

COMMENTS, COMPLIMENTS AND COMPLAINTS PROCEDURE

Agreed at SMT: 19 December 2018

To be reviewed: December 2019

It is intended that this procedure is 'fair to all'. Where any part could potentially lead to unequal outcomes, the policy then justifies why this is a proportionate means of achieving a legitimate aim.

1. Scope and Purpose

At Wiltshire College and University Centre (“the College”) we welcome the receipt of comments, both positive and constructively critical. It is really important for us to know when we get things right and when there is a need for improvement.

All courses and services at The College are reviewed regularly and your comments will help us to prepare and, when necessary, redesign or change the provision that we offer.

We want to hear from you if you feel we have done something well or, alternatively, if you think we have not.

It is our commitment to listen and to respond to the views of all users of the College and its services.

This procedure is designed to provide guidance to any student, visitor or other parties such as parents or employers who are dissatisfied with any aspect of the College, or have positive suggestions/comments.

In dealing with complaints our aim is to respond quickly and positively and to reach a fair and satisfactory outcome for all concerned. We also aim to keep you informed of our progress in dealing with complaints and the personnel involved.

Where a complaint is fully or partially upheld, the College will take positive action to put things right and make every effort to prevent the same thing from happening again. If a complaint is not upheld, the complainant will be advised accordingly.

1.1 Different Processes for Further Education and Higher Education

Both processes have informal and formal stages.

All stages of a Further Education complaint are dealt with through the College internal processes.

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.
- Dealt with through the College if it is about a service matter or it relates to a Pearson Higher National Programme.

1.2 What this procedure does not cover

This procedure does not cover complaints about academic assessment i.e. grades and marks which are covered by the Academic Appeals Procedure.

This procedure is not used for appeals against disciplinary actions.

Staff complaints do not form part of this procedure.

1.3 Time lines for complaints to be initiated

Complaints must be registered within 3 months of the event.

The one exception is when a complaint is made that **relates to certification** (eg, incorrect details on certificates or no certificates received etc); in this instance the **complaint needs to be made as soon as possible** and then investigated. Please note that depending on the awarding organisation the issue and re-issue of certificates may take until **the October Half Term**.

The college will not normally investigate any complaints made more than three months after the incident. Any complaints received outside of this timeframe will be reviewed by the Deputy Principal who will make a decision whether or not to proceed with an investigation.

2. Accountability

Everyone has a responsibility to give full and active support for this procedure by ensuring that the procedure is known, understood and implemented across all areas of delivery.

2.1 Principal

- Maintaining an overview of complaints and their satisfactory resolution.

2.2 Examinations and Compliance Manager

- Monitoring the operation of the procedure.
- Providing analysis of formal complaints.
- Bringing significant issues or trends to the attention of the Senior Leadership Team.
- Providing Staff Training and support.
- Briefing and where necessary involving the Senior Management Team in investigations.
- Allocating suitable managers to investigate complaints in discussion with Senior Managers/Directors.
- Recording complaints on a database and issuing Acknowledgement Requests.

2.3 Investigating Managers

- Managing the investigation and resolution of formal complaints within their areas of responsibility.
- Completing, acquiring and retaining related documentation and sending electronic copy to the Examinations and Compliance Manager as required by this procedure.
- Keeping the Examinations and Compliance Manager updated in all aspects of the investigation.
- Complying with the timescale for completion.

2.4 Staff

- Taking action, on receipt of complaints in accordance with this procedure, and seeking advice and guidance from the Examinations and Compliance Manager.
- Acknowledge that a complaint has been made and outline to the complainant the complaints process and next steps.

- Ensuring that this procedure is available to all College users.

2.5 Students

Responsibility is a two way process and if you are a student and you are making a complaint about your course or about the College, you also have responsibilities. We will expect you to have complied with the College Code of Conduct relating in particular to Attendance, Behavior and Commitment (meeting deadlines etc.)

3. Data Protection

- It is expected that all students will assume responsibility for communication with the College and for drawing attention to any problems or concerns.
- Where a complaint is received from a student who is under the age of 18, parents, guardians or other relevant individuals may contact the College on behalf of the student.
- Where a complaint is received from a student aged 18 or over, the College will share the information with a parent / guardian or relevant third party only with the express written consent of the student and only on receipt of such consent. Exceptions will only be made in the vital interests of the individual.
- For information on rights and responsibilities within the Data Protection Act, please refer to the College's Data Protection Policy.
- Where a student is unhappy about the processing of their personal data they can contact the Data Protection Officer for advice.

