

## Concerns, Complaints and Appeals (Further and Higher Education) Policy and Procedure

Formal Review Cycle	Biennially		
Latest Formal Review (date)	01 Oct 2024	Next Formal Review Due (date)	30 Sept 2026
Policy Owner	Associate Principal for Teaching, Learning and Quality		
Policy Author	Associate Principal for Teaching, Learning and Quality		

### Approvals

Board of Corp Y/N	Y	Committee		Date Board approved	01.10.24
ELT Y/N	Y	ELT date approved	24.09.24	Additional committee	

### Publication

Website Y/N	Y	Unify Y/N	Y	Student VLE Y/N	Y	Other	
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### Change History

Version	Date Reviewed/ Revised	Description of Change	Reviewed by	Approved by
V1	28/05/2020,	Policy rewrite.	VP SS&R	ELT
V2	01/02/2023	Updated against the Office of the Independent Adjudicator (revised December 2022). General updates to owner of policy and job titles/roles; definition of complaint in line with OIA Good Practice Framework definition and update to underlying principles.	AP TL&Q	ELT CQSE Board
V3	24/06/2024	Policy rewrite <ul style="list-style-type: none"> <li>• New name Concerns, Complaints and Appeals to ensure clarity</li> <li>• 4.9 Additional information on what may be considered a vexatious and malicious complaint</li> <li>• 5.5 Responsibilities of the Investigating officer now includes conclusion of the complaint and ownership of the actions</li> </ul>	AP TL&Q	

		<ul style="list-style-type: none"><li>• 6. The College has maintained a 4 stage process as per original policy</li><li>• Simplification of the Procedure utilising table format to support staff and student understanding</li></ul>		
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# Concerns, Complaints and Appeals

## (Further and Higher Education)

### Policy and Procedure

#### 1. Policy Statement

- 1.1. This is a policy of the City of Sunderland College, trading as Education Partnership North East (which includes Sunderland College, Hartlepool Sixth Form College and Northumberland College). These colleges will be referred to as “the College” throughout this document.
- 1.2. The policy must be read and implemented in conjunction with the attached procedure for concerns, complaints and appeals.
- 1.3. Feedback is valued and may be used to:
  - get things right in the future if we have not done so already.
  - become more customer focused.
  - be more open and accountable.
  - act fairly and proportionately.
  - seek continuous improvement.
- 1.4. When we get things wrong, we will act to:
  - accept responsibility, apologise and learn from omissions.
  - explain what went wrong and why.
  - put things right by making any changes required.
  - change policies and practices where proportionate and sensible.
- 1.5. Alternative formats of this policy will be considered on request.

#### 2. Scope

- 2.1. The scope of the policy covers;
  - 2.1.1. All College services
  - 2.1.2. Further and Higher Education students
  - 2.1.3. Parents/carers, employers, and members of public.
- 2.2. The College defines:
  - 2.2.1. A **concern** as: “A verbal desire for improvement without necessarily being a direct criticism or dissatisfaction.”
  - 2.2.2. A **complaint** as: “A written 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, whether justified or not.”
- 2.3. This policy covers concerns and complaints about:
  - 2.3.1. The standard of service you should expect from us.
  - 2.3.2. The behaviour of our staff in delivering that service.
  - 2.3.3. Any action, or lack of action, by our staff or others engaged on College business.
- 2.4. The College does not normally accept anonymous Complaints which may prohibit a full investigation, however, there may be circumstances where the College deems it appropriate to investigate due to the nature of the complaint.

2.5. This policy does not cover:

- 2.5.1. Academic Appeals.
- 2.5.2. Appeals from our other policies including Behaviour for Success, Fitness to Study and/or Fitness to Practice policy.
- 2.5.3. Student Loans Company
- 2.5.4. Comments about our policies or policy decisions.
- 2.5.5. Matters fully investigated and exhausted through this Policy and Procedure.
- 2.5.6. Whistleblowing.
- 2.5.7. Complaints made more than 3 months after matter which prompted the complaint.

