



Bradford College Complaints Procedure for Students on Further Education and Apprenticeship Programmes

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V2	Revision	October 2020	Update of procedures following restructure of College and review of GDPR / disclosure requirements
V3	Revision	April 2021	Bi Annual updating

Monitoring and review

This procedure will be reviewed by the Senior Leadership Team every two years.

Bradford College Complaints Procedure for Students on Further Education and Apprenticeship Programmes

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Section One: Roles and Responsibilities

All staff are responsible for:

- Understanding the Complaints Policy and Procedure, including the grounds and stages of a complaint
- Their authority to attempt to resolve any complaints that they may be called upon to deal with
- The need to try and resolve complaints in a timely fashion.

The Senior Leadership Team are responsible for:

- Ensuring that the College discharge their responsibilities relating to student complaints in line with the policy and procedures
- Overall responsibility and accountability for the management and governance of complaints handling within the College
- Ensuring that mechanisms are in place to verify a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported
- Ensuring that complaints information is effectively used to drive continuous improvement of the Student Experience

The Quality Team are responsible for:

- Discharging efficient and effective administrative processes to support the College in handling student complaints
- Recording accurate information regarding complaints and adhering to GDPR guidance in the storage and retention of associated documentation
- Liaising efficiently with external bodies, including Awarding Organisations and the ESFA in regards to escalated student complaints
- Offering training and development to complaint investigators
- Producing management information associated with the volume, characteristics and equality impacts of complaints for the consideration of governance and management bodies in the College

The Complaints Investigator is responsible for:

- Ensuring that they are suitably trained in the conduct of a complaint investigation and the complaints procedure
- Ensuring that they are cognisant of all aspects of a complaint investigation to which they have been assigned
- Ensuring that they are satisfied with the content and accuracy of the outcome letter prior to distribution to the student
- Ensuring that they undertake a comprehensive investigation which accounts for all evidence and speak to all parties whose evidence may have a bearing on a complaint outcome.

Section Two: Scope of the Procedure

2.1 Bradford College exists to help students achieve their potential and make a rewarding contribution to their own communities. Occasionally things go wrong. Most concerns can be resolved by dialogue between the student(s) and staff concerned without having to raise a formal complaint. However, if students feel that the College or its staff are not providing an acceptable level of service or have failed to provide a service then a complaint may be made.

2.1.2 The Complaints Procedure for students on Further Education Programmes is in place to ensure complaints are handled in a consistent and reasonable manner so that students' concerns are heard and used to bring about improvements. It covers all current Further Education students for a period of 20 working days after their last date of required attendance or of them being informed of the result of their

qualification. Students should raise their concerns as soon as possible within 20 working days of something of concern occurring.

2.2 This procedure can be used by:

- 2.2.1 Any Further Education student or Apprentice studying at the College for a College award or an externally validated award taught by College staff.
- 2.2.2 Former students, providing the complaint is brought within 20 working days of their date of withdrawal from the College or 20 working days from the date on which they completed their course/level of study.
- 2.2.3 Where a group of students complain, all students must sign the complaint. No student will normally be allowed to join the complainant group after the initial complaint has been submitted and signed.

2.3 The procedure does not apply to:

- 2.3.1 Complaints against other students.
- 2.3.2 Student disciplinary proceedings
- 2.3.3 There is no provision for lodging a complaint against academic judgement
- 2.3.4 Anonymous complaints (unless the complaint details a threat to the public)

If a concern is not covered by this procedure the College will state the reason and signpost you to the information or a correct route of action where possible.

2.4 Expectations of Standards:

2.4.1 The student should expect the College to:

- listen carefully and respond within a reasonable time
- deal fairly and sensitively with your concern
- take action where appropriate
- keep you updated and informed
- guarantee that no student making a complaint in good faith will suffer in any way as a result of having made that complaint

2.4.2 The College expects students to be prepared to:

- explain the problem reasonably, clearly and fully
- describe what you have done about the issue so far
- allow the College reasonable time to investigate the issues
- recognise that some circumstances are beyond the College's control
- inform the College of any special requirement you may have to help you make a complaint

2.5 Retention of information and records relating to Complaints

- 2.5.1 By submitting a letter of complaint a student is agreeing that the College can process the information it contains for all purposes relating to the Bradford College Complaints Procedure
- 2.5.2 Information and records will be kept in accordance with the General Data Protection Regulation Act (2018) and the College's "Information and Records Management Policy".

