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Please contact us on 01904 770372 or email us at qi-admin@yorkcollege.ac.uk if you would like this document in an alternative format

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Relationship to other documents

This is a procedure which falls under the Quality of Education Policy and should be read in conjunction with that policy.

Introduction

Staff at York College welcome feedback and take all complaints seriously, whilst also valuing compliments. A complaint is defined as “a statement that something is unsatisfactory or unacceptable” (Lexico, 2021) and a compliment as “a polite expression of praise or admiration” (Lexico, 2021). We will act appropriately whenever complaints are received. The College takes the view that a complaint is an opportunity to improve our level of service.

When a complaint or compliment is received, it is forwarded to the Quality of Education (QoE) Team for recording and disseminating as appropriate.

The College categorises complaints as informal or formal.

An informal complaint is one which can be dealt with, without the need for an investigation. The informal complaint will be recorded and forwarded to the relevant Manager for information and/or action. The relevant manager will contact the complainant as appropriate to discuss and resolve the concern/s raised. Where a resolution is not possible, the relevant Manager can advise of the process required to start a formal complaint. If a pattern of a particular type of informal complaint begins to emerge, the Senior Quality and Compliance Officer in liaison with the Director of Quality of Education may initiate an investigation.

Formal complaints will be investigated by an appropriate manager.

The Complaints and Compliments Procedure does not apply to appeals against an assessment decision relating to an academic award or progression on a programme of study. These matters are covered by the Academic Appeals Procedure. If the College receives a complaint that the College believes would be more appropriately dealt with as an academic appeal, it may decide to follow the Academic Appeals Procedure.

Making a complaint

Ordinarily, anyone wishing to make a complaint should complete a Complaints Form (see page 4). However, it is recognised that it is not always possible to do this and therefore a letter or e-mail will suffice. Where a complainant wishes to make a complaint over the telephone or in person, they should be advised to put their complaint in writing unless there are exceptional reasons as to why this may not be possible.

Anonymous complaints will not be investigated. Complaints that an investigating manager consider to be vexatious or malicious may not be investigated.

Complaints by a third party on behalf of a student:

Where appropriate, complaints should be made directly by the student/apprentice themselves and not by a third party on their behalf. Where this is not possible, complaints that are made by a third party (e.g. parent, guardian, employer) will ordinarily only be considered if a signed statement or an

e-mail from their college account is received from the student/apprentice confirming their agreement for the complaint to be investigated and for all information to be shared with the complainant.

It is the responsibility of the student/apprentice to advise the college if there is any sensitive information that may be part of the investigation and response that they do **not** wish to be shared with the complainant. It should be noted by the complainant that if this is the case, this may hamper the investigation and may limit the response the college is able to give. Where a third-party complaint raises safeguarding concerns, an investigation may take place without the student/apprentices consent.

Managing the Complaints Process

The QoE Team will acknowledge receipt of the complaint within **three** working days.

The Senior Quality and Compliance Officer (or in their absence a member of the Strategic Leadership Team(SLT)) will direct the complaint to the most appropriate manager to investigate. It is the responsibility of the Quality of Education team to check that where the complaint is from a third party, the student/apprentice themselves has provided a signed statement of authority/e-mail from college account and to ensure the investigating manager is made aware of any sensitive information that must not be disclosed to a third party. Where a signed statement of authority/e-mail from college account does not accompany a complaint, the Quality of Education Team should respond to the complainant stating that the complaint cannot be investigated and to draw the complainant's attention to the relevant section of this policy.

Once an investigation is initiated, it should be completed and forwarded to the Quality of Education Team within **seven** working days. If that cannot happen, it is the responsibility of the investigating manager to advise the Quality of Education Team of reasons for the delay and anticipated conclusion date. The Quality of Education Team should inform the complainant.

The investigating manager should investigate the complaint thoroughly. They should then write a written response using the template in appendix 2 of this document. The written response should be sent to the Quality of Education Team who will send it on to the complainant (within **three** working days) with a copy of this policy should they wish to make an appeal. All evidence associated with the investigation should also be sent to the Quality of Education Team to be filed.

Once a complaint has been logged as a formal complaint and an investigation is underway, all communication must go through the Quality of Education Team. This will enable all communication to be filed and will ensure consistency in our approach to responses. It will also enable the Quality of Education Team to track key issues and actions taken as a result of formal complaints.

