An appropriate member of the Executive Leadership Team will review the complaint and the college's response within 10 working days and reply to the complainant.
- 9.3 If the complainant is not satisfied with the outcome of the complaint at Stage 2 for a staff complaint, then an appeal may be made to the College Principal within 10 working days of receipt of the decision.

- 9.4 The Principal will review the complaint and the college's response within ten working days and reply to the complainant.
- 9.5 If the complainant remains dissatisfied with the college's response to either a staff related or non-staff related complaint, a final appeal may be made to the Governing Body within 10 working days of receipt of the appeal decision. The appeal to the Governing Body should be made in writing and addressed to the Clerk to the Corporation at the college.

## 10. RECORD KEEPING AND MONITORING

- 10.1 A record of all formal complaints and their outcomes will be kept by the Quality Administrator. This will include details showing gender, ethnicity, learning difficulty etc. Issues will be fed into the College's self-assessment and other quality improvement processes as appropriate.
- 10.2 All correspondence throughout the investigation to either complainant or anyone involved should be through the Quality Administrator who will maintain a record of all communication.
- 10.3 A quarterly summary of complaints will be compiled and circulated to the Executive Leadership Team.
- 10.4 Incidents are analysed on an annual basis by gender, ethnicity, learning difficulty or disability and discussed at Senior Leadership Team meetings. The analysis of trends may inform policies and procedures undertaken by the College.
- 10.5 Complainants will be advised that, while confidentiality will be respected as far as possible, it is not normally possible to resolve complaints without disclosing details of a complaint to relevant staff in order to allow the College a fair opportunity to resolve the issue.
- 10.6 12.8 All learner information used or analysed during, and after, the complaint will be dealt with in accordance with the regulation set out by the Data Protection Act 1998 and all data will be kept and recorded in line with the College Data Protection Policy.

## 11. COMPLAINTS REGARDING DATA PROTECTION

11.1 Data protection complaints will be dealt with by the College Data controller who is the Director of MIS.

## 12. REPORTING PROCESS

12.1 An annual report is prepared for the Executive Leadership Team and Governors which is disseminated at the Corporation meetings.

## 13. SUPPORT

13.1 If a complainant has difficulty in writing the concern or feels vulnerable, support from a colleague, friend or a member of College staff will be provided.

### **ASSOCIATED POLICIES:**

- Anti-Bullying and Harassment Policy
- Equality, Diversity and Inclusion Policy
- Learner Citizenship and Disciplinary Code
- Staff Disciplinary Procedure
- Data protection policy