

Complaints Policy

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| Policy review area | Quality Department |
| Lead Manager | Shaun Mallin, Deputy COO |
| Approval level | Board |
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| Review cycle | Annually |
| Next review | September 2021 |

1. Introduction and Context

The Complaints Policy is intended to bring matters of concern to the attention of the College, and facilitate the timely investigation and addressing of these concerns. The process provides welcome feedback to help the College improve.

2. Principles and Scope

- 2.1 This policy is for use by students, apprentices, parents/carers of under 19s, employers, former employees, clients and the general public.
- 2.2 Complainants may appoint a representative to deal with matters (including any responses) on their behalf – for example a parent or guardian. This will need to be confirmed by the complainant in writing or, where necessary, using an alternative method of communication.
- 2.3 This policy aims to be simple, clear and fair to all parties involved.
- 2.4 No complainant bringing a complaint under this policy will be treated less favorably by any member of staff. If there is evidence to the contrary, the member of staff may be subject to disciplinary proceedings.
- 2.5 If a student is found to have made a malicious complaint, this could lead to disciplinary action being taken.
- 2.6 Anonymous complaints cannot be investigated.
- 2.8 Separate procedures exist for the following:
 - Student Discipline – covered by the Student Code of Conduct and Disciplinary Policy and Procedure.
 - Staff Complaints – covered by the Grievance Procedure.
 - Higher Education Assessment and Accreditation Complaints – covered by the Academic Appeals Procedure of the relevant awarding body.
 - Contractors' Complaints – will be dealt with as appropriate under the terms of the contract.
 - Allegations of Discrimination – covered by the Student Code of Conduct and Disciplinary Policy and Procedure
 - Staff complaints about any aspect of their employment – covered by the Staff Grievance Procedure
 - Allegations of Malpractice – covered by the Whistleblowing Procedure.

3. Definition

- 3.1 Feedback: Compliments, comments or suggestions on how we can improve, but not necessarily requiring a formal written response.
- 3.2 Formal complaint: The College defines a formal complaint as “any expression of dissatisfaction received in writing and requiring a formal, written response”.

4. Aims

To ensure all complaints are handled fairly, consistently and, wherever possible, resolved to the complainant's satisfaction. Complaints procedure (see Appendix 1 for flowchart).

5. Stage 1

- 5.1 Where possible, early resolution to address concerns swiftly and locally should be sought

prior to making a formal complaint. The complainant should raise their concerns with the member of staff who has direct responsibility for the matter in question to try to achieve a satisfactory resolution. Where proportionate, a response will be given in writing to the student.

- 5.2 If the complainant does not feel that their concerns have been addressed by the member of staff with direct responsibility, or that they cannot discuss this with them, then they should make a complaint to the Quality department at Complaints@gbmc.ac.uk.

6. Stage 2

- 6.1 On receipt of a formal complaint, the Quality department will log the complaint and acknowledge its receipt within **3 working days**.
- 6.2 If a College Department receives a formal complaint in writing or, an alternative method of communication, they must advise the complainant to complete the formal complaints form online or its hard copy available at Reception areas, in order for the formal complaint to be logged and acknowledged by the Quality department.
- 6.3 The Quality department will then appoint an appropriate investigating manager who will conduct a full investigation. The investigating manager will be a Head of Department / Manager.
- 6.4 Within **15 working days** of receiving a complaint, the investigating manager will provide the Quality department with the results of the investigation in an email or signed letter of reply, who will then forward it to the complainant.
- 6.5 The Quality department will advise the College's Senior Leadership Team of any investigations where a complaint has not been fully resolved, or where the complaint is not resolved within the above timescales.
- 6.6 The investigating manager will make a judgement based on evidence gathered and will decide to:
- dismiss the complaint as unfounded giving reasons
 - uphold or partially uphold the complaint, propose an amicable settlement, take appropriate steps to address the issue.
- 6.7 If, due to exceptional circumstances, an investigation exceeds the 15 working day window, the investigation manager will notify the Quality department and provide an adjusted timescale, so that this can be communicated to the complainant.

7. Complaint Appeals

The complainant has the right to request an appeal of their complaint outcome. This must be requested by contacting the Quality department within a **10 working days period** of the dated response communication. All appeals will be assigned to a member of the College's Senior Leadership Team. All appeals will be responded to within 15 working days in term time. This could take longer if the appeal is received in college holiday periods.

8. Responsibility of the College

The College will:

- acknowledge all formal complaints and aim to respond within a stated period of time;
- deal reasonably and sensitively with all complaints;
- take action where appropriate;
- welcome issues being brought to its attention to enable it to improve;

- take relevant action, where applicable, to change procedures or implement staff training to prevent recurrence of the complaint.

9. Responsibility of the Complainant

The complainant will be expected to:

- bring their complaint to the College's attention **within a reasonable time** of the reason for the complaint occurring;
- explain the problem as clearly and as fully as possible, including any action taken to date;
- allow the College reasonable time to deal with the matter;
- recognise that some circumstances may be beyond the College's control.

10. Appeals to the Office of the Independent Adjudicator (OIA)

10.1 If a Higher Education student has exhausted all steps contained within the College's Complaints Policy, and provided the complaint falls within the OIA's remit, they will be able to take their complaint to the OIA.

10.2 When making a complaint to the OIA, a Completion of Procedures letter will be required.

If the original complaint or appeal is **not upheld**, the Quality Department will issue a completion of Procedures letter to the complainant within 28 working days of the date of the appeal response. If the complaint or appeal is **upheld or partly upheld**, the complainant must request a Completion of Procedures letter from the Quality Department by emailing Complaints@gbmc.ac.uk within 28 days of the date of the appeal response.

Any application to the OIA will need to be made within 12 months of the date of the Completion of Procedures letter

10.3 The OIA cannot review complaints about academic judgment, admissions or student employment matters. As a classic ombudsman scheme, the OIA is a complaints handler of last resort.

10.4 Further details on how to make a complaint to the OIA can be found at the Office of the Independent Adjudicator website at www.oiahe.org.uk

11. Appeals to the Education and Skills Funding Agency (ESFA)

11.1 If a Further Education student or apprentice has exhausted all steps contained in the College's Complaints Policy, they can contact the Education and Skills Funding Agency (ESFA) at complaints.esfa@education.gov.uk or by post at:

Customer Service Team,
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

11.2 The ESFA does not deal with complaints about employment issues. Further information can be found on the Gov.uk website at <https://www.gov.uk/complain-further-education-apprenticeship>.

11.3 Complainants must contact the ESFA within 12 months after the date of their appeal response.

12. Monitoring and Reporting

- 12.1 The Quality department will oversee the tracking and monitoring of complaints progressed through the procedure.
- 12.2 This policy is one aspect of the College's Quality Assurance procedures; therefore, termly reporting and analysis will be provided to the Senior Leadership Team and used to facilitate improvements to services and facilities.

Appendix 1 – Flowchart of complaints process and timeline

