

# Complaints Policy

<b>Owner:</b> Assistant Principal; Quality, Teaching, Learning and Assessment	<b>Related Strategies:</b> Quality Improvement and Assurance
<b>Relevant to:</b> All Sheffield College students, student representatives, parents/carers and employers (as defined within the policy)	

*Office Use only:*

Corporate Intranet Family:	Approval Board/Committee/Group: Executive Leadership Team & TQLSE Executive Owner: Deputy Chief Executive	Approval/Re-approval Date:	Implementation Date:	Next Review Date:
		September 2018	September 2018	September 2019

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Originator: Student Experience	Family: Quality	Page <b>1</b> of <b>11</b>

**New Policy or Substantive Policy Review**

Version	Date	Policy Development Agreed by <i>(Executive Owner)</i>	Policy Development Author	Draft Policy Verified by	Policy Approval	Impact Assessment <i>(if applicable)</i>
1	August 2018	Deputy Chief Executive	Assistant Principal: Student Experience	Deputy Chief Executive	Executive	

<b>Rationale for new or substantive policy review</b>	The policy was reviewed and changed to reflect: - rules of the Office for Students and Consumer Marketing Authority (CMA) - good practice published by the OIA.
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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 <i>(Executive Owner)</i>

**Communication**

To be agreed by Executive Leadership Team

Announcement on hub /	SLT email	<input type="checkbox"/>
College newsletter <input type="checkbox"/>	All staff email	<input type="checkbox"/>
SLT meeting <input type="checkbox"/>	Cascade brief	<input type="checkbox"/>
External website /	Training needed (specify who)	<input type="checkbox"/>

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## **1. POLICY STATEMENT**

The Sheffield College is committed to providing high quality education in a supportive setting. We want to know about concerns and resolve them quickly.

This Policy aims to ensure that students, parents, carers, employers and other stakeholders know how to make a complaint and that it will be dealt with fairly.

## **2. DEFINITIONS**

The words 'you' and 'your' refer to the person making the complaint.

A complaint is a report to us that you are not satisfied with the College's services.

Students and stakeholders include

- local and national partner agencies,
- parents, guardians and carers of College students,
- employers,
- members of the public who use the College's services, and
- part time and full time College students. This includes students on a temporary break in study and those who have left the College within the last three months.

An appointed representative is an individual who is authorised by a student to act on their behalf in making a complaint. An appointed representative may be from the College Students' Union or a friend but you may not employ someone from the legal profession to represent you at College meetings.

Employers or Partner Organisations are organisations that have a contract to work with the College to provide education or other services.

ESFA is the Education and Skills Funding Agency. The ESFA reviews complaints about further education courses and services.

OIA is the Office of the Independent Adjudicator for Higher Education. The OIA reviews complaints from students about higher education courses.

## **3. PRINCIPLES**

The procedure aims to be simple, clear and fair to all parties involved. The College will handle complaints sensitively. The College will share information about complaints with those staff who need to know to help resolve the complaint. Other people named in a complaint would normally be informed of the issues in the complaint. The investigator would normally give them a right to reply.

The College will make every effort to ensure that College staff observe the confidential nature of issues. People making complaints are also expected to respect confidentiality. On rare occasions, the College may not be able to keep all information confidential. We may need to tell someone to protect you or other people from harm. The investigator will tell you if they need to share the information with people outside the College.

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If you are under 18 years of age, the College may be obliged to inform your parents or carers.

The College will not treat anyone less favourably for bringing a complaint in good faith. The College may take action against someone for making a complaint that is malicious or vexatious (see guidelines below).

## **4. SCOPE AND LIMITATIONS**

This policy applies to all students and stakeholders and to all aspects of College life except:

- Academic appeals – if you want to complain about an assessment decision you should use the Academic Appeals Policy.
- Contractors - complaints from contractors providing services to the College are dealt with according to the terms of the contract.

## **5. RESPONSIBILITIES**

The Deputy Chief Executive (Curriculum Quality and Assessment) is responsible for overseeing the implementation of this policy.

The Assistant Principal for Quality, Teaching, Learning and Assessment, is responsible for implementing the policy and checking it is working properly. They are also responsible for staff training about the policy.

The College will;

- Acknowledge the formal complaint and aim to respond within the timescales in the Policy.
- Deal reasonably and sensitively with the people involved in the complaint.
- Take action where appropriate.
- Welcome issues being brought to our attention to enable us to improve.

You are expected to;

- Bring the complaint to the College's attention as quickly as possible after the reason for the complaint occurs and normally within 12 weeks.
- Explain the facts of your complaint as clearly and as fully as possible, including any action you have already taken.
- Allow the College reasonable time to deal with the matter.
- Accept that some circumstances may be beyond the College's control.

Responsibility for action;

- The person investigating the complaint is responsible for applying the procedure in this policy.
- All staff are responsible for upholding the principles set out in this policy.

