



# Complaints Policy, Procedure and Guidelines

<b>Owning Strategy:</b> Learner Services Strategy	<b>Linked Strategies:</b> Employer Engagement and Business Development Strategy
<b>Relevant to:</b> All Derby College students and stakeholders.	

*Office Use only:*

Policy/ Procedure No.	Approval Board/Committee/Group:	Approval/Re- approval Date:	Implementation Date:	Next Review Date:
110	Executive Board <b>Executive Owner:</b> Deputy CEO Strategy & Corporate Services	July 2014	September 2015	28 September 2018

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# COMPLAINTS POLICY

## New Policy or Substantive Policy Review

Version	Date	Policy Development Agreed by (Executive Owner)	Policy Development Author	Draft Policy Verified by	Policy Approval	Impact Assessment (if applicable)
						✓ 1/7/13

<b>Rationale for new or substantive policy review</b>	
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*Please make explicit if change/review relates to procedures, guidelines and associated documents only*

## Periodic Policy Review / Change History

Version	Date of Review / Revision	Description of Change	Reviewed By	Approved By (Executive Owner)
V1	28.9.15	Review with minor changes	Helen Jefferson	
V1	12.4.16	Addition of HE	Sharon Colegate	Helen Jefferson
V1	7.10.16	Minor changes re Job title updates only	Helen Jefferson	Anita Straffon
V1	3.7.17	Changes to titles and responsibilities		

## 1. POLICY STATEMENT

The Complaints Policy is in place to ensure that students, parents, employers and other customers and stakeholders are aware of how to make a complaint.

## 2. DEFINITIONS

A complaint is defined as an oral or written expression of dissatisfaction about an aspect of a service or facility.

Students and Stakeholders are defined as; local and national partner agencies, parents, guardians and carers of College students, employers, members of the public who may access, receive or benefit from the services available at Derby College, all part time and full time students enrolled on a course at Derby College.

Complaints concerning assessment and accreditation are dealt with through appeals procedures set up with Awarding/Validating Bodies. Complaints from contractors will be dealt with as appropriate under the relevant contract terms.

## 3. PRINCIPLES

The procedure aims to be simple, clear and fair to all parties involved. Complaints will be handled sensitively. Any person named in a complaint will be informed of the substance of the complaint and will have the right to reply as part of the investigation. Information contained within the complaint will be made available only to those involved in its resolution.

Except in exceptional circumstances every attempt will be made to ensure that both the complainant and the College observe the confidential nature of issues. However, the circumstances giving rise to the complaint may be such that it might not be possible to maintain confidentiality and each complaint will be judged on its own merit. Should this be the case, the situation will be explained to the complainant and/or their representative.

In the case of students raising a complaint who is aged below 18 the College may be obliged to inform their parent/guardian.

Similarly, depending on the circumstances, where a complaint leads to disciplinary action against College staff, the College may need to keep some aspects of the disciplinary action and/or outcome confidential.

No student or stakeholder bringing a complaint under this procedure, whether successfully or otherwise will be treated less favourably than if the complaint had not been brought. If evidence to the contrary is found in this regard the member of staff may be subject to disciplinary proceedings under college policy.

## 4. SCOPE AND LIMITATIONS

This policy applies to all students and stakeholders and all aspects of College life. Complainants may prefer matters to be raised on their behalf by their chosen representative, for example a friend, parent, guardian – this will need to be confirmed in writing.

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## 5. RESPONSIBILITIES

The Deputy CEO Strategy and Corporate Services is responsible for overseeing the arrangements covered by this policy.

The Head of Ilkeston and Student Support services is responsible for the development and implementation of the policy.

