

Title	Author	Approved By and Date		Review Date
Selby College Complaints Procedure	Rob Tansey	Latest Update- SMT	7 Dec 2015	Nov 2018
Impact Assessment				Nov 2015

To be reviewed 3 years

COMPLAINTS PROCEDURE

1.0 Background

This procedure sets out expectations for complaints handling. The Dearing Report (1977) recognised that there will inevitably be occasions when students and others will complain and that it is essential for good governance that complaints are dealt with fairly, transparently and in a timely way by the College.

This complaints procedure is based on the principles of:

- Fairness
- Transparency

It sets out to ensure that:

- Complaints are dealt with as quickly as possible;
- Processes, decisions and the reasons behind decisions are clear;
- Students and their representatives (complainants) are supported through the process;
- All parties act reasonably and fairly towards each other and treat the process with respect.

2.0 Scope

This Complaints Procedure is designed to ensure Selby College's complaint handling processes and practices are accessible, clear and fair to all parties.

The Procedure covers Further Education students including part-time and full-time learners and Apprentices. Where complaints are received from Higher Education/ Undergraduate Students there is reference to the specific process for these complaints but please see also the Academic Appeals Procedure for Higher Education which also complies with the following Consumer Protection legislation:

- Consumer Protection from Unfair Trading Regulations (2008)
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations (2013)
- Unfair Terms Legislation (at the date this Procedure was produced, the relevant legislation was the Unfair Terms in Consumer Contracts Regulations (1999))

3.0 What is a Complaint?

i. For the purpose of this procedure, and in line with the QAA code, a complaint may be defined as:

- The expression of concern about matters that affect the quality of a students' learning opportunities
- Failure by the College or a College partner organisation to meet obligations including those outlined in course/student handbooks or the Student Charter
- Misleading or incorrect information in prospectuses or promotional material and other information provided by the College
- Concerns about the delivery of a programme, teaching or administration including, where applicable, that provided by a partner organisation
- Poor quality of facilities, learning resources or services provided directly by the College.
- Staff behaviour
- Student behaviour
- Reductions/ changes to services
- Complaints involving other organisations/ third party or contractors providing a service on behalf of the College

ii. Non-Complaint Issues:

- A concern about a decision made by an Academic Body regarding student progression, academic assessment and awards
- Dissatisfaction about the outcome of the College's student/staff disciplinary process
- A concern about a staff member or student which falls within the College's Bullying or Harassment Policy
- A concern about a decision made under any specific regulations such as fitness to practice or disciplinary processes.

iii. What is an Academic Appeal (Higher Education Courses only)

For the purpose of this Procedure and in line with the UK Quality Code, an academic appeal is defined as:

“A request for a review of a decision of an Academic Body charged with making decisions on student progress, assessment and awards.”

An academic appeal relates to the outcome of an assessment or examination, or a students’ progression. For further details of Higher Education complaints handling/ Appeals, please see the separate Academic Appeals Procedure for Higher Education.

iv. Complaint or Academic Appeal – Deciding which Process to Use

Students studying a Higher Education Course who have a complaint that doesn’t fall neatly into the category of either a complaint or academic appeal should seek advice from their Tutor or a member of the College’s Higher Education Team.

Alternatively, the College might decide to consider the matters raised together. For example, where a complaint covers issues that fall within the remit of other procedures, such as the Higher Education Academic Appeals Procedure, or where the complaint covers issues of service delivery as well as the conduct of an individual member of staff, investigations can be conducted collaboratively by the respective college departments/Managers where possible. In such circumstances, all parties including the complainant should be clear where responsibility for the overall conduct of the matter lies and who will issue the final decision response.

The member of staff conducting the overall conduct of the matter will inform the complainant of the implications, if any, of following the two aspects at the same time, particularly where one procedure may be suspended pending the completion of another.

v. Complaints needing Early Resolution

Special attention needs to be given to identifying complaints that may require particularly swift action. These might include (but are not limited to):

- Complaints involving a threat of serious harm
- Cases where the impact of issues raised has detrimental consequences for the complainant students’ mental health or where the student displays significant distress
- Complaints relating to disability support
- Issues of serious and repeated service failure and/or significant delay
- Issues of a highly sensitive nature.

