

### Policy/Procedure/Guideline Review

<b>Policy/Procedure/Guideline:</b>	<b>Complaints Policy and Procedure</b>
<b>Senior Manager Responsible:</b>	Assistant Principal Finance and HR
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<b>Approved By:</b>	SLT Corporation Board
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<b>Publication:</b>	Nelson and Colne College website Accrington and Rossendale College website Lancashire Adult Learning website Nelson and Colne College Group Staff Hub Nelson and Colne College Group Moodle
<b>Changes Made:</b>	Job titles updated Provided direct links to the complaints form on the websites Replaced references to ESFA with DfE Added reference in to when complaints will be dealt with under the Group's Whistleblowing Policy

## Complaints Policy and Procedure

### 1. Introduction

- 1.1 Nelson and Colne College Group, which incorporates Nelson and Colne College, Lancashire Adult Learning and Accrington and Rossendale College ('the College') is committed to continuous improvement and providing a high standard of service ensuring that any complaints received are addressed in an open, transparent manner to the satisfaction of all parties involved. The outcomes from complaints support continuous improvement.
- 1.2 The College welcomes the opportunity to receive and respond to comments and/or suggestions in a prompt and courteous manner.

### 2. Our Commitment

- 2.1 The College will ensure that all legitimate complaints received are dealt with promptly, fairly, professionally and in a non-discriminatory manner, and that appropriate action is taken. Complaints will be taken seriously and viewed positively as an opportunity to receive constructive feedback so that improvements may be made.
- 2.2 All complaints will be treated as confidential to safeguard interests and information limited to those involved in the complaints process.
- 2.3 The outcomes of any complaint will be shared with the complainant and any College staff involved. Complaints made which, on investigation, turn out to be malicious, may result in disciplinary or other further action.
- 2.4 We are committed to:
  - **Taking all complaints seriously** – Whatever the subject of the complaint may be, by complaining the person concerned has attached value to the subject and this will be respected by the member(s) of staff involved.
  - **Clearly communicating** – If the complaint cannot be resolved immediately, the complainant should be informed about the complaint's process.
  - **Remaining professional** – In an organisation with a high degree of face-to-face contact, it is perhaps inevitable that there will be a proportion of complaints relating to staff. In this case the complaint will always move to Stage 2 of the process to involve the HR Manager.
  - **Referring to a formal process** – If a complaint cannot be dealt with informally or if the complainant remains unsatisfied with the outcome the complaint will be moved to Stage 2 of the process.

### **3. Scope**

3.1 This policy and associated procedure applies to all people served by the College including students, parents, customers, employers, local residents and visitors who wish to comment on or express dissatisfaction with any aspect of the College's activities including those activities delivered on behalf of the College by a subcontractor. Former students are expected to raise any concerns within three months of completing their course of study.

3.2 However, this policy does not deal with:

- A concern about a decision made by an academic body regarding student progression, academic assessment and awards.
  - Dissatisfaction about the outcome of an academic misconduct or disciplinary process.
  - A concern about a decision made under other specific regulations, such as fitness to practice.
  - Matters relating to the Student Loans Company, which has its own complaints procedures.
- i The College will not normally investigate anonymous, malicious or vexatious complaints.
  - ii Complaints against the actions of the Corporation or its Members should be referred to the Clerk to the Board of Corporation. Further details and a Board Complaints form are available on the College websites.
  - iii Any incidents that may be related to safeguarding or radicalisation must be reported to the Safeguarding Team.

3.3 Complaints raised under this policy which relate to our Higher Education Provision, may be referred to the Higher Education Student Complaints Policy and Procedure

3.4 Complaints that involve allegations of serious wrongdoing or misconduct that are of public interest will be dealt with under the Whistleblowing Policy which can be found on the Group's website.

### **4. Roles and Responsibilities**

4.1 If the complaint is about a course or a service offered by the College, the manager of the area concerned will be responsible for investigating the complaint. If the complaint relates to that manager, then the Assistant Principal Finance and HR will assign an independent manager to investigate the complaint.

4.2 The Chief Executive/Principal or Deputy Principal, or their nominee will deal with and hear all appeals against the outcomes of complaints.

- 4.3 If the complaint is against the Chief Executive/Principal or a member of the Senior Leadership team, then either the Principal (if not the subject of the complaint) or a member of the Board of Corporation will hear the appeal.
- 4.4 The Assistant Principal Finance and HR has overall responsibility for the Complaints Policy and Procedure and may nominate another person to investigate a complaint where there is a conflict of interest.
- 4.5 The Senior Leadership Support team is responsible for recording, monitoring and seeing through to conclusion all complaints. The Senior Leadership Support team also produces termly complaints reports for review by the Assistant Principal Finance and HR on behalf of the Senior Leadership team and an annual complaints report for the Board of Corporation.

## **5. Dissemination**

- 5.1 A copy of this policy and procedure can be found on:
- Nelson and Colne College, Lancashire Adult Learning and Accrington and Rossendale College Websites
  - The Staff Hub

## **6. Monitoring and Review**

- 6.1 The policy and operation of the procedure will be monitored and reviewed by Nelson and Colne College's Assistant Principal Finance and HR.
- 6.2 An overview analysis of complaints received by the College is provided to Senior Leaders and the Board of Corporation.

