



Complaints Policy and Procedure

Produced by the Quality Department
www.wigan-leigh.ac.uk

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COMPLAINTS POLICY AND PROCEDURE

1. PURPOSE

- 1.1 The College believes it is in everyone's interest to resolve complaints as quickly as possible, as close to the source of the problem as possible, and where appropriate by informal means in preference to formal ones.
- 1.2 The College aims to ensure that all complaints received are dealt with promptly, fairly, professionally and in a non-discriminatory manner.
- 1.3 The College aims to ensure appropriate action is taken to resolve issues and will endeavour where appropriate to prevent similar occurrences.

2. SCOPE

- 2.1 This Policy and Procedure applies to complaints from any student, former student or external stakeholder who wishes to express dissatisfaction with an aspect of the College's activities. For the purposes of this Complaints Policy and Procedure, a "complaint" is defined as *"an expression of dissatisfaction by one or more students about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider."*

The procedure for dealing with complaints against the College's Governing Board, Board Members or the Director of Governance is set out at section 7 of this Complaints Policy and Procedure. For the avoidance of doubt, sections 1, 2, 6 and 7 apply to complaints against the Governing Board, Board Members or the Director of Governance, but sections 3, 4 and 5 do not apply.

- 2.2 Any allegation made against a member of staff/volunteer regarding abuse will be dealt with under the Safeguarding Children Policy, the Safeguarding Vulnerable Adult Protection Policy and/or the Reporting and Dealing with allegations against Members of Staff procedure.
 - 2.3 Other policies and procedures that work in conjunction with the Complaints Policy and Procedure are: Staff Grievance Policy, Staff Disciplinary Policy, Safeguarding Children Policy, Safeguarding Vulnerable Adults Policy, Reporting and Dealing with allegations against Members of Staff procedure, Equality and Diversity Policy, Fees Policy, Academic Appeals procedure, Internal/External Assessment policies including appeals and Student Disciplinary Procedures. Complaints may be dealt with under any of these policies and procedures as the College considers appropriate in the circumstances.
 - 2.4 A complaint must normally be made within 3 months of the event that gave rise to it. The College will exercise a discretion to extend this time limit in appropriate circumstances in the interests of fairness..
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- 2.5 The College endeavours to deliver high standards at all times to its students and stakeholders. Students, former students and stakeholders may complain about any aspects of the College's activities in line with the definition outlined in 2.1
- 2.6 The College reserves the right not to investigate or otherwise to deal at any stage with complaints it considers to be vexatious or malicious. If the College deems this to be the case, the complainant will be informed in writing. Making of vexatious or malicious complaints could result in disciplinary action.
- 2.7 The College will not normally deal with anonymous complaints and will do so only exceptionally at the College's discretion.
- 2.8 If interviews are deemed necessary, the investigating officer may have another member of staff present in all meetings with the parties involved.
- 2.9 College staff investigating or otherwise dealing with complaints have the right to terminate any meeting, interview or communications if they consider that the behaviour of any of the parties is inappropriate.

3. PROCEDURE (for complaints relating to governance, please refer to section 7)

3.1 Stage 1 - Informal stage

- 3.2 It is expected that day-to-day concerns will be raised and resolved promptly and informally between a complainant and his/her subject tutor, personal tutor or other appropriate member of staff.

3.3 Stage 2 – Formal Stage

- 3.4 When it is felt that an issue has not been resolved satisfactorily at the informal stage, or is of a sufficiently serious or complex nature that it should be dealt with formally, a complainant should submit his/her complaint, in writing, on the appropriate form (Appendix 1) to the College's Head of Quality.
 - 3.5 The complaint will be acknowledged in writing, normally within 3 working days of its receipt by the Head of Quality. It will then be forwarded to the appropriate Executive Team member who will appoint an appropriate manager/member of staff to investigate and determine the complaint. After investigating and determining the complaint, a written response with reasons will be sent to the complainant.
 - 3.6 The complainant may be invited to meet with a manager or member of College staff in an effort to resolve the complaint or as part of the investigation.
- #### **3.7 Stage 3 - Appeal Stage (for all courses other than Uclan awards)**
- 3.8 If your complaint is not resolved to your satisfaction at Stage 2, you may seek to appeal the decision by sending a written request for appeal to the Head of Quality,
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within 5 working days of the date of the College's decision at Stage 2. Your request must be based on one or more of the following grounds, that:

- the complaint procedure was not followed
- new material evidence has come to light which was not reasonably available at the time of the complaint investigation
- the outcome of the complaint was unreasonable

3.9 The appeal request will be acknowledged in writing normally within 3 working days of receipt by the Head of Quality.

3.10 If it is determined by a member of the Executive Team that none of the above grounds are disclosed, the College will not further consider your complaint at Stage 3.

