

## DOCUMENT DETAILS

---

<b>Document Name:</b>	<b>Nottingham College Complaints Policy</b>
Document reference	
Version	1.2
Issue Date:	July 2021
Review Date:	July 2022
Document Author	Kirsty Bailey
Document Owner	<b>Ruth Perry</b>
Applicability	All students (including apprentices), employers, staff, volunteers and governors of Nottingham College
Summary	This complaints policy aims to ensure that complaints are resolved as fairly and quickly as possible. It also aims to ensure that, where practical, lessons can be learnt and improvements made to the service which the College offers.

## DOCUMENT CONTROL

---

Version history			
Version	Date	Reason for release/version update	Issued by
1	24/07/2019	Annual Review	Kirsty Bailey
1.1	23/07/2020	Annual Review and minor changes	Kirsty Bailey
1.2	06/07/2021	Annual Review	Kirsty Bailey
1.3	10/11/2021	Minor changes to informal complaint route	Kirsty Bailey

## DOCUMENT APPROVAL

---

Approving person/body	Job Role (where applicable)	Date Approved
SLT		24/07/19
ELT		06/01/21

## COMMUNICATION

---

Date sent to OLT	
Date sent to Internal Comms	
Publication required on External Website?	YES / NO

## CONTENTS

---

1. Key Purpose and Objectives.....	3
2. Scope.....	3
3. Key responsibilities .....	3
4. General principles .....	4
5. Data Protection .....	5
6. Raising a complaint .....	5
7. Informal Stage (Route 1) .....	6
8. Formal Stage (Route 2) .....	6
9. Appeals.....	7
10. Continuing a complaint beyond the College.....	8
11. Higher Education Students .....	8

## **1. Key Purpose and Objectives**

This complaints policy aims to ensure that complaints are resolved as fairly and quickly as possible. It also aims to ensure that, where practical, lessons can be learnt and improvements made to the service which the College offers.

A complaint is an expression of dissatisfaction by one or more persons about the College's action, or lack of action, or about the standard of service, which has had a negative effect on the complainant's experience.

This policy covers areas of College activity where an individual or group has a complaint arising from their College experience. The Policy should not be used where an issue is covered by any other College policy. In such cases students of the College will be advised and directed to the appropriate policy. These policies include, but are not limited to;

- Student Disciplinary Policy (exclusions/withdrawals)
- Exam Appeals Policy
- Assessment and Internal Quality Assurance Policy (academic appeals)
- Capability Procedure
- Disciplinary Procedure
- Grievance Procedure
- Redundancy/Voluntary Redundancy Policies
- Recruitment and Selection policy
- Whistleblowing Procedure
- Admissions Policy

## **2. Scope**

All Further Education and general College complaints are managed via this procedure. Higher Education complaints should follow the Higher Education Complaints Policy and Procedure. Students enrolled through Nottingham College by a Subcontractor should follow the complaints process of the Subcontractor in the first instance. Once a student has exhausted the Subcontractor's internal complaints process, and if a satisfactory resolution has not been achieved, the student should then raise a formal complaint with the Nottingham College.

## **3. Key responsibilities**

The Complaints team are responsible for:

- Ensuring that this procedure is available to all College users
- Logging formal complaints and monitoring response times
- Supporting the Investigating / Appeals Officer as required
- Recording and reporting on the outcomes of formal complaints
- Ensuring that central records relating to formal complaints are securely stored for a maximum period of six years

- Ensuring all complainants are aware of their rights in relation to accessing personal data related to formal complaints.

The Investigating / Appeals Officer is responsible for:

- Carrying out a full and balanced investigation into the complaint / appeal
- Complying with the timescale for completion
- Providing a written response to the Complaints team
- Maintaining and filing investigation notes and information on complaints for six years.
- Keeping the Complaints team updated regarding all aspects of the investigation.

