

**Policy Title:** Complaints Policy and Procedure

**Created By:** Quality Manager

**Approved By:** Principalship

**Date of Approval:** May 2021

**Review Date:** July 2022

**Responsible Manager:** Quality Manager

**Policy Category:** Quality

**Related Policies:** New College Charter  
Behaviour Management Policy  
Student Code of Conduct  
Student College Agreement

**Policy Location:** SharePoint Central Storage Library

## Contents

1. Scope and Purpose.....	3
2. Definition .....	3
3. Aims.....	3
4. How to Complain .....	3
4.1 Informally.....	4
4.2 Formally .....	4
5. Complaint Withdrawals .....	4
6. Where issues raised span multiple processes .....	5
7. Stages of complaint including timeframes .....	5
7.1 Early resolution/facilitated discussion.....	5
7.2 Formal Investigation .....	5
7.2.1 Outcome of the Investigation.....	6
7.3 Concluding Action .....	7
8. Review/Appeal Stage .....	7
8.1 Concluding Action .....	8
9. Duty of Care .....	10
10. GDPR .....	10
11. Version Control .....	11

## **1. Scope and Purpose**

At New College we are always open to receive comments, both positive and constructively critical. It is important for the college to know when process and procedure has been followed appropriately and when there is a need for improvement.

All courses and services at the college are reviewed regularly and stakeholder comments help the teams and managers to prepare and, when necessary, redesign or change the provision or service.

New College is committed to listen and to respond to the views of all stakeholders of the College and its services.

## **2. Definition**

A complaint is defined as an expression of dissatisfaction by a stakeholder about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider.

## **3. Aims**

This procedure is designed to provide guidance to any student, visitor or other parties such as parents or employers who are dissatisfied with any aspect of the College, have positive suggestions/comments and or wish to provide praise to staff or teams.

New College's aim is to respond quickly and positively, and to reach an outcome that is fair for all concerned. It also aims to keep the complainant informed of progress in dealing with the complaint and the personnel involved.

The purpose of the complaint's procedure is to provide an opportunity for complaints to be resolved as quickly as possible by carefully logging and analyzing complaints, and as a means of identifying problems and potential faults in the services provided by the College.

## **4. How to Complain**

The complaints procedure is designed to help customers register their concerns and to help the College respond effectively and appropriately. Complaints should be brought to the attention of the College as soon as possible and within 20 working days of any alleged incident.

Complaints are dealt with in two ways:

## 4.1 Informally

By informing the college of concerns which will be addressed directly by the line manager without formal investigation.

An informal complaint can be made by:

- Speaking to a Course Teacher, Progress Mentor or Curriculum Manager
- Providing feedback via student surveys, during a focus group or to a student representative
- Talking to any member of staff

## 4.2 Formally

By putting the complaint in writing to be addressed via formal investigation.

A formal complaint can be made by:-

- Completing a College feedback card (available in all reception areas)
- Contacting a member of the Quality Team at [feedback@newcollege.ac.uk](mailto:feedback@newcollege.ac.uk) or 01793 611470

Where the issues raised affect a number of stakeholders, such as students, they can submit a complaint as a 'group complaint'. In such circumstances, the college can ask the group to nominate one student to act as group representative. The college may decide to communicate only through the representative and expect them to liaise with the other students.

New College may decide to consider an anonymous complaint if there is a compelling case – supported by evidence – for the matter to be investigated. However, raising a concern anonymously might impede the investigation and communication of the outcome.

For assistance with logging a complaint, contact Student Services or Customer Services.

## 5. Complaint Withdrawals

The college has the right to withdraw from investigating a complaint if there is no response or communication from the complainant or other relevant parties after 15 working days. The complainant will be contacted a maximum of three times before being informed in writing that due to continued lack of response the college is now withdrawing the complaint.

Complainants can withdraw their complaint at any time and the investigation will cease. All evidence and documents will be filed in accordance with GDPR regulations should they be required for future reference.

