

# COMPLAINT MANAGEMENT POLICY

## Policy Document Purpose Statement

This document sets out the policy supporting complaint management for Cornwall College Group.

## Application

The objective of this document is to provide a framework to outline who can make a complaint and how complaints will be dealt with.

## Interpretation

Further guidance on the use or interpretation of this policy may be obtained from the responsible post holder.

## Legislator / Regulatory Compliance

Compliance with relevant current Health and Safety legislation, Data Protection Act and other legislation / regulations named within the body of the document.

## Publication Restrictions

A version of this document is available to view on the Cornwall College Website.

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# COMPLAINT MANAGEMENT POLICY

## 1. Purpose of the Policy

- 1.1. To describe how Cornwall College Group will deal with complaints.

## 2. Applicability

- 2.1. Complaints may be raised by learners, parents, guardians, employers, customers, staff, contractors undertaking activity and any members of the public that may be affected by the operational activity of Cornwall College Group e.g. applicants, users of college facilities, tenants.
  - 2.1.1. Complaints raised by parent / guardian / third party on behalf of someone else must be accompanied by consent from that individual where aged 18 years or over before the complaint can be dealt with. For this reason it is preferable that the individual raises the concern directly wherever possible.
  - 2.1.2. Complaints raised on behalf of a 'group' of individuals may be led by one person acting on their behalf, but consent must be sought and provided from those included in the group by the representative before it will be dealt with as a 'group' complaint.
  - 2.1.3. Validation of identification of complainants may be required by the College before any activity to resolve takes place if there is any doubt.
- 2.2. A complaint is defined as a statement that something is unsatisfactory or unacceptable which may relate to but not be limited to the following:
  - 2.2.1. *Academic decisions: assessments, progression and grades (Higher Education appeals should be referred to the relevant awarding body or HEI regulations)*
  - 2.2.2. Teaching and learning,
  - 2.2.3. Course organisation,
  - 2.2.4. Disciplinary and conduct,
  - 2.2.5. Academic misconduct,
  - 2.2.6. Discrimination,
  - 2.2.7. Financial,
  - 2.2.8. Welfare and accommodation,
  - 2.2.9. Service provision, environmental factors.
- 2.3. To be eligible, complaints must be made within the following timescales. Any complaints received outside of time will not normally be considered unless the complainant can demonstrate reasonable grounds for the delay:
  - 2.3.1. Educational and associated supporting provision or services; within three calendar months of the student's recorded end date of the programme of study OR of the academic year in which the event(s) leading to the complaint occurred, whichever is soonest.
  - 2.3.2. Non-educational provision and services, within three months of the last use of the provision or service leading to the complaint occurring.
  - 2.3.3. Dependant on the nature of the complaint it may be moved to an alternative process or direct to a higher complaint stage than Stage 1 - Informal. The complainant will be informed if this is the case.
    - Where a complaint is made by learners or staff against an individual person/s working or learning at the College then a more appropriate procedure may be used as an alternative:
      - Grievance Procedure

- Disciplinary Procedure-Staff
- Disciplinary Policy and Procedure-Learners
- Safeguarding Policy and Procedure

2.4. Any complaints relating to safeguarding concerns will be referred to and dealt with by the Safeguarding Team in line with Safeguarding Policy and Procedures. Where other concerns not related to safeguarding are raised as part of the original complaint, these will be dealt with separately through this Policy.

2.5. Complaints may be made about college provision, or the application of college policy or procedures, but cannot be used to challenge decisions reached and concluded under the following standalone procedures:

2.5.1. Disciplinary Procedures for Staff or Learners

2.5.2. Lesson Observations

2.5.3. Competency Reviews

2.5.4. Grievance Procedures for Staff or Learners

2.5.5. Academic Appeals

2.6. **Higher Education Learners** are required (by our University partners) to raise complaints at an early resolution stage with Cornwall College before raising with them to a formal stage with the partner University. Thereafter, if the complainant is not satisfied:

2.6.1. Where the complaint is about service issues (facilities, resources etc.) the Office for the Independent Adjudicator (OIA) rules state that concerns must continue through the college complaint process (in TCCG's case, this Complaint Management Policy).

