

# Complaints Policy & Procedure

<b>SLT Member responsible for policy</b>	Vice Principal Quality & Curriculum
<b>Date of policy</b>	September 2015
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<b>Date of review</b>	September 2017
<b>Date Equality &amp; Diversity Impact Assessment completed</b>	September 2015



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## 1. Introduction

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Hereward College is committed to providing a high quality experience for all its users, through its teaching and its range of professional support services. It encourages a positive environment in which informal contact and feedback from users is welcomed and where complaints can be dealt with effectively.

The Complaints Procedure outlines the processes to be used when a user has cause for concern.

## 2. Aims of the Policy

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- To provide a clear framework to help anyone who is not satisfied with the College services to raise their concerns and to ensure that the College responds effectively.
- To ensure that the College has systems in place to make improvements happen as a result of a complaint.
- To encourage prompt resolution at an early informal stage.
- To ensure that all complaints are dealt with equally, seriously, fairly and sensitively, with no resultant victimisation of a complainant.
- To define responsibilities and allocate duties to individual members of the College staff in relation to the procedures set out.

## 3. Scope

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This document should be used by anyone who wishes to formally complain about our services, including students, employers, schools, partners, parents/guardians of students, local residents and other users.

In cases where a student is over 18 years of age Hereward College will seek the student's permission to pursue the complaint when parents/guardians (or other third parties with a close connection) make a complaint about issues relating to the student, or complain on the student's behalf.

## 4. Related policies and procedures

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The College has a range of other policies and procedures which may be more appropriate to use, including:

- Safeguarding policy and procedure
- Behaviour management and disciplinary policy and procedure (students)
- Anti-bullying and harassment policy and procedure
- Staff disciplinary policy and procedure
- Staff disputes policy and procedure
- Staff grievance policy and procedure
- Whistleblowing policy and procedure
- Financial regulations
- Assessment appeals procedure
- Learner support fund and bursary procedures

Complainants may be redirected to a more appropriate procedure, if necessary.

## 5. Definitions

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A complaint is an expression of dissatisfaction by users or customers about an organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation. Requests for services or changes to services, comments and suggestions, focus group and questionnaire feedback and assessment, bursary, disciplinary appeals are not considered as complaints and therefore do not fall within this process.

## 6. Roles and Responsibilities

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- **The Executive Assistant & PA to the Principal** receives all formal complaints and is responsible for logging and monitoring complaints in accordance with the following procedures. Where appropriate, the Executive Assistant & PA to the Principal will identify an impartial member of the College Management Team to investigate the complaint. The Executive Assistant & PA to the Principal will respond to the complainant with the outcome of any investigation.
- **The Senior Administrator** will assist the Executive Assistant & PA to the Principal with the administration of the complaints process.
- **All College Staff** have a responsibility for receiving complaints, treating them seriously and dealing with them appropriately. Whenever possible, complaints should be dealt with informally and promptly. All informal complaints received by a member of staff must be forwarded to the Executive Assistant & PA to the Principal to be recorded. Formal complaints should be forwarded to the Executive Assistant & PA to the Principal for investigation/action.
- **College Managers** have a responsibility to take a lead role in resolving complaints, through investigation (when appropriate) and forwarding the outcome to the Executive Assistant & PA to the Principal. In some cases it may be more appropriate for the investigating officer to respond directly to the complainant and the Executive Assistant & PA to the Principal should then be copied into any correspondence.
- **The Senior Leadership Team** are responsible for resolving complaints that have reached the appeals stage.
- **The College's Corporation** will receive and monitor reports on all complaints received in line with the Corporation's annual business cycle and receive complaints, where appropriate.

## 7. Confidentiality

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All complaints will be handled sensitively and with discretion. Envelopes marked 'confidential' will be made available with the complaints forms for posting in the complaints box. If a complaint is made against a member of staff, that member of staff will be informed about the substance of the complaint so that they are in a position to make a response.

The College will not normally investigate complaints which are anonymous, or judged to be vexatious or malicious by a member of the Senior Leadership Team, usually the Vice Principal Quality & Curriculum. A member of the Senior Leadership Team will make a final decision in each of these cases.