3.11 If it is determined by a member of the Executive Team that one or more of the above grounds are disclosed in your request for an appeal, you will be invited to submit detailed information in support of your appeal, including an indication of the resolution or outcome you are seeking, and to provide copies of all documents upon which you wish to rely as part of your appeal. The appeal will be considered and determined, normally on paper, by a different and impartial member of the Executive team.

The member of the Executive team will determine an outcome which may include overturning the Stage 2 decision (in whole or in part) or upholding the original decision at Stage 2.

3.12 If the College considers that a review meeting is required, you may be accompanied and/or represented by a fellow student or family member. You may not be accompanied or represented by a legal representative save in exceptional circumstances in the interests of fairness and at the College's discretion. You must confirm to the College in writing the identity and status/role, of your proposed companion at least five working days before the date of the meeting.

3.13 Following an appeal being considered and concluded by a member of the Executive team, you will be notified in writing, with reasons, of the decision made on your appeal. This will normally be within 10 working days of your appeal being acknowledged by the Head of Quality. This decision is final and there will be no further right of appeal within the College.

4. **Stage 3 - Appeal Stage (for all complaints relating to Uclan awards)**

- 4.1 The procedure for dealing with appeal requests will depend on the type of complaint received and whether this
- a) relates to the academic standards and/or quality of the learning opportunity
 - b) is regarding service-related issues e.g. facilities.
- 4.2 In the case of (a), Uclan will deal with the appeal stage following their procedures. You must contact Uclan within 15 working days of the College's final response at Stage 2 and enclose a copy of this response to show that you have exhausted the College's internal procedures.
- 4.3 In the case of (b), the College will deal with the appeal stage in line with 3.7-3.13.

5. **Stage 4 – Post-Appeal Stage**

- 5.1 If you remain dissatisfied following your complaint being considered at Stage 3 of the complaints procedure, then you may be able to raise a complaint with one of the following organisations identified in 5.2-5.5:
- 5.2 For Further Education students (e.g. students not studying on an apprenticeship or Higher Education course), you can contact the Education and Skills Funding Agency by either sending your complaint to:
- Customer Service Team, Cheylesmore House, Quinton Road, Coventry, CV1 2WT
 - E-mailing your complaint to complaints.esfa@education.gov.uk

Further information relating to the Education and Skills Funding Agency's complaints procedure is available via the following link:
<https://www.gov.uk/government/organisations/skills-funding-agency/about/complaints-procedure>

- 5.3 If you are a student studying on a higher education programme, you might be able to complain to the Office of the Independent Adjudicator for Higher Education at <http://www.oiahe.org.uk/>. Students have 12 months to bring a complaint to the OIA from when the Completion of Procedures Letter is issued by the College.
- 5.4 If your complaint relates to apprenticeship provision, you can contact 0800 0150400 or email nationalhelpdesk@apprenticeships.gov.uk

6. **Monitoring Quality Assurance and Control**

- 6.1 The Head of Quality will monitor the overall operation of the Policy and Procedure to ensure that it is effective.
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7. Procedure for complaints against the governing board, board members and the director of governance

7.1 A complaint against the Governing Board, a Board Member (including the Principal if the complaint relates to his / her role as a Board Member) or the Director of Governance may be made by an individual or an organisation in relation to their dealings with the College. A complaint is defined as:

“an expression of dissatisfaction with an aspect of the activities of the Governing Board or of a Board Member or the Director of Governance in their capacity as such member or director”.

7.2 Complaints must relate to:

7.2.1 the performance by the Governing Board, a Board Member or the Director of Governance of the functions respectively allocated to them under the Instrument and Articles of Government of the College; and / or

7.2.2 the exercise by the Governing Board of its powers; and / or

7.2.3 any other alleged breach or non-observance of the duties of the Governing Board, individual Board Members or the Director of Governance under the Instrument and Articles of Government of the College, its Code of Conduct for Board Members, the Education and Skills Funding Agency’s (ESFA) conditions of funding, or the Association of College’s Code of Good Governance for English Colleges.

7.3 All complaints should be made in writing, identifying the complainant¹ and be addressed to the Director of Governance (save for when the complaint is in relation to the Director of Governance, in which case it should be addressed to the Chair of the Governing Board) at Wigan and Leigh College, PO Box 53, Parson’s Walk, Wigan WN1 1RS.

7.4 The complainant will be expected to state clearly the nature of the complaint (see Section 7.1 above) and if appropriate, provide copies of any related documentation. The complainant should also state the resolution or outcome they are seeking. The copy of the complaint and relevant documentation will normally be disclosed to the member of staff, board member or director against whom the allegations are made in the interests of fairness and transparency and for the purposes of investigating and dealing with the complaint. It is not possible for a complainant to seek the disciplining of a member of staff or the removal of a Board Member or the Director of Governance, since these are decisions for the Governing Board in accordance with the Instrument and Articles of Government of the College.