## **6. IMPLEMENTATION ARRANGEMENTS**

The College will make new staff aware of the policy and procedures at staff induction. We will make staff aware of updates via staff newsletters and team meetings.

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## **7. MONITORING AND REVIEW**

The College will review the policy annually. This review will take into account the views of students and stakeholders. The College reserves the right to make whatever changes it deems appropriate.

The College uses information about complaints to improve the quality of its services. We also use the information to check how effective the process is for settling complaints.

We use information about you and your complaint, such as the type of complaint and personal data, to check that the process is open and fair to everyone.

The College provides an annual report to the Executive Team and Governors. We have an audit process to check that action is taken on the recommendations made on complaints.

## **8. SUPPORTING/RELATED DOCUMENTS**

- Complaints Form
- Guidance for Investigating Officers
- Positive Engagement Policy and Disciplinary Procedures
- Safeguarding Policy
- HE Student Terms and Conditions
- Academic Appeals Policy

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## GUIDELINES

### **Anonymous complaints**

Complaints need to be investigated to find a solution. If you do not give your name in your complaint, we cannot investigate properly. We also cannot communicate with you to find a solution. Therefore we do not normally act on anonymous complaints.

### **Malicious complaints**

Complaints should be made in 'good faith'. This means that the person making the complaint is honest about what happened and wants to find a solution. Where the College decides that a complaint is malicious we will not consider it further. We will let you know our decision.

- Malicious complaint - means making a complaint that is not justified in order to harm the College or a member of staff. This includes harm to reputation or intending to cause nuisance, harassment or expense.

The College may consider taking further action where we find complaints are malicious. This may also apply to complaints that breach other people's right to privacy, such as inappropriate use of social media in making a complaint.

### **Group complaints**

If a group of students makes a complaint they may choose one student to act as their representative to correspond with the College on their behalf.

### **Higher Education complaints**

The College observes OIA guidelines about the time it takes to respond to complaints.

### **Stage 1 Making a complaint**

The College will acknowledge complaints within three working days following the date the complaint is received by the Assistant Principal Quality, Teaching, Learning and Assessment. At the end of the investigation, the investigator will respond to you, in writing, normally within 20 working days, depending on how complex your complaint is.

### **Stage 2 Appeal**

If you are not satisfied with the College's response, you have the right to appeal in writing to the Deputy Chief Executive (Curriculum, Quality and Assessment), The Sheffield College, Granville Road, Sheffield, S2 2RL outlining the reasons for appeal. You should make your appeal within ten working days of the date on the outcome letter

**Higher Education students on a Sheffield Hallam University award** – if you are on a Sheffield Hallam University (SHU) award and you are not satisfied at the end of Stage 2 you may contact SHU. SHU will not investigate the complaint but will check that the College has considered it in line with its policy. SHU may ask the College to investigate the matter further. SHU will issue a Completion of Procedures letter when it is satisfied that the complaints process has been completed. You will need this letter if you want to ask the OIA to review your complaint.

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**Higher Education students on an Open University award** - if at end of stage 2, you are not satisfied with the final response, you may contact the Open University (OU). The OU will not investigate the complaint but will check that the College has considered the complaint in line with its policy. The OU may refer the complaint back to the College to investigate it further. The OU will issue a Completion of Procedures letter when it is satisfied that the complaints process has been completed. You will need this letter if you want to ask the OIA to review your complaint.

## **All College staff should ensure that the Complaints Policy, Procedure and Guidelines are**

### Accessible and clear by

- Being open to students, their appointed representative, parents, carers and employers.
- Giving clear information about how to access advice and support.
- Allowing students to have an appointed representative.
- Being responsive to the needs of students.
- Being easy to understand and giving clear information about timescales.
- Ensuring effective record keeping.

### Proportionate by

- Expecting all parties to act reasonably and fairly towards each other, and treat each other and the processes with respect.
- Seeking informal resolution in the first instance.

### Timely by

- Ensuring that the College deals with all complaints, as far as possible, within the timescales laid out in the procedures.
- Trying to resolve complaints early and quickly at the informal stage and within 30 calendar days of the start of the formal stage.
- Requiring all staff to make reasonable efforts to resolve complaints quickly and/or provide assistance to the
- Investigating Officer.

### Fair and independent by

- Giving all parties an equal opportunity to present their case.
- Being flexible to take account of the individual needs of students.
- Ensuring that the reasons for decisions are made clear. At the end of the process, issuing a Close of Proceedings letter (automatically if the complaint is not upheld or on request if the complaint has been upheld).
- Offering a remedy for complaints that are upheld.
- Ensuring that complaints are handled independently of the department or service being complained about so that there is no actual or perceived conflict of interest.
- Ensuring that people making a complaint in good faith will not be disadvantaged because they have complained.
- Providing training and adequate resources to staff considering complaints.