## **6. Where issues raised span multiple processes**

Some issues may more appropriately be considered under alternative processes rather than under the complaints procedure. For example, the following are not normally dealt with as complaints:

- a concern about a decision made by an academic body regarding student progression, academic assessment and awards
- dissatisfaction about the outcome of an academic misconduct, malpractice or disciplinary process
- a concern about bullying
- a concern about a decision made under other specific regulations, such as fitness to practice
- matters relating to the Student Loans Company, which has its own complaints procedures.
- Breach in code of conduct

## **7. Stages of complaint including timeframes**

### **7.1 Early resolution/facilitated discussion**

When a complaint or similar issue or concern is received, the quality team will acknowledge this within 2 working days. The line manager of the subject (if staff) of the complaint will be informed and will provide support throughout the process. The line manager will contact the complainant within 2 working days to introduce themselves and offer a meeting to resolve the issue.

This meeting may include:

- Gaining more information about the concern
- Giving more information or explanation to a complainant
- Suggesting various solutions
- Giving an apology where it seems appropriate to do so, although advice must always be sought before issuing an apology to allay any concerns with regards to legal liability
- Introducing staff and student conciliators

If the facilitated discussion resolves the issues raised, the complaint will be withdrawn and the outcome logged as dealt with informally. A letter detailing the outcome of the early resolution must be sent to the complainant within 5 working days of the interaction. If the mediation is refused or does not resolve the issues, the formal complaint investigation will commence.

### **7.2 Formal Investigation**

When a complaint or similar issue or concern is received, the quality team will acknowledge this within 2 working days. An investigating manager (IM) will be allocated, outside of the area that is subject to the complaint, in order to ensure impartiality. They will make contact

with the complainant within 2 working days to introduce themselves and arrange a face to face or phone conversation to confirm the key points raised in the complaint. This will enable the IM to focus their lines of enquiry. The IM must outline to the complainant any evidence that they will require as part of the investigation as soon as possible.

If the complainant's expectations appear to be beyond what the college is able to deliver, the IM must explain this to the complainant as soon as possible to manage expectations about possible outcomes.

The IM may speak to key staff, students and other parties including reviewing documents and other evidence. They will base their findings on their investigations and complete the complaints tracking form, including conclusions, outcomes and recommendations.

Meetings need to be documented and recorded with the Quality Team. The IM must complete the investigation within 15 working days of making contact with the complainant.

On completion of the investigation, the IM will write to the complainant informing them of the outcome and any recommendations that are appropriate to share within 15 working days. If the complaint is not upheld or partially upheld, the reasons for this should be outlined in the letter. The outcome letter should also include the next steps, should the complainant be unsatisfied with the outcome. All complaint investigations must be signed off on completion by a member of the SLT prior to communication with the complainant. This is to ensure that quality checks have been carried out and appropriate recommendations have been identified.

Prior to sending the formal communication, the IM will contact the complainant in person or via phone to brief them of the outcome.

### 7.2.1 Outcome of the Investigation

On completion of the investigation, the complaint will be classified by one of four outcomes:-

- **Upheld** – the complaint was fully justified and will result in corrective action being taken, e.g. an amendment of management/service procedures, staff training, improved communications etc
- **Partially upheld** – certain aspects of the complaint were considered justified and will result in follow-up action
- **Not upheld** – the complaint was not justified but recommendations may follow to improve our service
- **Withdrawn** – complaint withdrawn by the college or the complainant

Where a complaint is fully or partially upheld, the College will take positive action to put things right, make every effort to prevent the same thing from happening again and will ensure the complainant is kept informed throughout as appropriate.

### 7.3 Concluding Action

On completion of the investigation, the investigating manager will:-

- Ensure the Quality Team is in possession of all necessary information and paperwork to officially record and log the process. Completed tracking forms, all appropriate and relevant evidence and a copy of the response communication will be submitted by the IM within 2 working days of the complaint being closed.
- Inform any members of staff who have been involved in the complaint of the outcome and any follow-up action. This may involve referral to Human Resources Department and the Deputy Principal Curriculum and Quality if the complaint is regarding members of staff.
- Make sure the complainant has been fully briefed about the outcome with information provided in writing.
- Ensure that if the complaint is regarding equality and diversity, safeguarding or disability that the appropriate college manager has been notified.

