

Preston's College

COMPLAINTS POLICY & PROCEDURE

Complaints Policy & Procedure

Policy Owner: Quality & Standards Committee
Date of Review: Autumn 2019
Date Approved: Date
Next Review: August 2022
Responsibility for Review: Assistant Head of Learner Support
Policy Review Frequency: 3 years, unless new legislation is published sooner

Applicable to staff: Yes/No
 Applicable to students: Yes/No
 Publish on College website: Yes/No

Consultation:

Undertaken with:	Yes/No:	Date:
Board/Committee	Approval	21 Nov 2019
ELT	Approval	13 Nov 2019
CMT	For info	20 Nov 2019
Unions		
Students		
Employees		
Employers/Stakeholders		

Any Associated Documentation, for Reference:

Staff Disciplinary Policy and Procedure, Managing Performance Improvement Policy and Procedure, Data Protection Policy, Equality/Accessibility Policy

POLICY

Preston's College is committed to providing high quality education and other services to its customers. Our aim is to provide a supportive environment including academic, welfare and recreational services and to be responsive to concerns when they are raised.

Feedback is welcomed as part of the College's approach to the development and enhancement of the quality of its services. There are many local routes whereby concerns and issues can be raised and addressed and we encourage all to make full use of these routes. In particular, individuals should ensure they are familiar with the quality assurance procedures that exist within the College.

The College recognises that there may be occasions when individuals have cause for complaint about the services received. When this happens, the Complaints Procedure is intended to provide an accessible, fair and straightforward system which ensures an effective, prompt and appropriate response.

The College aims to handle complaints in a way that:

- Encourages informal conciliation and facilitates early resolution;
- Ensures a full and fair investigation;
- Addresses all the points at issue and provides an effective response and appropriate redress;
- Provides a prompt resolution within established timescales;
- Positive actions can be taken to continuously improve services.

It is hoped that all users of the College's services have a positive and rewarding experience. If, however, concerns are brought to our attention, individuals can be assured that they will be treated in a serious and constructive manner and that every effort will be made to ensure a satisfactory resolution.

What is a complaint?

A complaint is defined as an expression of dissatisfaction about any programme of study or related facility or any other service provided by the College [or by a third party on behalf of the College], which has materially affected the complainant's experience at the College.

This procedure also covers complaints made against the College Governing Body/Corporation Board.

All complaints must be channelled to Student Services, who will ensure they are handled in accordance with this Policy.

The Complaints Procedure does not apply where there are separate mechanisms in place. For example:

- Appeals Against Assessment Board Decisions - contact the Chair of the Assessment Board;
- Staff Grievances - contact Human Resources;
- Freedom of Information or Data Protection - contact Central Data Services.

This Complaints Procedure will not be used for matters relating to assessment performance and academic judgement, except where there is a complaint about a service provided which has to be resolved before an appeal decision can be made. The College reserves the right to reclassify a complaint as an academic appeal or vice versa, if the submission falls properly

within the remit of one procedure rather than the other, and will notify the complainant in writing of any such decision giving its reasons.

Special Cases

In the event of a complaint being made against a member of the Directorate or the College Board, all complaints should be in writing and addressed to the Principal.

Any complaint against the Principal should be in writing and addressed to the Clerk to the College Board, who will determine how to deal with the complaint.

Who can complain?

This Complaints Procedure is open to all people served by the College, to include, customers, employers, staff (except in the case of staff grievances), neighbours and community members.

Matters of concern may be raised individually or collectively and complainants should feel assured that they will not encounter any disadvantage having lodged a complaint in good faith.

Where complaints are raised collectively, the complaint at any formal stage should include a signed statement from all parties confirming that they have been directly affected by the alleged incident and authorising the College to correspond with a single named spokesperson.

Learners registered for an award at a partner university who are dissatisfied with the provision given by this Policy, should pursue their complaint in accordance with the College's Procedure in the first instance. In the event of dissatisfaction upon exhaustion of the College's Procedure, then learners will be entitled to submit their complaint to the respective university under stage 3 of this Complaints Procedure, within 15 working days of the date of the College's final response.