2.6 Complaints from third parties:

- 2.6.1 Complaints will not normally be accepted from parents or third parties unless explicit consent has been obtained from the student for the third party to act on behalf of the complainant such as consent provided at enrolment.

- 2.6.2 Consent can be withdrawn by the student at any time.
- 2.6.3 The College will consider whether the sharing of information is justifiable and reserves the right to refuse such requests where it is deemed appropriate.
- 2.6.4 Consent under the Data Protection Act (1998) will be reviewed to ensure it meets the standards of the General Data Protection Regulation (2018) and guidance from the Information Commissioners Office (ICO).

2.7 Capability

- 2.7.1 Where it is found that a student lacks capability and is unable to make a complaint or provide consent the college will liaise with the parent or legal guardian on their behalf.
- 2.7.2 For the purposes of section 2 of the Mental Capacity Act (2005), a person is unable to make a decision for themselves if they are unable to:
- a. understand the information relevant to the decision
 - b. retain that information
 - c. use or weigh that information as part of the process of making the decision, and/or
 - d. communicate their decision (whether by talking, using sign language or any other means).

2.8 Timescales for Making Complaints

- 2.8.1 The Further Education and Apprenticeship Complaints Leaflet explains how to go about making a complaint and outlines the three stages: informal, formal and appeal.
- 2.8.2 On receipt of a complaint the College will take reasonable steps to resolve concerns. We aim to acknowledge receipt of the complaint within **2 working days**.
- 2.8.3 We will aim to resolve the complaint within **20 working term time days** following written confirmation to you that your complaint is eligible.
- 2.8.4 Complaints received in half term or during the summer holidays will not start the 20 working day period until academic staff are in College and able to fully investigate the points raised.
- 2.8.5 A letter of explanation will be sent where the complaint is more complex and requires more time.

Section Three: Operating Principles

3.1 Stage One: Informal stage

Students should raise their concerns with the person immediately involved as soon as possible within 20 working days of something of concern occurring. For academic matters, students should speak to their tutor or arrange to make contact with the relevant Curriculum Area Manager or Team Leader. In other situations they should ask to speak to the manager of the service.

For advice and support on procedural matters, contact the Academic Compliance and Governance Officer, Quality Team by emailing complaints@bradfordcollege.ac.uk.

All relevant information should be included in the email as it will not normally be possible to consider information submitted at a later point in the complaints process unless new evidence has come to light which could not reasonably have been expected to be produced at the time of submission of the complaint.

If there is more than one student affected by the issues raised all those wishing to be included in the complaint must be named and sign in the complaint. It is not normally possible to include additional students in a group complaint once investigation has commenced.

3.2 Stage 2: Formal stage

- 3.2.1 Students who remain unhappy with the response at the informal stage can ask that their complaint is progressed to formal stage. Concerns should be raised within 20 working days of the end of the informal stage or 20 working days from the end of the attempt to resolve the concern informally in writing, explaining why they believe the complaint was not dealt with in a reasonable and fair manner. Upon receipt of the complaint the Academic Compliance and Governance Officer (or nominee) will consider your complaint to determine validity and that the request is not frivolous, vexatious or malicious (Appendix B). Normally, complaints at stage 2 are investigated by a member of staff at Head of Department level.
- 3.2.2 Please note that all relevant information should be submitted at this time. It is not possible to consider information which is submitted at a later point in the complaints process unless new evidence has come to light which could not reasonably have been expected to be produced at the submission of the complaint.
- 3.2.3 If more than one student was involved at informal stage each person who wishes to proceed to formal stage must be named and sign the complaint.

3.3 Stage 3: Appeal stage

- 3.3.1 Students who remain dissatisfied with the outcome at formal stage have the right to request an appeal within 10 working days of receiving the formal stage complaint outcome letter. An appeal will check the process has been followed correctly and examine the evidence and outcome.
- 3.3.2 No new complaints can be introduced at stage 3
- 3.3.3 Students who wish to appeal must complete and return the Stage 3 Appeal Form outlining their preferred outcome and which of the statements below are their grounds for appeal:
- That there is new evidence which was not available at stage 1 and 2 of the complaint
 - That the complaint outcome is manifestly unreasonable and a different outcome could have been reached if the complaint was investigated differently
 - That there was an error on the investigation which disadvantaged them
- 3.3.4 The Academic Compliance and Governance Officer will write to confirm if the appeal is eligible within 5 working days.
- 3.3.5 If the case is accepted the student(s) will be invited to attend the Formal Stage Complaint Appeal Panel to outline their case. Normally, appeals are heard by a member of staff at Assistant Principal level.