7.5 The Director of Governance will acknowledge receipt of the complaint within seven working days of receipt and will;

7.5.1 **Stage 1: Informal Stage:**

A meeting will be arranged with the complainant to determine the nature of the complaint and what the complainant wishes to see as a resolution. To substantiate the complaint the complainant should be able to supply evidence. Where possible, the nature of the complaint should be recorded in writing to provide a consistent reference point for Director of Governance and the governor who is to be approached. The

Director of Governance should not share this concern with any other governor. The chair must also arrange a meeting with the governor to discuss the nature of the complaint against them and seek to resolve the difficulty. The Director of Governance should approach the matter with an open mind, listening carefully and exploring all the issues thoroughly. Reference should be made to the agreed ways of working through the Governors' Code of Conduct as appropriate. Steps that can be taken should be outlined by the Director of Governance; these may include:

- The complaint was unfounded, a misunderstanding or that there was no case to answer
- Apology
- Mediation or conciliation
- Training (training and support may be needed for the whole governing board and not just the governor who is the subject of the complaint.)

The complainant should be advised of the outcome of the meeting with the governor and the agreed steps. If the complainant is not satisfied following this informal stage the complaint can be moved to Stage 2; if during the informal stage it is determined that the complaint is related to the Governing Board as a whole, the Director of Governance will liaise with the Education Skills Funding Agency to appoint an external individual.

7.5.2 **Stage 2: Formal Stage:**

The Director of Governance will refer the complaint to one or more of the following for investigation, provided in each case that they are impartial / have not been involved in the matters that are the subject of the complaint:

The College's Audit Committee;

- One or more Board Members;
- A person (nominated by an external sector body) who has substantial experience of college governance.

7.6 Such committee / person (as relevant) :

- 7.6.1 will undertake such investigation as is appropriate in the circumstances and may (as relevant) meet with the complainant, interview individual/s who are the subject of the complaint, interview witnesses, call for and consider information and documentation, and/or meet with third parties²
 - 7.6.2 may refer issues to the College's auditors (external or internal) or other independent advisors as is appropriate in the circumstances; and
 - 7.6.3 will produce a written report of their findings, and any recommendations, in relation to the complaint and provide the complainant with a summary of the findings (normally within 10 working days of the date of acknowledgement of the complaint under section 7.5.1.)
 - 7.6.4 The Governing Board, at its next scheduled meeting after receipt of the written report, will consider the findings and any recommendations, set out in the report and determine whether it finds the complaint substantiated in whole or in part and, if so, what, if any remedy should be granted to the complainant. Where the complaint relates to one or more specified Board Members or the Director of Governance, those persons will
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withdraw and take no part in the consideration of the complaint or investigation findings or recommendations or in the determination of the complaint, and will not vote in connection therewith or be counted in quorum present .

7.6.5 The Director of Governance / Chair of the Governing Board will, normally within seven working days of the Board's determination of the complaint, provide a written response to the complainant, confirming the decision of the Governing Board in relation to the complaint, with reasons for its decision. The response may include details of any arrangements for pursuing the matter with any relevant external body (e.g. the Secretary of State or ESFA).

7.7 **Stage 3:**

If a complainant feels the matter has not been resolved once this procedure has been exhausted, they may make a complaint to the Education Skills Funding Agency. It should be noted that the Education Skills Funding Agency will not investigate the original complaint but will look at whether the complaint has been appropriately handled. Complaints to the Education Skills Funding Agency must be made within three months of receipt of the final decision from the College.

¹The College will not normally deal with anonymous complaints and will do so only exceptionally at the College's discretion. Where the complainant has indicated that they wish to remain anonymous they will be informed that in order to consider and take effective action in respect of the complaint it may be necessary to disclose their identity on a 'need to know' basis during any investigation or otherwise to deal with the complaint.

² There is no legal right to be accompanied at such meetings but consideration may be given to whether interviewee should be entitled to be accompanied and, if so, by whom.

Appendix 1 - Complaint Form (CF1)



To be completed by the Complainant	
Full Name	Contact Address
_____	_____
Telephone Number	Course of Study
_____	_____
Email Address	

Please describe the steps you have taken to resolve your complaint informally.

Please give clear and precise details of your complaint? (Continue on a separate sheet if necessary)

What would you consider to be an acceptable outcome

Are you: A Student Representing a group of students Former Student

A Parent/Guardian External stakeholder

Signature **Student signature** *(if form completed by a representative)* **Date**

To be completed by the person logging the complaint		
Form received by (please print):	Department	Date
_____	_____	_____
Copy sent to (name of manager dealing with the complaint)	Department	Date
_____	_____	_____
Date copy sent to Head of Quality		