Responsibility of the College;

- the College will acknowledge the formal complaint and aim to respond within the stated period of time
- deal reasonably and sensitively with the complaint
- take action where appropriate
- welcome issues being brought to its attention to enable it to improve its services

Responsibility of the Complainant;

The complainant will be expected to:

- bring their complaint to the College's attention normally within 12 weeks after the reason for the complaint occurred or where reasonable timescales exceed this period in accordance with the nature of the complaint.
- explain the problem as clearly and as fully as possible, including any action taken to-date
- allow the College reasonable time to deal with the matter
- recognise that some circumstances may be beyond the College's control

Responsibility for Action;

All staff, Senior Managers, Faculty Heads, Faculty Assistant Heads and Faculty Team Managers of the relevant academic area and Derby College Support and Business Development Managers are responsible for the delivery of the complaint procedures.

## 6. IMPLEMENTATION ARRANGEMENTS

All new members of staff are made aware of the policy and procedures during the formal staff induction process. Updated and amended procedures are disseminated and reinforced in training sessions and team meetings.

The policy is available on the Derby College website. This policy can be provided in alternative formats on request.

## 7. MONITORING AND REVIEW

The Complaint Policy is subject to regular review. The policy and the implementation arrangements which underpin it will be formally reviewed on an annual basis. This review will take into account the views of students and stakeholders. The College reserves the right to make whatever changes it deems appropriate.

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## 8. SUPPORTING/RELATED DOCUMENTS

- [Record of Complaint Form](#)
- Safeguarding Policy
- Learner assessment Policy
- Learner Academic Conduct Policy
- Learner Bullying and Harassment Policy
- Managing Learner Behaviour and Discipline Policy
- Business Development Policy (Employers)
- Subcontractor Policy
- [Complaints-Appeals Completion of Procedures Letter](#)
- [Admissions Policy Guidance Notes for HE and International Learners](#)

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## PROCEDURE

### Informal Stage

It is recognised that many concerns will be raised informally that can and should be dealt with immediately by the relevant personal. The aim is to resolve informal concerns quickly, keep matters low-key and enable mediation between the complainant and the individual to whom the matter has been referred. However, if concerns are not satisfactorily resolved in this way complainants may follow the College's Formal Procedures for handling complaints – as specified below.

### How to make a formal complaint

The formal procedures are intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

### Stage 1 - Making a complaint

Formal complaints should normally be submitted, in writing, (using the Record of Complaint form if possible) available on the following link [Record of Complaint Form.docx](#) . However, a letter or e-mail will also be accepted) addressed to the CEO Strategy and Corporate Services or their appointed representative.

The complaint will be acknowledged within 3 working days following the date the complaint is received by the Deputy CEO Strategy and Corporate Services.

The Deputy CEO Strategy and Corporate Services will direct the complaint to the most appropriate College Manager and an investigation will be carried out, with a meeting arranged to discuss the outcomes of the investigation if deemed appropriate. This will be followed by a written response to the complainant on completion of the investigation.

If the complaint involves a member of the College's staff, the College Manager conducting the informal investigation into the complaint may recommend (in conjunction with HR advice and guidance) that the complaint be investigated under the College's Staff Disciplinary Policy and Procedure. In this situation, the College Manager must refer the matter to the HR team who will arrange for a formal investigation to be undertaken in conjunction with the Staff Disciplinary Policy and Procedure. Only statements or information arising out of the formal disciplinary investigation will be considered for the purposes of that investigation and for the purposes of the disciplinary process. This requires that the formal investigation is conducted afresh and may, therefore, entail the same questions being asked of the same individuals involved in the initial informal investigation.

### Appeal

**Stage 2** - If the complainant is still dissatisfied with the response received, they have the right to appeal and therefore should write to the Deputy CEO Strategy and Corporate Services, outlining the reasons for appeal

- The Deputy CEO Strategy and Corporate Services or their appointed representative will then review the complaint, including any investigation to date. However, if the complaint is against the Deputy CEO Strategy and Corporate Services, the appeal should be sent to the Chief Executive Officer.

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- They may also carry out further investigations on the complainant's behalf. In any event, they will seek to resolve the issues involved and issue a written response within 10 working days of receipt of the appeal letter.