3.4 External Review

- 3.4.1 If the student has exhausted the College's complaints procedure and remains dissatisfied with the outcome, they can contact the external agency relevant to the complaint:
- The Awarding Organisation (OCR, Pearson Education Limited, City & Guilds etc.). Contact details are available on the awarding organisations websites)
 - Ofqual (Regulatory Body for Awarding Organisations) Spring Place, Herald Avenue, Coventry, CV5 8BA
 - The Education and Skills Funding Agency (ESFA)
<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure#complain-about-a-post-16-training-provider-college-or-employer-we-fund>

3.5 Confidentiality

- 3.5.1 By submitting a letter of complaint a student is agreeing that the College can share details of the complaint where necessary
- 3.5.2 Complaints will be dealt with as confidentiality as possible and access will be provided on a 'need to know' basis.
- 3.5.3 A copy of the complaint will be circulated to the individual(s) who are subject to the complaint only where appropriate as part of the complaint investigation
- 3.5.4 Where the complaint proceeds to appeal stage, documentation relating to the complaint will be circulated to members of the Complaint Appeal Panel and student. See Appendix A point 5 for further detail.
- 3.5.5 Where the complaint is about a member of staff the concern will be passed to the Colleges Human Resources department on receipt. If the complaint is taken by them we will write out to inform you of this, but no further information will be provided on any outcome found.

3.6 Fair Treatment

- 3.6.1 No student bringing a complaint under this procedure whether successfully or otherwise will be treated less favourably than if a complaint had not been brought.
- 3.6.2 The audio recording of meetings/hearings must be requested in writing 5 working days prior to the appeals hearing or meeting subject to such reasonable adjustments as may be agreed by the College under the Equality Act 2010.

3.7 Frivolous, Vexatious or Malicious Complaints

- 3.7.1 Where a complaint is dismissed for being frivolous, vexatious or malicious, The Governance and Regulatory Frameworks Lead will issue the complainant with a Completion of Procedures letter. If during the investigation the investigating officer determines that the complaint could be vexatious, malicious or frivolous, then the investigating officer should refer the complaint to the Governance and Regulatory Frameworks Lead to take action as set out in Appendix B of this paper.
- 3.7.2 A frivolous or vexatious complaint can be characterised in a number of ways:
 - i. Complaints which are obsessive and/or persistent and/or harassing and/or prolific and/or repetitious;
 - ii. Insistence upon pursuing complaints without merit and/or unrealistic outcomes beyond all reason;
 - iii. Insistence upon pursuing complaints without merit in an unreasonable manner;
 - iv. Complaints which are designed to cause disruption or annoyance;
 - v. Demands for redress which lack any serious purpose or value.

3.8 Advice and Guidance

- 3.8.1 Students who wish to pursue a complaint through this procedure are advised to seek support from the Students' Union.

3.9 Attendance at Meetings or Hearings

- 3.9.1 Students must ensure that they attend all meetings convened under this procedure
- 3.9.2 If the student fails to attend without providing good reason in advance of the meeting, the Chair may decide to proceed with the meeting in the absence of the student and the complaint will be considered on the basis of the evidence available at the time.
- 3.9.3 If the student gives apologies for non-attendance at the investigative meetings in advance with good reason, then the student may request a deferral of the meeting or apply for a representative to attend

the meeting on their behalf. A deferral may only be granted once and a representative in place of the student will not normally be permitted in the case of a stage 3 meeting (Appeal).

3.10 Right to Accompaniment /Representation

- 3.10.1 The student may be accompanied at any meeting under this procedure by a representative who may speak on the student's behalf. The representative may not be someone who has been excluded or suspended from the College.
- 3.10.2 It is the responsibility of the student (not the College) to relay all relevant notices and other communications under the procedure to the representative.
- 3.10.3 The student must provide the name of the representative to the College 5 days before the hearing.
- 3.10.4 Requests for representation on the student's behalf will only be considered in exceptional circumstances or where the student is unable to do this themselves.
- 3.10.5 Where a representative attends on behalf of a student, the meeting will only be required to consider the representations which are made by the representative on the student's behalf and not any written or oral representations which the student may make after the meeting.
- 3.10.6 All costs for the representative must be paid by the student.
- 3.10.7 Employees against whom complaints are made may seek advice from a recognised trades union and have a right to be represented / accompanied at all stages of the complaint procedure by a lay or full time officer of a recognised trades union or a work colleague, friend or family member.