Appealing the Outcome of a Complaint

The complainant can appeal against the outcome of the investigation. The complainant must clearly state how their appeal meets one or both of the grounds for appeal outlined below:

- a) the initial complaint was not investigated according to this procedure
- b) all the evidence at the time of the investigation was not considered. (Additional evidence cannot be produced at this point)

An appeal is **not** another investigation of the facts of the original complaint.

The appeal must be in writing and received by the Director of Quality of Education within **ten** working days from the date of the written response sent regarding the outcomes of the original complaint. Ordinarily, the Director of Quality of Education will review the appeal, but this may be delegated to a member of SLT as appropriate. The Director of Quality of Education (or a member of SLT) will then decide if the appeal meets the grounds of appeal before investigating the circumstances surrounding the initial investigation or assigning a new investigating (appeal) manager to do this. Appellants will be informed of the decision made at this point.

Appellants **may** be invited to a meeting (face-face or online) to consider the appeal, and this will ordinarily take place within **ten** working days of the College receiving a written notice of appeal. Where it is not possible to hold such a meeting within this timescale, the complainant will be kept informed.

Ordinarily, appellants will receive written notification of the appeal decision within these timescales:

- where no meeting is held - within **ten** working days of the College receiving the written notice of appeal
- where a meeting is held - within **five** working days of the meeting.

The decision reached, as a result of consideration of the appeal, will be final. Appellants will be sent a "Completion of Procedures at York College" (CoP) letter saying that they have come to the end of the York College complaint procedure and outlining if they have the right to appeal to any external organisation. In many cases external bodies will not accept complaints unless a CoP letter has been issued by the College.

If the complaint is about an aspect of College activity which is not funded from an external funding body then there is no automatic right of appeal to a further body. There are three situations in which such appeals can be made. These are:

a) Complaints from students undertaking College run courses, where the Awarding Organisation allow appeals from students studying their qualifications within the College

Some Awarding Organisations (such as CMI, NEBOSH and Signature) allow students who have been studying at the College the right to appeal any complaint that the College has dealt with to them. CoP letters will ensure that complainants are made aware of the contact details, timescales and other information required to appeal the College's decision should that facility exist.

b) Complaints from students undertaking courses funded by the Education and Skills Funding Agency (ESFA)

Where the course has been funded by the ESFA, appeals about the outcomes of a complaint should be directed to them. The ESFA will not usually investigate complaints until the College's procedure, including the appeal, has been exhausted.

Appeals to the ESFA should be made within 3 months of getting a decision from the College. More information can be found on the following website <https://www.gov.uk/complainfurthereducation>

c) Complaints Relating to Higher Education (HE) provision

If after the internal procedures for York College have been exhausted the complainant remains dissatisfied, they may have the right to refer the matter to the relevant Awarding Provider (The Open University, The Education and Training Consortium or Pearsons). If this is the case, they may only seek an independent review by the Office of the Independent Adjudicator for Higher Education (OIA) once that Institution's procedures have been completed. If the Awarding Provider does not offer this opportunity, or the complaint is not under their scope the complainant will be able to request a review from the OIA. The College's Closure of Proceedings at York College letter will make it clear which of these options is available to the complainant.

The OIA is an independent body established to consider student complaints which have not been resolved internally. Appeals to the OIA should be made within 12 months of getting a decision from the College. This service is free to students. More information can be found on the OIA website: www.oiahe.org.uk

Complaints/Compliments/Comment Form

(Please tick one of the following boxes)

Compliment	
Informal Complaint	
Formal Complaint	



Personal Details

Name:

Address:

Tel. No(s):

Email Address:

Course Details (if applicable):

Details of your Complaint/Compliment (complaints that are made by a third party (e.g. parent, guardian, employer) will ordinarily only be considered if a signed statement is received from the student/ apprentice confirming their agreement for the complaint to be investigated and for all information to be shared with the complainant) (if you are making a complaint please describe briefly your cause for complaint i.e. what is the nature of your complaint, when did it take place and who was involved?) *(Please continue on reverse or a separate sheet)*

Signature

Date

Please return completed form to QUALITY of EDUCATION, York College, Sim Balk Lane, York YO232BB or qi-admin@yorkcollege.ac.uk, marked PRIVATE AND CONFIDENTIAL. A Complainant will normally receive an acknowledgment within 3 working days.