## 8. Review/Appeal Stage

If a complainant is dissatisfied with the outcome of the formal investigation, they can request a review or submit an appeal. The college are at liberty to request the ground for the review or appeal. This may include but is not limited to:

- A review of the procedures followed at the formal investigation
- A consideration of whether the outcome was reasonable
- New material evidence which the complainant was unable to, for valid reasons, provide earlier in the process

This review or appeal will not usually consider the issues afresh or involve a further investigation. The complaint must have been considered through the formal investigation before it can be escalated to this stage.

Review or appeals are to be submitted in writing in writing addressed to the Quality Team or emailed to [feedback@newcollege.ac.uk](mailto:feedback@newcollege.ac.uk)

The quality team will acknowledge the review/appeal within 2 working days. A different manager will be allocated to the review or appeal. They will contact the complainant via phone or in person, within 2 working days. This is to introduce themselves and to determine exactly what is being reviewed or appealed, and to ensure that both the manager and the complainant understand the purpose and scope of the review/ appeal.

If the complainant's expectations appear to be beyond what the college is able to deliver, the manager must explain this to the complainant as soon as possible to manage expectations about possible outcomes.

The manager needs to make it clear if they are reviewing the procedures or reconsidering the outcome. They have 15 working days to review all evidence and complete their review.

Key questions to consider at this stage are:

- Were the relevant procedures followed during the formal stage?
- Was the outcome reasonable in all the circumstances?
- Has the complainant received clear reasons why the complaint was rejected at the formal stage?
- If new material evidence has been provided, has the student given valid reasons for not supplying this earlier?

**The outcome for the review/appeal stage must be communicated in writing to the complainant within 15 working days.**

## 8.1 Concluding Action

On completion of the review, the reviewing/appeals manager will:-

- Ensure the **Quality Team** is in possession of all necessary information and paperwork to officially record and log the process. Completed tracking forms, all appropriate and relevant evidence and a copy of the response communication will be submitted by the IM within 2 working days of the complaint being closed.
- Inform any members of staff who have been involved in the complaint of the outcome and any follow-up action. This may involve referral to **Human Resources Department** and the **Deputy Principal Curriculum and Quality** if the complaint is regarding members of staff.
- Make sure the complainant has been fully briefed about the outcome with information provided in writing.
- Ensure that if the complaint is regarding equality and diversity, safeguarding or disability that the appropriate college manager has been notified.

If the complainant remains unsatisfied with the outcome after an appeal investigation has been conducted, they may contact:

- The Clerk to the Corporation, New College Swindon, New College Drive, Swindon, SN3 1AH,
- The Education Skills Funding Agency (ESFA), Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Stone Street, Manchester, M1 2WD (students aged 14 - 19 OR 14 – 25 if there are learning difficulties)
- Appeal to Office of the Independent Adjudicator (OIA) within 21 months, for Higher Education complaints - <https://www.oiahe.org.uk/students/how-to-complain-to-us/>

## 9. Complaints relating to Higher Education Provision

The college aims to resolve concerns informally in the first instance and has a range of opportunities for students to provide feedback about their experiences.

The complaints procedure recognises the Core Practices of the QAA UK Quality Code and aims to provide fair and transparent procedures which are accessible to all students. The outcomes and monitoring of complaints will be used to improve the quality of provision and the student experience.

Concerns and complaints regarding Higher Education at the College will be primarily dealt with according to the process and policy described in this document.

The following points provide further advice and guidance which should be taken into account where a concern or complaint relates to Higher Education provision:

- Students studying on programmes such as HNC/HND will have their complaint dealt with entirely within the remit of this policy.
- Complaints will be reviewed by members of the HE management team to ensure they are appropriately processed.
- The college is registered with the Office for Students and holds membership of the Office of the Independent Adjudicator (OIA) who operate an independent review scheme acting as an appeal body. Further details and supporting information can be found at <https://www.oiahe.org.uk/>
- Before taking a complaint to the OIA the complainant must have exhausted all internal procedures. This means both the complaints and appeals process have been completed. If the student is registered with a University provider, and being taught at the college, this will also include escalating the complaint to the University.
- Complaints can be escalated to the University under their complaints or appeals process, and this will require submission of all evidence previously provided to support the complaint. On occasion, the University may also request further information from the College.
- When the complaint outcome is not upheld an outcome letter entitled 'Completion of Procedures' (COP) is automatically issued within 28 days, and if the complainant remains unsatisfied, this letter can be used to refer the matter to the OIA.
- Where a complaint is upheld or partially upheld the outcome letter will advise the student that they can request a 'Completion of Procedures' letter within one month of the date of the outcome letter.