3.11 Legal Proceedings

- 3.11.1 If a student brings court or tribunal proceedings against the College, the College will normally suspend consideration of that complaint until the outcome of the proceedings is known.

3.12 Monitoring and Evaluation

- 3.12.1 The Quality Team keep a summary of submissions under each stage of the Complaints Procedure which allows the progress of complaints to be monitored.
- 3.12.2 The Quality Team produce statistics on the reporting of complaints which are submitted to SLT and the College Governing Body on an annual basis.

Section 4: The Complaints Process

4.1 Informal Stage (Stage 1)

- 4.1.1 It is hoped that most concerns can be resolved in the daily interaction between students and the academic and professional staff with whom they interact. If this is not possible, the informal stage complaint will inform the College of any issues which we can investigate when the student has had difficulty resolving the issue and needs the support of the complaints procedure to do this.
- 4.1.2 If the concern is of a general nature, it may be more appropriate for the matter to be taken up through the appropriate staff / student committee representative.
- 4.1.3 Concerns should be sent to the Academic Compliance and Governance Officer, Quality Team in writing by emailing complaints@bradfordcollege.ac.uk. An informal stage complaint form is available on

request.

- 4.1.4 The Academic Compliance and Governance Officer will acknowledge the complaint within 2 working days of receiving the complaint and confirm if the complaint is eligible. If the complaint is eligible an investigating officer will be appointed within 3 days of the student receiving confirmation of acceptance.
- 4.1.5 Where possible Informal stage complaints will be dealt with by an investigator from that area nominated by the Academic Compliance and Governance Officer who will forward any paperwork. Once the issues have been investigated a report will be sent to the Academic Compliance and Governance Officer. The complainant should normally receive a written response within 20 working days of the appointment of an investigating officer.
- 4.1.6 If the complaint investigator is unable to complete the investigation within the recommended timescales they can seek an extension and the complainant will be notified of the delay in writing.
- 4.1.7 Once the complaint has been investigated the student will receive a letter which confirms the outcome of the complaint investigation and outlines the process for escalating the complaint, should the student wish to proceed to formal stage.
- 4.1.8 Improvement measures taken in response to the complaint will be logged by the Academic Compliance and Governance Officer to enable the College to improve and reflect on its service.

4.2 Formal Stage (Stage 2)

- 4.2.1 Students who are unhappy with the outcome at informal stage should email the Academic Compliance and Governance Officer outlining their reasons for requesting a review of the informal stage complaint outcome and attaching any relevant evidence. The complaint should be submitted within 20 working days of the last occurrence or within 20 working days of the outcome of the informal stage. A formal stage complaint form is available on request.
- 4.2.2 If the student has not gone through the informal stage they should explain why they have not done this. The Academic Compliance and Governance Officer has the right to refer a complaint to informal stage where appropriate. Before submitting a formal complaint, students are advised to contact the Students' Union for advice.
- 4.2.3 The Academic Compliance and Governance Officer will acknowledge the complaint within 2 working days of receiving the complaint and confirm if the complaint is eligible to proceed to the formal stage. An investigating officer not involved at informal stage will be appointed within 5 days of receiving the complaint.
- 4.2.4 If the complaint is not eligible, the Academic Compliance and Governance Officer will write to the student within 3 working days to explain the reasons why and will advise on alternative solutions where appropriate.
- 4.2.5 The investigating officer will investigate the issues raised and submit their findings to the Academic Compliance and Governance Officer. As part of the investigation and to ensure fair treatment for all, the investigating officer will take reasonable steps to gather evidence to make a decision. They will sensitively seek feedback where required from any individuals cited in the complaint in order to fully investigate the concerns raised.
- 4.2.6 Student(s) lodging a complaint may be contacted to meet with the investigating officer to discuss their concerns in more detail.

4.2.7 The student should receive a written response within 20 working days of the investigating officer dealing with the complaint and instruction on how to escalate their complaint to appeal stage if they are eligible. If there is a delay with the investigation the student will be notified of this within the 20 working day period

4.2.8 A complaint submitted outside the timescale should include an explanation of why it is late. It is at the discretion of the Head of Quality whether complaints submitted late will be accepted.