Hereward College is committed to preserving the privacy of its users and to complying with the Data Protection Act 1998. To achieve this commitment, information about our users will be collected and used fairly, stored safely and not unlawfully disclosed to any other person.

## 8. Values and behaviours

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The College's values and behaviours are:

### ***Respect***

- We believe that we should treat each other with respect, consideration and fairness
- We will consider the opinions of others and treat each other fairly

### ***Honesty***

- We believe we should all be open and honest with each other
- Together we will create a safe and trusting environment where people feel able to share their ideas and opinions and be truthful

### ***Achievement***

- We believe that learners' progression is the most important goal for the College to achieve
- We will use clear shared learning goals and ensure we recognise and celebrate success

### ***Independence***

- We believe that the learners should be more independent at the end of their time at College
- We will actively encourage the development of skills which help learners to be more independent and make informed choices

### ***Excellence***

- We believe we should all be focused on continuously improving the quality of what we do to achieve excellent services
- We welcome and value new ideas that will improve the quality of what we do

All complaints should be made, and will be investigated, in the spirit of the College's values and behaviours. The College is committed to considering matters of proper concern in an appropriate matter. Complainants should ensure that their conduct during the progress of a complaint is reasonable and constructive, allowing the opportunity for resolution.

There will be no disciplinary or other adverse implications for anyone who makes a complaint, providing the complainant acts in good faith. If a complainant is found to have made a malicious or false complaint, this could lead to disciplinary action being taken, as would forcing another student into submitting a complaint against their will.

## 9. Procedure

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### Stage one - informal resolution

The majority of issues will, and should, be resolved informally. The complainant should raise their concerns with the member of staff who has direct responsibility for the matter in question, to try to achieve a satisfactory resolution (and not later than one month after the incident). If appropriate, a meeting will be offered between the complainant and a member of staff to arrive at an agreed resolution. If a raised concern is about a member of staff it should be referred to the relevant line manager. At this informal stage concerns may be raised in person, by phone or by email. If the complainant does not feel that their concerns have been addressed by the member of staff with direct responsibility, then they should make a formal complaint, **Stage 2**.

The details of all informal complaints, when satisfactorily resolved, should be forwarded to the Executive Assistant & PA to the Principal to be logged.

### Stage two - formal complaints procedure

Where complaints are very serious or the matter cannot be resolved informally, the complainant should raise a formal complaint under the following procedure. The College aims to resolve all formal complaints within 20 working days. In exceptional cases this may not be possible and the investigating manager will inform the complainant of the reason for the delay, giving a fixed timescale for the anticipated date of resolution. Complaints made more than three months after the incident will not normally be investigated.

If a complainant initiates legal proceedings or makes a referral to an external party, any internal complaint or appeal investigation will be halted until the external proceedings or investigation have finished.

### Student complaints

If more than one person wishes to submit a complaint about the same issue (group complaint) the group must nominate one member of the group to whom the College should respond and who will inform the rest of the group of the outcome. The nominated person should enclose a list of names and signatures of all students who are party to the submission of the complaint. Groups of students may also raise concerns, or express their views, through the Student Union Executive, the Student Executive Team, Course Representatives or via student surveys.

### Complaints made directly to a member of the College's Corporation

All complaints (unless made against senior postholders) will follow the process previously outlined, including cases where a general complaint is sent directly to a member of the Corporation instead of the College. Although it is not expected that complaints will be made directly to a member of the Corporation, should a board member receive a complaint against the College it must be submitted to the Clerk to the Corporation. The complaint will then be sent directly to the Executive Assistant & PA to the Principal who will process the complaint and arrange for it to be investigated. The Executive Assistant & PA to the Principal will keep the Clerk to the Corporation informed of the progress and outcome of the complaint.

In instances where the complaint refers to members of the Senior Leadership Team, or Clerk, the complaint will be referred to the Vice Chair, who will arrange for the complaint to be investigated. The complaint will be dealt with by the Vice Chair/other Governors, in line with the procedures set out, as appropriate.

