

## COMPLAINTS POLICY AND PROCEDURE

Approval required by:	Executive	Y	Governing Body	N
Senior Lead:	Vice Principal Quality			
Responsible Managers:	Director of Quality (FE) Director of Quality (HE)			
Date approved:	October 2024			
Date to be reviewed:	October 2026			

Relevant to:	Students	Y	Staff	Y
	Visitors	Y	ITS	Y
Relevant to:	All students	Y		
	16-18 Vocational	Y	Sixth Form	Y
	Higher Education	Y	Adults	Y
	Apprenticeships	Y	14-16	Y
	Other	Y		
Relevant to:	All staff	Y		
	Board	Y	SPH	Y
	Managers	Y		
	Teaching staff	Y	Support staff	Y

Accessible to	Students	Y	Staff	Y
Friendly version	Students (Appendix B)	Y	Staff	Y

EQIA required      Y

### Significant changes to policy:

- Update to stages and procedures
- Update to timescales for complaint responses

### Impact of changes:

- Provides greater clarity for complainants

## **SCOPE AND PURPOSE OF POLICY**

The complaints policy applies to all services Barnsley College or ITS ('The College') provides and is available to students, former students, apprentices, a parent or carer of a student under 18, employers, and members of public.

The policy and its associated procedures are designed to define the college's open approach to praise and criticism of the full range of services it provides and to describe the procedures for reporting them.

This policy covers complaints arising in relating to any of our services, except:

- those concerned with academic assessment decision, for which there is a separate FE and HE Academic Appeals Policy and Procedure
- appeals related to Education, Health and Care Plan (EHCP) consultation outcomes which should be pursued directly with the relevant local authority.

Students enrolled with Barnsley College by a subcontractor should follow the complaints process of the subcontractor in the first instance. Once a student has exhausted the subcontractor's internal complaints process, and if a satisfactory resolution has not been achieved, the student should then raise a formal complaint with Barnsley College.

Any employee of the College wishing to make a complaint should do so through their line manager or by using the appropriate college policies e.g. grievance, whistleblowing policies.

The College defines a complaint as:

"An expression of dissatisfaction by one or more individuals about the College's action or lack of action, or about the standard of service provided by or on behalf of the College."

## **OPERATIONAL CONDITIONS**

### **Anonymous Complaints**

The College does not normally accept or act upon anonymous complaints, due to the consequential inability to collect all relevant information for investigating such complaints and respond accordingly. There may, however, be exceptional circumstances where the College deems it appropriate to investigate a complaint from an anonymous source, which identifies a risk to the College community or the public.

### **Confidentiality**

Where possible, confidentiality will be observed, throughout the operation of this policy. Where a complaint relates to specific individuals, the College will seek permission to share such details with them. If permission is not given, it may not be possible for the College to fully investigate or resolve the complaint. The College will only disclose information to those who need to investigate the complaint, or to respond to any issues raised. The College retention period for information relating to complaints is 5 years after the complaint has been raised.

### **Permission to Disclose**

If the complainant wishes for someone else to raise concerns with us on their behalf, the College has a legal obligation under the General Data Protection Regulation regarding sharing information with third parties. The College will require written permission to share this information with them.

Before permission is given to share the information with others, the complainant must consider whether our response will include any sensitive information about them. The complainant is required to contact us in advance to tell us which sensitive information we can and cannot share.

## **Vexatious and Malicious Complaints**

A vexatious or malicious complaint is defined as a complaint:

- which is deemed unreasonable or untrue, having been put forward to abuse the complaints procedure, or an attempt to defame the name or character of another person;
- which manifests as serial complaints, where the complainant submits multiple complaints but is unwilling to engage with the College to resolve their complaint.

In cases where a complaint is considered to be vexatious or malicious, the College reserves the right to terminate investigation of the complaint.

We do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is violent, abusive, offensive or threatening. Students should be aware that malicious complaints will result in disciplinary action, for example, complaints that are not true, or use of foul or discriminatory language in any communications that are sent to staff.

The college will take the minimum action required to address such unacceptable behaviour, for example:

- Require that contact is made with a specified member of staff only.
- Terminate an abusive telephone call.
- Decline to accept telephone calls but maintaining at least one form of contact

## **Multi-Issue Complaints**

If a complaint identifies issues which fall within the remit of other procedures, for example, an academic appeal or both, the content of such complaints will be reviewed. The complainant will then be notified and directed to the relevant policy and procedure. If appropriate, both will be investigated simultaneously.