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Confidential by

- Ensuring that information shared about a complaint is kept to a minimum. No third party should be told more than is strictly necessary to resolve the complaint.
- Ensuring that the College does not accept third party complaints for students over the age of 18, without specific written consent from the student.

Enabling improvements in the experience of students of the College by

- Capturing learning from the complaints process and using the information for quality improvement.

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## PROCEDURE

The words 'you' and 'your' refer to the person making a complaint.

### **Informal stage**

Most problems are straightforward and can be resolved quickly. You should speak to or email the College staff concerned as soon as possible when a problem arises. Staff should try to work with you to find a solution quickly. They should let you know what they can do to solve the issue. You should receive a response usually within 10 working days. If you are not satisfied with the response you should follow the procedure to make a formal complaint.

### **How to make a formal complaint**

The formal procedures are intended to ensure that your complaint is handled fairly and consistently. We will aim to resolve the complaint to your satisfaction.

### **Formal stage one: making a complaint**

To complain formally you should fully complete the online complaints form on the College's website: <http://www.sheffcol.ac.uk/about-us/public-documents>. You can ask a member of staff or an appointed representative for help you to complete the form. Instead, you may write to the Deputy Chief Executive Curriculum, Quality Curriculum and Assessment by letter or email.

At the end of the investigation, you will receive a written response. We aim to respond no later than 20 working days of receiving a completed complaint form. The investigator will keep you informed. It can take longer to investigate complex matters. The investigator will let you know if the investigation will take longer than 20 days.

If your complaint is upheld, the investigator will let you know the outcome and what action the College will take, if any.

Where the complaint is not upheld, the investigator will let you know the reasons for this and how you may ask for an appeal.

Where the complaints procedure is not deemed appropriate, you will be told what other options are available. The College will provide this information to you in a Close of Procedure letter normally within five working days of receipt of your completed complaint form.

If the complaint is about the conduct of a member of staff, the Assistant Principal Quality, Teaching and Learning may recommend that the complaint be investigated under the College's Staff Disciplinary Policy. In this situation, the HR department would arrange a formal investigation.

### **Formal stage two: Appeal**

If you are not satisfied, with the College's response, you have the right to an appeal. To make an appeal you should write to the Deputy Chief Executive Curriculum, Quality and Assurance at The Sheffield College, Granville Road, Sheffield, S2 2RL. The letter should be sent within 10 working days of the date of you receiving your outcome letter. You should include the reasons for your appeal.

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The Deputy Chief Executive Curriculum, Quality and Assurance, or nominee, will review the complaint including any investigation. If the complaint is against the Deputy Chief Executive Curriculum, Quality and Assurance, you should send your appeal to the Chief Executive & Principal.

The Deputy Chief Executive will check that the College has considered the complaint in line with this complaints policy. They may ask for further investigation, if necessary. They will try to resolve your complaint and issue a written response to you within 10 working days of the appeal letter.

## **Independent review**

The College's internal procedures finish at the end of Stage 2. If you are dissatisfied with the final decision at stage 2, and not before, you may ask for an external review. For FE students, you may send your complaint to the ESFA, they can be contacted as follows:

## **Education and Skills Funding Agency (ESFA)**

Complaints Team  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT  
Email: [complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk)

For HE students, if your complaint is within the OIA rules, you may contact the OIA for an external review.

## **Office of the Independent Adjudicator**

Second Floor  
Abbey Gate  
57-75 King's Road  
Reading  
RG1 3AB

Rules and timescales for contacting the OIA are on their website:

<http://www.oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>

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## Overview of the Complaints Procedure

### Informal Stage

You should raise concerns informally, promptly and directly with relevant staff. The aim of this is to resolve your concerns quickly.

If a satisfactory resolution cannot be reached informally, you may proceed to the College's Formal Complaints Procedures.



### How to make a Formal Complaint

You should complete the online complaints form on the College's website at <http://www.sheffcol.ac.uk/about-us/public-documents>. The College will acknowledge your complaint, by email within three working days.



### What happens next?

The Assistant Principal Quality, Teaching, Learning & Assessment will decide if the complaints procedure is appropriate and if so, will direct the complaint to the most appropriate manager for investigation.

If the complaints procedure is not appropriate, you will be advised of this via a Close of Procedure letter, issued within five working days of receipt of your completed complaints form.

#### Formal Stage 1

The assigned manager will investigate the complaint. You will receive a written response with the outcome of the investigation. The College aims to respond within twenty working days of receiving a completed complaints form.

If you are dissatisfied with the College's response, you should write to the Deputy Chief Executive within ten working days of the date of the outcome letter explaining why.

#### Formal Stage 2

The Deputy Chief Executive, or their nominee, will review the complaint including any investigation to date. Further investigations may be carried out. A written response with the outcome will be sent to you normally within ten working days of your appeal letter. This concludes the College's complaints procedure.

#### Independent review

If the complaint is not resolved to your satisfaction, further education students may contact the ESFA; higher education students may contact the OIA for an external review.

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