## Complaints form

The complainant should fill out a Complaints Form (Appendices 1 and 2), or write a formal complaints letter addressed to the Executive Assistant & PA to the Principal, having read the Complaints Policy and Procedure. Letters and forms can be placed in the complaints post box, located in Reception (confidential envelopes will be provided), or passed directly to the Executive Assistant & PA to the Principal. Complaints may also be posted to Executive Assistant & PA to the Principal, FREEPOST, CV 2734, Coventry, CV4 9BR or they can be emailed to [kerry.elkins@hereward.ac.uk](mailto:kerry.elkins@hereward.ac.uk).

## Acknowledgment

The Executive Assistant & PA to the Principal, or Senior Administrator, will send an acknowledgment (normally within 5 working days), stating who will be investigating the complaint and that a response will be provided within 20 working days.

## Logging the complaint

The Executive Assistant & PA to the Principal and Senior Administrator will keep a log of all complaints and record progress and outcomes.

## Investigation of the complaint

The Executive Assistant & PA to the Principal will forward the complaint (with an Investigation Form Appendix 3) to a member of the College Management Team. During this stage the complainant may be contacted for further information or to be invited to meet with the investigating manager. The complainant may be accompanied by a mutually agreed representative, subject to prior notification. An accompanying person cannot take active part in the proceedings but can offer support to the complainant.

## Resolution

The investigating manager will consider the complaint thoroughly and will return the completed investigation form to the Executive Assistant & PA to the Principal. The investigating manager will write a response to be included in the outcome letter and give this to the Executive Assistant & PA to the Principal.

The investigation manager will make a judgement based on evidence gathered and will decide to:

- Dismiss the complaint as unfounded, giving reasons.
- Uphold or partially uphold the complaint, propose an amicable settlement, take appropriate steps to address the issue, where appropriate, and to avoid a similar problem arising in future.

The investigation outcome will normally be communicated to the complainant by the Executive Assistant & PA to the Principal, with a copy passed on to the investigating manager. In exceptional cases it may be more appropriate for the investigating officer to respond directly to the complainant and the Executive Assistant & PA to the Principal should then be copied into any correspondence.

## Quality improvement

The Vice Principal who line manages the investigating manager will ensure that relevant action, as necessary, is taken to change procedures or implement staff training to prevent recurrence of the complaint.

## Monitoring the complaint

The Executive Assistant & PA to the Principal will monitor all logged complaints to ensure the correct procedures are being followed.

## Evaluation

A record of complaints, appeals and outcomes will be recorded on a complaints database. This will be monitored as part of the College's quality improvement procedures and the Governing Body will receive reports in line with the Corporation's business cycle. Any complaints of particular note or importance will be brought to the Corporation's attention as deemed appropriate by the SLT. The Complaints Form will contain a diversity monitoring section to ensure that unfair discrimination does not take place. This information will be requested solely to monitor and analyse data surrounding complaints and identify any trends which may emerge.

## Appeals

If the complainant is dissatisfied with the response they receive as an outcome of the investigation, they may appeal to the Vice Principal Quality & Curriculum within 20 working days of the date on the response letter. Should it be inappropriate for the Vice Principal Quality & Curriculum to hear the appeal (for example due to direct involvement in the matter under investigation) another member of the Senior Leadership Team may lead the appeal process. Receipt of the appeal will be acknowledged within 5 working days by the member of the Senior Leadership Team investigating the matter.

The appeal should be made in writing stating the grounds for the appeal and any action they are seeking.

Appeals against the outcome of a complaint may be made on the following grounds:

- There is evidence that procedure was not followed (the evidence should be provided)
- There is new evidence which has come to light
- There is evidence that the College has demonstrated bias or prejudice in the process of the investigation, or there is evidence of inaccuracies in the investigation

Appeals may only be made on the grounds set above and may not be submitted to simply dispute the decision arising from the investigation into the complaint.

A member of the Senior Leadership Team will review the paperwork from the investigation into the complaint and decide to:

- Uphold the original decision/dismiss the complaint as unfounded.
- Uphold, or partially uphold, the complaint; recommend appropriate steps are taken, where necessary, to address the issue and to avoid a similar problem arising in future.

The member of the Senior Leadership Team will write to the complainant, normally within 20 working days of receipt of the appeal, detailing the outcome.