### 3. Definitions

#### 3.1. Anonymous Complaints

Preventing the College from identifying who the complaint is from or how to contact them.

#### 3.2. Complaints made on behalf of another

Made by a parent, guardian or an advocate on behalf of a student and only considered if a signed statement is received from the student confirming their agreement.

#### 3.3. Complaints by a third party

These include members of the community or customers and accepted under this policy.

#### 3.4. Complaints about staff members

Permit the staff member the right to access and respond to any evidence provided and may trigger referral to another policy.

#### 3.5. Complaints about students

May trigger referral to another policy.

#### 3.6 Collective/group complaints

These identify how each individual has been personally affected by the issue(s) being brought to the attention of the College, are signed by each individual to confirm agreement, and a nominated individual is identified who will submit and receive communication/ correspondence too and from the College.

#### 3.7 Multi-Issue Complaints

Where several issues within single complaint fall within the remit of other policies and/or procedures and where these may be triggered simultaneous to this one.

#### 3.8 Students

This covers further and higher education degree students, apprentices, and residential students.

#### 3.9 Vexatious and Malicious Complaints

A vexatious or malicious complaint is defined as a complaint which is deemed unreasonable. This may include;

- 3.9.1 Refusing to specify the grounds of a complaint or appeal, despite offers of help.
- 3.9.2 Refusing to cooperate with an investigation process.
- 3.9.3 Refusing to accept certain issues that are outside of the College's jurisdiction or within the scope of this policy and procedure.
- 3.9.4 Insisting on matters being dealt with in ways which are incompatible with the adopted policy and procedure or with good practice.
- 3.9.5 Changing the basis of the complaint as the investigation proceeds.
- 3.9.6 Denying or changing statements made at an earlier stage.
- 3.9.7 Introducing trivial or irrelevant new information at a later stage.
- 3.9.8 Raising many detailed but unimportant questions, and insisting they are all answered.

- 3.9.9 Submitting falsified documents.
- 3.9.10 Adopting a 'scatter gun' approach:
  - i. pursuing parallel complaints on the same issue with various members of staff and/or organisations.
  - ii. Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days, and expecting immediate responses.
- 3.9.11 Submitting repeat complaints or appeals with minor additions/variations.
- 3.9.12 Refusing to accept the decision; repeatedly arguing points with no new evidence.
- 3.9.13 Acting in repetitious, harassing ways that are intended to cause disruption or annoyance.
- 3.9.14 Pursuing unrealistic outcomes or redress beyond all reason and value.

In cases where a complaint or appeal is determined to be vexatious or malicious, the College reserves the right to terminate the process and/or investigation.

## 4. Responsibilities

### 4.1 Governors

- 4.1.1 Approve the policy and procedure for the College and review outcomes including remedial actions.
- 4.1.2 Complaints against the Chief Executive, Deputy Chief Executive, Chief Operating Officer, postholder, Governance Professional or any other senior postholder or a Governor, must be dealt with by Chairperson of the Corporation.
- 4.1.3 Complaints against the Chair of the Corporation must be dealt with by the Chair of the Audit Committee or the Senior Independent Governor.

### 4.2 Executive and Senior Leadership Teams

- 4.2.1 Review reports on complaints/ appeals, make changes to address consistent poor performance.
- 4.2.2 Act as investigating officers for complaints/ appeals involving Directors and Senior Leadership Team (except senior post holders).

### 4.3 Associate Principal for Teaching, Learning and Quality

- 4.3.1 Has overarching responsibility for this policy and procedure and its implementation.
- 4.3.2 Must collate information relating to policy and procedure and report to the Senior Committee of Education Partnership North East and the Board of Corporation.

### 4.4 Leadership Team

- 4.4.1 Act as College representatives and ensure timely action at the informal stage.
- 4.4.2 Act as independent investigators for formal complaints outside of their areas of accountability.

