

Complaints Policy

Policy review area	Quality Department
Lead Manager	Helena Thomas Principal
Approval level	Board
Start date	September 2021
Review cycle	Annually
Next review	September 2022

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 favourably 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 A person making a complaint is encouraged to identify themselves. The college will have difficulty investigating anonymous complaints, and will not be in a position to advise the complainant of the outcome of action taken by the college. The college does reserve the right to determine whether to investigate an anonymous complaint in light of the following considerations:
 - The seriousness of the issues raised in the disclosure
 - The credibility of the concern
 - How likely it is that the concern can be confirmed from attributable sources.
- 2.8 Separate procedures exist for the following:
 - Student Discipline – covered by the Student Code of Conduct and Student Management Policy
 - 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 Student Management Policy
 - 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. The 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 complainant. The area with responsibility for the subject of the informal complaint is encouraged to make all steps to resolve the concerns that have been raised, in an effort to achieve a satisfactory outcome for the complainant.
- 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 Once the complaint has been received by the Quality department it will be acknowledged within **3 Working days**. The complainant will be given an indication of when they will receive a response, and a copy of the complaints policy and an avenue for further contact.
- 6.2 If a College Department receives a formal complaint in writing either via email or hard copy they must ensure this is sent to the Quality Department in order for the formal complaint to be logged and formally acknowledged. If the Quality Department requires the complainant to provide further information, they will contact the complainant and refer them to the Complaints Form available on the college website.
- 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 Learning / departmental 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, and the Quality department will sense check the response and forward it to the complainant.
- 6.5 The Quality department will provide the College's Senior Leadership Team with a monthly report showing all complaints, where a complaint has not been fully resolved, or where the complaint is not resolved within the above timescales as well as a summary of any recommendations
- 6.6 It is incumbent on the Investigating Manager to ensure that any decision made is supported by clear reasoning and this should be communicated to the complainant. The Quality Department will share case studies and guidance with managers who are new to the process. 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 by the Quality Department.

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
Coven
try
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. Monitoring and Reporting
- 11.4 The Quality department will oversee the tracking and monitoring of complaints progressed through the procedure.
- 11.5 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

