

# Complaints Policy And Procedure

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<b>Approved by</b>	<b>Governors</b>
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## Complaints Policy

This policy has been produced with due consideration being given to best practice in the education sector and in line with ESFA, GLA and Ofqual guidelines on managing complaints effectively and properly.

### 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
- Capability Policy
- Data Protection Policy
- Disciplinary Policy
- Grievance Policy
- Whistleblowing Policy

### 2. Scope

All College complaints are managed via this procedure. The Policy should be used by anyone who wishes to complain about our services, staff or policies, including: learners, partner organisations, parents/guardians of learners under 19, local residents, employers, local businesses and other users.

### 3. General principles

3.1 The College is committed to providing the highest quality of service which aims to meet and preferably exceed the expectations of all customers.

3.2 Users of the College have the right to complain if they are dissatisfied, and should expect to be dealt with fairly, amicably and quickly.

3.3 Decisions taken as the result of an investigation will be balanced and reasonable.

**3.4 Third Party Complaints.** No investigation of a complaint made on behalf of a learner by a group or individual who is not the learner's parent or carer will be made without the learner's written consent (or where appropriate, the written consent of the parent or carer) for the concerns to be raised on their behalf and consent for an investigation to be carried out.

**3.5 Group Complaints.** Where the same complaint is raised by a number of individuals at a similar time, this will be treated as a single complaint. One learner within the group should be identified as

spokesperson and correspondent. All members of the group must grant their permission for the spokesperson to discuss their case. All learners in the group must be prepared to demonstrate that they have been personally affected by the matter that is the subject of the complaint.

**3.6 Anonymous Complaints.** Complaints require investigation to enable resolution; where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons therefore the college will normally take no action in the event of the receipt of an anonymous complaint. There may be exceptional circumstances where the College judges it appropriate to investigate a complaint made by an anonymous complainant, but this is at the discretion of the College. Similarly, the College may decide not to investigate a complaint where the complainant refuses to participate in the investigation process.

**3.7 Vexatious or Malicious Complaints.** Vexatious and malicious complaints are defined as complaints that are not sustainable and that are made as an attempt to defame the name or character of someone associated with the college or the College as a whole. The College will not investigate vexatious or malicious complaints but will consider taking appropriate action. In the case of learners this may involve invoking the Learner Disciplinary Policy and procedures.

**3.8 Complaints made by learners subject to Fitness to Study Procedures.** The College will investigate complaints made by learners who are subject to action under the college Fitness to Study Policy and procedures. However, where there is significant evidence that the learner's behaviour is detrimental to their own or others' learning, the Fitness to Study procedure and outcome will be finalised before the complaint is investigated.

#### **4. Key responsibilities**

All College Staff (including tutors and business support staff) are responsible for seeking feedback, handling complaints, advising complainants, treating them seriously and with sensitivity and for dealing with them in line with College policy and procedures.

The Director of Learner Services is responsible for:

- Ensuring that this procedure is available to all College users
- Logging complaints and monitoring response times
- Supporting the Investigating / Appeals Manager 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 Manager 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 Director of Learner Services updated in all aspects of the investigation.

## 5. Confidentiality

All complaints will be handled sensitively and with discretion. If a learner makes a complaint against a member of staff, that member of staff may be informed about the substance of the complaint so that they are in a position to make a response. If, in exceptional circumstances and for justifiable reasons, a complainant wishes to remain anonymous from the individual about whom the complaint is made this may be considered, for example in cases of harassment.

## 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 19, parents, carers or other relevant individuals may contact the College on behalf of the learner where there is a serious concern which may impact on the safeguarding or welfare of the individual. Consent may be requested from the learner in all other scenarios.

6.3 For information on rights and responsibilities within the Data Protection Act, please refer to the College's Data Protection Policy.

6.4 Where a Learner is unhappy about the processing of their personal data they can contact the Data Protection Officer for advice.

6.5 **Access to Information.** Learners pursuing a complaint through the Complaints Procedure will be entitled to apply for access to sensitive personal data in accordance with the policies and procedures of the college under the provisions of the 2018 Data Protection Act.

## **Complaints Procedure**

### **1. Action on receipt of a complaint**

1.1 Complaints may be submitted in:

Written or electronic form via letter

Feedback Form

i-Learn

Telephone

Face to face

Formal complaints must be submitted in writing. The College will provide support where the person wishing to complain needs help with writing their statement.

1.2 The College will always try to resolve complaints informally except in these circumstances:

- Complainant chooses to submit a formal complaint
- Complainant is not satisfied with the outcome of the informal process
- The College chooses to go formal due to the nature of the complaint
- A serious complaint is submitted.
  - A serious complaint would be:
    - 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.

### **2. Informal resolution**

2.1 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.

2.2 Locally resolved issues should be reported to the Director of Learner Services so that a record can be kept.

2.3 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 if the matter re-emerges or escalates to become a formal complaint.

### 3. Formal resolution

3.1 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.

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

3.3 Learners rights are not affected by making a formal complaint.

3.4 Details of the complaint should be submitted in written form with confirmation of proposed resolution via the following:

- In writing to Director of Learner Services, WMC Camden College 44 Crowndale Road London NW1 1TR
- Email: [feedback@wmcollege.ac.uk](mailto:feedback@wmcollege.ac.uk)
- Complete the Feedback Form

3.5 The Director of Learner Services will acknowledge receipt of the complaint in writing to the complainant within five working days from the date of receipt.

3.6 Timing guidelines for the handling of a formal complaint start on the day of receipt with the Director of Learner Services. The day of receipt of the complaint will be day zero.

3.7 An Investigating Manager will be appointed by the Director of Learner Services. 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.

3.8 There may be instances where it is inappropriate or impractical to involve a manager from within the area as the Investigating Manager. In this case, the Director of Learner Services will decide on an alternative person to act as the Investigating Officer.

3.9 Where a complaint is received about or involving the Director of Learner Services, the Deputy Principal will be responsible for managing the complaint and any appeal would be heard by the Principal.

3.10 The Investigating Manager has ten working days to complete the initial investigation and respond back to the complainant. The Investigating Manager should send a draft response letter to the Director of Learner Services 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.

3.11 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 Director of Learner Services 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.

3.12 Copies of all correspondence and notes should be saved in the College's safe, confidential storage area for complaints.

#### **4. Appeals**

4.1 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 Director of Learner Services if they are dissatisfied with the outcome.

4.2 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

4.3 An Appeals Manager will be appointed by the Director of Learner Services. This would normally be someone of equal or higher seniority than the initial Investigating Manager from the Formal Stage.

4.4 The Appeals Manager should respond back to the complainant within one calendar month of receipt of the appeal correspondence.

4.5 Where an appeal does not meet the criteria, the Director of Learner Services will write to complainant within 10 working days to confirm the appeal has been refused.

4.6 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 Director of Learner Services 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.

#### **5. Continuing a complaint beyond the College**

5.1 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.

5.2 The College is regulated for the purposes of this policy by the Education and Skills Funding Agency (ESFA) and the Greater London Authority (GLA). Such complaints should be addressed to the appropriate complaints team. Details can be found at:

ESFA

<https://www.gov.uk/complain-further-education-apprenticeship>

[complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk)

GLA

<https://www.london.gov.uk/what-we-do/skills-and-employment/skills-londoners/adult-education-budget/guidance-learner-complaints>

[aebcomplaints@London.gov.uk](mailto:aebcomplaints@London.gov.uk)

5.3 Complainants should note that the Education and Skills Funding Agency and the Greater London Authority 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.



# Complaints Procedure Flowchart

