

# Complaints Procedure

Policy/Procedure Title and Number	Complaints Procedure
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Approved by	Corporation Board
In consultation with	Senior Management Team
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## **1. Introduction**

- 1.1. At Abingdon and Witney College we strive to achieve high standards in the discharge of our responsibilities. We welcome feedback on all aspects of work, since this is invaluable in helping us to make improvements, and we seek to minimise the likelihood of concerns occurring. Where a concern does arise, we shall treat the matter seriously and aim to resolve it quickly, effectively and, if at all possible, to the satisfaction of all parties.
- 1.2. The College acknowledges that information provided throughout the complaint is often of a sensitive nature, and is accordingly treated as confidential. Appropriate disclosure procedures will be followed when sharing information as necessary.
- 1.3. The College embraces equality and diversity and operates an open access policy. Our intention is to ensure student success by supporting their needs as far as is reasonable and possible. We will ensure all details of the complaints procedure are understood by students and will make complaints information available in other formats as required. We will also ensure that, where necessary, support is made available to help guide students through our complaints procedure, for example, access to a learning support assistant.
- 1.4. This procedure applies to all enrolled students, parents and other stakeholders.
- 1.5. A student or customer may comment about an aspect of college work that they find unsatisfactory. In most instances, the issue can be resolved by the member of staff to whom they have made their comments. Matters like this, which are satisfactorily resolved, are not regarded as complaints to be dealt with by these procedures. This document gives guidance regarding issues that cannot be resolved as soon as they become apparent.
- 1.6. A complaint would take the form of any expression of dissatisfaction from a person about the provision of, or failure to provide, the services offered by the college, which has had a detrimental impact on the individual and/or others, and which has not been resolved when first brought to the attention of the college.
- 1.7. There are informal and formal stages with regard to dealing with complaints. Stage 2 is the formal stage.
- 1.8. Complaints about Governors and the Corporation Board are handled according to the procedure set out in the Standing Orders of the Corporation Board, and are not covered by this Procedure.
- 1.9. Quality related complaints are summarised, anonymised, and reported annually to the Corporation Board.

## **2. Review of arrangements**

- 2.1. An appropriate member of the College Leadership Team will be responsible for investigating any complaint received by the College.

- 2.2. The PA to the Senior Management Team will administer all formal complaints and hold all records.
- 2.3. The Senior Management Team will review the complaints log on a termly basis with the Board reviewing quality related complaints annually.

### **3. General principles**

In responding to a concern, the College undertakes to:

- 3.1. Listen carefully to the complaint, and direct the complaint to the relevant senior/middle manager (s);
- 3.2. Record the complaint accurately and in accordance with the Data Protection Act;
- 3.3. Investigate the complaint fully, objectively and within the time frames stated;
- 3.4. If the complaint is upheld, inform the complainant of any action that will be implemented in order to ensure that there is no re-occurrence.

### **4. Anonymous complaints**

In responding to an anonymous complaint, the following principles will apply:

- 4.1. Complaints received anonymously will be considered, but action will be limited if further information is required to ensure a full and fair investigation.
- 4.2. A complaint will only be investigated under Stage 2 (and beyond) if the complainant gives permission for full details of the complaint to be shared with the subject(s) of the complaint.

### **5. Procedure**

A flowchart of the complaints procedure is attached at Appendix D

#### **5.1. Stage 1 (informal): seek the help of a member of staff**

- 5.1.1. In the case of a student, parent, employer or other stakeholder, if an issue arises concerning a member of college staff, another student, the college estate or service, the issue should be discussed and addressed promptly at the point of origin (directly with the member of staff concerned) and a decision made as to any further action which should be taken.
- 5.1.2. Where it is not felt possible to talk directly to the person concerned, another member of staff should be approached.
- 5.1.3. With the consent of the complainant, this member of staff may seek further advice or evidence. Concerns should be addressed immediately.
- 5.1.4. In the case of a concern that remains unresolved having exhausted the steps listed above please progress to stage 2.

#### **5.2. Stage 2 formal complaint**

- 5.2.1. If the complaint is not able to be resolved informally, the complainant is able to escalate the complaint to the PA to the Senior Management Team, a

complaint form (Appendix A) is available on the college website if required. PA to the Senior Management Team will co-ordinate the response and hold any evidence centrally.

- 5.2.2. All formal complaints will be acknowledged by the PA to the Senior Management Team as soon as possible, and within 2 working days.
- 5.2.3. The relevant member of the College Leadership Team or their nominated representative will then investigate the matter and respond within ten working days of receiving the written statement to explain how the complaint has been dealt with.
- 5.2.4. If further information is required from the complainant this must be submitted to the PA to the Senior Management Team within ten working days. On receipt of the additional information steps 5.2.2. and 5.2.3. above will apply.
- 5.2.5. Where a complaint is upheld, action will be taken and the complainant informed.
- 5.2.6. Where a complaint is not upheld, a full explanation will be given and the right of appeal will be explained.
- 5.2.7. If a formal complaint is submitted without first following stage 1 then the complaint will be conveyed back to the point of origin, in the first instance.
- 5.2.8. On the rare occasion where the next stage of the complaint process would involve the same member of staff, an alternative staff member would be asked to investigate, at the college's discretion.

## **6. Appeal (see Appendix B and C)**

- 6.1. If the complainant remains dissatisfied after Stage 2, they may appeal in writing to the Principal within ten working days of receiving a response and decision at Stage 2.
- 6.2. The appeal will be chaired by the Principal or designated member of the Senior Management Team. The outcome of the appeal will be communicated in writing to the complainant within ten working days.

