

## COMPLIMENTS AND COMPLAINTS POLICY & PROCEDURE

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# COMPLIMENTS AND COMPLAINTS POLICY & PROCEDURE

## 1. The College Approach

Kirklees College views compliments and complaints as a valuable source of feedback from its customers and an opportunity to respond to complaints by reviewing practices and processes. Where appropriate this may involve change and improvement. The practice at the college is to distinguish between an informal and a formal complaint.

## 2. Compliments

The college are happy to receive any compliments to be acknowledged. These can be e-mailed to [quality@kirkleescollege.ac.uk](mailto:quality@kirkleescollege.ac.uk) outlining the reason and any members of the college community involved. All compliments will be shared with the relevant Department Manager and the Senior Leadership Team for consideration of further recognition through the college reward system.

## 3. Informal Complaints

Informal complaints are those raised, sometimes verbally, and usually directly with a member of staff involved in delivering the service. The majority of complaints are informal, responded to and usually resolved promptly and effectively. No formal records are kept of these complaints, only logged, and the person complaining may not perceive the matter as a complaint, rather an enquiry, a suggestion or expression of a concern. The only exception is any Higher Education informal complaints that are directed to the HE & Higher Skills Manager.

## 4. Formal Complaints

### Definition of a Formal Complaint

A formal complaint is:

- a continued expression of dissatisfaction about a matter after the informal process has been exhausted, over which the college has some control, or is perceived by the complainant to have some control
- where a complaint is of a more serious nature
- where the complainant does not wish to raise the matter on an informal level
- is made in writing and submitted via the [quality@kirkleescollege.ac.uk](mailto:quality@kirkleescollege.ac.uk) e-mail address.

## 5. Scope of the Complaints Procedure

The complaints procedure covers complaints from:

- students (or their parents, or their nominated representative)
- sponsors of students or trainees
- customers who purchase a service provided by the College (Employers)
- visitors
- members of the local community.

The procedure covers both matters of policy and of operational matters. It covers a broad range of equality, diversity and safeguarding issues. The procedure runs alongside the Low Level Concerns and Reporting Policy and Safeguarding will be informed.

With regards to complaints specifically relating to a member of staff, consultation and advice will take place with Human Resources to determine the most appropriate way forward which may result in this being pursued in accordance with HR policies and procedures.

Complaints must be raised within 90 days of the subject of the complaint arising.

The procedure does not include areas that are specifically covered by other college procedures such as:

- The Admissions Appeals Process
- The Assessment Appeals Procedure (students)
- The Staff Grievance Procedure
- Complaints against the decisions of Awarding Bodies
- Whistleblowing Procedure.

There are other methods by which customers of the college may express their views about its services. These are promoted through the *9 Ways to Have Your Say*, campaign.

6. Any complaints which are made against the Principal should be referred to the Corporation Chair, via e-mail to the Clerk, Joanne Green, at JGreen08@kirkleescollege.co.uk.

## **7. Confidentiality**

The college is committed to confidentiality and protection of the complainant. Should the complainant wish to remain anonymous, the college will endeavour to uphold this, providing it still allows a thorough investigation to be conducted. However, the complainant should be aware that anonymity may restrict some elements of the investigation or in some cases, prevent a full investigation from taking place. Upon submitting a complaint to the Quality, Performance and Standards department, the complainant will be required to tick a declaration indicating their permission (or not) for disclosure of their identity (on the Complaints Form).

## **8. Higher Education Students**

Complaints from Higher Education students should be raised with the College in accordance with the complaints policy. Once all internal complaints procedures have been exhausted, the matter can be raised with the Office of the Independent Adjudicator for Higher Education (OIA) within 12 months of the original complaint. The OIA is an independent organisation that considers student complaints.

## **9. Appeals**

Following a complaint investigation the complainant can appeal the decision if dissatisfied.

Following unsuccessful appeals, Higher Education students will be directed to the Office for Independent Adjudicator (OIA).

### **Academic Appeals**

Within the context of Kirklees College's Higher Education provision, Academic Appeals are defined as:

- A formal request by a student for the review of a decision that has been made in relation to the progress on their programme of study, including the award of any qualification as a result of that progress.

Should a student submit an Academic Appeal Application concurrently with an application under the Complaints Procedure, the application under the Complaints Procedure will remain until the conclusion of the Academic Appeal Application.

## **10. Advice and Guidance**

Individuals can access advice and guidance on the college website and student VLE platform and approach all staff for direction to this information. The procedure is managed by the Quality, Performance and Standards (QPS) department and therefore designated as the key contact for advice and guidance. The Student Voice Officer can give advice and direct support for students in raising complaints through the Student Union. Complainants accessing Higher Education can seek advice and support on understanding the operation of the process from the Higher Education Office in the QPS department.