Anonymous or third party complaints will not be dealt with under this Complaints Procedure. It is at the discretion of the College as to how these are handled. Please see further down in this document about how to raise a concern confidentially.

Separate procedures apply in relation to allegations against staff of a safeguarding nature. If you feel worried about yourself or others, then you can talk to your Tutor, Safeguarding Officer or the Designated Safeguarding Officer, Tina Southworth. Tina is based in Student Services and her contact details are as follows: 01772 225658 | 07919 628570 | tsouthworth@preston.ac.uk Annette Upton 01772 225505 auputon@preston.ac.uk You can also click on the Safeguarding Alert button on the Student Home Page on the College Intranet. This will send a confidential message to Tina. Further information can be obtained from the on-line student Handbook at <http://ehandbook.preston.ac.uk/course/view.php?id=5>

Vexatious or Malicious Complaints

Where there is reason to believe that a complaint is vexatious or malicious, the matter will be referred to the Vice Principal who may decide to reject the complaint without full consideration of its merits. Reasons will be given as to why the complaint is considered to be an abuse of process. Appendix 1 sets out the College's approach when dealing with unacceptable behaviour by a complainant.

Advice and Support

Advice on the scope and operation of this Complaints Procedure may be obtained from Student Services, located in the Earnshaw building.

Each School has a Head of School and Curriculum Leaders whose roles are to help complainants to resolve any issue(s). There is also a College Counselling Service.

Complainants may seek independent advice and support.

Where a complainant has declared a disability to the College, all reasonable endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the process and procedures and facilities to accommodate their needs.

Anyone who lodges a complaint or against whom a complaint is made will be entitled to be accompanied by a person of their choosing at any stage in the Complaints Procedure. Complainants may choose to be accompanied by a friend or parent/carer. Complainants who lodge a complaint may not be represented in absentia, unless in exceptional circumstances.

All stages of this Complaints Procedure are internal proceedings. These proceedings are intended to be fair and to comply with the rules of natural justice, and should not be adversarial or overly legalistic. There is no requirement for anyone to have formal legal representation in this Complaints Procedure. Legal representation during complaint hearings is not recommended, unless in exceptional cases, where it may be appropriate and must be agreed in advance.

Confidentiality & Data Protection

Confidentiality will be preserved during the investigation of a complaint to safeguard the interests of everyone concerned unless and to the extent that disclosure is necessary to progress the complaint. The College expects that all parties will respect the confidentiality of the process.

Any individual about whom a complaint is made will have the right to be informed of the fact and nature of the complaint by their line manager.

All personal information received as part of this Complaints Procedure will be processed in accordance with the College's Data Protection Policy and the College's Privacy Notice for Complainants.

Actions

In the case of all complaints, the College seeks to ensure that appropriate and reasonable action is taken. Where a complaint is found to be justified, any appropriate remedial action will be notified as part of the decision. If a complaint is found to be not justified at any stage, the reasons for the decision will be communicated, together with details of any further recourse that is available via this Complaints Procedure or the Office of the Independent Adjudicator for Higher Education.

Investigations will normally be conducted during term time.

Time Limits

Complaints should be raised as soon as possible, since any delay may affect the College's ability to properly investigate the complaint or provide an appropriate remedy.

It is the College's aim that all complaints are dealt with in a timely manner. Complainants will be informed if there are likely to be any delays in the process.

Monitoring the Process

In order that the College can improve services to complainants, the receipt of formal complaints and responses will be monitored. A report will be made termly to the College's Executive Leadership Team (ELT) and College Governors, which may include details of complaints, complainants and the subjects of complaints. This will enable the College to continuously improve its services and ensure an inclusive, consistent and constructive approach to complaints. The effectiveness of the Complaints Procedure will also be kept under review and where appropriate, changes will be made.

PROCEDURE

Informal Complaints

Complaints should be lodged within 15 working days of the incident giving rise to the complaint, except in the case of former learners as referred to above.

