

Complaints and Compliments Policy



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Manager Responsible:	Assistant Principal Student Experience and Wellbeing
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Impact Assessment status	In preparing the Policy, any potential disproportionate impact it might have upon individuals with protected characteristics, as defined in the Equality Act 2010, have been carefully considered. It is the conclusion of the College Group that the Policy does not adversely impact on individuals with any of the protected characteristics.
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Originator	Assistant Principal Student Experience and Wellbeing
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Aim

Chesterfield College Group aims to provide the highest quality training, education, and services to all its stakeholders and welcomes feedback and suggestions to inform good practice and ensure continuous improvement.

The policy aims to ensure that:

1. A formal process exists to enable all stakeholders to raise concerns and complaints as well as provide positive feedback/compliments. The process aims to be simple, clear, and fair to all parties involved.
2. All stakeholders are aware of how to raise concerns/complaints and provide positive feedback/compliments.
3. The policy clearly sets out arrangements in place for the investigation and resolution of complaints, including timeframes.
4. Systems are in place to ensure that feedback is reviewed on a regular basis and changes to practices are made as appropriate.

Scope

This policy and associated operating procedures apply to Chesterfield College, which includes Learning Unlimited, and to our subsidiary companies; Training Services 2000 Ltd (LU Derby), Learning Unlimited ATA Ltd, Recruit Unlimited Ltd and Chesterfield College Enterprises Ltd.

Policy Statements - Definitions

Anonymous complaint – a complaint, written or oral, in which the identity of the complainant is not revealed.

Concern – the first instance of an issue being raised with the relevant area and/or member of staff. A concern must have been raised before a formal complaint is made.

Complaint – the formal notification of dissatisfaction with a service provided. This is the next step following a concern being raised without reaching a satisfactory resolution.

Compliment – positive feedback following an interaction.

Complainant – anyone who submits a concern and/or complaint.

Investigating Officer/Appeals Officer – member of staff appointed to undertake an investigation or appeal.

Stakeholder – anyone with a vested interest in the College, including students, apprentices, employers, parents/guardians, and the local community.

Vexatious complaint – a complaint pursued regardless of its merits solely to harass, annoy, or subdue somebody or something, that is unreasonable, without foundation, frivolous, repetitive, burdensome, or unwarranted.

Malicious complaint – a complaint may be deemed malicious when there is evidence of intention to do harm or mischief. Malice may be directed against individual members of staff or the institution.

Policy Statements - Principles

1. All complaints will be handled with sensitivity and confidentiality; complainants should expect to be treated fairly, amicably, and quickly. Nobody making a complaint under this policy will be disadvantaged. Should evidence be found to the contrary the matter will be fully investigated and, if necessary, disciplinary proceedings may be undertaken.
2. The College will make every effort to ensure that staff observe the confidential nature of a complaint. Complainants are also expected to respect confidentiality. On rare occasions the College may need to share information with third parties to protect the complainant or others from harm. The Investigating Officer/Appeals Officer will advise if details of the complaint are to be shared outside of the College.
3. Any person named in a complaint may be informed of the complaint and will have the right to reply to the Investigating Officer as part of any investigation. Information contained within the complaint will be shared with staff involved in the investigation and resolution of the complaint.
4. Where a complaint leads to disciplinary action against a member of staff, details of any disciplinary action and/or outcome will remain confidential.
5. The College will accept and respond to complaints raised by the registered next of kin where the student or apprentice is under 18. Where a complaint is made directly by a student or apprentice under the age of 18, the College may need to inform their next of kin.
6. Where a complaint is made by a parent/guardian/third party on behalf of a student or apprentice aged 18 or over, the College must receive permission in writing from the student/apprentice to undertake an investigation into the complaint and provide consent to share details of the outcome of the investigation with their parent/guardian/third party. Where a student/apprentice is over 18 and has an Education, Health, and Care Plan (EHCP) in place, the College may communicate with their next of kin without written permission from the student/apprentice.
7. Where the same complaint is raised by multiple individuals at a similar time this will be treated as a single complaint. If a group of students/apprentices submit a complaint it may be appropriate to appoint one student/apprentice to act as a representative to liaise with the College.
8. The College will not tolerate aggressive behaviour, bad language, or racist, sexist, or discriminatory comments towards employees. Should such circumstances occur, the College may:
 - Prematurely conclude progressing the complaint. Where this is the case, the complainant will have the opportunity to appeal against the decision by following the appeals process set out within this policy, however previous aggressive or abusive responses may be taken into consideration and could affect the outcome.
 - Terminate an abusive telephone call or meeting.