### **Fair Treatment**

No individual raising a complaint under this process, whether successfully or otherwise, will be treated less favorably by any member of staff than if the complaint had not been submitted. All staff involved in handling any stages of a complaint have a duty to ensure that any decision they make regarding assessment of evidence, or the way a student is treated, must not be influenced by the raising of a complaint. If evidence to the contrary is found, the member of staff may be subject to action under the Staff Disciplinary Procedure.

### **Impartiality of Decision-Makers**

In order to ensure impartiality in the dealing of complaints, no person shall be permitted to take part in the making of a decision regarding a complaint where s/he has an interest through being a member of the same academic department in which the complainant is registered.

### **Staff Development and Training**

All staff associated with the handling of complaints appeals will be given appropriate training and development in order to meet the requirements of the OIA Scheme Rules - Effective from 1 April 2018 (<https://www.oiahe.org.uk/media/2276/oia-rules-april-2018.pdf>).

### **Completion of Procedures Letter**

For HE students a Completion of Procedures (COP) letter will be issued at the end of internal procedures when there are no matters outstanding. This can then be forwarded to the OIA within 12 months of issue.

## **COMPLAINTS PROCEDURE**

### **Stages in the Process**

There are three stages in the College Compliments and Complaints Procedure; these are shown as Stage 1, Stage 2 and Stage 3 in the accompanying flowchart.

#### **Stage 1: Informal Complaint**

A concern is raised, sometimes verbally with a direct member of staff involved in delivering the service. Staff will then address the concern within 10 working days. Where informal complaints are not resolved, complainants have the option of submitting a formal complaint.

#### **Stage 2: Formal Complaint**

When a complaint is received by the QPS department, if stage 1 has not been completed it is encouraged to raise and resolve a complaint at this informal stage first. However, it is not necessary if the complainant has requested this stage to be omitted. The QPS department will forward written acknowledgement of receipt of the complaint with accompanying policy and procedure outlining the timeline for a response. Following completion of stage 2, a written acknowledgement from the QPS department, investigation by an independent Investigating Officer and a written response will be sent to the complainant.

### **Stage 3: Appeal to Non-Executive Member of SLT**

It is likely that an appeal will be based on:

- inadequate investigation into the original complaint
- a challenge to the evidence used to support the judgment made in the original response to a complaint
- the judgment in the original response is not adequately supported by evidence
- new evidence that has come to light
- the action and/or compensation offered is viewed by the complainant as inadequate

The appeal will allow the SLT member to moderate the process and request additional information.

### **Stage 4: Appeal to an Executive Member of SLT**

Repeat of stage 3 – the appeal will allow the executive member of SLT to moderate the whole process.

## **1. Management of the Procedure**

The complaints handling process is managed by the Quality, Performance & Standards (QPS) department.

## **2. Publicising the Procedure**

Information about the college complaints procedure will be included in the information provided for all students at enrolment and induction. Information will also be available on the college website and student virtual learning environment (VLE).

## **3. Target Timescales**

The college aims to provide a substantive response to an informal complaint within 10 working days.

3.1 The College aims to provide a substantive response in writing to a formal complaint within a specified timescale. Normally this will be 20 working days of receipt. It is recognised that some complaints are complex and require extensive investigation. In such circumstances the investigation will be deemed by the QPS department Head of Faculty (HoF) to be complex and the college will provide a substantive response within 30 working days. This will be communicated to the complainant. This also includes complaints involving a member of staff for which consultation will take place with Human Resources (HR) to determine the most appropriate way forward and may be pursued in accordance with HR policies and procedures.

3.2 Definition of “working days” constitutes as college term days up to 5.00 pm, i.e. when the college is open to students.

3.3 Where complaints are made during low staffing periods i.e. outside of term time, we will aim to address the complaint within the normal 20 working day timescales. If this is not possible the complainant will be made aware of increasing timescales and/or changes to investigating staff.

## **4. Receipt of an Informal Complaint**

Informal complaints should be raised directly within the department. In most cases the informal complaint is resolved at this stage.

Where informal complaints are addressed to the QPS department, these will be recorded and then referred to the relevant department in the first instance. The QPS department will contact the complainant within 10 working days of the outcome to assess their satisfaction.