4. Complaints Procedure

4.1 Overview

- All complaints submitted will be considered fairly.
- Anyone who invokes the procedure in good faith will not be discriminated by having done so.
- Every effort will be made to resolve issues in a friendly and informal way.
- Throughout the process the person complaining may have a friend to accompany them at all meetings.
- Complainants may be offered support in order to make their complaint. This support can be provided by the Students Union, member of the Student Services / Additional Learning Support Team, or indeed any member of staff.
- When a student complainant is found to be malicious, this could lead to disciplinary action.
- These are internal College procedures – at no stage is legal representation for any party allowed. Further rights to appeal will be made clear at each stage.
- For all complaints the privacy and confidentiality of the complainant will be respected unless disclosure is necessary to progress a complaint. In this case the complainant will be notified in advance.
- If a complaint is made about the performance of a staff member the Examinations and Compliance Manager and/or relevant Investigating Manager MUST inform the Human Resources Manager as the Staff Disciplinary Process may be initiated.
- We hope that any difficulty can be resolved in a friendly and informal way

4.2 How you can comment, compliment or complain

- Speak to the Subject or Personal Tutor or the Head of Department / Deputy Head of Department.
- Speak to a Student Rep/Student Union. Student representatives have regular access to senior staff members. The Student Voice (through student representatives) is carefully considered, reviewed and listened to within the College.
- Provide feedback via student questionnaires, focus groups etc.
- Talk to the Student Engagement Officer, Student Services and Tutoring Manager.
- Complete a College “Comments, Compliments and Complaints” Feedback card (available in all reception areas and via the College website).
- For information and/or support write or send an email to the Examinations and Compliance Manager making it clear if a complaint is to be treated informally or formally:

**Examinations and Compliance Manager
Wiltshire College and University Centre
College Road
Trowbridge
BA14 0ES**

**Email: CustomerFeedback@wiltshire.ac.uk
Telephone Voice Message: 01722 344244**

4.3 How are Complaints dealt with?

Complaints are dealt with in two ways:-

1. **Informal** – by talking to us.
2. **Formal** – by putting the complaint in writing – you must complete the College “Comments, Compliments and Complaints” Feedback form on the website or sent it via email. You must also include in your complaint details of what outcome you would like following the investigation.

4.4 Outcomes of the Investigation

On completion of the investigation, the complaint will be classified in one of three ways:-

- **Upheld** – the complaint was fully justified and will result in corrective action being taken, e.g. an amendment of services/procedures, staff training, improved communications
- **Partially upheld** – certain aspects of the complaint were considered justified and will result in follow-up action
- **Not upheld** – the complaint was not justified

4.5 The 3 stages of the Complaint Process (See Complaint Process Flow Chart at Appendix A)

The following procedure has been agreed:

4.5.1 Stage One (Informal Complaint) – Discussion with Tutor/ Head of Department / Deputy Head of Department, Manager or Director

It is expected that most complaints can be resolved at an early stage by discussing the matter with an appropriate member of staff, usually the Tutor or relevant Head of Department / Deputy Head of Department. If there is a need to provide support or guidance for this discussion; this should be provided by the Examinations and Compliance Manager. They will respond as soon as possible with advice and guidance as to how to proceed from this point. It is expected that these complaints will be responded to promptly and should normally take place within 5 working days.

There is no requirement for the member of staff making the response to issue a formal letter if the matter is resolved informally, unless the complainant specifically asks for this. The member of staff should make notes of the issue and the agreed resolution. These notes **MUST** be forwarded to the Examinations and Compliance Manager for secure storage noting that they may be called upon if the matter re-emerges or escalates to become a formal complaint.

Where a complaint cannot be resolved informally, or due to the nature of the complaint, it is not appropriate to do so, the matter may be treated as a formal complaint.

4.5.2 Stage Two (Formal Complaint) – Appropriate Investigating Manager appointed by Examinations and Compliance Manager

If the complainant is not satisfied with the outcome or does not wish to discuss the matter informally, they or their representative, must complete a College “Comments, Compliments and Complaints” Feedback card and send it to the Examinations and Compliance Manager. Receipt of the formal complaint will be normally acknowledged in writing/via email within 5 working days with a copy of the complaints procedure.

The complaint will be copied to the appropriate Head of Department and Assistant Principal responsible for the area within which the complaint has arisen.

The Examinations and Compliance Manager will appoint an Investigating Manager as appropriate. This would normally be a manager with direct involvement in the area of the complaint. This ensures that an individual with suitable knowledge and experience is handling the investigation. Therefore this may be the same person from Stage One or a person from a different department/area and s/he will seek to normally resolve the issue within 10 working days by carrying out an investigation. NB: If the complaint/ relates to one of the people outlined in this process it will be dealt with by another person of equal or greater status assigned by their direct line manager.

The Investigating Manager will also confirm that, if in their view, the complaint was upheld, partially upheld or not upheld.

The Examinations and Compliance Manager will write/email the complainant the outcome of the investigation. Where a complaint is not upheld reasons will be given as to why this is so. Where a complaint is upheld a statement outlining the remedial action and timescale for implementation will be provided to the complainant.

4.5.3 Mediation

Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a mutually satisfactory conclusion being reached. Where the College and the complainant agree to mediation, revised timescales should be agreed whilst suspending the complaint stage reached.