#### 4. General principles

- 4.1. The College is committed to providing the highest quality of service which aims to meet and preferably exceed the expectations of all customers.
- 4.2. Users of the College have the right to complain if they are dissatisfied, and should expect to be dealt with fairly, amicably and quickly.
- 4.3. Decisions taken as the result of an investigation will be balanced and reasonable.
- 4.4. No student/employer bringing a complaint under this procedure, whether successfully or otherwise, will be disadvantaged. Should evidence to the contrary be found, the matter will be fully investigated and, if necessary, disciplinary proceedings may be taken.
- 4.5. The College may consider invoking the disciplinary procedures under the Student Disciplinary Policy in those cases where complaints are found to be vexatious or malicious. A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the Complaints Policy or, for example, to attempt to defame the name or character of another person.
- 4.6. All College staff have the right not to be subjected to aggressive, offensive or abusive actions, language or behaviour, regardless of the circumstances. The College will take the minimum action required to address such unacceptable behaviour, for example:
  - require that contact is made with a specified member of staff only
  - terminate an abusive telephone call
  - decline to accept telephone calls but maintaining at least one form of contact.
- 4.7. Where the same complaint is raised by a number of individuals at a similar time, this will be treated as a single complaint. In such circumstances, we will request the group to nominate up to two students to act as the group representative(s) and spokesperson(s). One Investigating Officer will be appointed to investigate issues of the complaint and will respond directly to the group representative(s).

## **5. Data Protection**

- 5.1. It is expected that all students/employers will assume responsibility for communication with the College and for drawing attention to any problems or concerns.
- 5.2. Where a complaint is received from a parent/guardian or other third party on behalf of a student or individual to whom a complaint relates the College will accept the complaint and therefore communicate with the parent/guardian or relevant third party only with the express written consent of the student/individual and only on receipt of such consent. Exceptions will only be made in the vital interests of the student/individual, such as where there is serious concern which may impact on the safeguarding or welfare of the individual.
- 5.3. For information on rights and responsibilities within the Data Protection Act, please refer to the College's Data Protection Policy.
- 5.4. Where a student is unhappy about the processing of their personal data they can contact the Data Protection Officer for advice.

## **6. Raising a complaint**

- 6.1. Where possible, complaints should be dealt with via Route 1 (Informal Stage). Usually, only when this route fails to bring about a resolution should Route 2 (Formal Stage) be initiated. However in the case of a serious complaint, the matter will usually progress immediately to the Formal Stage. The following are examples of matters that could constitute a serious complaint:
  - A complaint received directly from a regulatory body such as a funding body, police or government department.
  - A complaint which could result in a serious reputational impact for the College, including complaints involving discrimination, injuries, safety or data protection breaches at the College.
- 6.2. A complaint will not normally be considered if submitted more than three months after the issue or event occurred, unless there was good reason why it could not have been raised sooner.
- 6.3. Informal complaints can be raised by speaking to a relevant member of staff, such as a Tutor, Achievement Coach or College Manager.
- 6.4. Formal complaints should be submitted in written or electronic form via letter, e-mail or by completing a complaint form. Complainants will be advised to submit a formal complaint in writing if they contact the Complaints team via phone. Where a complainant identifies a support need, the Complaints team can assist with compiling a formal written complaint.

- 6.5. Any complaint sent directly to a member of the Senior Leadership Team will be re-directed to a relevant member of staff to be dealt with through the Informal route in the first instance. If the complaint meets the criteria to progress immediately to the Formal stage, it will be transferred to the Complaints team who will process it in accordance with the Complaints Policy.

## 7. Informal Stage (Route 1)

- 7.1. Many issues can be dealt with at a local level and where possible it is often best to do so to ensure a speedy resolution. These matters may be handled by any member of staff but support from a line manager may be sought.
- 7.2. There is no requirement for the member of staff making the response to issue a formal letter or submit any other paperwork if the matter is resolved informally, unless the complainant specifically asks for this. However, the member of staff will record the details of the Informal complaint and the proposed resolution for reporting/quality improvement purposes. These records will be accessible to the Complaints team in the event that they need to be referred to should the complaint progress to the Formal stage.
- 7.3. The member of staff dealing with the Informal complaint should store any notes or evidence for six years from the date of resolution and provide them to the Complaints team on request if the matter progresses to the Formal stage.
- 7.4. Should the complainant still not be satisfied after the Informal stage, they will be advised to submit a Formal complaint to the Complaints team.

