

Complaints Policy for Higher Education Students at Shrewsbury College

DOCUMENT CONTROL

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<i>If approval is not required by SLT/Governors/Unions please give reason, ie name changes only.</i>			
<i>* If the contents of this policy have been copied from an existing policy with no changes please insert the date of the original Impact Assessment and Assessor in the table above.</i>			

1. AIM(s)

This procedure covers any expression of dissatisfaction about standards of service, courses or facilities provided by the College, actions or lack of action by the College and/or its staff. The policy is primarily intended for use by students, parents, carers, employers or other stakeholders. If the nature of the complaint is a safeguarding allegation, the complainant will be referred immediately to the College Safeguarding Policy. (The college has a separate procedure for a member of staff wishing to raise a grievance).

2. OBJECTIVES/STRATEGIES

Complaints should be submitted in writing no later than three months from the date on which the events giving rise to the complaint occurred. This is to ensure that complaints can be properly investigated before records are deleted and recollections are diminished. This time limit will be extended only in exceptional circumstances.

Anyone wishing to lodge an appeal against academic assessment and progress decisions should refer to the Academic Appeals Policy.

The policy follows the OIA “Good Practice Framework for handling complaints and academic appeals – December 2014.

Stages of Complaint

Early Resolution

The early resolution stage is designed to address straightforward concerns swiftly and locally, for example at course or curriculum level before escalation into a formal complaint. This stage might include, for example, face to face discussion with the student, or asking an appropriate member of staff, or mediator or conciliator, to deal with the matter. Where proportionate the student will be provided with a written outcome.

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Many causes for concern are a result of a misunderstanding, which can be quickly resolved at this stage.

Students or parents/carers with a concern are encouraged to raise complaints informally in the first instance with the person perceived to be responsible.

Alternatively, issues should be raised with the Student's Tutor or Curriculum Leader.

The complaint will be investigated, a conclusion will be reached and a response given to the complainant within 15 working days of receipt of the complaint.

Whilst every reasonable effort should be made to resolve complaints at this point, the complainant has the right to proceed to the formal stage if resolution has not been possible.

Formal Stage

The formal stage is used where there is dissatisfaction with the outcome of early resolution, or where resolution is not possible or suitable due to the character, complexity or seriousness of the case. The formal stage will normally be dealt with by people who have not been involved previously, and may include mediation or conciliation where appropriate (please see Supporting Guidance). The student will be provided with a written outcome at the conclusion of this stage.

On receipt of a formal complaint the College needs to undertake an initial evaluation to check that the complaint is submitted under the right procedures, within any deadline, and in the required format. This might result in:

- The student being referred to a different procedure
- The complaint being rejected, for example because it is submitted late
- The complaint proceeding to formal consideration
- Referral to conciliation or mediation.

Complainants may also choose to make a formal complaint without going through the early resolution procedure. Any written complaint is automatically considered to be a formal complaint.

To enter a formal complaint the complainant must put the complaint in writing to the GVP: Quality & Curriculum Support. If formal complaints are received by other staff they should be forwarded to the GVP: Quality & Curriculum Support before any further action is taken. The GVP: Quality & Curriculum Support will provide a written acknowledgment within 10 days to the complainant and advise the complaint is being investigated. The complaint will then be forwarded on to the appropriate manager who will:

- Inform and show any members of staff concerned within 3 working days that a complaint has been submitted. Where an allegation is made against a member of

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staff the “appropriate manager” must consult with HR before showing the member of staff a written copy of the complaint. However, the time frame is still 3 working days.

- Investigate the complaint including interviewing the complainant. The manager will consider the complaint and may talk to key staff or other students and consider documents and other evidence. The manager will produce a report based on his or her investigations which outlines the process followed, the information gathered, the conclusions drawn and any recommendations. The student or their representatives should receive copies of the information considered and a copy of the investigation report. The manager will need to consider if the complaint is amendable to mediation or conciliation at this stage. It is essential to be clear about exactly what is being investigated to ensure that both the manager and student understand the purpose and scope of the investigation. The manager should consider meeting with the student to facilitate this. If the student’s expectations appear to go beyond what the College can reasonably provide or what is in its power to provide, the student needs to be advised of this as soon as possible in writing in order to manage expectations about possible outcomes.
- Identify appropriate courses of action in an attempt to resolve the complaint.
- Provide a report to the GVP: Quality & Curriculum Support who will generate a written response to the complaint.

It is expected that almost all complaints should be capable of resolution by following this procedure and that the matter will be resolved within 20 working days. If however this has not been possible the complainant has the right to appeal.

Monitoring and reporting complaints is the responsibility of the GVP: Quality & Curriculum Support.

The Quality & Standards Committee monitors the approach to complaints received.

GVP: Quality & Curriculum Support will ensure that an annual report on the operation of this procedure and on the number and nature of formal complaints received during the preceding academic year is made to the Quality & Standards Committee each Autumn term.

Appeals

The appeal should be made in writing to the Principal stating the ground(s) on which the appeal is based.

The Appeal Hearing is not intended to repeat the detailed investigation of the complaint, but to focus on specific factors which the complainant feels have received insufficient consideration, for example:

- Inappropriate conduct of the investigation

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- Unfairness of the investigation
- New evidence in relation to the complaint subsequently coming to light.