### 4.5 Investigating Officer

- 4.5.1 An appropriate manager with knowledge of and/or experience in the field relevant to the complaint and appeal.
- 4.5.2 Has overall responsibility for investigating the complaint at Stage 2 and has no responsibility for or prior involvement with the service being complained about.
- 4.5.3 Will seek advice from suitable experts and determine if the investigation should be paused and moved to an alternative policy.
- 4.5.4 Is accountable for notifying relevant senior leaders of formal action arising from complaint and appeal outcomes (in their area of responsibility), and timely follow up on the effective completion.
- 4.5.5 Communicating lessons learned from the process to the owner of this policy and procedure.

### 4.6 Quality Department

- 4.6.1 Ensure the policy and procedure are followed.

- 4.6.2 Act as a central point of information and ensure complaints and appellants have been informed of the actions taken to resolve the complaint and where appropriate, appeal.
- 4.6.3 Collecting feedback and reflections from investigating officers to inform future policy development.

#### 4.7 Staff

- 4.7.1 Must adhere to the policy and procedure.
- 4.7.2 Ensure the Quality Department are sent all concerns, complaints and appeals received by the College.
- 4.7.3 Ensure students know how to make a complaint.

#### 4.8 Complainant

- 4.8.1 Must use the policy and procedure to raise complaints and appeals where appropriate.
- 4.8.2 Must not subject the college or staff to abuse verbally or written. This includes on social media. The College takes incidents of this nature very seriously.

### 5. Four Stages of Complaints

- 5.1 The complainant must make their complaint as soon as possible, to enable the College to investigate and respond in a timely manner.
- 5.2 The complainant must make their complaint within three (3) months of the matter that prompted their complaint.
- 5.3 While a complaint is being investigated, students should continue to adhere to the expectations of their programme, including deadlines and attendance.
- 5.4 The College's has a four (4) stage complaints and appeal procedure:

Stage	Stage Category	Descriptor
1	<b>Informal</b>	Of an informal nature and confirmed as informal.  Must be dealt with immediately by the staff member to whom the concern has been raised so that the issue does not escalate or impact on others.  The College aims to resolve concerns quickly and to reach a satisfactory resolution.
2	<b>Formal</b>	If not resolved at the informal stage (and within 30 days of the proposed resolution), or of a serious nature, a complaint can be escalated to the formal stage.
3	<b>Appeal</b>	If felt a formal complaint has not been dealt with fairly or in compliance with this policy and procedure, an appeal may be submitted within 30 days of the outcome letter.
4	<b>Post Appeal</b>	If after exhausting the internal appeals process, the appellant feels the appeal has not been dealt with fairly or in compliance with this policy and procedure they have the option to contact;  Further Education programmes – Department for Education.  Higher Education programmes – the awarding organisation (e.g. Pearson or University) or the Office of the Independent Adjudicator (OIA)

## **6. Redress-Putting matters right**

- 6.1 The College must take all steps possible to follow the general principle that a complainant and/or appellant, so far as possible, should not be put in the position they would have been in, had things not gone wrong.
- 6.2 The remedy applied must be proportionate and appropriate to any failure in service and take into account the redress sought.
- 6.3 An apology is considered generally the most appropriate action, but other action may also be necessary in some circumstances.
- 6.4 The action the College takes to redress the complaint or appeal may include any combination of:
  - 6.4.1 Providing a full apology, explaining what happened and/or what went wrong (An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty Compensation Act 2006).
  - 6.4.2 Taking remedial action, which may include reviewing or changing a decision on the service given to a complainant.
  - 6.4.3 Providing the service required in the first instance (immediately, if appropriate). Putting things right (for example a change of procedure to prevent future difficulties of a similar kind, either for the complainant or others).
  - 6.4.4 Training or supervising staff; or a combination of both.
  - 6.4.5 Referring a staff member or student to disciplinary proceedings or to relevant safeguarding teams.