4.0 Who can make a Complaint?

i. The Complaints Procedure may be used by anyone who is or was a Selby College student. The term 'student' includes those on full-time, part-time and Apprenticeship courses or in the case of Higher Education students/ Full Cost fee paying students, registered students at a University partner or registered for that University's awards. However, students who have recently left a programme can only raise issues of complaint within 12 weeks of the end of their studies. Any complaint raised after this period of time will only be investigated at the discretion of the College. Please see point 6.5 of this Procedure.

ii. Other complainants other than the Student

Sometimes a student may be unable or reluctant to make a complaint on their own. The College will accept complaints brought by third parties, for example a parent, legal guardian or other individual or organisation acting on behalf of the learner, so long as in the complaint they state their relationship to that learner. Complaints can also be received from employer sponsors or members of the public.

iii. Group Complaints

Where the issues raised affects a number of students, these students can submit a complaint or academic appeal as a 'group complaint' or 'group appeal.' In such circumstances, in order to manage the progression of the complaint or academic appeal, the College can ask the group to nominate one student to act as a group representative/ spokesperson.

iv. Anonymous Complaints

Complaints received anonymously will not be accepted by Selby College as it would impede the investigation and communication of the outcome.

5.0 Complaints Involving Staff, Other Organisations or Subcontractors Who Provide a Service on behalf of the College

If a student wishes to complain about the staff or service provided by another partner organisation acting on behalf of the College, the student should normally address their complaint to the Director of Marketing and Learner Services at Selby College.

If the student is on a Higher Education Course and feels unhappy about complaining to the College they can complain directly to the University (see below for details) about the service provided by the College. For example, if a change of course delivery has impacted on the students learning experience.

For complaints regarding college delivery of The University of Hull and Huddersfield University Courses delivered by Selby College, please contact (YVONNE TO ADD).

i. Complaints about Staff/ Students Union

When serious complaints are raised against staff it is particularly important that the investigation is conducted by a Director of the College.

ii. Complaints about the Students' Union

The College Complaints Procedure can be used for complaints about the Students' Union. These complaints can be managed through the Students' Unions Complaints Procedure, at the conclusion of which there is provision for the appointment of an independent person to investigate and report on the complaint. In such circumstances the College will appoint a manager independent of the Students' Union to investigate and respond on such matters.

iii. Partner Organisations

Where the College sub-contracts provision to one or more partners to provide learning opportunities, it would normally be the case the College would 'manage' the complaint, seeking a response from the partner as part of their own investigation into the complaint, as such the College's dealings with the complaint would follow the three stages of complaint outlined in this procedure.

Where the partner is a University or other Higher Education provider and the complaint has been sent to that organisation rather than direct to the College, the College would undertake its own investigation into any matters raised and report findings according to the timescales agreed with that partner. In such cases the Higher Education partner will be responsible for considering the complaint and the information provided by the College before reporting their conclusions/ findings direct to the complainant.

Students studying with a partner institution which is not the degree awarding body have the ultimate right to appeal to that awarding body. Whether students can complain to the degree-awarding body about their experience at the College or other partner organisation will depend on the nature of the complaint and whether or not the partner organisation is a member of the Office of the Independent Adjudicator (OIA) scheme. Anyone wishing to make a complaint should seek advice either from the Higher Education Manager at the College or the University before proceeding.

Under such circumstances where a student makes a formal complaint or academic appeal it would be expected for the College, partner or Higher Education provider to complete the entire process within 90 calendar days where possible.

Where a programme is subject to external assessment, for example by a Professional, statutory or regulatory body (PRSB), the College or University partner will confirm which body will deal with the specific issues.