2.6.2. Complaints regarding quality of delivery etc. should be referred to the Partner University's complaint process, in which case the complainant will be provided with contact details.

### 3. Statutory Obligations

3.1. Complaints will be dealt with in line with the UK General Data Protection Regulations, Data Protection Act 2018, Consumer Rights Act 2015 and other relevant legislation in place at the time of the raising of the complaint.

### 4. Policy Principles

4.1. Complaints will serve the cause of natural justice but will not be progressed if they are raised anonymously.

4.2. Notions of fairness and reasonableness will be extended both to the complainant and to any member of staff or learner named in a complaint. If another person is named in a complaint, they have a right to know what is alleged, and who is making the complaint. All complaints are dealt with sensitively, and as far as possible, confidentiality is maintained.

4.3. Complaints will be treated seriously, with politeness, professionalism and without fear of recrimination.

4.3.1. Staff receiving complaints from complainants will not be expected to listen to abuse (shouting, swearing or threatening behaviour) or respond in kind.

- Complaints received in this way will be terminated politely with an offer for the complainant to communicate at a calmer, more constructive time, with an appropriate manager if applicable.

- 4.4. Complaints should not be made if they are frivolous, vexatious or malicious. The College reserves the right to terminate progress through the Complaint Management Policy at any stage if it is felt that a complaint falls into any of those categories.
  - 4.4.1. The College does not expect learners to engage in making frivolous or vexatious complaints. If a learner is deemed to fall into this category the complaint will be rejected and the learner will receive a written response outlining why. Learners 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.
- 4.5. Timescales for response at each stage will be based on normal working days (Mon – Fri). Where complaints are received close to or during Bank Holidays, term holidays or festive college closedowns then the period for response will automatically be extended to account for those days. Complainants will be given a formal date for response from Stage 2 onwards in order to manage expectations. The College endeavour to resolve a complaint within the timescales indicated but in the event of the requirement to extend the complainant will be notified of any delays ahead of the expected deadline date.
- 4.6. The level of detail provided to the complainant regarding the outcome of their complaint will comply with UK GDPR, Data Protection Act and Employment Law currently in force.
- 4.7. Complaints received will contribute to the continuous quality improvement of the College’s provision and services to the wider community.
- 4.8. This Complaint Management Policy will be accessible and transparent and will be available on the College website. It:
  - 4.8.1. provides details of how a complaint can be made and how to access the current Complaint Form,
  - 4.8.2. describes the stages involved, the eligibility for complaints to be investigated or reviewed at each stage, and timelines associated,
  - 4.8.3. describes how each stage will be concluded with decisions explained in line with any policy constraints (particularly where the decision does not provide the outcome sought by the complainant).
- 4.9. Complaints may be raised in the following way:
  - 4.9.1. Direct with the college contact as soon as possible after a concern arises.
  - 4.9.2. By email to [complaints@cornwall.ac.uk](mailto:complaints@cornwall.ac.uk) (a Complaint Form will be sent for completion if detail provided of the concerns raised and outcome desired is missing)
  - 4.9.3. In writing to: Complaints Office, Cornwall College St Austell, John Keay House, Tregonissey Road, St Austell, Cornwall, PL25 4DJ providing an email address for response. (A Complaint Form will be sent for completion if detail provided of the concerns raised and outcome desired is missing)

## 5. Complaint Management

- 5.1. A flowchart is attached as an Appendix to this Policy to summarise the following stages of complaint management at Cornwall College Group. It must only be used as reference when the narrative of the main body of this Policy has been read.
- 5.2. Complainants will be encouraged to raise concerns direct with their college contact as soon as possible to assist an early resolution. Alternatively they may prefer to communicate their complaint by email or in writing as described in the paragraph 4.9.