## **7. Support**

- 7.1 For a complainant or appellant who is a student, the process can be daunting.
- 7.2 The student has the right to be accompanied by a member of staff such as a Student Services employee or via their tutor.
- 7.3 A student with Special Educational Needs may seek advice and support from their chosen member of the learning support team.
- 7.4 Where the complaint or appeal relates to a staff member, support for the staff member will be available upon request through People & Development.

## **8. Withdrawing a complaint**

- 8.1 Complaints or appeals can be withdrawn at any time.
- 8.2 The Quality Department will consider whether the complaint or appeal requires further consideration under appropriate internal management review systems.

## **9. Confidentiality**

- 9.1 Where possible, confidentiality will be observed throughout the operation of this policy.
- 9.2 Where relating to specific individuals, the College will share such details with them.
- 9.3 The College will only disclose information to those who need are involved in the complaint and/or appeal.

## **10. Records management**

- 10.1 Staff must maintain all records relevant to administering this policy and procedure and in a recognised college record keeping system including informal and formal complaints.
- 10.2 Outcomes and actions taken are recorded and used for service improvement.
- 10.3 The College records all complaints and appeals received and collates data to help understand what things we do well, what types of problems are most prevalent, and how well we are doing to resolve them.

## **11. Data Protection**

- 11.1 Your information must be processed and retained appropriately and legally, in line with the Data Protection Act 1998, subject to the need to disclose information as required by statutory authorities, and/or as a result of statutory, or legal obligations placed on the College.

- 11.2 Consent to Disclose: If the complainant/appellant wishes for someone else to raise matters with us on their behalf, the College has a legal obligation under the General Data Protection Regulation with regard to sharing information with third parties. The College will require written permission to share this information.
- 11.3 Before permission is given to share information with others, the complainant/ appellant must consider whether our response will include any sensitive information about them. The complainant/appellant is required to contact the Quality Department in advance to confirm which sensitive information the college can and cannot share.
- 11.4 The Retention Period for information relating to this policy and procedure is five (5) years after the initial complaint has been raised.

## 12. Associated Documents

- 12.1 Academic Appeals Policy and Procedure.
- 12.2 Fees Policy.
- 12.3 HE Fees Policy.
- 12.4 Whistleblowing Policy.

## 13. Policy Monitoring and Review

### 13.1 Annual Monitoring:

- 13.1.1 The Associate Principal for Teaching, Learning and Quality will produce an annual report of complaints and appeals received to include the outcome of investigation, lessons learned, and actions taken.
- 13.1.2 The report will distinguish between further and higher education and will be submitted to the Executive Committee of Education Partnership North East and subsequently the Board of the Corporation.

## 14. Review of Policy and Procedure

- 14.1 The Quality Office will act as a central point of information for this policy and procedure and will take enquires from parents/carers, employers and members of the public:

Email: [Quality@educationpartnershipne.ac.uk](mailto:Quality@educationpartnershipne.ac.uk)

Phone: [01915116000](tel:01915116000) x

## 15. Equality Impact Assessment

<b>Have you sought consultation on this policy?</b>		Senior Leadership team Member of Equality, Diversity & Inclusion Committee		
<b>Details:</b>				
<b>Could a particular group be affected (negatively or positively)?</b>	<b>Impact Y/N</b>	<b>Description of Impact</b>	<b>Evidence</b>	<b>Mitigation / Justification</b>
Protected characteristics under the Equality Act 2010				
Age	N			
Disability	N			



Gender Reassignment	N			
Marriage and Civil Partnership	N			
Pregnancy and maternity	N			
Race	N			
Religion or belief	N			
Sex	N			
Sexual Orientation	N			
Additional characteristics to consider				
Young Persons in Care & Care Leavers	N			
Young Carers & Care Givers	N			
Young Parents	N			
Youth Offenders	N			
Those Receiving Free School Meals	N			
<b>If there is no impact, please explain:</b>	<p>The policy attempts to remove barriers to providing feedback, allowing for Complaints, suggestions, and compliments to be made verbally / support provided by the College to complain in writing. Complainants are encouraged to complete a form in writing, but complaints received in other formats e.g., e-mail, are accepted.</p> <p>Policy includes provision for impartial support for the complainant.</p> <p>Easy read version of the policy will be produced for the college website and reception areas.</p>			