iv. Evening Classes/ Classes run from the 1811 Building

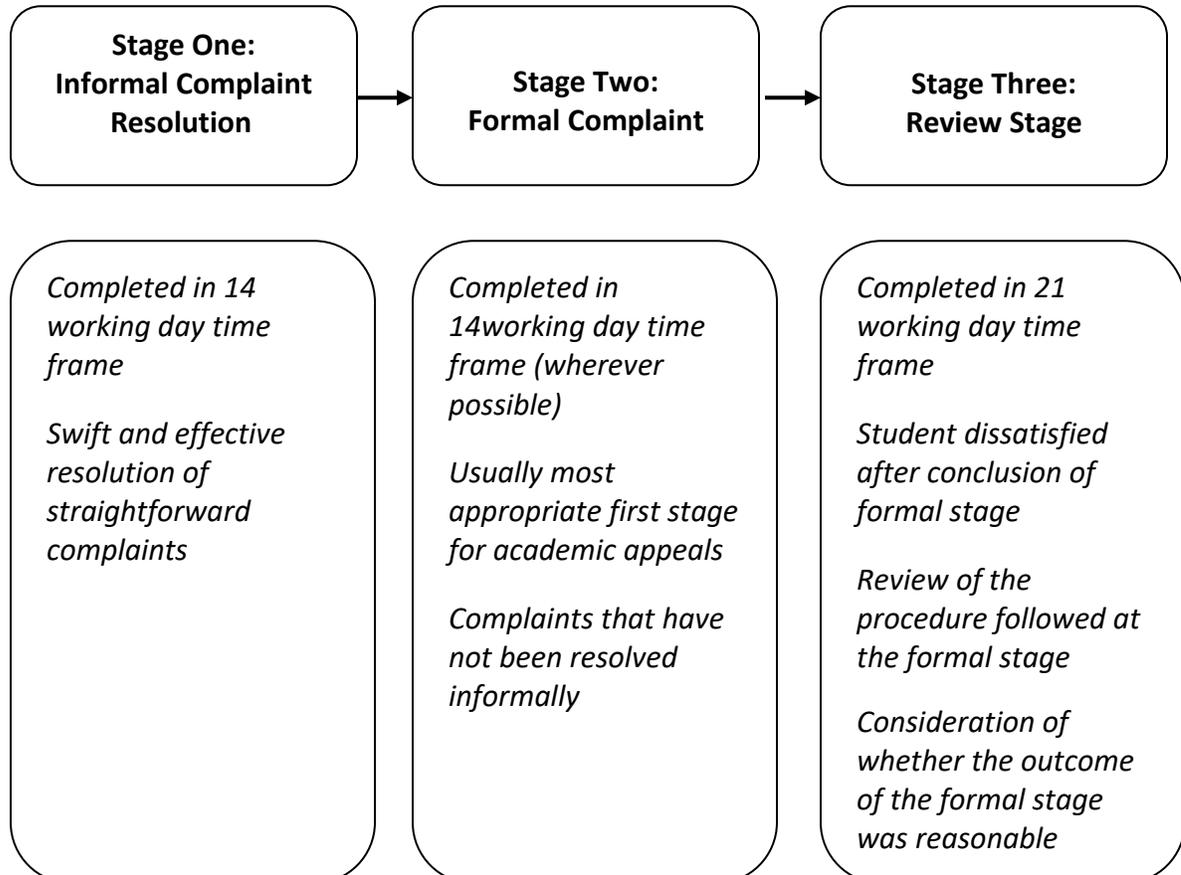
If the complainant experiences a problem whilst attending an evening class, they should ask the Receptionist to contact the Evening Duty Manager who will listen to the concerns and try to solve the problem. If the problem cannot be resolved immediately the Evening Duty Manager will make arrangements for the complainant to speak with the person with responsibility for that area of the College as quickly as possible. The complainant will be asked to provide a day/evening telephone number, where the College can speak to them about the problem.

If the complainant is a student at the 1811 Adult Learning Centre they should speak to the Centre Manager in the first instance, or their tutor.

Reception and Student Services Staff are there to assist anyone wishing to make a complaint in any way they can in ensuring that their problem is dealt with as quickly as possible.

An informal record will be kept of any concerns raised as the College’s Management Team constantly look at ways to improve the service the College provides to customers.

6.0 The Complaints Process



6.1 Stage 1 (Informal Complaint Resolution)

If a complainant has a problem, they need to talk to the staff member most immediately concerned, picking a good time when the staff member is able to discuss the matter, or by making an appointment, so the staff member can give the problem their full attention.

The purpose of informal resolution is to attempt to resolve as quickly as possible concerns which are straight forward and require little or no investigation. Concerns raised at this stage can be handled by a face-to-face discussion between the complainant and the staff member.

We would advise anyone wishing to complaint to do this as soon as possible after they have experienced a problem, as a delay may hinder attempts to respond and resolve the matter quickly.

i. Facilitating a Swift Resolution

If responsibility for the issue raised lies in the staff member's area of work, every attempt should be made to resolve the concern at source in consultation with the complainant.

ii. Early Resolution Stage

Usually voluntary processes, Mediation and Conciliation can be used, where an independent third party helps parties in a dispute to resolve issues confidentially. Using mediation or conciliation during an early resolution stage can help parties to understand what is driving the concern and may be more likely to result in a swift and mutually satisfactory conclusion being reached.

iii. Responsibility

If responsibility lies elsewhere, the staff members dealing initially with the complaint should liaise with the relevant manager/area/department to facilitate a swift resolution, rather than simply passing the complainant on to another office/ department.