4.5.4 Appeal - Referral to Senior Management Team (Member of SMT to act as Appeals Officer)

If by this stage the complainant still believes the issue is unresolved the complaint can be referred to the Senior Management Team for appeal. They should appeal to the Examinations and Compliance Manager by filling in the form included in the stage 2 response within 10 working days of receipt of the stage 2 investigation outcome. The Appeals Officer will be appointed by the Examinations and Compliance Manager in consultation with the SMT. This would normally be someone of equal or higher seniority than the initial Investigating Manager from Stage Two.

Details of further evidence/documents a person wishes to support the review of the initial decision is required to be included. The investigation with the relevant Appeals Officer (Senior Manager/Director/Assistant Principal/Deputy Principal) within 15 working days.

The appeals stage of a Higher Education complaint is either:

- dealt with through the partner HEI if it is about an academic matter.
- dealt with through the College if it is about a service matter or relates to a Pearson Higher National Programme.

A complaint appeal may be referred to the Senior Management Team only where:

- The judgment of the investigating manager was affected by personal bias
- The investigation was not conducted within the guidelines set by the procedure
- The original complaint was not addressed within the response.
- You are now in possession of further evidence or extenuating circumstances which were not taken into account during original complaint

The Examinations and Compliance Manager will arrange for the referral to be heard by the Appeals Officer whose decision is final except where there is a statutory provision of appeal to an external organization as below. Where a referral is not upheld reasons will be given as to why. Where a referral is upheld a statement outlining the remedial action and timescale for implementation will be provided.

5 Rights of Appeal – Further Advice

If having **first exhausted the College's complaints procedure** you are still not satisfied with the outcome, you can contact a number of agencies depending on the complaint:-

- **The Awarding Organisation** (eg, OCR, Pearson-Edexcel, City & Guilds etc) directly (contact details are on the awarding organisation websites)
- **Ofqual** (Regulatory Body for Awarding Organisations) Spring Place, Herald Avenue, Coventry, CV5 8BA
- **The Clerk to the Corporation** (for attention of College Governors), Wiltshire College & University Centre, Chippenham, Cocklebury Road, Chippenham, Wiltshire, SN15 3QD
- **Education and Skills Funding Agency (ESFA)** The Education and Skills Funding Agency (ESFA) formed on 1 April 2017 and brings together the work of Education Funding Agency (EFA) and Skills Funding Agency (SFA). They are working to streamline the complaints procedures as a new agency. Details can be found here: <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>
- **OIAHE – Office of the Independent Adjudicator for Higher Education**, www.oiahe.org.uk The OIA Scheme Rules exclude complaints about admissions and academic judgment, complaints that are not brought within a given timeframe, and complaints about issues that do not materially affect the student as a student. The rules can be found at <http://www.oiahe.org.uk/decisions-and-publications/leaflets.aspx>

The OIAHE must receive your signed OIA Complaint Form **within twelve months** of the date of the Completion of Procedures Letter which you need to obtain from the college; otherwise they may consider your complaint to be out of time.

- **The Department for Education**, <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>

6 Time periods

The time periods as set out in this procedure are for guidance and under some circumstances may be subject to extension. Where any such extensions are made, the complainant will be notified.

NOTE: For all stages above the College will set out clear and reasonable timescales relating to how long students will be given to respond to any requests for further information that may be required in order to process the complaint.

7 Serial and vexatious complainants

A serial and/or vexatious complainant is someone who acts in an unreasonable manner, is unreasonably persistent in the manner in which they raise their complaint. The College has a duty of care for its employees; when dealing with a serial and/or vexatious complainant we reserve the right to refuse to investigate a complaint and may, if appropriate, refer the matter to the College's solicitors.

8 Concluding actions

On completion of the investigation, the Investigating Manager will:-

- Ensure the Examinations and Compliance Manager is in possession of all necessary information to record and log the process and outcome.
- Inform any members of staff who have been involved in the complaint of the outcome and any follow-up action. This will involve referral to Human Resources Department if the complaint is staff related.
- Make sure the complainant has been fully briefed about the outcome.
- Ensure if the complaint is about equality and diversity, safeguarding or disability that the appropriate managers have been informed.
- For all formal complaints an acknowledgement request will be sent by the Examinations and Compliance Manager following complaint closure to ascertain complainant levels of satisfaction.

9 Associated Documents (Linked policies etc.)

- Academic Appeals Procedure
- Student Disciplinary Procedures
- Student Code of Conduct
- Staff Capability & Disciplinary Procedures
- Equality and Diversity Policy
- College Customer Charter
- OIA's Good Practice Framework for handling complaints

10 Monitoring, Review and Evaluation

The Examinations and Compliance Manager will analyse statistical information relating to comments, compliments and complaints initiated under this Policy for trend information to ensure we identify areas of strength and areas for development and take appropriate action.

Reports will be published on a regular basis to the Senior Management Team on the outcomes of comments, compliments and complaints and our actions in response.

Where possible the Examinations and Compliance Manager will also highlight case studies and examples to show how complaints have helped improve services. The Examinations and Compliance Manager will review these procedures annually.

Complaint is lodged via telephone call, email or the Customer Feedback Form



Wiltshire College & University Centre