# Concerns, Complaints and Appeals Procedure

## 1. The Four Stages.

### Stage 1: Informal

#### The staff member to whom the concern is raised:

- Must clarify with the individual that the issue raised is an informal concern.
- Seek to remedy the issue informally, but without the formal involvement of any other leader or department.
- Should inform the quality department of all concerns raised so that the department can track the progress of any concern (or subsequent complaint).
- Must confirm, in writing, to the person raising the concern the proposed remedy and should notify quality of the outcome.
- If a remedy, agreeable to both parties cannot be found, the staff member must refer the individual to the College's Concerns, Complaints and Appeals Policy and Procedure and if possible, send this via email.
- Within 30 days of the proposed remedy being provided by a staff member, an individual may opt to submit a formal complaint.

### Stage 2: Formal

#### A complainant may

- Submit a complaint if they feel that an informal concern has not been remedied appropriately. A formal complaint must be made in writing,
  - Escalate an informal complaint within **30 working days** of the proposed remedy provided by the staff member at the informal stage.
  - In addition, the complainant may submit a formal complaint bypassing the informal stage if believed that the complaint is of a serious concern.
  - **When submitting the formal complaint in writing, form SG2 must be used. The complaint must be sent to the Quality Office Education Partnership North East.**
- Email: [Quality@educationpartnershipne.ac.uk](mailto:Quality@educationpartnershipne.ac.uk)**
- Reasonable adjustments can be requested for this process. For a student with Special Educational Needs, they can seek advice and support from their chosen member of the learning support team.
  - **If the complainant does not complete form SG2 in full, this may delay the process whilst the Quality Office seeks further clarification including the complainant's desired outcome.**
- Within **5 working days**, the Quality Office must acknowledge receipt of a complaint where a return address is provided and appoint an Investigating Officer (*see 3*). (*Where an incomplete SG2 form is submitted, this may delay the process whilst further information is sought*).

#### The Investigation Officer (IO)

The IO must be a member of the college's leadership team and:

- have had no direct involvement in the delivery of the service complained about;
- have had no prior association with the complainant or the complaint raised;
- will not have been the subject of a formal complaint from the student;
- personal interest in the outcome of any decision being made;

- will not have a close personal connection to the student or to other people involved;
- have appropriate experience of the main topic area pertaining to the complaint.

Must follow the College's investigation protocol when investigating complaints (see College's investigation protocol)

- Make a judgment about handling of an anonymous complaint; specifically, if the complaint will
- Be investigated as it highlights a serious risk to the College community or public.
- Not be investigated, or investigated fully, as the anonymous complaint prohibits appropriate action being taken.

#### **Complainant will:**

- Have the right to be accompanied by one person (for example a friend), who also has the right to speak on behalf of the complainant. However, this person is in addition to the complainant, not a substitute and cannot be a legal representative.
- Be required to be present during relevant meetings, unless there is a good reason why this is not possible.

#### **If a complainant:**

- Does not engage with the Investigating Officer, the investigation may cease, and the complaint may be found not justified.
- Does not adhere to the college's corporate value of respect and is considered to be behaving outside of our zero-tolerance approach to discrimination, bullying, harassment, or victimisation, the investigation will cease and the complaint may be found not justified.

#### **Investigation Timescales and Outcome:**

- The complaint will be investigated and should be resolved within **30 working days** from commencing the investigation.
- If it is not possible to conclude the investigation within the timescale expected at this stage, the Investigating Officer, in writing, will keep the complainant advised of progress and a revised date for a resolution.
- The Investigating Officer will decide on whether the complaint is upheld or not upheld.
- The Investigating Officer will send a copy of their investigation report to the quality department within **30 working days** from the start of the investigation using the investigation report template.
- The investigating officer will send the quality department the outcome letter using the Policy and Procedure template for outcome letters within **30 working days** from the start of the investigation using the template for outcome letters.
- Upon receipt Quality will log a copy of the outcome letter and send the letter to the complainant.