Where this is not possible and the complainant is directed to liaise with another college area/ department themselves, the staff member should give them a name of the person they need to speak to or alternatively make an appointment with the staff member concerned for the complainant to meet them at the earliest opportunity.

a. On Academic Matters

A complainant should ask their Course or Guidance and Support Tutor for advice on who they should speak to e.g. approaching the

College Examinations Officer about any problems relating to examinations, or if the problem is about a course, the complainant should approach their Course Tutor, the Subject Area Manager (SAM) of that course area or their Guidance and Support Tutor (GST.)

b. Other Matters

The complainant should speak to the manager or person in charge of that service. Anyone wishing to make a complaint can obtain the name of the person either from the Main Reception or Student Services in the Jubilee Building. Student Services' staff will assist in arranging for them to speak to that person.

iv. Routine Student Concerns

When dealing with routine student concerns, the College should consider:

- Providing more information
- Providing explanations
- Suggesting solutions
- Being emphatic and understanding when there is no apparent solution
- Giving an apology where it seems appropriate to do so
- Introducing student and staff conciliators.

v. Questions to consider in attempting early dispute resolution of concerns should include:

- What specifically is the concern about? And which area(s)/ department(s) of the College is/are involved?
- What outcome is the student hoping for and can this realistically be achieved?
- Is the concern straight forward and likely to be resolved with little or no investigation?
- Can it be resolved on the spot by providing, where appropriate, an explanation, an alternative solution or an apology?
- Can someone else assist in seeking a resolution, for example where an informal administrative resolution is required?
- Is there merit in using confidential mediation or conciliation with the agreement of the student and staff member involved?
- What assistance or support can be provided to the student in taking this forward?

vi. Ensuring both Parties air their Views

Whenever a resolution mechanism is used, both parties should be given the

opportunity to air their concerns and feel they have been listened to.

vii. **On-The-Spot Explanations**

Resolution might be achieved by providing an on-the-spot explanation of only the issue occurred and/or (where appropriate) an apology and an explanation of what will be done to stop a similar situation from occurring in future.

viii. **Apologies without Legal Obligations**

An apology in such circumstances creates no legal liability and is given without prejudice (if applicable.)

6.3 Stage 2 (Formal Complaint)

- i. If a complainant is not happy after following Stage 1, they might prefer a more formal approach. This should normally be done either by letter, telephone, email or by completing a green Complaints Form (kept at the Main Reception or from Student Services in the Jubilee Building.) Please address any correspondence to the Director of Marketing and Learner Services, Selby College, Abbot's Road, Selby, YO8 8AT. if they would prefer to telephone the Director, please call them on 01757 211067 or email tanseyr@selby.ac.uk. To speak to the Director in person, please call Tel 01757 211153 and an appointment will be made as quickly as possible.

This enables the college to respond to all of the points raised and allows a full, objective and proportionate response that represents the organisations clear position. An investigation will gather evidence but it is expected if the complainant is making a formal complaint that they will provide any evidence. This might include emails, statements from witnesses and their contact details etc.

In all cases a formal complaint will be recorded and acknowledged in writing, where possible, within 3 working days. The acknowledgement will give the complainant the name of a contact person who will co-ordinate the handling of the complaint.

Please note: The Director of Marketing and Learner Services will not be able to comment on the nature of the complaint as their role is to co-ordinate the investigation and follow up the response to ensure the College responds within the agreed timescales where possible.

Every effort will be made to ensure that the complainant receives a written response to their complaint as quickly as possible and certainly within 14 working days of its receipt. If the matter is serious or complicated or reported during a holiday period, this may not be possible but in any event the College will make every effort to keep the complainant informed of the situation.