4.3 Appeal Against Formal Stage Outcome (Stage 3)

4.3.1 A student wishing to appeal against a formal stage 2 decision must complete the Stage 3 Appeal Form, include any relevant documentation and submit this to the Academic Compliance and Governance Officer outlining their grounds for appeal. The request should be submitted within 10 working days of receiving the stage 2 complaint outcome letter. Before submitting an appeal against a formal stage outcome, students are advised to contact the Students' Union for advice.

4.3.2 The Academic Compliance and Governance Officer (or nominee) will acknowledge receipt of the complaint within 2 working days of receiving the complaint and pass the complaint to the Governance and Regulatory Frameworks Lead who will confirm whether the complaint is eligible for appeal stage.

4.3.3 Where a complaint is not eligible for appeal, the Academic Compliance and Governance Officer (or nominee) will write to the student within 5 working days, setting out the reasons for the decision and include details of how to complain to the ESFA.

4.3.4 If the complaint is eligible, the Governance and Regulatory Frameworks Lead will appoint an appeals panel within 5 working days of receiving confirmation that the case may proceed to appeal. For composition of the panel refer to Appendix A.

4.3.5 The process should normally be completed within 30 working days of receiving written notification that the complainant wishes to Appeal the Formal Stage outcome. Written correspondence of the Appeal Panel's decision will be sent to the complainant within 5 working days of the Appeal Panel Hearing outcome.

4.3.6 A request for appeal made outside of the permitted 10 working day timescale will not normally be accepted.

Related Policies and Procedures

Bradford College Complaints Policy
Information and Records Management Policy
Bradford College Student Disciplinary Procedure
Data Protection (GDPR) Policy

Appendix A: Composition of the Appeal Panel at Stage 3 of the College Complaints Procedure (Appeal Stage)

1. Where the complainant is granted a hearing, the Academic Compliance and Governance Officer will write to the student within 5 working days, informing them of the process and timescales. In exceptional circumstances, the date of the meeting may be changed subject to request by the student, but the reason must be serious and would not include personal holidays. An Appeal Panel Hearing being rearranged would be at the discretion of the Chair.
2. A witness may be called by the complainant or investigating officer. The Academic Compliance and Governance Officer must be notified of the names and status of any witnesses 5 working days prior to the Appeal Panel Hearing taking place.
3. The Governance and Regulatory Frameworks Lead will appoint an Appeals Panel within 5 working days of receiving confirmation that the student has the right to appeal.
4. The composition of the Appeals Panel will normally be:
 - A member of SLT (Chair)
 - A Head of Department who has not had previous involvement with the complaint.
 - A representative from the Bradford College Students' Union will be invited to attend
 - A minute taker from the Quality Team
5. The documentation for the appeal will be a:
 - Copy of the student's request for appeal
 - Copy of the Stage 2 investigation summary report
 - Copy of the Stage 2 complaint response letter to the student
 - Any other evidence submitted by the student or other parties to the complaint at any stage during the complaint procedure
 - All documentation to be considered at the Appeal Panel Hearing will be circulated to members of the Panel and the student at least 10 working days before the meeting. On receipt and review of the documentation, Panel members are requested to advise if they require further documentation no later than 5 working days before the Hearing.
6. The process to be followed at an Appeals Panel Hearing is as follows:
 - I. Introduction of the complainant and their representative and the Appeal Panel. All parties shall be present throughout the meeting.
 - II. At the discretion of the Chair the meeting may go ahead without one member of the panel.
 - III. The complainant and their representative shall have the right to address and present information to the Appeals Panel at the beginning of the meeting; the Appeals Panel may ask questions at the end of any address or presentation of evidence.
 - IV. The investigating officer for stage 2 shall have the right to address and present information to the Appeals Panel; the Appeals Panel may ask questions at the end of any address or presentation of evidence.
 - V. Either party may call witnesses if previously notified and accepted. Witnesses will be present for their evidence and questions only and will then withdraw.

- VI. Both the complainant and the investigating officer shall have the right to make final submissions to the Appeals Panel.
- VII. Both parties will withdraw while the Appeals Panel deliberates and comes to a conclusion
- 7. The decision and outcome of the Stage 3 complaint will be communicated by the Chair of the Appeals Panel to all parties within 5 working days of the hearing.
- 8. The written response will state clearly whether the complaint has been upheld, partially upheld or rejected. It will also issue the complainant with a Completion of Procedures letter and details of how to proceed with their complaint externally. This concludes the process for the College.