

# COMPLAINTS POLICY AND PROCEDURE



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## 1. Introduction

- 1.1 The Cornwall College Group aims to provide a high quality service across all aspects of its provision. Unfortunately things occasionally go wrong. Whatever your complaint you can expect it to be dealt with promptly and fairly and in line with the College's policies and procedures. If someone has a complaint relating to a specific issue regarding the delivery of teaching or other services provided by the College, then they should submit a complaint, following the stages outlined in this document.
- 1.2 You will not be disadvantaged or treated less favourably by making a complaint. It is important however to adhere to official procedures, as this will assist the College to deal with concerns as quickly and efficiently as possible.
- 1.3 This complaints policy forms part of the Cornwall College Group's process of Curriculum and Quality review and improvement. Complaints are therefore considered to be valuable feedback on the services we provide.
- 1.4 The College believes that consumer protection legislation is for the benefit of all and takes account of all legislation in its policies and procedures. The College will always seek to give the very best service possible and if we ever fall short of the required standard we will always seek to redress this as soon as is possible.

## 2. Should you make a complaint?

- 2.1 A complaint is defined as a statement that something is unsatisfactory or unacceptable. This includes, but is not limited to, the following categories:
  - (a) Academic: e.g. complaints which are related to assessments, progression and grades. *(For Higher Education academic appeals concerning the outcome of an Award Assessment Board, refer to the relevant awarding body or HEI regulations).*
  - (b) Teaching and learning: e.g. complaints which are related to the teaching provision
  - (c) Course organisation: e.g. complaints which are related to the course, facilities or resources
  - (d) Disciplinary and conduct: e.g. complaints which are related to disciplinary proceedings for non-academic offences
  - (e) Academic misconduct: e.g. complaints which are related to academic offences including plagiarism, collusion and examination offences
  - (f) Discrimination: e.g. complaints where the learner claims there has been any form of discrimination
  - (g) Financial – e.g. complaints relating to finance and funding

- (h) Welfare and accommodation: e.g. complaints relating to support services, pastoral support, catering, and accommodation issues.

### **3. Who can make a complaint?**

- 3.1 Complaints can be raised by learners, parents, guardians, employers, customers, staff members or the general public in relation to College activities, staff and provision.
- 3.2 Staff members who have a complaint regarding another member of staff should use the College Staff Grievance Procedure and not the complaints process.
- 3.3 Complaints cannot be made anonymously. If another person is named in a complaint, they have a right to know what is alleged, and to know who is making the complaint. However, all complaints are dealt with sensitively, and as far as possible, confidentiality is maintained.
- 3.4 TCCG does not expect students to engage in making frivolous or vexatious complaints. If a student is deemed to fall in to this category it will be rejected and the student will receive a written response outlining why. Students should also be aware that if they raise a complaint against a member of staff that is found to be vexatious or malicious, they may be liable to disciplinary proceedings.
- 3.5 Whilst parents or relatives can make a complaint on behalf of a learner; if the learner is over 18-years old we will need their written permission to liaise with a relative in line with data protection legislation.

### **4. What are the timeframes for making complaints?**

- 4.1 It is in everyone's best interests for a complaint to be raised as soon as possible when the events are clear in the minds of all involved and when evidence may be more readily available.

Complaints MUST be made within three months of the end date of the programme of study OR of the academic year in which the event(s) leading to the complaint occurred. Complaints made outside of this time will not normally be considered unless the complainant can demonstrate reasonable grounds for the delay.

- 4.2 The College acknowledges that it may take time to investigate and resolve a complaint but will endeavour to do so within the timescales indicated and to notify the complainant of any delays.
- 4.3 Awarding and funding bodies normally require a complainant to exhaust the College internal complaints procedure before they will consider a complaint.

### **5. How the complaints process operates**

- 5.1 All stages of a Further Education/Work-based Learning or general complaint are dealt with through the College internal processes.
- 5.2 Higher Education complaints have an informal stage (Stage 1) dealt with through the College, and a formal stage (Stage 2) which is either:
- dealt with through the partner HEI if it is about an academic matter such as Award Board results;
  - dealt with through the College if it is about a service matter.
- 5.3 Where a complaint involves alleged misconduct on the part of a staff member, it will be referred to the Director of Human Resources by the Curriculum and Quality Team so that they may determine whether any relevant action is required. In some instances it may be necessary to make this referral at Stage 1, for

example, when the allegation is considered to be serious, but the student does not wish to put their complaint in writing.

## **6. Stage 1 - Early Resolution**

- 6.1 In the first instance, complaints should be discussed with the relevant member of staff directly concerned. If the complaint relates to an aspect of a student's course and the student does not feel comfortable approaching the person most directly involved, the complainant should speak to the personal tutor/PLA or HEST.
- 6.2 The College member of staff should keep a record of the issue and outcome and inform the Group Lead for Complaints. An online form is available through Office 365 for logging an informal complaint:  
<https://forms.office.com/Pages/ResponsePage.aspx?id=7mZiJyPIECF3gdU3S4lZsrgW7O5vHhGtdmbvRP7kb tUNVFTTDITV0U1NTFQWkRLWTNERUK3OUNQY4u>

## **7. Stage 2 - Formal Complaint**

- 7.1 A complaint will be regarded as formal if it is of a serious nature and/or cannot be resolved on an informal basis by the department or individual against whom it is directed. A complaint of a 'serious nature' may include, but not be limited to, the following areas:
  - Health and safety issues
  - Equality and diversity issues (including but not limited to: ethnicity, race, gender, religion, disability, age, sexual orientation, pregnancy and maternity)
  - Failure of a College service or provision
  - Breach of confidentiality
  - Theft or damage to personal or College property.
  - Failure to meet consumer protection legislation
- 7.2 If the complaint cannot be resolved through informal discussion, it should be submitted on a Complaints Form to the Quality and Curriculum Team who will direct it to the most appropriate member of staff for a response.