**Stage 3** - If you are still dissatisfied with the findings you have the right to direct your complaint to the Education and Skills Funding Agency (ESFA), or Office of the Independent Adjudicator (OIA). You can contact the ESFA and OIA as follows:

## **Education and Skills Funding Agency**

Complaints Team  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

## **Office of the Independent Adjudicator.**

For Higher Education students on programmes awarded by a partner university or by Pearson if you are still dissatisfied with the findings, you have the right to direct your complaint to the relevant awarding body and/or the Office of the Independent Adjudicator. Please see guidelines below.

## **Office of the Independent Adjudicator**

Second Floor  
Abbey Gate  
57-75 Kings Road  
Reading  
RG1 3AB

Full details regarding how to take a case to the Office of the Independent Adjudicator can be found at <http://oiahe.org.uk/making-a-complaint-to-the-oia/guidance-for-students.aspx>

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## GUIDELINES

### Anonymous Complaints

Complaints require investigation to enable resolution; where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons, therefore, normally no action will be taken in the event of complaints made anonymously.

### Malicious Complaints

The college may consider invoking further action in those cases where complaints are found to be malicious. A malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the complaints procedure or, for example, to attempt to defame the name or character of another person.

### Higher Education Complaints

In addition to the procedure outlined above and in compliance with guidance provided by the Office for the Independent Adjudicator, the following timescales will be observed for handling complaints made by prospective, current or recently left higher education students:

#### Stage 1 Making a Complaint:

The complaint will be acknowledged within 3 working days following the date the complaint is received by the Deputy CEO Strategy and Corporate Services.

Following the completion of the investigation, a written response will be made to the complainant usually within 10 College working days, dependent on the complexity or extent of the complaint.

#### Stage 2 Appeal

If the complainant is still dissatisfied with the response received, they have the right to appeal and therefore should write to the Deputy CEO Strategy and Corporate Services, outlining the reasons for appeal within 5 College working days.

For any complaints raised by a Higher Education student on a programme awarded by University of Derby (UoD), please be aware that this will need to comply with awarding body procedures and you may need to meet specific deadline for submission based on the date of the College response at Step 2. For clarification, please contact the University of Derby via its dedicated website and email address:

[www.derby.ac.uk/complaints](http://www.derby.ac.uk/complaints)  
[studentcomplaints@derby.ac.uk](mailto:studentcomplaints@derby.ac.uk)

For any complaints raised by a Higher Education student on a programme awarded by **Nottingham Trent University (NTU)**, when the 10 working days have lapsed after the completion of any formal stage, the College will deem the matter closed and will issue a Completion of Procedures letter to the complainant. However, if the student is unhappy with the outcome of the appeal AND believes that Derby College did not correctly follow/apply its own complaints or appeals process, the student has the right of appeal to NTU. NTU will investigate whether the College correctly and fairly applied its own processes. If, following this investigation the student is unhappy with the outcome of the appeal to the College

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and/or NTU, the student has the right to complain to the Office of the Independent Adjudicator about the College and/or NTU.

If the student believes that Derby College did not correctly follow/apply its own complaints or appeals process, it has the right of appeal to NTU. NTU will investigate whether Derby College has correctly and fairly applied its own processes. If the student is unhappy with the outcome of the appeal to NTU, the student has the right to complain to the Office of the Independent Adjudicator about NTU.

For any complaints raised by a Higher Education student on a programme awarded by **Pearson**, when the 10 working days have lapsed after the completion of any formal stage, the College will deem the matter closed and will issue a Completion of Procedures letter to the complainant. This will enable the complainant to take its case to the Office of the Independent Adjudicator.

For any complaints raised by a Higher Education student on a **Sheffield Hallam University** award, if at the completion of Stage 2, the complainant is dissatisfied with the final response; the student can contact Sheffield Hallam University (SHU). SHU will not conduct an investigation of the complaint but will instead ensure that the complaint has been considered in line with the complaint policy of the partner. If necessary, it will be referred back to the partner for further investigation. Otherwise SHU will issue a Completion of Procedures letter to enable the complainant to take its case to the Office of the Independent Adjudicator.

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