

COMPLAINT MANAGEMENT POLICY

Policy Document Purpose Statement

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

Application

In line with our Code of Conduct we are committed to treat complaints with politeness, professionalism and without fear of recrimination for the complainant, but will not tolerate abusive language or tone in any form of communication in return.

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 with the college themselves wherever possible.
 - 2.1.2. Complaints raised by parent / guardian / third party on behalf of SEND / EHCP learners. In line with the current Mental Capacity Act the college will require consent from any learner aged 18 and over, including those with an EHCP. However, The Cornwall College Group recognises that learners with an EHCP who are 18 and over may still require support from parents, carers and guardians in line with the current SEND Code of Practice and with this in mind we would explore consent on an individual basis.
 - Should an EHCP learner be adamant that they do not give consent for a parent / guardian / third party to act on their behalf, even after suitable advice and guidance, the College must abide by this.
 - 2.1.3. Complaints raised on behalf of a 'group' of individuals may be led by one person acting on their behalf, but evidence of 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.
 - 2.1.4. Complaints from individuals using College provision or services through a third party e.g. venue hire, other training providers, should direct their complaints to the third party concerned in the first instance.
 - 2.1.5. 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,
 - 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. The College seeks to resolve any concerns raised as soon as possible after they are brought to our attention in order to ensure they are dealt with at the earliest opportunity. This provides fairness for all parties and prevents escalation to more complex complaints that can be time-consuming and stressful for all involved. Therefore, 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 evidence 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. Any complaint relating to educational and supporting provision or services that are over the timescales described in paragraphs 2.3.1 and 2.3.2 will be deemed ineligible to be heard as a new, or part of a new complaint if it:
 - was raised at an informal level with the relevant department and considered to be resolved at the time or;
 - was raised at the time but no further evidenced communication has originated from the complainant for over 12 months since last evidenced contact;
 - 2.3.4. The complainant will be notified if any concerns raised within a complex complaint falls into this category and whether, or how, that aspect will be dealt with.
 - 2.3.5. Persistence in pursuing a previous element will be considered against Section 5, Frivolous, Malicious or Vexatious Complaints.
- 2.4. Depending 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. This decision is made by the Complaints Office in consultation with the appropriate policy lead where applicable. The complainant will be informed if the following is the case:
- 2.4.1. 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
 - 2.4.2. Complaints concerning academic decisions e.g. assessments, progression and grades should follow the Appeals Process therefore, any complaints of this nature will be referred to that process. Higher Education appeals should be referred to the relevant awarding body or HEI regulations.
- 2.5. 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.
- 2.6. Complaints may be made about college provision, or the application of college policy or procedures. However, this Policy cannot be used to challenge decisions reached and concluded under the following standalone procedures as they will have deemed to have already undertaken appropriate investigation activity at an equivalent level:
- 2.6.1. Disciplinary Procedure for staff
 - 2.6.2. Student Behaviour and Misconduct Policy, Procedure
 - 2.6.3. Lesson Observations
 - 2.6.4. Competency Reviews
 - 2.6.5. Grievance Procedure
 - 2.6.6. Academic Appeals

- 2.7. In the event of any Police involvement in relation to a complaint this Policy will not be initiated, or will be ceased at the point of the commencement of any Police involvement so as not to jeopardise any ongoing or potential investigation. The College will assist with any police enquiries as appropriate and in line with statutory obligations.
- 2.8. The involvement of other regulatory Agencies or external parties e.g. solicitors, in relation to a complaint will not impact this policy unless circumstances arise that require The Cornwall College Group to revise the approach, in which case the complainant will be informed accordingly.
- 2.9. **Higher Education Learners** are required (by our University partners) to raise complaints at an early resolution stage direct with Cornwall College – our Stage 1 - Informal. Thereafter, if the complainant is not satisfied with the College’s response then:
 - 2.9.1. 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 The Cornwall College Group’s case, this Complaint Management Policy).
 - 2.9.2. Where the complaint is regarding quality of delivery etc then the concern should be raised direct to the Partner University through their complaint process (found by searching on the website of the relevant University). The complainant will be provided with contact details upon request if any difficulty in finding them is encountered.

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 verbally 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.
 - 4.3.2. Staff receiving written complaints from complainants will not be expected to read abusive correspondence or respond in kind. Complaints received that fall into this category will be forwarded to the Complaint Office to initiate communication to the complainant that will engender a more constructive route via the completion of the Complaint Form.
 - 4.3.3. Thereafter, in the event that complaint communication between parties is not continued in a professional, polite manner then the complaint will be closed and a Completion of Procedures Letter issued to the complainant to formally record this decision with the reason why cited.