## **7. Related Policies/Procedures**

- 7.1 Documents related to the policy are:
- Complaints and Comments Procedure
  - Appendix 1 – How to make a Complaint
  - Grievance Policy and Procedure for Staff
  - Whistleblowing Policy
  - Safeguarding Policy and Procedure
  - Higher Education Complaints Policy and Procedure

## **8. Management Responsibility**

- 8.1 The Assistant Principal Finance and HR has management responsibility for this policy across the College.

## **Complaints and Comments Procedure**

### **How to Make a Complaint or Comment**

Complaints and Comments/Suggestions can be made verbally, by telephone, email, letter or by completing a Complaints or Comments Form available on the College websites (<https://www.nelson.ac.uk/complaints-form/>, <https://www.lal.ac.uk/contact-us/complaints-form/> and <https://www.accross.ac.uk/complaints-form/>)

Comments will be recorded and forwarded to the appropriate Manager for review, action and follow up as necessary. Where no action is required this will be noted as the outcome.

### **Stage 1 – Informal Complaints**

Issues that appear straight forward and potentially easily resolved may be directed to any relevant member of staff to seek an early resolution. Students are encouraged to resolve any issues of dissatisfaction with their course tutor so that this may be dealt with quickly and informally.

### **Stage 2 – Formal Complaints**

Where a complaint cannot be resolved satisfactorily through the informal route or in cases of more serious issues, these may be lodged as a formal complaint by completing a Complaints or Comments form available on the College websites. Any concerns relating to young people and adults with additional needs who are suffering, or likely to suffer, significant harm, e.g. by neglect, physical injury, sexual abuse or emotional abuse or any aspect of bullying, harassment or coercion will be directed to the Safeguarding team, as a safeguarding issue.

### **Acknowledge, Record and Monitor**

All formal complaints will be recorded, acknowledged within five working days and monitored until conclusion within the Senior Leadership Support team.

A central log of complaints and appeals against complaints outcomes is maintained and monitored by the Assistant Principal Finance and HR. An overview analysis of complaints received by the College is provided to Senior Leaders and the Board of Corporation. The Senior Leadership Support team is responsible for logging all complaints and providing these reports.

All complaints will be monitored for issues of discrimination. Where such issues are identified, the complaint record will be updated, appropriate actions instigated, and the matter will be brought to the attention of the Assistant Principal Finance and HR.

## **Investigation**

The Line Manager or Head of Division will be assigned as the Manager to investigate the formal complaint. When complaints are raised against staff the investigation will involve the HR Manager and will be conducted by an individual who is independent of the situation. Where a conflict of interests is identified the Assistant Principal Finance and HR will assign an independent Manager to conduct the investigation.

The Investigating Manager will update the complainant with the findings of their investigation. During this stage, the complainant may be contacted for further information or may be invited to meet with the Investigating Manager.

Where the complainant is invited to attend a meeting, they may be accompanied by a friend or relative, but the accompanying person will not take an active part in the meeting. Legal representation is not permitted.

## **Outcome**

Managers will provide written details of the action taken and the outcome of the complaint and forward a copy of this, with supporting documents attached to the Senior Leadership Support Team.

Following the investigation, the Investigating Manager will provide a written response to the complainant within twenty working days, unless otherwise advised.

## **Stage 3 - Appeal**

The complainant has the right to appeal against the outcome of the complaint. This should be lodged with the Senior Leadership Support Team within ten working days of receipt of correspondence stating the outcome of the investigation into the formal complaint. The grounds of appeal and any actions sought must be clearly stated at the time of making the appeal. The Chief Executive and Principal or Deputy Chief Executive, or their nominee, will review the formal investigation and consider whether:

- New evidence or circumstances have become known, which could not have reasonably been made known at the time of the complaint.
- The investigation was not conducted fairly or as per Procedure and this affected the outcome.
- The decision and outcome of the complaint were unreasonable.

We aim to conclude the Appeal process normally within twenty working days and will contact the complainant with the outcome. This decision constitutes the final stage of the College Complaints Policy and Procedure.

If the complaint is not resolved to satisfaction of the complainant, the following further avenues of communication are available through the relevant external agencies:

### **Further Education:**

Department for Education (DfE)  
OFSTED

### Higher Education:

Quality Assurance Agency for Higher Education (QAA)  
Office of the independent Adjudicator (OIA)

### **Confidentiality and Support**

All complaints will be treated as confidential to safeguard interests and information limited to those involved in the complaints process.

If in exceptional cases and for justifiable reasons the complainant wishes to remain anonymous throughout the process, this may be considered. However, if disclosures are made it may be necessary to share information, and this must be explained to the complainant.

Complainants who feel that they need help and/or support to make a complaint may wish to talk to the Student Services team.

### **Vexatious Complaints**

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complaint becomes vexatious (e.g. the complainant tries to re-open the same issue), the College reserves the right to end the complaint handling process and will inform the complainant in writing that the procedure has been exhausted, and the matter is now closed.

## Appendix 1 How to Make a Complaint

