

**COMPLAINTS PROCEDURE**

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**Billborough College**

# COMPLAINTS PROCEDURE

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# COMPLAINTS PROCEDURE

## 1. INTRODUCTION

- 1.1 The purpose of the procedure outlined below is
  - a. to deal with all complaints not covered by specific procedures
  - b. to ensure that complaints received by the College are dealt with quickly, fairly and effectively.
- 1.2 The College aims to resolve complaints promptly. However, they can be complex and involve extensive documentation.
- 1.3 The College will give an initial response to a complaint within 10 working days.
- 1.4 Overall the College normally aims to reach its final conclusions within 4 working weeks from when the summary of a complaint is agreed
- 1.5 The College will give reasons if any claims are rejected.
- 1.6 This procedure does not preclude complaints being raised with the Learning Skills Council at a later date (See Section 5 below).

## 2. SCOPE

- 2.1 The complaints procedure is promoted to students through the College Charter, and to the public in the leaflet 'How to Complain about College Services'. Complaints may be made to the College on, for example, the following matters:
  - 2.1.1 The quality of education or service provided.
  - 2.1.2 Where the College is deemed to have acted unreasonably or in default of its duties.
  - 2.1.3 Where a member of staff is deemed to have acted unreasonably or in default of his/her duties.
  - 2.1.4 Where the College is alleged to have failed to ensure that the provisions of natural justice and equal opportunity have been followed in relation to actions affecting individuals.
  - 2.1.5 The availability of a particular course.

- 2.2 The College will not deal with complaints which are subject to police investigations or legal hearings or where a more appropriate means of redress is available, for example, in employment cases where an appeal to an employment tribunal would be more appropriate or complaints on the content of syllabuses which are matters for the examination bodies. Appendix A details examples of the type of complaint that is not dealt with by this procedure.
- 2.3 The College will not normally consider anonymous letters raising allegations about the College unless it has corroborating evidence. The exceptions to this approach would be any anonymous letters which allege fraud or irregularity, abuse of a student, or are accompanied by, or there exists, supporting information which suggests the allegations are substantiated. In these circumstances, the College would, depending on the nature of the allegation, follow the appropriate procedure.
- 2.4 Anonymous letters may be received by the College under cover of another person, including members of parliament and local authorities. When the person writing is doing so on behalf of a person who does not wish their identity to be known to the College, the correspondence will be handled either as a complaint, whistleblower letter or allegation of fraud or irregularity, following the relevant procedure (see Appendix A)
- 2.5 Where the person writing is doing so to seek information on the issues raised by the anonymous correspondent, the College will provide such relevant information as is in the public domain.
- 2.6 Whilst the College will treat all complaints as serious, a judgement will be made as to whether any allegations are vexatious or malicious or contain no substance. In these circumstances the College may decide not to investigate such allegations.

### **3. PROCEDURE**

- 3.1 Wherever possible an attempt should be made to resolve a complaint informally. In these cases the complainant should be encouraged to direct their complaint to the appropriate Manager, either verbally or in writing.
- 3.2 If the informal route is not acceptable then the following procedure will be used when a formal complaint is lodged. The College will normally consider complaints in writing but will consider complaints made in other ways where this would present difficulties for an individual.

## **Stage 1**

- 3.3 A complaint is received by the college. The complaint will be acknowledged by the Principal within 3 working days of receipt. The Principal will establish whether the complaint is within the scope of the Complaints Procedure. Where the complaint is not within the scope of the Complaints Procedure the College will write to the complainant explaining that the College cannot consider the complaint but may offer, where appropriate, an alternative avenue through which the complaint might be addressed.
- 3.4 In most cases, the College would expect to identify the complainant to involved parties within the College. There may be occasions, such as where a complainant is concerned about an adverse effect of their complaint on themselves or others, where a request for confidentiality may be reasonable. Where the complainant has indicated that he or she would rather not be identified to involved parties, the College will consider whether this is reasonable and whether it would make effective consideration of the complaint impracticable. The College would not normally consider it appropriate to deal with a complaint on a confidential basis unless:
- there are exceptional circumstances
  - the issue raised is generic rather than one affecting an individual
  - there is a demonstrated and clear risk that the College may take action against the complainant or another person if their identity is known.
- 3.5 The Principal will appoint an Investigating Officer to consider the complaint objectively. The Investigating Officer will apply the principles of natural justice (ensuring that a person may not be a judge in his or her own cause and that a person's defence must always be fairly heard) and reasonableness.