## 8. Formal Stage (Route 2)

- 8.1. Where a complaint has exhausted the Informal stage or due to the nature of the complaint it is not appropriate to do so, the matter can progress to the Formal stage. The complainant should submit their Formal complaint in writing (either by filling in a complaint form or emailing [feedback@nottinghamcollege.ac.uk](mailto:feedback@nottinghamcollege.ac.uk)) directly to the Complaints team.
- 8.2. Student/employer rights are not affected by making a formal complaint. We are unable to take action on anonymous complaints, unless there are exceptional circumstances. Complaints found to be of a false nature may result in disciplinary action.
- 8.3. The Complaints team will acknowledge receipt of the formal complaint in writing to the complainant **within three working days from the date of receipt**. The day of receipt will be day zero.
- 8.4. Timing guidelines for the handling of a formal complaint start on the day of acknowledgement from the Complaints team. The day of acknowledgement of the complaint will be day zero.

- 8.5. An Investigating Officer will be appointed by the Complaints team. This would normally be an independent manager with no direct involvement in the area of the complaint.
- 8.6. The Investigating Officer will aim to conclude their investigation within nine working days of receipt from the Complaints team, and send a draft response letter to the Complaints team for approval. The Investigating Officer will also confirm if in their view the complaint was upheld, partially upheld or not upheld.
- 8.7. The Complaints team will send the **final response to the complainant within ten working days of acknowledgement of the original complaint** and close the complaint. However deadlines may be extended to take into account College holidays due to the availability of relevant staff.
- 8.8. If there is a delay in producing a final written response, the Complaints team will send an update letter to the complainant within ten working days of acknowledgement of the complaint, informing the complainant of the reason for the delay. The Investigating Officer will produce a final written response within ten working days of the date of this update letter.
- 8.9. Copies of all correspondence with the complainant and an Investigation Summary should be sent to the Complaints team for safe, confidential storage.

## 9. Appeals

- 9.1. On completion of the Formal Stage, the complainant has ten working days from the date of the response letter to deliver a completed Appeal Request Form to the Complaints team if they are dissatisfied with the outcome.
- 9.2. An appeal can only be requested on the basis that at least one of the following criteria apply:
  - New evidence has come to light
  - Not all of the evidence was considered when coming to a conclusion
  - Other procedural irregularity in the process
- 9.3. The Complaints team will acknowledge receipt of the Appeal Request Form and confirm whether there are grounds for appeal **within three working days of receipt of the Appeal Request Form**. The day of receipt of the Appeal Request Form will be day zero.
- 9.4. If there are grounds for appeal, an Appeals Officer will be appointed by the Complaints team to review the case. This would normally be someone of equal or higher seniority than the initial Investigating Officer from the Formal Stage.
- 9.5. The Appeals Officer will send a draft response letter to the Complaints team for approval, confirming if the appeal is upheld, partially upheld or not upheld and the reasons for their decision. **The Complaints team will send the final response to the**

**complainant within twenty working days**, taking the day of acknowledgement of the appeal request as day zero.

- 9.6. Deadlines may be extended to take into account College holidays due to the availability of relevant staff. If there is a delay in producing a final written response, the Complaints team will send an update letter to the complainant informing the complainant of the reason for the delay and the revised deadline for completion of the review.

## **10. Continuing a complaint beyond the College**

- 10.1. Once the complainant has exhausted the internal complaints process, and if a satisfactory resolution has not been achieved, the complainant has a right to complain to the College's regulatory body.
- 10.2. The College is regulated for the purposes of this policy by the Education and Skills Funding Agency (ESFA).
- 10.3. Complainants should note that the Education and Skills Funding Agency will only take up a complaint when they are satisfied that the College procedure, including appeal, has been exhausted, unless the Agency believes that the College is not dealing with a complaint appropriately or effectively, when it may intervene before the procedure is exhausted.
- 10.4. Details on the Education and Skills Funding Agency complaints procedure are outlined on their website (<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa>)

## **11. Higher Education Students**

- 11.1. Higher Education complaints should follow the Higher Education Complaints Policy and Procedure.