- 5.3. Where complainants send their concerns to the Complaint Office in the first instance, a decision will be made on which stage the complaint will be dealt with based on the information provided on the Complaint Form and the apparent action taken to date to attempt to resolve informally. Complaints relating to the following areas are likely to be escalated directly to a formal level (list is not exhaustive):
- 5.3.1. Health and Safety
  - 5.3.2. Equality and Diversity
  - 5.3.3. Breach of Confidentiality
  - 5.3.4. Theft or damage to personal or college property
- 5.4. The following stages will ensure complaints are dealt with through an escalating process, culminating in a final closure that enables the complainant to refer to an appropriate external body if they are not satisfied with the outcome provided by the College.
- 5.5. Stage 1 – Informal (Managed by the Department; monitored by Complaint Office)
- 5.5.1. Every effort will be made to resolve the complaint informally in the first instance at the earliest possible opportunity with the department concerned. It is in everyone’s interest for a complaint to be raised as soon as possible when a concern becomes apparent to the complainant as events are clear in the minds of all involved and evidence to support may be more readily available to support any investigation.
  - 5.5.2. When raised, communication will be done preferably face-to-face, or by telephone to establish clearly the precise cause of dissatisfaction, and greater mutual understanding of the issues involved and outcome required.
  - 5.5.3. At an appropriate time in the discussions, confirmation should be obtained from the complainant that they are happy with the resolution.
  - 5.5.4. This informal Stage is not bound by a formal deadline but the expectation is that it should take no longer than 10 working days to resolve, or be coming to the end of resolution of the complaint where the complainant is aware of the progress.
  - 5.5.5. Where the Complaint is not resolved at this informal stage then the complainant should be provided with a copy of this document and offered the opportunity to email / write to the Complaint Office to raise their concerns to a higher level.
- 5.6. Stage 2 – Formal (Managed and monitored by the Complaint Office)
- 5.6.1. Formal written communication from the Complaint Office will support all involved in ensuring compliance to this Complaint Management Policy and timelines.
  - 5.6.2. An Investigating Officer will be appointed. This will be a middle manager within the area that the complaint has been raised about unless they have been previously involved in the attempted resolution at Stage 1, or is the subject of the complaint itself.
  - 5.6.3. The Complainant will receive an acknowledgement that the complaint is being dealt with at Stage 2 and confirmation that an Investigating Officer has been appointed within 5 working days of the complaint being accepted. These acknowledgements may be provided at different times but will be within the 5 day deadline. The complainant will also be informed of the date that a decision and outcome will be provided within 20 working days.
  - 5.6.4. The Investigating Officer will be provided with all communications held by the Complaints Office regarding the complaint to date. The Investigating Officer:
    - may communicate directly with the Complainant for further information on the concerns, or clarity on the desired outcome of the complaint.
    - will speak to staff as appropriate or seek documentation that will inform the decision.

- will conclude their investigation within 20 working days but has the right to extend this period if:
    - there is a delay in communications from the complainant;
    - the investigation is complex;
    - they are not in work for reasons of approved holiday or unforeseen circumstances;
  - will communicate any delay in response as a result of the above within the initial 20 working day period and provide a new deadline date for response, which will be communicated to the complainant within that time period.
- 5.6.5. The decision of the Investigating Officer will be communicated verbally and/ or in writing (as a 'Stage 2 – Formal Decision Letter') by the date provided in the acknowledgement.
- 5.6.6. The 'Stage 2 – Formal Decision Letter' will:
- state the decision/s reached for the concerns raised by the Complainant with any actions being taken as a result, within the boundaries of confidentiality;
  - confirm the conclusion of 'Stage 2 – Formal' for the complaint;
  - provide details of the eligibility to escalate to 'Stage 3 – Review' if the complainant is not satisfied with the decision.
- 5.6.7. The complainant will be able to seek clarity on the outcome against their concerns but no further discussion to expand the scope of the complaint will be entered into.