The Director of Marketing and Learner Services may refer their report to another senior member of staff for recommendations to be agreed, or to either the Vice Principal or Principal if required.

ii. **Receipt of a Formal Complaint**

The formal complaint process is triggered when:

- The complainant declines to engage with early resolution and initiates the formal process in line with the College's procedures
- Early resolution was attempted, but the complainant remains dissatisfied and initiates the formal process in line with college procedures.
- The issues raised are complex and will require detailed investigation, for example, where a complaint relates to the conduct of staff members or covers a number of different incidents

Key questions for the College to consider are, particularly in the case of a Higher Education student:

- If the issue relates to Higher Education provision, is this a complaint or an academic appeal? (if there is doubt please refer to the Academic Appeals Procedure)
- Was early resolution attempted? If not, can the matter be referred back to that stage?
- Has the complainant set out clearly what the complaint is about and which area(s) of the College is/are involved?
- Has the complainant provided evidence in support of the complaint?
- What outcome is the complainant hoping for and can it be achieved?
- Is the complaint suitable for mediation or conciliation?
- What assistance or support can be provided to the complainant in taking this forward?

iii. **When and Early Resolution Is Not Possible**

Where it is clear an early resolution is not appropriate or possible, and that a concern will need to be processed immediately to the formal stage, the complainant should be directed promptly to the relevant procedure. The complainant should be advised to complete the appropriate form or to provide full details and any evidence relevant to their complaint.

The complainant should be advised of the length of time the response will take.

At the conclusion of an attempt at early resolution, and where proportionate, the complainant will be advised in writing of the outcome.

iv. **Making a Complaint or Academic Appeal (Higher Education Students only)**

The College requires students or their representative to submit a complaint or in the case of Higher Education Provision, an academic appeal by email to tanseyr@selby.ac.uk or by letter (addressed to the Director of Marketing and Learner Services, c/o Selby College, Abbot's Road, Selby, YO8 8AT) or using the complaints form issued by Student Services.

Students or their representatives must set out their concerns clearly and sufficiently and provide evidence to substantiate the issues raised where possible. A subsequent investigation undertaken by the College or partner organisation will gather information, but it is expected anyone wishing to make a complaint provides all available evidence relevant to the complaint or academic appeal. This might include emails, marked papers, a witness statement or medical evidence, reports by professionals or financial information.

Students or their representatives making a complaint or academic appeal or elements within it, for example, a statement from a witness or medical or financial evidence will normally be dealt with confidentially and as sensitively as possible. However, staff involved in the complaint investigation or academic appeal may be asked to provide, comment or respond to any statements made.

The College will ensure that where a witness provides a statement that corroborates a complainant's view of an issue that occurred involving a member of staff either at college or a partner organisation and wishes to remain anonymous, such information will be removed from the statement when it is shown to the member of staff.

v. **What the College Will Do When It Receives a Complaint for Investigation**

On receipt of a formal complaint the Director of Marketing and Learner Services needs to undertake an initial evaluation to check the complaint is submitted under the right procedures, is within any deadline and in the required format. This might result in:

- The student being referred to the Academic Appeals

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- The complaint being rejected (if sent anonymously or submitted late for example)
- The complaint proceeding to formal consideration
- Referral to conciliation or mediation.

If the complaint is accepted it will be logged into the complaints record and a letter of response sent with 3 working days of receipt, acknowledging the complaint and confirming it is being investigated and a date of when the College will be able to respond.

The complaint will be allocated to a Senior Manager for investigation who has had no previous involvement in the matter. It is not normally appropriate to keep the name of the staff member investigating the complaint confidential.

Where additional information is required, the Senior Manager undertaking the investigation can arrange to meet the complainant.

The Senior Manager will consider the complaint and may talk to key staff or other students and consider documents and other evidence. The staff member will produce a report based on their investigations which outlines the process followed, the information gathered, the conclusions drawn and any recommendations.

The complainant should receive a response which includes reference to any material evidence identified in the investigation. The Senior Manager will also need to consider if the complaint is amenable to mediation or conciliation at this stage.

vi. **Complaint Hearings or Meetings**

If the complaint is to be considered by a panel, or a meeting is to be held to consider the complaint, the College will take all necessary steps to ensure the proceedings are conducted in a timely manner with adequate notice given to the complainant. This includes informing the complainant of any right to attend, how to access advice and support, any right to be accompanied.

6.4 Stage 3 Appeals Process

- i. If the complainant is not satisfied with the conclusion of the formal complaint, the complainant can write to the Principal, c/o Selby College, Abbot's Road, Selby, North Yorkshire, YO8 8AT, who will investigate, or appoint an appropriate Director, usually the Vice Principal to investigate the way in which the complaint was handled. The complainant's letter to the Principal will be acknowledged in writing within 3 working days and a written response sent to the complainant as quickly as possible, normally within 21 working days of receipt of the complainant's letter.