- Require the complainant to have contact with a specified member of staff only.
 - Decline to accept telephone calls but maintain at least one other form of contact.
9. The College reserve the right not to investigate complaints considered to be malicious or vexatious. If this is deemed to be the case the complainant will be informed in writing. Making vexatious or malicious complaints could result in disciplinary action.
 10. The College will not investigate anonymous complaints.
 11. Complaints concerning assessment and accreditation will not be dealt with via this policy, but through appeals procedures established with Awarding/Validation Bodies.
 12. Any complaints made in relation to the College's Higher Education provision will be subject to the appropriate procedures set out by the Office of the Independent Adjudicator (OIA) and informed by the Quality Assurance Agency's Quality Code.
 13. All concerns and complaints must be raised within two months of the incident. Concerns and complaints made outside of this timeframe will only be considered in exceptional circumstances.
 14. The College reserves the right to extend timeframes where appropriate, e.g., where the complaint is of a serious nature and will require further investigation, or the deadline for a response is within a holiday period. All complainants will be notified at the earliest opportunity of any extension to timeframes.
 15. All compliments are logged by individual areas within the College. No formal response is required unless permission is needed for marketing purposes to adhere to data protection regulations.

Policy Statements - Responsibilities

The **Feedback Team** is responsible for:

- Logging and acknowledging receipt of formal complaints and monitoring timeframes.
- Liaising with the Assistant Principal Student Experience and Wellbeing to assign the most appropriate Investigating Officer/Appeals Officer.
- Liaising with the complainant to confirm details of the Investigating Officer/Appeals Officer and advising response times.
- Supporting the Investigating Officer/Appeals Officer as required.
- Recording the outcome of formal complaints and providing support with the reporting of compliments and complaints to the Corporation Board.

The **Investigating Officer/Appeals Officer** is responsible for:

- Undertaking a thorough and balanced investigation into the complaint/appeal.
- Complying with timescales for completion of the investigation, responding to the complainant and keeping them informed should there need to be further time required to complete the investigation.
- Keeping the Feedback Team updated regarding all aspects of the investigation.

The **complainant** is expected to:

- Bring their complaint to the College's attention as soon as practicably possible.
- Explain the problem as clearly and fully as possible, including any action taken to date.
- Allow the College reasonable time to investigate the matter.
- Recognise that some circumstances are beyond the College's control.
- Advise of the desired outcome from raising a concern/complaint.

Procedures

Stage 1 – Early Resolution (Concerns)

Concerns should be raised informally as soon as practicably possible by either speaking to or emailing the member of staff most directly involved with the problem or issue which has arisen. This will usually, but not exclusively, be one of the following:

- Tutor.
- Curriculum Manager/Curriculum Lead/Vocational Lead.
- LEAP Mentor.
- Student and Apprentice Services.

If the complainant is not sure who to contact or does not feel able to approach the person most directly involved, advice on suitable alternative contacts can be provided by the Feedback Team.

When concerns are raised these should be dealt with immediately by the appropriate member of staff, or timeframes provided as to when a resolution can be expected.

Formal written responses are not necessarily required for concerns. However, where appropriate, staff should make recommendations for improvement within their own area which should be logged by the manager in charge of the area and shared as part of the College's Performance Management Review process. They should also update the Feedback Team with the resolution outcome.

If concerns are not satisfactorily resolved complainants may follow the College's formal complaints procedure. If the concern is of a serious nature this can be automatically escalated to the formal stage of the policy as a complaint.

Should a concern be of a serious nature, the College reserves the right to investigate the concern in line with stage 2 of the complaints process.

Stage 2 – Formal Complaint

To ensure consistency of approach in dealing with complaints, all formal complaints must be submitted in writing. This can be in the form of a letter, email, or complaints form (online or printed copy). Complaints should be addressed to the Feedback Team and submitted via the College's website, or hard copy sent to:

Feedback Team

Chesterfield College
Infirmary Road
Chesterfield
S41 7NG

Complainants can also contact the Feedback Team who will take a note of the complaint. Details will be put in writing and returned to the complainant within three working days for their approval. The College is unable to commence an investigation until approval is received that the details of the complaint are accurate. If no response is received within ten working days, the complaint will be closed, and the College will take no further action.

Formal complaints will be acknowledged by the Feedback Team within three working days of receipt and will be recorded on the College's complaints log. The Feedback Team will complete standard data protection checks in relation to consent to progress a complaint, as outlined in points 5 and 6 of the 'Policy Statements – Principles' section above. If these checks cannot be verified, the College reserves the right not to progress the complaint.