Should the member of the Senior Leadership Team judge it appropriate to hold an appeal hearing, this will normally be held within 10 working days of receipt of the appeal. The complainant may be accompanied by a mutually agreed representative, subject to prior notification. An accompanying person cannot take an active part in the proceedings but can offer support to the complainant. A written notification of the result of the appeal will normally be sent within 10 working days after the appeal hearing.

The decision of the investigating member of the Senior Leadership Team is final.

## Closure of complaints

The College will deem a complaint to be closed if an appeal is not received within 20 working days from the date the investigation outcome is communicated to the complainant. Closure will not normally be reversed.

## 10. Vexatious Complaints

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Any complaints deemed to be vexatious will be referred to a member of the Senior Leadership Team who will make a decision whether an investigation into the matter should proceed. A complaint may be deemed to be vexatious when it:

- clearly does not have purpose or value;
- is designed to cause disruption or annoyance;
- has the effect of harassing a member of staff or a student;
- the complainant has insufficient or no grounds for their complaint;
- the complainant refuses to co-operate with the complaints investigation process;
- the complainant refuses to accept that certain issues are not within the remit of the complaints procedure;
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure;
- the complainant makes an unreasonable number of contacts with the College by any means in relation to a specific complaint or complaints;
- the complainant makes persistent and unreasonable demands or expectations of staff and/or the complaints procedure;
- the complainant harasses, verbally abuses or seeks to intimidate staff dealing with their complaint (the College reserves the right to take legal action);
- the complainant refuses to accept the outcome of the College's complaints procedure after its conclusion.

A complaint will not be deemed vexatious simply because it is complex or causes inconvenience or expense. Decisions to deem a complaint vexatious will be given in writing by the Vice Principal Quality & Curriculum, together with reasons for the decision and the evidence considered when reaching the decision.

Any complainant deemed to be persistent, vexatious or malicious shall be notified of the College's decision in writing by the Vice Principal Quality and Curriculum and advised of any restrictions placed on their future contact with College staff and of their right of appeal against this decision.

## 11. Summary of timescales for formal complaints and appeals

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	<b>Timescale</b>
<b>Complaints</b>	
Acknowledgement	within 5 working days from receipt of complaint
Response to complainant	within 20 working days from receipt of complaint
Amount of time to submit an appeal	within 20 working days from receipt of outcome letter
<b>Appeals (when no hearing is to take place)</b>	
Acknowledgement	within 5 working days from receipt of appeal
Response to complainant (if no hearing)	within 20 working days from receipt of appeal
<b>Appeals (when hearing is to take place)</b>	
Acknowledgement	within 5 working days from receipt of appeal
Hearing date, if appropriate	within 15 working days of receipt of appeal
Response to complainant	within 10 working days following hearing

In exceptional circumstances it may not be possible to adhere to these timescales. In these cases the member of staff responsible for leading the investigation will inform the complainant of the reason for the delay, giving a fixed timescale for the anticipated date of resolution.

Complaints made more than three months after the incident will not normally be investigated. Any complaints received outside of this timeframe will be considered at a meeting of the Vice Principals where the final decision whether or not to investigate the complaint will be made.

## Appendices

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### Appendix 1 – Complaints Form



## COMPLAINTS FORM

Hereward College is committed to providing a high quality experience for all its users, through its teaching and its range of professional support services. It encourages a positive environment in which informal contact and feedback from users is welcomed and where complaints can be dealt with effectively.

Name	
Address	
Post Code	
Email address	
Telephone number	
Date	

Please detail your complaint in the box below:

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All complaints will be acknowledged in writing within 5 working days.

This form can be placed in a sealed envelope addressed to Kerry Elkins, Executive Assistant & PA to the Principal and posted in the box in the Reception area, or emailed to [kerry.elkins@hereward.ac.uk](mailto:kerry.elkins@hereward.ac.uk) .

#### Freepost Address

Executive Assistant & PA to the Principal  
Hereward College  
FREEPOST  
CV 2734  
Coventry  
CV4 9BR

## Diversity Monitoring

The College aims to ensure that unfair discrimination does not take place when a user makes a complaint. In order to help the College monitor the effectiveness of this policy you are asked to provide the information requested below. This information is requested solely so that our procedures can be monitored and complaints data analysed. Hereward College is committed to preserving the privacy of its users and to complying with the Data Protection Act 1998. To achieve this commitment, information about our users will be collected and used fairly, stored safely and not unlawfully disclosed to any other person.