- The OIA must receive the complaint within 12 months of the date of the Completion of Procedures letter.

## **10. Duty of Care**

The College has a duty of care for its employees and applies a Zero Tolerance Policy to acts of violence or aggression towards our staff, students and visitors. The Police may be called to deal with such incidents and disciplinary or legal proceedings may follow.

In the case of a serial and/or vexatious complainant, the College reserves the right to refuse to investigate a complaint and may, if appropriate, refer the matter to the College's solicitors. Examples of such cases may include but are not exhausted to:

- Complaints which are harassing, obsessive or repetitive
- Insistence on pursuing non-meritorious complaints and unrealistic or unreasonable outcomes
- Insistence on pursuing what may be meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose of value

## **11. GDPR**

All complaint paperwork and personal details linked to these complaints are treated as sensitive and kept in secure, locked or password protected files. They will be kept in line with the GDPR retention timeframes.

## 12. Version Control

### Document Location

*This document if printed can only be considered up to date on the day that it was printed.  
For a current version of this document please see the Central Storage Library.*

### Revision History

**Date of this Revision:** May 2020

**Date of next Revision:** Jul 2021

Version	Date	Author	Change Description
1.0	May 2021	Quality Manager	Document Created
1.1	January 2022	Kat Armstrong	HE addition

### Approvals

This document requires the following approvals:

Committee/Principalship	Date
Principal and CEO	May 2021

### Distribution

This document has been distributed to:

Title/External Organisation/All Staff	Date of Issue	Version
All Staff	Oct 2021	1.0
All Staff	Jan 2022	1.1

**Function: Equal Opportunities**

This policy, plan, procedure, process has been examined for equality impact, i.e., the impact that this function will have on different groups of actual and potential learners, service users and staff taking account of the protected characteristics of the Equality Act 2010 (**age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation**).

**1. If Equality Impact Analysis is not relevant to this function, give reasons and proceed to section 5 below.**

N/A

**2. In what ways could this function have a negative impact on any of the groups above? What actions have been taken to eliminate these?**

There could be resource limitations in helping students whose first language is not English to follow all of the requirements of this procedure. We would explore all the options available to us in order to support all users in their understanding and application of the procedure. We would make every effort to breakdown any barriers for disabled people and endeavor to make reasonable adjustments to the procedure if required.

**3. In what ways could this function have a positive impact on any of the groups above? How will this function be used to eliminate discrimination, advance equality of opportunity and foster good relations between different groups? Are there plans for the future which will further advance equality?**

- This policy aims to be an open access and all-inclusive process.
- The annual analysis of complaint records presents a report of the different types of complaint received.
- The annual analysis of complaints is fed back to Managers and also presented as a report to the Governors. There is an expectation that recurring issues will feature in team quality improvement plans.
- The annual review of complaints will look to identify any patterns and trends.
- Consideration will always be given to whether any complaints issue relate specifically to any diversity and equality groups. The log will record if any complaint has an E&D/Disability/Safeguarding dimension

**4. What evidence supports your judgment e.g. consultations, observations, expert opinions, quantitative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored?**

- Comprehensive and up to date records are kept and readily available.
- If appropriate complaints can help inform areas for improvements in Team QIPs and the College Annual QIP. These are reviewed at regular intervals though the year.
- The ‘Complaints Team’ meets regularly to review the complaints record and follow up on any outstanding issues.
- Records are kept of student appeals relating to this procedure.

**5. Name and job title of manager responsible:**

Chelsea Belcher, Quality Manager

Review Date: July 2021