



Complaints Policy and Procedure

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1. Purpose

This complaints policy and procedure 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.

This procedure 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 of the following policies:

- Code Of Conduct and Disciplinary Policy
- Capability Policy
- Data Protection Policy
- Disciplinary Policy
- Grievance Policy
- Whistleblowing Policy

2. Scope

All College complaints are managed via this procedure.

3. Definitions

ESFA Education and Skills Funding Agency

4. Key responsibilities

The Learner Services Manager is responsible for:

- Ensuring that this procedure is available to all College users
- Logging 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 the complaint.

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 complainant
- Keeping the Learner Services Manager updated in all aspects of the investigation.

5. General principles

- 5.1 The College is committed to providing the highest quality of service which aims to meet and preferably exceed the expectations of all customers.
- 5.2 Users of the College have the right to complain if they are dissatisfied, and should expect to be dealt with fairly, amicably and quickly.
- 5.3 Decisions taken as the result of an investigation will be balanced and reasonable.
- 5.4 Where the same complaint is raised by a number of individuals at a similar time, this will be treated as a single complaint.

6. Data Protection

- 6.1 It is expected that all Learners will assume responsibility for communication with the College and for drawing attention to any problems or concerns.
- 6.2 Where a complaint is received from a Learner who is under the age of 18, parents, guardians or other relevant individuals may contact the College on behalf of the student where there is a serious concern which may impact on the safeguarding or welfare of the individual. Consent may be requested from the student in all other scenarios.
- 6.3 Where a complaint is received from a Learner aged 18 or over, the College will share the Information with a parent / guardian or relevant third party only with the express written consent of the learner and only on receipt of such consent. Exceptions will only be made in the vital interests of the individual.
- 6.4 For information on rights and responsibilities within the Data Protection Act, please refer to the College's Data Protection Policy.
- 6.5 Where a Learner is unhappy about the processing of their personal data they can contact the Data Protection Officer for advice.

7. Action on receipt of a complaint

- 7.1 Complaints must be submitted in written or electronic form via letter, e-mail, i-Learn or by completing a complaint form.
- 7.2 Where possible, complaints should be dealt with via Route 1 - Informal complaint. Usually, only when this route fails to bring about a resolution should Route 2, formal complaint, be initiated unless the complaint relates to a serious

matter. 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 injuries or safety at the College.

8. Informal resolution

8.1 Many issues can be dealt 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.

8.2 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.

8.3 Locally resolved issues do not need to be reported to the Learner Services Manager unless the complaint is:

- Unusual or unique in its nature
- Linked to an incident that could have had (or may have in the future have) a potentially serious detrimental effect on the College's reputation
- Linked to an incident that could have had (or may have in the future have) the potential to lead to injury of a user of the College (including Staff).

8.4 The member of staff should make notes of the issue and the agreed resolution. These notes should be securely stored for six years from the date of resolution by the employee noting that they may be called upon to produce these by the Learner Services Manager if the matter re-emerges or escalates to become a formal complaint.

9. Formal resolution

9.1 Where a complaint cannot be resolved informally, or due to the nature of the complaint, it is not appropriate to do so, the matter may be treated as a formal complaint.

9.2 A complaint must be made within 3 months of the event that gave rise to it.

- 9.3 Learners 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.
- 9.4 Details of the complaint should be submitted in written form with confirmation of proposed resolution.
- The complaint should be sent to
- The Learner Services Manager, WMC Camden College 44 Crowndale Road
London NW1 1TR or
Email: enrol@wmcollege.ac.uk
or
Complete the online form via the i-Learn or WMC website
- 9.5 The Learner Services Manager will acknowledge receipt of the complaint in writing to the complainant within five working days from the date of receipt.
- 9.6 Timing guidelines for the handling of a formal complaint start on the day of receipt with the Learner Services Manager. The day of receipt of the complaint will be day zero.
- 9.7 An Investigating Officer will be appointed by the Learner Services Manager. This would normally be a manager with direct involvement in the area of the complaint. This ensures that an individual with suitable knowledge and experience is handling the investigation.
- 9.8 There may be instances where it is inappropriate or impractical to involve a manager from within the area as the Investigating Officer. In this case, the Learner Services Manager will decide on an alternative person to act as the Investigating Officer.
- 9.9 The Investigating Officer has ten working days to complete the initial investigation and respond back to the complainant. The Investigating Officer should send a draft response letter to the Learner Services Manager for approval before sending out to the complainant. The Investigating Officer will also confirm that, if in their view, the complaint was upheld, partially upheld or not upheld.
- 9.10 Deadlines may be extended outside of term-time due to the availability of relevant staff. If there is a delay in producing a final written response, the Learner Services Manager will send a holding letter to the complainant within ten working days of receipt of the complaint, informing the complainant of the reason for the delay and an update of the investigation to date.
- 9.11 Copies of all correspondence and notes should be sent to the Learner Services Manager for safe, confidential storage.

10. Appeals

- 10.1 On completion of the Formal Stage, the complainant has ten working days from the date of the formal complaint response to deliver a written notice of appeal to the Learner Services Manager if they are dissatisfied with the outcome.
- 10.2 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
- 10.3 An Appeals Officer will be appointed by the Learner Services Manager. This would normally be someone of equal or higher seniority than the initial Investigating Officer from the Formal Stage.
- 10.4 The Appeals Officer should respond back to the complainant within one calendar month of receipt of the appeal correspondence.
- 10.5 Deadlines may be extended outside of term-time due to the availability of relevant staff. If there is a delay in producing a final written response, the Learner Services Manager will send a holding letter to the complainant informing the complainant of the reason for the delay and an update of the investigation to date.

11. Continuing a complaint beyond the College

- 11.1 Once the complainant has exhausted the College complaints process, and if a resolution has not been achieved, the complainant has a right to complain to the College's regulatory body.
- 11.2 The College is regulated for the purposes of this policy by the Education and Skills Funding Agency (ESFA) and as such complaints should be addressed to the Complaints Team at the Education and Skills Funding Agency.
- 11.3 Complainants should note that the 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
- 11.4 Details on the Education and Skills Funding Agency Complaints procedure are contained in the document entitled, "Procedure for dealing with complaints about providers of education and training" which is available from the Skills Funding Agency (<https://www.gov.uk/government/publications/sfa-complaints-procedure-aboutproviders>).