- ii. If the complainant moves the matter to Stage 3 and would prefer to telephone or meet the Vice Principal in person, please contact the Director of Governance Tel 01757 211042 and they will make the necessary arrangements for the complainant to meet or speak to the Vice Principal or their nominated appointee.
- iii. Any such Appeal request from the complainant should list:
 - The reason(s) for the Appeal
 - What outcome the complainant is seeking
 - Any material evidence that wasn't available/ considered when the matter was being investigated

The Vice Principal will normally be asked to review the investigation and response.

The Appeal will not consider the issues afresh or involve a further investigation. A complaint must have been considered at the formal stage before it can be escalated.

The Vice Principal will review the evidence, subsequent investigation, findings and response to consider:

- Were the relevant procedures followed during the formal stage
- What else could have been done to resolve the matter i.e. whether it was possible to provide the outcome required by the complainant
- Whether the outcome was reasonable in all circumstances
- Whether the complainant has provided a valid reason(s) for not supplying any new evidence earlier and does this have any bearing on the outcome and what subsequent and appropriate action needs to be taken by the College if this is felt to be the case

iv. **What the College Will Do When It Receives an Appeal Request**

The Vice Principal will respond in writing acknowledging the Appeal request within 3 working days of the request being received.

The letter will state exactly the scope of the review.

v. **Closing the Complaint at the Appeals Stage**

If the Complaint is not upheld, the outcome of the Appeal will be communicated to the complainant in writing as soon as possible within 21 days. This letter will include a clear explanation and outline of the reasons for the decision.

For Higher Education course complaints, the decision should also advise the complainant of their right to submit a complaint to the Office of the Independent Adjudicator (OIA), the Independent Ombudsman Service as a last resort. Please see the College Academic Appeals Procedure for Higher Education for further details.

6.5 Time Limits for Students Bringing Complaints

For students, issues dealt with under the Complaints Procedure should be raised as soon as problems arise to enable prompt investigation and swift resolution and within 12 weeks of a learner leaving that programme.

Where the timespan exceeds 12 weeks, the College can exercise its discretion where there is good reason supported by evidence for late submission of a complaint. The College is mindful of its obligations under the Equality Act when considering if there are exceptional reasons to accept a complaint outside the normal time limit or if a student requires a reasonable adjustment to the procedure being used.

6.6 Extension to Limits

Not all Stage 2 or Stage 3 complaints investigation will be able to meet a specific deadline outlined in this procedure.

Where, for example, there is insufficient time due to key staff being unavailable for interview during holiday periods, the Director of Marketing and Learner Services will reply to the complainant giving a date when the complaint should have been fully investigated and responded to.

7.0 Justified Complaint

Where a complaint is found to be justified the College will explain in the response giving an apology and the remedial action it intends to take. All complaints are logged centrally by the College and reviewed on an annual basis by the Senior Management Team and the College Governing body to confirm what corrective action was taken that will:

- Identify the root cause of complaints
- Allow actions to be taken to reduce the chance of problems reoccurring
- Allow details of corrective action to be recorded for ongoing review
- Allow formal reviews of complaints involving each department and the College as a whole to improve performance.

8.0 Higher Education

For details of the Complaints Procedure and Academic Appeals Procedure for Higher Education Courses please refer to the separate Academic Appeals Procedure for Higher Education.

9.0 Equality and Diversity Statement

Selby College welcomes and celebrates equality and diversity. We believe that everyone should be treated equally and fairly regardless of their age, disability, gender, gender identity, race, religion or belief, sexual orientation and socio-economic background. We seek to ensure that no member of the College community receives less favourable treatment on any of these grounds which cannot be shown to be justified.

This document is written with the above commitment, to ensure equality and diversity is at the centre of working life at Selby College.

10.0 Safeguarding Policy

Selby College recognises its moral and statutory responsibility to safeguard and promote the welfare of students. We work to provide a safe and welcoming environment where students are respected and valued. We are alert to the signs of abuse, neglect, radicalisation and extremism and follow our procedures to ensure our students receive effective support, protection and justice. Selby College expects Governors, staff and volunteers working on behalf of the college to share this commitment.

11.0 Fraud, Bribery & Corruption

Selby College follows good business practice and has robust controls in place to prevent fraud, corruption and bribery. Due consideration has been given to the Fraud Act 2006 and the Bribery Act 2010 in the development/review of this policy document and no specific risks were identified.

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