It is anticipated that the majority of learner's concerns will be resolved satisfactorily on an informal basis and close to their point of origin. However, the College recognises that there may be exceptional circumstances where this is not appropriate, e.g. where the issues are complex and will require detailed investigation or, where a concern relates to the conduct of staff members or the complaint covers a number of different incidents. In these circumstances, a formal complaint should, where possible, be made within 15 working days of the alleged incident or concern and any later complaints should include an explanation for the delay.

Initial contact should normally be made with the relevant member of staff who is responsible for dealing on a day-to-day basis with the matter the learner has concerns about. For example, if the concern refers to an academic matter, the first point of contact should normally be the tutor, Student Manager or Curriculum Leader or Head of School. Initial contact can also be made by a spokesperson on behalf of a group including, but not limited to, the Learner Voice (and at this stage of the procedure would not require a signed statement from the individuals concerned).

In order that a concern can be dealt with effectively and efficiently, it must be drawn to the attention of the relevant member of staff immediately where possible and preferably not later than 15 working days after the incident giving rise to the learner's concern.

At this stage, the relevant member of staff will discuss the issue with the complainant and other persons involved, to determine whether it can be resolved without recourse to formal procedures.

A verbal, and sometimes written, record of the outcome will normally be provided to the complainant. This will be notified to the Head of School, where the effectiveness of the School/Service could be improved, and may also be referred to in the event that the issue is progressed to a formal complaint

Stage 1 – Formal Stage

If, having pursued the matter informally, the complainant has reasonable grounds for dissatisfaction, the Complainant may pursue the matter through the formal stage within 15 working days of the Stage 1 response being given by the College.

There may be circumstances where it is appropriate to progress directly to the Stage 1, in particular, where the issues are complex and will require detailed investigation e.g. where a complaint relates to the conduct of staff members or covers a number of different incidents. In these circumstances, a formal complaint should, where possible, be made within 15 working days of the alleged incident or concern.

The complaint should be submitted in writing either by email to complaints@preston.ac.uk, or using the Complaint Form available at Main Reception or Student Services. Where complaints are raised collectively at this stage, the complaint should include a signed statement from all parties confirming that they have been directly affected by the alleged incident and authorising the College to correspond with a single named spokesperson.

The College requires details of the nature of the complaint, the informal steps taken to resolve it (or the reasons why informal steps have not been taken) and a statement as to why the complainant remains dissatisfied, and the reasonable steps that the complainant would wish to see taken to resolve the matter. Appropriate evidence should be appended e.g. copies of relevant letters, e-mails, signed witness statements and any other supporting documentation.

The College will acknowledge the complaint within 3 working days and assign an appropriate manager to deal with it.

The manager will investigate the complaint and may request a meeting with the complainant to discuss the matter. The manager will notify the complainant in writing of his or her conclusions and of any action the School or Service intends to take.

It is the College's aim that most complaints will be resolved within 20 working days. The complainant will be informed if there is likely to be any delay in the process.

All formal complaints and responses will be monitored by the College.

Stage 2 – Final Stage

If the complainant is dissatisfied with the outcome at stage 1 the complainant may submit a request for a review of the decision to Student Services under stage 3 of the Complaints Procedure.

Stage 2 may only be invoked where the preceding stage 1 has been completed. No new complaints may be introduced at stage 2.

A request for a review should be submitted in writing either by email to complaints@preston.ac.uk or by using the stage 2 Complaint Form available at Main Reception or Student Services within 15 working days of the date of the stage 2 response. This must be based on one (or more) of the following grounds:

- a. that new evidence or circumstances have become known, which the complainant could not have reasonably made known at the time of the stage 2 complaint;
- b. that the stage 1 investigation was not conducted fairly and/or in accordance with due process, and this materially affected the outcome.

The College also requires details of the nature of the complaint, the steps already taken to resolve it and a statement as to why the complainant remains dissatisfied, and the reasonable steps that the complainant would wish to see taken to resolve the matter. Appropriate evidence should be appended e.g. copies of relevant letters, e-mails, signed witness statements and any other supporting documentation.

The College will acknowledge receipt of the request for a review within three working days and appoint a Complaint Appeal Manager who has not been previously associated with the complaint.

The Complaint Appeal Manager will determine whether the request for a review is valid and may request further information from the complainant and/or the School/Service.