The acknowledgment will include details of the Investigating Officer (to be assigned by the Assistant Principal Student Experience and Wellbeing). If the complaint is against the Assistant Principal Student Experience and Wellbeing, then the Investigating Officer will be assigned by another member of the Senior Management Team.

If the complaint alleges improper behaviour by a member of staff, the Assistant Principal Student Experience and Wellbeing (Designated Safeguarding Lead) will consult with the Assistant Principal People and Culture to agree the most appropriate course of action, in line with other College policies.

Following the investigation, the Investigating Officer will provide a written response to the complainant, usually within ten working days of the date of acknowledgment of the complaint. Where further time is required due to the complexity of the investigation, or during periods of closure or annual leave, the Feedback Team will provide an update on when a response can be expected.

If the complaint relates to a member of staff the Investigating Officer may recommend, in consultation with the Assistant Principal People and Culture, that the complaint be investigated under the Staff Disciplinary Policy and Procedures.

Where a complaint is made directly to the Principal and Chief Executive Officer, this will be dealt with as outlined above.

All formal responses regarding the outcome of the investigation will be sent via email or recorded delivery.

Appeals

If the complainant remains dissatisfied with the formal response, they have the right to appeal and should submit this in writing to the Assistant Principal Student Experience and Wellbeing within fifteen days from the date of the response, outlining the reasons for the appeal. The purpose of the appeal is to consider if the correct procedure has been followed during the formal complaint stage and if the outcome was reasonable.

When a formal complaint is escalated to the appeals stage of the process, the Feedback Team will complete standard data protection checks in relation to consent to progress the appeal, as outlined in points 5 and 6 of the 'Policy Statements – Principles' section above. If these checks cannot be verified, the College reserves the right not to progress the appeal.

An appeal will only be considered if one or more of the following apply:

- There is new evidence for consideration which materially affects the outcome.
- Not all the evidence was considered during the original investigation.
- Other procedural irregularity in the process.

The Assistant Principal Student Experience and Wellbeing (or a suitable alternative) will review the appeal and assign the Appeals Officer, who will review all investigation records and any new information provided through the appeals process. If the original complaint was against the Assistant Principal Student Experience and Wellbeing, the appeal should be reviewed by the Principal and Chief Executive Officer.

The appeal review will seek to resolve the issues raised, following which a written response will be issued within ten working days of acknowledgement of the appeal, wherever possible. This will be the final stage of the College's complaints procedure.

External Appeals

If a complainant remains dissatisfied with the findings, they have the right to direct their complaint to the appropriate external body. For Further Education students and apprentices this is the Education and Skills Funding Agency (ESFA):

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

For Higher Education students on programmes awarded by a partner university or Pearson, the complainant has the right to direct the complaint to the relevant Awarding Body and/or the Office of the Independent Adjudicator. Further information and guidance can be provided by the Feedback Team upon request.

Compliments

There are a wide range of opportunities for submission of positive feedback and comments, including via student and employer voice mechanisms, student representative meetings, tutorials/progress reviews, and via social media.

Implementation

Appropriate training will be offered to all staff to ensure they recognise their individual responsibility in providing high levels of customer care and are fully aware of the policy and procedures to be followed as the need arises.

Communication Flow

The policy will be available to all stakeholders via the College website. The policy can be provided in alternative formats on request.

Monitoring

The Assistant Principal Student Experience and Wellbeing has overall responsibility for the implementation of the policy and procedures, supported by the Feedback Team.

Associated Information and Guidance

- Education and Skills Funding Agency procedure for dealing with complaints about providers of education and training: <https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa>
- Office of the Independent Adjudicator (OIA) Good Practice Framework: <http://www.oiahe.org.uk/providers-and-good-practice/good-practice-framework.aspx>
- OIA completion of procedures letter: <http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx>
- Consumer Rights Act: <http://www.legislation.gov.uk/ukpga/2015/15/contents/enacted>
- Quality Assurance Agency's Quality Code for Higher Education: <https://www.qaa.ac.uk/quality-code>
- Data Protection Act: <https://www.gov.uk/data-protection/the-data-protection-act>

Related Chesterfield College Group Policies and Documents

- Safeguarding Policy (GOV05)
- Anti-Bullying Policy (GOV07)
- Fitness to Study Guidance (GOV13)
- Data Protection Policy (INF03)
- Freedom of Information Policy (INF05)
- Equality, Diversity and Inclusion Policy (GOV03)
- Health and Safety Policy (GOV08)
- Whistleblowing Policy (GOV10)
- Student and Apprentice Disciplinary Policy (TLA03)
- Staff Disciplinary Policy (PHR20)

- Grievance Policy (PHR05)
- Capability Policy (PHR03)
- Staff Code of Conduct (PHR19)