#### 5.7. Request for Review (Managed by the Complaint Office)

- 5.7.1. If the complainant is not satisfied with the decision and outcome at 'Stage 2 – Formal' then a 'Request for Review' may be submitted to [complaints@cornwall.ac.uk](mailto:complaints@cornwall.ac.uk) by email within 10 working days of the date of the issue of that decision.
- 5.7.2. In order to be accepted for escalation to 'Stage 3 – Review' the grounds of the 'Request for Review' must satisfy one or more of the following eligibility criteria:
- The grounds given are not a restatement or rewording of the original complaint;
  - The management of the complaint was not followed in line with this policy;
  - New evidence relating to the original complaint has come to light that was not previously available. In this instance, a reason must be provided as to why all evidence was not available to the Investigating Officer during 'Stage 2 – Formal'.
- And:
- A statement of the response or action that would be considered appropriate to satisfy the complainant if upheld.
- 5.7.3. The 'Request for Review' will be considered against the eligibility criteria by the Complaints Office and / or a member of the Executive Leadership Team (the latter particularly in the event of failure to follow this policy). The decision will be emailed to the complainant within 5 working days of receipt of the request:
- If not eligible, a 'Completion of Procedures Letter' will be issued by the Complaint Office confirming the decision, reasons why, stating the conclusion of this Complaint Management Policy and providing details of an appropriate external agency to approach if not satisfied with the outcome).
  - If eligible, acknowledgement of escalation to 'Stage 3 – Review', appointment of a Reviewing Officer and confirmation of 20 working days review period will be emailed to the complainant.

#### 5.8. Stage 3 – Review (Managed and monitored by the Complaint Office)

- 5.8.1. A Reviewing Officer will be appointed. This will be a senior manager within the college that has not been previously involved with the activity to resolve the complaint to date, or is the subject of the complaint itself.

- 5.8.2. The Reviewing Officer will revisit the complaint based on the grounds given by the complainant in their successful 'Request for Review' and will communicate directly with the complainant if necessary to clarify.
- 5.8.3. The grounds will then be reviewed, with the Reviewing Officer authorised to conduct a further investigation (new evidence has been presented), or reinvestigation (non-compliance with this Complaint Management Policy). The Reviewing Officer is authorised to call an extension to the 20 working day response which will be communicated to the complainant within the initial period and confirming the new anticipated response date.
- 5.8.4. The Reviewing Officer will prepare a 'Stage 3 – Review and Completion of Procedures Letter' addressing the grounds raised by the Complainant by the date provided in the acknowledgement or extension notice. The College's decision will be final at the issue of this letter. The Completion of Procedures letter will:
  - confirm the decision against the grounds cited for Review,
  - confirm the exhaustion of all stages of this Complaint Management Policy,
  - provide details of an appropriate external body to approach if not satisfied with the outcome. This will be chosen based on:
    - The nature of the complaint
    - The funding accessed to provide the provision e.g. Further Education Learner or Higher Education Learner
- 5.8.5. The complainant will be able to seek clarity on the decision against the grounds raised but no further discussion on the complaint itself will be entered into.

## 5.9. External Referral

- 5.9.1. External Bodies normally require an organisation's complaint process to be exhausted before they consider investigating a complaint against that organisation. The 'Completion of Procedures Letter' provides evidence that this is the case in relation to complaint management at Cornwall College.
- 5.9.2. The Complaints Office will provide the contact details of the external body most appropriate to the nature of the original complaint.
- 5.9.3. Cornwall College will provide information as required to an external agency in line with current GDPR and Employment Law legislation.

## 6. **Complaint Document Retention**

- 6.1. Documentation and information held by the Complaints Office in relation to complaints raised will be destroyed after a retention period of two years following the date of last communication with the complainant. Personal information held in relation to complaint tracking will be anonymised to enable continued statistical analysis.

## 7. **Internal Review of Unsatisfactory Outcome**

- 7.1. The college will conduct an internal review of the Complaints Management Policy in the event of a complaint reaching the stage of the College being referred to an External Agency.

## 8. **Related Documents**

- Complaint Form
- Grievance Procedure
- Disciplinary Procedure-Staff
- Disciplinary Policy and Procedure-Learner
- General Data Protection Policy

## Complaint Management Policy Appendix:

### Summary Flowchart of Complaint Management and Associated Timelines

Please read in conjunction with the Complaint Management Policy