Date of Birth	
Gender (please tick)	Female <input type="checkbox"/>
	Male <input type="checkbox"/>
Do you have a disability or health condition? (please tick)	Yes <input type="checkbox"/>
	No <input type="checkbox"/>
Please describe your disability / health condition:	
Which of the following groups do you consider you belong to? Please tick one only	White <input type="checkbox"/>
	White Irish / European <input type="checkbox"/>
	Black <input type="checkbox"/>
	Black British <input type="checkbox"/>
	Asian / Asian British <input type="checkbox"/>
	Asian <input type="checkbox"/>
	Asian British <input type="checkbox"/>
	Mixed <input type="checkbox"/>
Other (please specify):	

**Thank you, your co-operation is greatly appreciated.**

## Appendix 2 - Complaints Form (Students)



### Student Complaint Form

Are you unhappy with something at College? If you think we're not doing something right we want to hear about it so that we can help put things right.

Full name	
What is your Pathway?	Foundation <input type="checkbox"/> Discovery <input type="checkbox"/> Explorer <input type="checkbox"/> Functional Skills <input type="checkbox"/>
Date	

Please detail your complaint in the box below:

If you are completing this form for someone else, then please sign and print your name below.

Name

Signature

All complaints will be acknowledged in writing within 5 working days.

This form can be placed in a sealed envelope addressed to Kerry Elkins, Executive Assistant & PA to the Principal and posted in the box in the Reception area, or emailed to [kerry.elkins@hereward.ac.uk](mailto:kerry.elkins@hereward.ac.uk).

#### Freepost Address

Executive Assistant & PA to the Principal  
Hereward College  
FREEPOST  
CV 2734  
Coventry  
CV4 9BR

### Appendix 3 – Complaints Investigation Summary Form

<b>Investigating Manager</b>	
<b>Department</b>	

<b>Section 1: Personal details</b>	
Name	Course (if applicable)
Address:	
Tel. No:	Email:

<b>Summary of complaint (background issues – attach original complaints form)</b>	
<b>Date complaint received:</b>	<b>Deadline for reply:</b>

<b>Investigation (time line and process)</b>	
<b>Date</b>	<b>Brief description</b>
<b>Findings</b>	

<b>Recommendations</b>

<b>Reply letter (sent by and date)</b>	
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<b>Investigating Manager (print &amp; sign)</b>	<b>Date</b>

## Initial Equality Impact Assessment Screening

Name of Policy	Complaints Policy & Procedure
Date of Assessment	September 2015
Author of Equality Impact Assessment	Kerry Elkins, Executive Assistant & PA to the Principal
<p><b>Aims and objectives of Policy/ Service:</b></p> <ul style="list-style-type: none"> <li>To provide a clear framework to help anyone who is not satisfied with the College services to raise their concerns and to ensure that the college responds effectively.</li> <li>To ensure that the College has systems in place to make improvements happen as a result of a complaint.</li> <li>To encourage prompt resolution at an early informal stage.</li> <li>To ensure that all complaints are dealt with equally, seriously, fairly and sensitively, with no resultant victimisation of a complainant.</li> <li>To define responsibilities and allocate duties to individual members of the College staff in relation to the procedures set out.</li> </ul>	

**Potential Impact On** (briefly state why):

<b>Race</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Disability Groups</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Sex</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Gender reassignment</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Age</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Sexual orientation</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Religious and belief</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>Marriage and civil Partnerships</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

**Pregnancy and maternity**

Yes

No

Are there any adverse/negative effects of this policy/service that could contribute to inequality?

Yes

No

Is there any impact of positive promotion of equality of opportunity?

Yes

No

If you have identified potential negative impacts of this policy/service on any of the groups identified then you should carry out a full equality impact assessment. Ref Full Impact Assessment Form.

If your policy/service is not in conflict with any aspect of your equality responsibilities, there is no need to conduct and Full Impact Assessment.

Full impact assessment to be completed

Yes

No