The Complaints Form should include as much information as possible; if it is not possible to complete in full, the reason for this should be noted on the form. Complainants must provide details of: name, address and telephone number, course title, campus or site, together with all supporting information regarding the complaint e.g. relevant documents, dates, locations and witnesses if appropriate. There should also be detail of any previous attempts to resolve the issue and the action the complainant would like taken to resolve the complaint.

- 7.3 Complainants should be aware that where there is no evidence of early resolution having been sought, or where there are no compelling reasons as to why early resolution was not possible and/or appropriate, the complaint may be referred back to Stage 1 of this procedure. Where this is deemed to be the case, the student will be notified of the decision in writing.
- 7.4 An acknowledgement to a formal complaint will be made in writing, usually by email, within five working days of the complaint being received. The acknowledgement will indicate who will be responsible for investigating the complaint, and include a copy of this complaints procedure.
- 7.5 Whilst it is anticipated that the investigation will be completed and a written response sent within 20 working days, this period may need to be extended during holiday periods and/or depending on the nature and complexity of the complaint.

- 7.6 During the investigation the Investigating Officer (IO) may arrange to meet or speak with:
- (a) The complainant to discuss the complaint.
  - (b) Any person(s), if appropriate, who are the subject of the complaint.

During any meetings the complainant or subject of the complaint may be accompanied by a colleague or chosen representative. A written record of all proceedings will be made.

- 7.7 If the complaint cannot be resolved within 20 working days for any reason, the complainant will be advised why the response has been delayed.
- 7.8 Once the investigation is complete the complainant will be informed in writing of the outcome of the investigation and what, if any action is being taken within the boundaries of confidentiality.

The IO will send copies of the investigation report and correspondence sent to the complainant to the Curriculum and Quality Team.

## **8. Stage 3 – Review**

- 8.1 If the complainant is not satisfied with the outcome of their complaint, an appeal must be submitted within ten working days of receipt of the response to the complaint. The grounds for requesting such a review are:
- an irregularity in the conduct of Stage 2 of the process; or
  - where material new evidence has become available since the commencement of Stage 2, which the complainant was unable, for valid reasons, to provide earlier in the process.
- 8.2 The request for review should not restate the original formal complaint but state the reasons why the suggested resolution is unsatisfactory. Complainants should make their request for a review in writing or by email to [complaints@cornwall.ac.uk](mailto:complaints@cornwall.ac.uk).
- 8.3 Complainants can expect to receive an acknowledgement of receipt of the request within five working days. It is normally expected that the review will be completed and a response sent within 20 working days. However, this period may need to be extended during holiday periods and/or depending on the nature and complexity of the review.
- 8.4 If the appeal concerns a higher education academic matter, the Curriculum and Quality Team will inform the appropriate partner Higher Education Institution's Complaints Office.
- 8.5 Depending on the nature and cause of dissatisfaction:
- (a) A further investigation may be conducted by a Senior Post Holder in order to respond to specific issues raised and a final decision will be made with regard to the complaint.
  - (b) If appropriate the complaint will be referred to a Review Panel within 20 working days of the conclusion of any further investigation. The panel will consist of appropriate staff not previously involved in the complaint. The panel will review all documents and provide a written response to the complainant within five working days of their meeting.
- 8.6 Reviews are final and no further correspondence with regard to the substance of the complaint will be entered into by the College.

## **9. Completion of Procedures Letter**

- 9.1 The response from the Curriculum and Quality Team following the completion of Stage 3 will be the conclusion of the College's internal processes and the complainant will be issued with a Completion of Procedures letter (COP).

## 10. Referral to External Bodies

- 10.1 If the complainant is not satisfied after having exhausted all stages of the College's Complaints procedure or the HEI partner institution's procedure, they can refer a complaint about:
- a further education course programme to the relevant awarding/funding body.
  - a higher education/ university level programme to the Office of the Independent Adjudicator (OIA).

If the complaint reaches this stage the College will give the complainant full information on how to proceed.

## 11. Responsibility for Complaints

- 11.1 Chief Executive Officer (CEO) for maintaining an overview of complaints and their satisfactory resolution.
- 11.2 Curriculum and Quality Team (CQT) for
- (a) Monitoring and recording the operation of the complaints process.
  - (b) Briefing and where necessary involving Senior Post Holders in investigations.
  - (c) Allocating suitable managers to investigate complaints.
  - (d) Monthly analysis of formal complaints and bringing significant issues or trends to the attention of ELT.
- 11.3 Members of ELT/Heads of Campus/Senior Managers/Directors for
- (a) Managing the investigation and resolution of formal complaints within their areas of responsibility.
  - (b) Completing documentation and sending electronic copy to the CQT including a copy of the investigation report.
  - (c) Obtaining the approval of CQT to the proposed reply to the complainant.
- 11.4 Staff for taking action, on receipt of complaints in accordance with this process, and seeking advice and guidance from the CQT relating to any complaint.
- 11.5 The Director of Human Resources for training in consumer protection and complaints handling

## 12. Appendix - Complaints Form

Version	Date	Author(s)	Notes on revisions
1.0	07-09-18	S.L Walkey (C&Q)	
1.1	26-09-18	S.L Walkey (C&Q)	Amendments following ELT review