## **Stage 2**

- 3.6 The Investigating Officer will write to the complainant within 10 working days summarising the complaint and seeking confirmation of its precise nature, and that the complainant has provided all relevant papers to the College.
- 3.7 The Investigating Officer will consider whether the complaint raises legal issues which have not been considered previously and will consult the Principal about seeking additional legal advice if necessary.

### **Stage 3**

- 3.8 Within 10 working days of the summary being agreed, the Investigating Officer will investigate the issue and gather all relevant information, holding interviews as necessary.
- 3.9 The Investigating Officer will ensure that
- decisions are made only after both sides of the case are heard
  - reasonable notice is given of any meeting or hearing at which a complaint is being considered
  - the opportunity is provided to those affected to be accompanied to any such meeting by someone who can assist in making representations, e.g. parent /guardian or colleague or Trade Union/Bilborough Student Union Representative.
  - appropriate supporting written material is provided to all parties in advance of any such meeting or hearing.
- 3.10 Within 5 working days of receiving all the information (i.e. three weeks of the summary being agreed), the Investigating Officer will reach the final conclusions on the complaint and discuss the findings with the appropriate Vice Principal, and agree any action required by the College. In cases where one of the Vice Principals has undertaken the role of Investigating Officer, that Vice Principal will discuss the findings with the other Vice Principal.
- 3.11 The Investigating Officer will immediately write to the complainant:
- addressing each point in turn
  - citing relevant information from the complainant and the college
  - providing a judgement on each point as to whether or not the complaint is supported and detailing any action that the College has taken or has planned to undertake.

### **Stage 4**

- 3.12 Any complainant who is dissatisfied with the College's decision may appeal to the Principal. The Principal will respond within six working weeks.

- 3.13 If the Principal has been involved in any of the stages followed in reaching a decision regarding the complaint, the appeal must be made to the independent ombudsman appointed by the Corporation in the first instance. Also, if the complainant remains dissatisfied following the Principal's decision on an appeal made under 3.12 above, they have the right to appeal to the independent ombudsman. In either case, the independent ombudsman, or his/her delegate, will respond within six working weeks.
- 3.14 Should the complainant remain dissatisfied, they have the right to refer their complaint to the Learning Skills Council (see 5 below).

#### **4. OUTCOME AND FOLLOW UP**

- 4.1 The Principalship will ensure any agreed action plan, as a result of a complaint, is implemented through regular monitoring.
- 4.2 Where an appeal has been dealt with by the Corporation, any resulting action for the College will be reported to the Corporation, including progress on implementation.

#### **5. REVIEW**

- 5.1 If a complainant is dissatisfied with the outcome, having exhausted the appeals process, there is an opportunity for review of their complaint by the Learning Skills Council (LSC).
- 5.2 Contact details for the LSC can be obtained from the Vice Principal (Finance and Resources).

#### **6. STATUS, REVIEW AND EVALUATION**

- 6.1 To ensure this procedure remains appropriate, it will be subject to regular review and evaluation.
- 6.2 *The procedure has been approved by the Corporation.*

**The College will not deal with the following under this Complaints Procedure**

- The College will not deal with complaints which are subject to police investigations or legal hearings or where a more appropriate means of redress is available, for example, in employment cases where an appeal to an employment tribunal would be more appropriate or complaints on the content of syllabuses which are matters for the examination bodies.
- Whistle blowing is a term used to describe the actions of an employee (or other person) who wishes to expose what he or she considered wrongdoing by his or her employer (in this case, the College). Issues of this nature will be dealt with under the College's Confidential Reporting Code and Policy (Whistle blowing).
- Allegations of fraud and irregularity will be dealt with under the College's Anti Fraud and Corruption Policy.
- Student concerns or complaints relating to relationships with staff or students will be dealt with under the College's Student Grievance Procedure.
- Student complaints relating to unfair treatment by the Students' Union will be dealt with following the procedures laid down in the Bilborough College Students' Union Constitution.
- Employee grievances in relation to their employment will be dealt with under the College's Grievance Procedure (for employees).
- The College will not normally consider anonymous letters raising allegations about the College unless it has corroborating evidence. The exceptions to this approach would be any anonymous letters which allege fraud or irregularity, abuse of a student, or are accompanied by, or there exists, supporting information which suggests the allegations are substantiated. In these circumstances, the College would, depending on the nature of the allegation, follow the appropriate procedure.
- Anonymous letters may be received by the College under cover of another person, including members of parliament and local authorities. When the person writing is doing so on behalf of a person who does not wish their identity to be known to the College, the correspondence will be handled either as a complaint, whistleblower letter or allegation of fraud or irregularity, following the relevant procedure (see above).