The decision and outcome of the stage 2 complaint will be communicated by the Appeal Manager to the complainant and the relevant manager in writing, normally within 20 working days.

Complainants, other than those studying Higher Education courses, will be notified that they have exhausted the College's internal complaints procedure and that if they remain dissatisfied with the outcome will need to seek advice externally to the College.

Independent Review for Higher Education Students Only

Higher Education students studying one of Preston's College's **Higher Education Institution (HEI)** accredited courses, will be made aware that they have now exhausted Preston's College's complaints procedure. Should they wish to appeal the College's decision, they will need to follow the complaints procedure of the relevant HEI, details of which can be found on the applicable Canvas site.

For any complaints raised by a Higher Education student on a University of Derby (UoD) award, if at the completion of internal procedures the complainant is dissatisfied with the final response they can contact the University. The University will NOT conduct an investigation of the complaint but will instead undertake a review to ensure that the complaint has been considered in line with the complaint policy of the partner and a reasonable outcome reached on the basis of the evidence available. If necessary the complaint will be referred back to the partner for further investigation, otherwise the University will issue a 'Completion of Procedures' letter to enable the complainant to take their case to the Office of the Independent Adjudicator (OIA).

Higher Education students studying one of Preston's College's **Edexcel** accredited courses will be informed that in the event of dissatisfaction with the stage 2 outcome, they are entitled to pursue the matter further by submitting a Scheme Application form to the Office of the Independent Adjudicator for Higher Education (OIA).

Preston's College subscribes to the independent scheme for the review of student complaints. If the complainant is dissatisfied with the outcome of their complaint the complainant may be able to apply for a review of their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint they take to the OIA is eligible under its Rules.

Should the complainant decide to make a complaint to the OIA, their OIA Complaint Form **must be received by the OIA** within **12 months** of the date of the Stage 3 response.

The complainant can fill in the OIA's complaint form online or download a copy from the OIA website. <http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>. The OIA also publishes *An Introduction to the OIA Scheme for Students*, which can be downloaded from http://oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf. Alternatively, the complainant can telephone or write to the OIA for a form.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. The complainant may also wish to seek advice from the Students' Union about taking the complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

Further Information

Complaint forms are available at Student Services, on the eHandbook <http://ehandbook.preston.ac.uk/> or via the College's website, <http://www.preston.ac.uk/> The Complaint Forms can also be completed on-line for submission to Student Services.

In the event of any uncertainty about the scope of this Complaints Procedure or who to contact in the first instance, please visit or contact Student Services, or refer to the latest edition of the Higher Education Student Complaints – Guidance notes for students.

Student Services
Preston's College
St Vincent's Road
Preston PR2 8UR
Tel: 01772 225656
E-mail: complaints@preston.ac.uk

Please contact Student Services if you require a copy of the Complaints Procedure in an alternative format or if you have difficulty in completing the Complaint Form.

This Complaints Procedure has been approved by the College's Quality and Standards Committee and the College Management Team and forms part of the College's overall quality assurance framework.

Equality Impact Assessment and Monitoring

The operation of this policy will be annually monitored for consideration of its impact on different groups in accordance with the requirements of the Equality Act 2010. This annual review will enable the College to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

Policy on Unacceptable Complainant Behaviour

This Policy sets out the College's approach to the relatively few complainants whose actions or behaviour it considers to be unacceptable. The term complainant includes any person acting on behalf of a complainant or who contacts the College in connection with a complaint. The principles set out in this Policy also apply to the College's dealings with people other than complainants.

The College understands that making a complaint can be a stressful experience for Complainants, however, the College also has a duty to ensure the safety and welfare of its staff.

The College is committed to dealing with all complainants fairly and impartially and to providing a high quality service, but the College does not expect staff to tolerate behaviour which the College considers to be unacceptable, for example, any communication which is:

- abusive, offensive, discriminatory, defamatory or distressing;
- aggressive, threatening, coercive or intimidating;
- unreasonably persistent or demanding.

The College will take action to protect staff from such behaviour, and this may include action under this Policy.