#### **Complaint Timescales and Next Steps**

- Complaint timescales may be subject to extension, particularly over holiday periods or staff absence. Where extensions are made, the complainant will be notified in writing by the Investigating Officer.
- If dissatisfied with the outcome of the formal stage, an appeal may be submitted.
- **The investigating officer will ensure that recommendations made following the conclusion of the investigation are acted upon by the relevant line manager. This will require follow up to check on progress and outcome.**

#### **Stage 3: Appeal**

**An appellant may submit an appeal on the following grounds:**

- The formal complaint did not comply with the procedure at the formal stage.

- New evidence has come to light which could make a difference to the outcome of the formal complaint.
- **When submitting an appeal, Appeals Form (APP3) must be sent within 30 working days of the date of the written formal complaint outcome. The appeal must be sent to the Quality Office Education Partnership North East.**

Email: [quality@educationpartnershipne.ac.uk](mailto:quality@educationpartnershipne.ac.uk)

- **If the appellant does not complete form APP3 in full, this may delay the process whilst the Quality Office seeks further clarification including the appellant's desired outcome.**
- Within **5 working days**, the Quality Office must acknowledge receipt of an appeal where a return address is provided and assign an Executive Leadership team member to review the appeal. *(Where an incomplete APP3 form is submitted, this may delay the process whilst further information is sought).*
- Appeals will not result in a new investigation and will review records from the previous stages.
- The Member of the Executive Leadership team will:
  - Review the formal stage and whether the correct procedure was followed.
  - Review any new evidence provided by the appellant.
  - Explain the outcome to the appellant in writing.
- The member of the Executive Leadership team must write to the appellant, with the outcome of the appeal within **15 working days** of the acknowledgement of the appeal.
- **For Higher Education programmes validated by Pearson**, appeals which have not been upheld will be automatically issued with a completion of procedures letter. Where an appeal has been upheld, appellants can request a completion of procedures letter.

#### Stage 4: Post Appeal

If after exhausting this policy and procedure, an appellant may progress to external agencies as set out below:

#### For Further Education programmes - Education and Skills Funding Agency (ESFA)

[complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)

#### For the Institute of the Motor Industry (IMI) approved qualifications

[IMI Complaints Form | Institute of The Motor Industry \(theimi.org.uk\)](#)

Head Office

*Institute of the Motor Industry*

*Fanshaws, Brickendon*

*Hertford, SG13 8PQ*

**For Pearson Programmes -Higher Education**

Office of the Independent Adjudicator (OIA) within 12 months of the date of the CoP letter. The OIA can be contacted at:

*Second Floor*

*Abbey Gate*

*57 –75 Kings Road*

*READING RG1 3AB*

[www.oiahe.org.uk](http://www.oiahe.org.uk)

**For Higher Education validated by a University Partner**

**University of Cumbria**

[https://my.cumbria.ac.uk/media/MyCumbria/Documents/Student-Procedures/Student-Complaints-Policy\\_Procedure-201920.pdf](https://my.cumbria.ac.uk/media/MyCumbria/Documents/Student-Procedures/Student-Complaints-Policy_Procedure-201920.pdf)

**University of Sunderland**

<https://my.sunderland.ac.uk/display/SH/Student+Complaints>

**University of Hull**

[Student complaints | University of Hull](#)

**For Complaints relating to Governance**

Any complaints regarding governance, our governors or Senior Postholders should be addressed to the Head of Corporate Governance and Policy. Complaints against the Chief Executive, Deputy Chief Executive, Chief Financial Officer, Head of Corporate Governance and Policy, or a governor, will be dealt with by Chairperson of the Corporation.

Complaints against the Chair of the Corporation, will be dealt with by either the Senior Independent Governor or the Chair of the Audit Committee.