The Principal may decide that there are insufficient grounds for an appeal in which case the complainant will be notified and there will be no further right of appeal to the College. If a Hearing is to be convened it will normally be held as soon as can be arranged following receipt of the appeal and no later than 20 working days.

Appeals will be heard by the Principal.

The complainant has the right to be accompanied to the Hearing by a person of his/her choosing, the name and status of the person to be notified to the Principal at least five days in advance of the Hearing.

Any member of staff involved will have the right to be accompanied by a person of their choosing.

A College administrator will be present at the Hearing to keep a record of proceedings and the College reserves the right to have a legal adviser present during the Hearing.

Both parties, that is, the complainant(s) and the College representatives (previously involved at an earlier stage) will be invited to submit and present evidence and to be questioned on the evidence provided.

Witnesses may be called as part of the evidence and all parties will have the right to question such witness.

When all the evidence has been heard the Hearing will be adjourned and the Principal will consider the merits of the complaint before reaching a decision.

The Principal will, whenever possible, inform the complainant of the outcomes of the Hearing, in writing, no later than 5 working days after the Hearing.

A written report of the Hearing will be prepared and issued to the complainant.

The decision of the Principal is final and there will be no further right of appeal to the College.

If the complaint is not upheld the outcome of the appeals stage should be communicated to the student in writing by issuing a Completion of Procedures letter as soon as possible and within 28 days. This should include a clear explanation and outline the reasons for the decision in straightforward language. This will help the student decide whether or not to pursue the matter further.

The decision will also advise the student about:

- Their right to submit a complaint to the OIA for review
- The time limit for doing so
- Where and how to access advice and support.

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Where a complaint is upheld, the College will explain how and when it will implement any remedy, and whether that includes an apology.

**Complaints Policy for Higher Education Students at
Shrewsbury College****ANNEX A - Supporting Guidance****Mediation and Conciliation**

Mediation and conciliation are usually voluntary processes where an impartial, independent third party helps to resolve issues confidentially. Using mediation or conciliation during the early resolution stage can help both parties to understand what is driving the concern and may be more likely to result in a swift and mutually satisfactory conclusion being reached. Mediation or conciliation may be particularly helpful in resolving disputes between students. Where both the College and the student agree to mediation or conciliation in the formal stage of considering a complaint, revised timescales may need to be agreed between the parties and confirmed in writing. All parties need to be clear about the scope of the mediation or conciliation process, how the arrangement fits with other procedures, and whether its use is subject to the parties agreeing in advance to accept the solution offered by the conciliator. The formal process may need to be re-started if agreement cannot be reached.

Where the issues raised affect a number of students, those students can submit a complaint or academic appeal as a “group complaint” or “group appeal”. In such circumstances, in order to manage the progression of the complaint or academic appeal, the College can ask the group to nominate one student to act as group representative. It would be reasonable for the College to deal with the representative only, and to expect him or her to liaise with the other students.

Anonymous Complaints

When an anonymous complaint is received the complainant will be informed of the possible limitations associated with making an anonymous complaint. Advice will be given to anonymous callers on how to raise their concerns. In the event of an anonymous complainant having genuine issues and fears of identification or there is an issue of child protection and Safeguarding the college will investigate the concerns raised.

The Data Protection Act requires the consent of the complainant before his or her identity is disclosed. If a complainant asks for their identity to be kept confidential, the college will respect this. In such cases, however, the complainant should be advised that this might make it difficult for the college to deal with the complaint effectively. If the complaint is of a child protection and Safeguarding nature, the College will have to share information and ask advise from the local authorities Designated Safeguarding Officer.

The college may over-ride confidentiality requests only if there is genuine belief that criminal activity is involved, the complainant’s welfare might be at risk or there is an issue of child protection.

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In cases of potential criminal activity or child protection and Safeguarding the College's Safeguarding Policy will be used and the GVP - Human Resource Development & Payroll will lead the investigation.

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When a staff member receives a verbal complaint he/she should:

- Listen carefully to the issues raised, acknowledging the complainant's feelings
- Summarise the issues to clarify and check what the complainant has said
- Determine what the complainant wants to happen as a result of the complaint
- Resolve the complaint if possible, or assure the complainant that an appropriate member of staff will address their complaint
- Tell the complainant of what will happen with their complaint
- Confirm that they are satisfied with the procedure and thank them for their time.

Verbal complaints should be logged, recording the date, time and description of the complaint and the action taken. This to enable complaints to be monitored and any trends identified.

If the complainant wishes to register a formal complaint verbally, the member of staff should make a written outline of the issues concerned. The record should be read to the complainant, with the opportunity given for appropriate amendments. The complainant should be asked to sign the written version of the complaint and provide contact details. The staff member should also sign and date the complaint. If a complainant refuses to sign or confirm a written recording of a verbal complaint, the staff member should note the refusal on the written complaint. In the event of verbal complaints taken over the phone, the complainant should be asked to provide verbal confirmation of the issues that have been recorded and contact details confirmed. A copy of the complaint will be provided to the complainant.

In the case of child protection the College's Safeguarding Policy will be followed for Safeguarding issues.