Complainants can contact the College by letter or e-mail. The College will only correspond with the Complainant, except in exceptional circumstances.

When the College considers that the behaviour of a complainant is unacceptable, the College will tell them why the College finds their behaviour unacceptable and the College will ask them to change it. If the unacceptable behaviour continues, the College will take action to restrict their contact in connection with the complaint.

The decision to restrict access will be taken by the Vice Principal. Any restrictions imposed will be appropriate and proportionate. The College will take account of any reasonable adjustments as a consequence of any declared disability. The options which will be considered are:

- asking the complainant to enter into an agreement about their conduct;
- requesting contact in a particular form e.g. letters only;
- requiring contact to take place with a named person;
- restricting telephone calls to specified days and times;
- asking the complainant to appoint a representative to correspond with the College;
- in exceptional circumstances, invoking the procedures for malicious or vexatious complaints as outlined below.

The College will write to tell the complainant why the College believe their behaviour is unacceptable, what action the College is taking and the duration of that action.

Where a complainant behaves unacceptably during a telephone conversation, the College may as a last resort terminate the call.

Where a complainant continues to behave in a way which the College considers to be unacceptable, the College may decide to terminate contact with them. This may mean that the College will not continue with the handling of their complaint.

Where the behaviour threatens the safety and welfare of College staff and/or complainants, the College will consider other options, including suspension from the campus, reporting the matter to the police, and/or taking other legal action which may include civil legal proceedings.

This Policy and its implementation will be reviewed in line with the Complaints Policy and Procedure

Definitions:

Vexatious Complaints

A complaint may be considered to be vexatious when it may or may not be the latest in a series of requests and it:

- clearly does not have any serious purpose or value;
- is designed to cause disruption or annoyance, or gives rise to disproportionate inconvenience or expense;
- has the effect of harassing the College and/or its staff;
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Frivolous Complaints

A complaint may be considered to be frivolous where:

- it is clear that is not serious or sensible in content, attitude or behaviour;
- there is an absence of clear desire for a sensible or reasonable form of redress.

Malicious Complaints

A complaint may be considered to be malicious where:

- there is evidence of intention to do harm or mischief;
- it is reasonable to assume that the complainant intended to do harm or mischief;
- malice may be implied where e.g. it is clear that no redress is sought.

Unsubstantiated Complaints

A complaint may be considered to be unsubstantiated where:

- after investigation of the complaint where during the course of which the complainant was given full opportunity to provide evidence in support of the complaint, no prima facie evidence has been provided to the College.

The decision to classify a complaint as vexatious, frivolous, malicious or unsubstantiated will be taken by the Vice Principal (or nominee). The decision will be given in writing with associated summary reasons. A Completion of Procedures letter will be issued at the same time, as applicable.

Complaints Management and Service Standards

Student Services will provide a courteous, efficient and professional support service for the College. Student Services is often the first point of contact with service users and as such can shape the way the College is viewed.

The College will treat complaints seriously and will accurately record complaints received from its customers. The College will deal with all complaints promptly, in accordance with the College's Complaints Procedure, and will learn from complaints by taking action, if required, to improve its performance and services.

Student Services is responsible for the handling of complaints, whilst all College staff are responsible for ensuring a positive customer experience. To enable it to be effective, the College sets itself a range of Service Standards which it strives to meet. It will also monitor its success in achieving these standards and maintain the corporate image of the College when dealing with complaints, ensuring the College is not compromised legally.

Service Standards

1. All complaints – whether made in person or by email will be courteously and politely handled.
2. All telephone calls will be answered promptly and messages taken.
3. Student Services will take ownership of the complaint and ensure that customers are not subject to non-customer friendly systems such as being passed from one department to another.
4. Student Services will manage complaints in accordance with the complaints procedure, notifying the complainant of any delays and the reasons why.
5. We will use plain language and no jargon.
6. Student Services will compile termly complaints reports, reporting to the College Management Team and Board of Governors.

7. We will pursue equal opportunities in all activities.
8. Complainants will be informed when the College's procedure has been exhausted and what options are available to them.

Privacy Notice for Complainants

Please refer to the Data Protection Policy and Procedure for further information.