## **7. When this procedure does not apply**

This procedure doesn't apply to certain complaints, including:

- those from college employees where the college's grievance policy and procedure should be used
- those which are contractual disputes
- those that are being, or have been, considered by a court or similar body
- complaints made more than 12 months after the decision or action was taken. We will check whether the decision or action complained about occurred more than 12 months ago. Complaints older than 12 months will be reviewed on a case by case basis and if we decide not to review the complaint for this reason we will let you know why.
- Complaints made about Governors

We reserve the right not to review complaints considered (in the sole discretion of the college) to be vexatious or malicious.

- vexatious or malicious (they have insufficient grounds and intend to do harm, cause annoyance, frustration or worry).
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

## **8. Review date**

October 2020

Confidential

**ABINGDON AND WITNEY COLLEGE  
FORMAL COMPLAINT FORM**

**Name:**

**Student's name:  
(if complaining on behalf of a student)**

**Contact details:  
(address, email, phone)**

**If the complaint relates to a current or previous student please give details of courses studied and name of current tutor:**

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Statement

Please include the nature of the formal complaint, relevant dates and the steps which have already been taken to resolve this matter (continue overleaf or on a separate sheet if necessary)

Signed:

Dated:

**Please return the completed form to the PA to the Senior Management Team**

## **Appeals (College Complaints Procedure)**

### **Terms of Reference**

#### **Purpose**

To hear appeals against decisions made in Stage 2 of the College Complaints Procedure

#### **Powers**

Decision-making

#### **Membership**

The Senior Management Team. In order to maintain objectivity, the appeal should be heard by staff who have not been involved in stage 2 of the Complaints Procedure.

#### **Chair**

The Principal (or designated alternative).

#### **Notes**

Notes of the meeting will be taken and issued to relevant parties together with the decision.

#### **In Attendance**

The complainant

The complainant's family member, if requested by the complainant

The investigating officer from Stage 2

Other persons, as necessary, at invitation of the Chair

## **Rules of Procedure for Appeals (College Complaints Procedure)**

1. The purpose of the appeal hearing is to consider whether:
  - 1.1. Stage 2 – the formal complaint – was conducted in line with College policy and procedures
  - 1.2. The outcome of Stage 2 was reasonable in light of the available evidence.
2. Any appeal must be made to a member of staff in a higher position than the original investigator: if the action has been taken by a senior member of staff, other than the Principal, then the appeal must be to the Principal.
3. The notice of appeal should be made by the complainant without unreasonable delay – within ten working days of receipt of the letter informing the complainant of the original outcome of their complaint.
4. The complainant must give specific grounds for the appeal and the appeal hearing shall address itself exclusively to consideration of these grounds. In the absence of such specific grounds, the appeal shall not be heard.
5. Appeal hearings should be convened without undue delay but with reasonable notice to the complainant, which should be no fewer than ten working days after the notice to appeal has been received.
6. All existing documentation relating to the complaint shall be made available in advance of the appeal hearing at such time as may be determined by its Chair (which shall not be less than five days in advance of the date of the appeal hearing) and, unless the safety of any person would thereby in the opinion of a reasonable person be jeopardised or their rights under the Data Protection Act would be infringed, shall also be made available at the same time to the complainant.
7. At the hearing of the appeal, the complainant shall have the right to make representations, including oral representations, for which purpose they may be accompanied and represented by a friend at invitation of the Chair.

### **DECISIONS**

8. In the event of an appeal on grounds of defective procedure ('procedure grounds'), the outcome of the hearing shall EITHER be a statement that:
  - 8.1. the procedure followed during Stage 2 complies fully with the rules made for its operation, OR
  - 8.2. the procedure followed during Stage 2 entailed a minor breach or breaches of the rules made for its operation, but these were not of

- sufficient seriousness as to have prejudiced the interests of the complainant or led to a different outcome of the investigation and/or hearing than would, in the opinion of a reasonable person, have been reached had the breach or breaches not occurred, OR
- 8.3. the procedure followed during Stage 2 entailed a breach or breaches of the rules made for its operation which was of sufficient seriousness as to have prejudiced the interests of the complainant or led to a different outcome than would, in the opinion of a reasonable person, have been reached had the breach or breaches not occurred.
9. If reaching the last decision set out above, the appeal shall ensure that the defect is remedied.
10. In the event of an appeal on grounds that the decision reached was inappropriate in the context of the evidence presented, or that the action undertaken was disproportionate to the complaint (both hereinafter called 'substantive grounds'), the outcome of the hearing shall EITHER be a statement that:
- 10.1. the decision reached was reasonable in the context of the evidence presented and the action undertaken proportionate to the complaint, OR
- 10.2. the decision reached was reasonable in the context of the evidence presented, but the action taken was disproportionate to the complaint, OR
- 10.3. the decision reached was not reasonable in the context of the evidence presented.
11. If reaching either of the last two decisions set out above, the appeal shall ensure that the defect is remedied.
12. The outcomes of appeal hearing shall be communicated to both parties within ten working days of the hearing (or as soon as practicable thereafter), which shall give reasoned grounds for the decision or decisions made, and which shall mark the final stage of the college complaints process.
13. After this stage, if the complainant remains dissatisfied with the outcome of the appeal, the complaint may be taken to the Education and Skills Funding Agency. Further information and full details of the process are available at: <https://www.gov.uk/government/organisations/education-and-skills-funding-agency>
14. For Higher Education Students, the complainant will use the college complaints procedure in the first instance. A Completion of Procedures letter will be issued to the complainant at the close of all complaints. You can find more information about Completion of Procedure letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>. If, once the college complaints procedure has taken place, the complainant is still unsatisfied then they retain the right to pursue the matter further with the relevant university or directly with the OIA.
15. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The College is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your complaint. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