## **Collective/Group Complaints**

Collective/group complaints are expected to identify how everyone has been personally affected by the issues which are being brought to the attention of the College. Everyone named in the collective complaint must agree with the content of the complaint before it is submitted and individually sign to say that they agree to the same. Only the nominated spokesperson will receive communication/correspondence from the College. Matters relating to individual students will not be responded to in a collective/group complaint.

## **Complaints by a Third Party**

Complaints made by a third party (e.g. parent or carer) on behalf of a student will only be considered if written consent is received from the student confirming third party consent. The student can withdraw third party consent at any time.

The sharing of information with the third party will commence when the College receives confirmation of consent from the complainant and will remain in place until either the conclusion of the complaint investigation has been communicated to the complainant and the complaint closed or until third party consent is restricted or withdrawn.

## **Complaints about Staff Members**

Where a complaint is made about a specific member of staff, the member of staff shall have the right to access and respond to any evidence provided. If it is determined that the matter should be investigated under staff disciplinary procedures, the complaints procedure shall be suspended until the disciplinary matter has been concluded.

## **Responsibility**

Overall responsibility for Complaints Policy and Procedure lies with the Vice Principal Quality, whilst day to day responsibility for implementation falls under the Director of FE Quality or Director of HE Quality for matters relating to courses at level 4 and above, supported by the Quality Administrator.

The College operates a four-stage complaints procedure.

## **COMPLAINTS PROCEDURE**

The College strives to provide the best quality learning and services that meet or exceed the expectations of our students and users. The College promotes a culture that is responsive to feedback, whether complimentary or critical. Comments about our services are actively encouraged and acknowledged as a valuable source of information that we can evaluate and use to improve the quality of provision to students, other users, and partners/stakeholders. Students and users can bring their concerns to the attention of the College either informally or formally.

Each complaint is reviewed case-by-case, with consideration of the methodology and guidance below:

<b>Stage</b>	<b>Description</b>	<b>Possible Outcome</b>	<b>Method of communication</b>
<b>1</b>	Informal complaint – Early Resolution	Informally resolved	Verbal or written response
<b>2</b>	Formal complaint	Upheld, Partially Upheld or Not Upheld	Written response
<b>3</b>	Appeal	Accepted or rejected	Written response
<b>4</b>	Final Appeal	Accepted or rejected	Written response

A complaint will not normally be considered if submitted more than three months after the issue or event occurred.

Any complaint sent directly to a member of the Executive Team will be re-directed to the quality team, who will process it in accordance with the complaints policy.

### **STAGE 1: INFORMAL COMPLAINTS (EARLY RESOLUTION)**

In the first instance, complainants should attempt to resolve the matter informally by discussing their concerns with an appropriate member of staff or the relevant Head of Department. Informal complaints are managed through discussion and should always be attempted prior to escalating to the formal complaint process of Stage 2. An informal complaint resolution aims to seek mutual agreement and shared understanding to prevent issues occurring in the future.

An informal complaint does not require a formal written outcome letter. However, the investigator may decide to summarise any proposed action in writing for the benefit of the complainant or The College.

The investigator managing a Stage 1 complaint should keep a record of the issue and outcome in line with this policy and Data Retention Policy.

If a complaint is not resolved at this stage, the complainant should be advised to progress their complaint through the College's formal complaints procedure.

### **STAGE 2: FORMAL COMPLAINTS**

Where a complaint has exhausted stage 1 or if due to the nature of the complaint it is not appropriate to do so, the matter can progress to stage 2.

Complainants can make a formal complaint by submitting the College formal complaints form which is available on the College website:

[Complaints Procedure | Barnsley College](#)

A paper copy of the complaints form is also available at all College receptions and can be completed by hand and returned for processing. Complainants who are unable to access the web form or paper complaints form may call the number provided on the form for assistance.

All complaints will be formally acknowledged in writing upon receipt.

All formal complaints will be passed to the relevant Director of Quality (FE or HE). An investigating officer will be appointed by the relevant Director of Quality. This will normally be an independent manager with no direct involvement in the area of the complaint or a member of the Quality Team.

A Quality Administrator will write to the complainant, informing them of the investigator, with expected timescales for an outcome/resolution.

We aim to reach a complaint outcome or decision within 15 working days. We then aim to have communicated the outcome or decision to the complainant within 20 working days.