## **5. Receipt of a Formal Complaint**

- 5.1 Publicity about the College Compliments and Complaints Procedure indicates that complaints should be addressed to the QPS department. Upon receipt, complaints will be referred to an independent investigating officer.
- 5.2 The college is committed to confidentiality and protection of the complainant. Should the complainant wish to remain anonymous, the college will endeavour to uphold, providing this still allows a thorough investigation to be conducted. However, the complainant should be aware that anonymity may restrict some elements of the investigation or in some cases, prevent a full investigation from taking place. Upon submitting a formal complaint to the QPS department, the complainant will be required to tick a declaration indicating their permission (or not) for disclosure of their identity.
- 5.3 The Director of Quality and the QPS Administrator will meet to review the complaint. If the accusation involves a member of staff, a decision will be made to inform HR/Safeguarding, who will investigate. The complainant will be informed that the complaint will be dealt with in line with our internal policies.
- 5.4 A reference number will be issued for each complaint received by the QPS department.
- 5.5 A record of all complaints received will be monitored within the QPS department.
- 5.6 If QPS, the Administrator or a member of the team will telephone the complainant to introduce the QPS department and explain the process and ask if they would like to add any further information. The department will send e-mail confirmation acknowledging receipt of the formal complaint to the complainant with accompanying policy and procedure.
- 5.7 The QPS department will appoint an investigating officer who will examine the complaint and decide upon the appropriate course of investigative action.
- 5.8 The investigating officer will have had no direct involvement in the matter being complained about.
- 5.9 The independent investigating officer will be sent the complaints documents to support the process:
  - 5.9.1. A copy of the original complaint
  - 5.9.2. Compliments and Complaints Policy & Procedures
  - 5.9.3. Flowchart of Procedure
  - 5.9.4. Notes of Guidance for Managers Investigating a Formal Complaint
  - 5.9.5. Complaint Investigation Report Form
  - 5.9.6. An Outcome letter template
  - 5.9.7. A Completion of Procedures (COP) letter template (HE students only)
- 5.10 The QPS department may, if deemed appropriate, send a copy of the original complaint (marked confidential) to another manager for information.

## **6. Investigation of a Formal Complaint**

The independent investigating manager will:

- 6.1 Familiarise themselves with the Notes of Guidance for Managers Investigating a Complaint.
- 6.2 Treat the investigation of a formal complaint as a matter of urgency and be mindful of the college target timescales for the response to complaints.

- 6.3 Thoroughly investigate the complaint always considering Equality, Diversity and Inclusion and in accordance with relevant college policies and procedures.
- 6.4 Maintain adequate records of their investigation.
- 6.5 Complete the relevant sections of the Complaint Investigation Report Form and return to the QPS department. This will include lessons learned and actions which are reported to SLT and monitored for completion.

## **7. Response to a Formal Complaint**

- 7.1 Following investigation, the independent investigating officer will send an outcome letter addressing all points raised in the original complaint to the QPS department which will be forwarded onto the complainant. Receipt of the complaint investigation report and the outcome letter by the QPS department will enable the complaint to be closed. If QPS are not in receipt of the aforementioned documents, the complaint will remain open and the investigating officer will continue to receive tracking queries. For HE students – unless an appeal is received within 20 days the complaint at this point will be officially closed and a COP letter will be issued.
- 7.2 The letter will contain:
  - 7.2.1. A decision as to whether the complaint is justified, partly justified or not justified and the reasons to support the decision
  - 7.2.2. A review of all concerns raised in the original complaint
  - 7.2.3. In cases where a complaint is justified or partly justified, the actions that the college proposes to take.
- 7.3 The investigating officer will consult with the relevant HoF(s) to take appropriate action. This will refer to recommendations included within the complaint investigation report.

## **8. Appeal against the Judgement of a Formal Complaint**

If the complainant is not satisfied with the substantive response to their complaint they have the opportunity to make an appeal (stage 3 in the flowchart). If they wish to do this they should write to the QPS department stating that they are unhappy with the outcome, the reasons why and what they will consider as an alternative outcome. This should be done within 20 days of the outcome letter being sent to the complainant.

QPS will refer and discuss the appeal and the current investigation with the relevant non-executive member of SLT.

The non-executive member of SLT will evaluate all evidence and determine if there are requirements for further investigation. Where this is the case, the complainant could be requested to provide additional information and may be invited in to discuss this.

The non-executive member of SLT will respond to the appellant with an appeals completion letter within 20 working days of receiving the appeal. The appeals completion letter will advise that once all internal complaints procedures have taken place they can appeal to a member of the executive team (stage 4). Following an appeal being heard by a member of the executive team the complainant will be informed all procedures have been exhausted.

## **9. Taking a Complaint Further**

If, when the internal formal complaints procedure has been exhausted, the complainant remains dissatisfied they may have grounds to complain to the Quality Assurance Agency (QAA), Office for Students (OfS) Education & Skills Funding Agency (ESFA), or The Office of Independent Adjudicator (OIA) if their complaint is in relation to the adequacy or sufficiency of provision. For HE students – a Completion of Procedures (COP) letter will be issued at the

end of internal procedures. HE students may contact the OIA within 12 months of the COP letter being issued.

## **10. Monitoring and Reporting**

10.1 The QPS department will ensure that adequate records of the complaints handling process are maintained.

10.2 The QPS department will produce a termly report of complaints received to include the outcome of investigation, lessons learned and actions taken. The termly report will be submitted to SLT and annually to Quality, Performance and Standards Committee.

## **11. Review of Procedure**

This procedure will be reviewed every 3 years by the Quality, Performance and Standards Committee. Approved March 2023. Review Date – March 2026

Documentation relating to Formal Complaints Procedure: -

Compliments and Complaints Policy & Procedure

Flowchart of Procedure

Notes of Guidance for Managers Investigating a Formal Complaint

Notes of Guidance for Students (incorporating Complaint Form)

Complaint Investigation Report Form