- 4.4. Frivolous, vexatious and malicious complaints will not be tolerated (see Section 5)
- 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, full or half term holidays (including summer period), 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 delay as soon as apparent, 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. Any formal requests for information regarding the complaint during the process, or after it has been formally closed will also be dealt with in line with the regulations or legislation mentioned.
- 4.7. Financial arrangements in place with a complainant will continue as normal in that any processes in relation to outstanding fee collection or regular payments will not be suspended if a complaint is raised, regardless of whether the arrangement relates to the complaint or not.
- 4.8. Complaints received will contribute to the continuous quality improvement of the College’s provision and services to the wider community.
- 4.9. This Complaint Management Policy will be accessible and transparent and will be available on the College website. It:
 - 4.9.1. provides details of how a complaint can be made and how to access the current Complaint Form,
 - 4.9.2. describes the stages involved, the eligibility for complaints to be investigated or reviewed at each stage, and timelines associated,
 - 4.9.3. 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).
- 4.10. Complaints may be raised in the following way:
 - 4.10.1. Direct with the college contact as soon as possible after a concern arises to elicit an early resolution.
 - 4.10.2. By email to complaints@cornwall.ac.uk (a Complaint Form will be sent for completion if detail provided of the concerns raised and outcome desired is insufficient to initiate the policy)
 - 4.10.3. In writing to: Complaints Office, Cornwall College St Austell, John Key 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 insufficient to initiate the policy)

5. Frivolous, Vexatious or Malicious Complaints

- 5.1. 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 / complainant falls into any of these categories.
- 5.2. The decision on whether a complainant’s progress through the Complaint Management Policy is terminated due to frivolous, vexatious or malicious activity is reviewed and assessed by the Complaints Office and approved by a member of the Executive Leadership Team.
 - 5.2.1. Definition of frivolous, vexatious or malicious complaints

- Contact (written or verbal) which the College consider places an unreasonable demand on staff time. For example, complainants who:
 - Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.
 - Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
 - Continue to seek to pursue an issue, including complaints, where the concerns identified are not within the remit of The Cornwall College Group and this has been previously explained.
 - Persist in pursuing a complaint where this Policy has been fully and properly implemented and exhausted
 - Change the substance of a complaint or continually raises new issues or seeks to prolong contact by continually raising further concerns or questions upon receipt of a response.
 - Remain unwilling to accept documented evidence of action despite previous engagement.
 - Remain unwilling to accept that The Cornwall College Group has reached a final decision on a chosen course of action.
 - Deny receiving an adequate response despite previously issued correspondence specifically answering their questions
 - Adopt a 'scatter gun' approach. This includes pursuing parallel complaints, or other contact, on the same issue with a variety of individuals and/or teams within The Cornwall College Group placing unreasonable demands on staff time and resources.
 - Incite another individual/s to make a complaint about the same issues when that individual/s would otherwise not feel sufficiently aggrieved to do so.
- 5.3. In the event of this policy not being initiated due to activity of this nature by the complainant, a Completion of Procedures letter will be issued explaining the reasons for the decision and confirming exhaustion of all stages.
- 5.4. The College does not expect learners to engage in making frivolous or vexatious complaints. 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.

6. Complaint Management

- 6.1. 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.
- 6.2. 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 4.10.
- 6.3. Where complainants send their concerns to the Complaint Office in the first instance, an initial acknowledgement for receipt will be sent to the complainant within two working days.
- 6.4. Which stage the complaint will be dealt with based on the information provided on the Complaint Form (or where sufficient information to proceed is provided in an email) and the apparent action taken to date to attempt to resolve. The complainant will be notified within 5 working days of the sending of the acknowledgement of receipt what stage their complaint will be dealt with at. Complaints relating to the following areas are likely to be escalated directly to a formal level, depending on the evidence provided (list is not exhaustive):