Complaints received during College closure and/or holiday periods will not be covered under the 20 day cycle due to the investigator(s) potentially being on annual leave. If this is the case, the complainant will be advised of this in their acknowledgment letter or a further holding letter advising of an extended deadline.

Where a complaint is more complex, more time may be required for the College to complete the investigation. If this is the case, a letter of explanation will be sent to the complainant and an extended deadline set.

The complaint investigator will be responsible for conducting investigations, under the guidance of the relevant Director of Quality. Once the investigation is complete, the findings will be reviewed by the relevant Director of Quality. As part of the investigation, complainants may be contacted by telephone or invited into a meeting to discuss issues in more detail. Complainants have a right to be supported at these meetings by another person such as another College student, member of the College staff or another third party such as a parent/carer or employer. The college does not permit legal representation at these meetings.

The relevant Director of Quality will review the report and provide written feedback to the complainant which will provide feedback on each element of the complaint and outline whether the complaint is upheld, partially upheld or not upheld. They will close the complaint and provide detail of further action to be taken if appropriate.

### **STAGE 3: APPEAL**

Complainants who are not satisfied with the College's response have the right to appeal.

The complainant has ten working days from the date of the response letter to refer the complaint to the Vice Principal Quality for a formal review if they are dissatisfied with the outcome.

An appeal can only be requested on the basis that at least one of the following criteria apply:

- There is new evidence for consideration which materially affects the outcome and was not available at the time of the initial investigation
- Not all of the evidence was considered when coming to a conclusion.
- Other procedural irregularity in the process.

The appeal will be reviewed by the Vice Principal Quality, or another nominated member of The Executive Team who will check that the College has considered the complaint in line with this complaints policy. They will try to resolve the complaint and issue a written response to the complainant within 10 working days of the appeal.

#### **STAGE 4: FINAL STAGE APPEAL**

If the complainant is still not happy with the outcome, they can write to the Principal and Chief Executive Officer (CEO), within 10 working days of receipt of this outcome. The Principal will not review any complaints unless they have progressed through the previous stages of the complaint's procedure.

The Principal and CEO will provide a written response which will either accept or reject the complaint. The Principal and CEO's decision will be final and no further investigation or correspondence relating to the matter will be entered into following their review and response.

Following the Final Stage, students on Higher Education programmes will be issued with a Completion of Procedures letter.

If, after due consideration by the Principal and CEO, the complainant feels their complaint has not been addressed to their satisfaction, they can refer the complaint to the funding agency, or independent review body; details of which will be provided by the College.

#### **INDEPENDENT REVIEW OF HIGHER EDUCATION STUDENT COMPLAINTS**

The Office of the Independent Adjudicator (OIA) provides an independent scheme for the review of complaints from students on courses validated by a qualifying institution. Barnsley College is a member of this scheme. For further information on the scheme see the OIA website: <http://oiahe.org.uk/>. Students have 12 months from the date of the Completion of Procedures letter to bring a complaint to the OIA. The College will issue you with a Completion of Procedures letter and advise you of the next steps.

#### **EQUALITY AND DIVERSITY**

This policy and its supporting procedures apply equally to all students at the College, employers or work-placement providers of College students and other users of the College's services any of whom have the right to representation by parents, guardians, carers, or other advocates on their behalf.

It is advisable to inform your investigators of yours and/or your representatives' personal preferences, including but not limited to, special educational needs, neurodiverse conditions, disabilities or language barriers, so that reasonable adjustments can be made. Examples of reasonable adjustments are as follows:

- preferred method of communication, verbal, written, face to face, telephone
- adapted colour background for written communication or size and type of font used
- adjustments to accommodate any physical needs
- a representative present within meetings
- other

Equality Impact Assessment attached.

## **LINKED POLICIES AND PROCEDURES**

The Complaints Policy and Procedure is linked to:

- Student Attendance Policy
- Code of Conduct
- The Single Equality Scheme
- HE Academic Appeals Policy
- FE Academic Appeals Policy
- Behaviour Support Disciplinary Policy
- Data Retention Policy

From time to time, the College may contact complainants whose complaints have been closed to gather feedback from their experience of the process. Any feedback offered will be used to inform the service for review and improvement.

This policy has been reviewed with consideration of the following guidance:

Expectations for Quality – Core Practices

[The provider has fair and transparent procedures for handling complaints and appeals which are accessible to students](#)

## **LOCATION AND ACCESS TO THIS POLICY**

Buzz/polices

Barnsley College website