- 6.4.1. Health and Safety
 - 6.4.2. Equality and Diversity
 - 6.4.3. Breach of Confidentiality
 - 6.4.4. Theft or damage to personal or college property
- 6.5. Where a complaint has already been raised with the department concerned and the evidence provided by the complainant demonstrates that there has been every opportunity for resolution at an informal stage, the complaint may be referred direct to Stage 2 or, in very exceptional circumstances direct to a Completion of Procedures outcome.
- 6.6. Where it is apparent that the dialogue regarding the complaint is still ongoing with the relevant department, but the complainant has submitted a written complaint in the interim, the complaint will continue at 'Stage 1 Informal' and be monitored in the background by the Complaint Office to give the department every chance to resolve.
- 6.7. 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.
- 6.8. In the event that no communication is received from a complainant for a period of 3 months after evidenced contact by a member of College staff the complaint will automatically be closed, and no further dialogue will be entered into regarding that complaint.
- 6.9. Stage 0 - Eligibility Check (Carried out by the Complaint Office)
- 6.9.1. A decision will be made on whether the concerns raised are eligible to be heard in the first instance based on the criteria in paragraph 2.3.
 - 6.9.2. In the event that the complaint is deemed:
 - 'Eligible' – this Complaint Management Policy will be progressed at the appropriate Stage.
 - 'Not Eligible' - a further step will be taken to verify the decision with a member of the Executive Leadership Team (ELT). In confirming 'not eligible', a Completion of Procedures Letter will be issued with the decision providing the grounds for not progressing, and confirmation that no further communication will be entered into. This decision cannot be appealed as a higher authority has already been sought internally. Where applicable, details of an appropriate external agency to refer the complaint will be provided.
- 6.10. Stage 1 – Informal (Managed by the Department; monitored by Complaint Office)
- 6.10.1. 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.
 - 6.10.2. 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.
 - 6.10.3. At an appropriate time in the discussions, confirmation should be obtained from the complainant that they are happy with the resolution.
 - 6.10.4. 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 advancing at a pace appropriate to the concern/s raised and the complainant is aware of the progress.

- 6.10.5. Where the Complaint is not resolved at this informal stage then the complainant should be provided with a copy of this policy and offered the opportunity to email / write to the Complaint Office to raise their concerns to a higher level.
- 6.10.6. The complainant has a period of 10 working days from the last evidenced date of contact regarding the issues raised at this stage in which to email / write to the Complaint Office seeking an escalation to the Stage 2 - Formal. Requests received after this period of time will be deemed ineligible to be heard.

6.11. Stage 2 – Formal (Managed and monitored by the Complaint Office)

- 6.11.1. Formal written communication from the Complaint Office will support all involved in ensuring compliance to this Complaint Management Policy and timelines.
- 6.11.2. An Investigating Officer will be appointed. This is likely to 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.
- 6.11.3. 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 (considering any holidays described in para 4.5).
- 6.11.4. 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 to obtain 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.
- 6.11.5. 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.
- 6.11.6. 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.
- 6.11.7. 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.

6.12. Request for Review (Managed by the Complaint Office)

- 6.12.1. 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 by email within 10 working days of the date of the issue of that decision.

- 6.12.2. 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 complainant's reason cannot be that they are unhappy with the findings and decision of the College;
 - 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 the following must be provided:

- A statement of the response or action that would be considered appropriate to satisfy the complainant if the Review is carried out and upheld.
- 6.12.3. 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, or the request for review declined, 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 (where applicable) 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.

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

- 6.13.1. 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.
- 6.13.2. 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.
- 6.13.3. The grounds will then be reviewed, with the Reviewing Officer authorised to conduct a further investigation (where new evidence has been presented), or reinvestigation (where non-compliance with this Complaint Management Policy has been proved). 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.
- 6.13.4. 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 and, where upheld, the resolution offered;
 - 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 or resolution offered. 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

6.13.5. 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 by The Cornwall College Group.

6.14. External Referral

6.14.1. 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 issued to the complainant provides evidence that this is the case in relation to complaint management at Cornwall College (or University if appropriate for higher education provision).

6.14.2. Cornwall College will provide information in relation to the complaint to an external agency in line with current GDPR and Employment Law legislation upon request by that agency.

7. **Complaint Document Retention**

7.1. Documentation and information held by the Complaints Office in relation to complaints raised will be destroyed after a retention period in line with the following:

7.1.1. Resolution at Stage 1 – Informal: Three years following the date of last communication with the complainant.

7.1.2. Resolution at any later Formal Stage: Six years following the date of last communication with the complainant (including where a complaint is escalated to an External Agency).

7.2. Personally identifiable information held within our Complaint Tracking tool will be anonymised to enable continued historical statistical analysis.

8. **Internal Review of Unsatisfactory Outcome**

8.1. 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.

9. **Policy Review**

9.1. This policy will be reviewed every two years or sooner.

9.2. Where a complaint is already being dealt with when the policy is reviewed, the Stage in progress will continue in line with the policy that was in place at the start of that Stage until that Stage is concluded. Should the complaint escalate to a higher Stage, the current policy will come into force. Where an addition to this policy is approved that has not been covered by a previous version or within another existing policy, the change is with immediate effect.

10. **Related Documents**

- Complaint Form
- Grievance Procedure
- Disciplinary Procedure-Staff
- Student Behaviour and Misconduct Procedure
- General Data Protection Policy
- Safeguarding Policy and Procedure

Complaint Management Policy Appendix:

Summary Flowchart of Complaint Management and Associated Timelines

Please read in conjunction with the Complaint Management Policy

