



**GRIMSBY INSTITUTE GROUP**

# Investigation and Determination of Complaints Policy & Procedure



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## **1. Introduction**

The objective of the Grimsby Institute Group is to provide the highest quality services and facilities to all its learners and stakeholders. We hope you will find that this is so throughout your time with the Grimsby Institute Group. However, if there are areas of our provision which concern you, or about which you wish to complain, these pages tell you how to go about it. This policy does not cover academic appeals. In using this policy other documents may need to be considered.

This Policy is based on the following principles:

- Active promotion of equality of opportunity throughout all Grimsby Institute Group activities and the learning experience
- Provision of an open and transparent process
- Resolution of complaints in a fair and equitable way within agreed timescales
- Absence of victimisation once a complaint has been reported
- Continuous service improvement as part of the Grimsby Institute Group Quality Strategy

## **2. Purpose**

It is in the context of a concern or a complaint that this policy applies. Whilst the Institute is committed to monitoring and evaluating standards of education and wider services, learners and stakeholders should remember that the Institute sometimes has to make difficult decisions that are in the best interests of a complex provision of wider Institute services. Nevertheless the policy is a further means by which the Institute can identify any shortcomings and improve its procedures and practices. An important part of the outcome of every formal complaint, whether it is upheld or not, is the action taken to prevent the recurrence of the complaint in the future.

## **3. Complaints**

This policy deals with situations relating to concerns and complaints by learners, parents, employers and members of the public. The Grimsby Institute Group (the Institute) welcomes comments and suggestions for the improvement of its services. In particular, the Institute has established a variety of mechanisms to ensure that learners and employers (where appropriate) have the opportunity to take part in the decision making processes at course/programme, School and Institute level. It is hoped and expected that learners and employers will take full advantage of these and think about addressing comments and suggestions to an appropriate member of staff, for example course/programme leader, module tutor, head of department/School etc. In such instances the Institute welcomes and encourages approaches designed to bring about an informal resolution.

This policy and procedure covers complaints relating to requests for information and

operating the publication scheme.

The policy can only be applied by the complainant themselves and not by someone acting on their behalf (although this does not prevent an aggrieved learner obtaining advice and/or support in the preparation of their complaint).

Whilst the Institute will endeavour to investigate and address any issues raised anonymously as far as it is possible to do so, such issues are not covered by the provisions of these regulations.

The policy does not cover complaints relating to specific types of complaint such as allegations of harassment or discrimination.

#### **4. Learner Complaints**

The policy applies only to acts or omissions which take place at a time when the complainant is an enrolled learner of the Institute or one who is taking approved time out. It does not, therefore, apply to applicants prior to admission with the Institute, or to former learners of the Institute whose complaint refers to an act or omission which took place after their enrolment has ended.

#### **5. Monitoring**

The Institute produces an annual report setting out the key features, the outcomes and any changes that have been made in response to all the formal complaints that have been initiated during the previous academic year. The report is produced by the relevant Quality and Standards departments and appropriate action plans instigated if necessary. The report is also received by the Institute's Quality Improvement Committee as a means to disseminate institutional level information, actions and outcomes.

In all circumstances the Institute is committed to expediting a concern or complaint in the most efficient way possible and in a manner that is appropriate to the level of investigation required. All concerns and complaints are treated with appropriate seriousness in a fair and understanding manner.

Monitoring and evaluating complaints enables the Institute to satisfy itself that the policy is working satisfactorily for all learners, and to take appropriate action where this is not the case. Additionally, collecting information on the focus of complaints provides valuable feedback on all the aspects of support for learners' learning. The identification of consistent themes among complaints - or a disproportionate number of complaints from one part of the institution - might, for example, point to positive improvements which could be made to the learner experience.

The annual report (Appendix 4) takes into account the following categories so that that the Institute is able to monitor themes or trends at institutional level and

subsequently improve its services and provisions.

- i. The number of formal complaints lodged
- ii. The number of those formal complaints upheld and rejected
- iii. The number of formal complaints divided by age, ethnic origin, gender and disability type, national or international status
- iv. Mode of attendance, programme and level of study
- v. A concise and anonymous summary of the issues raised, any action recommended and taken.

## **6. Definition and Scope**

### **6.1. Concerns and Complaints**

The Institute within this policy clearly distinguishes between a concern (which is an opportunity for an individual to bring a matter that they are unhappy about directly to the individual concerned, the School within which they are studying) and a complaint (which is a formal statement by an individual to the Institute's Academic Registrar and HE Quality Manager, which must be formally responded to and which the individual has the right to pursue if they are not satisfied with that response).

Any matter simply raised with the Institute, either orally or by letter, will be treated as a concern and sent to the relevant School/department and if the matter has not been raised with the School/department; it will only be treated as a formal complaint if form CC1 has been submitted to Investigation Complaints Officer, for the attention of the Academic Registrar and HE Quality Manager (see appendix 1).

Any individual who thinks that they have a justified cause for concern or complaint should feel able to raise the matter without fear of subsequent victimisation, as should any individual providing supporting evidence or representation. Whether the complaint is eventually upheld or not, the learner has a right to raise it as long as they do so in good faith.

Learners should note that raising a vexatious or malicious complaint may lead to disciplinary action. A complaint that is categorised as vexatious may be rejected by the Institute; in such instances the learner will be notified in writing 10 days after the decision to reject has been made, with reasons as to why the decision has been made.

Matters that are raised as a concern and that the individual wishes to remain confidential, should remain confidential. If a concern is raised with a member of staff, the individual's explicit permission must be given before the issue is raised with others. The member of staff should explain to the individual that, if such permission is not given, it may not be possible to pursue the concern in any meaningful way. In particular, no formal action will be taken in respect of a

concern if the individual refuses to allow the person who is the subject of that concern to be told the full details of the concern.

Matters raised as a formal complaint will remain confidential to those directly involved in the investigation of, and response to, the complaint (which includes any staff complained of, or who are responsible for the matters complained of). All staff and learners who become aware of any of the issues involved in a formal complaint are required to keep this information confidential except insofar as is necessary to progress, investigate or respond to the complaint. Failure to do so may result in formal disciplinary action being taken through the Learner or Staff Disciplinary Procedure.

Submitting a formal complaint is likely to affect the relationship between the complainant and any staff who are responsible for the matters complained of. If the complainant and the relevant staff only have a general working relationship (e.g. the relevant member of staff teaches on a module that the complainant is studying), it is expected that both parties will continue that relationship in a professional manner and allow the matters complained of to be progressed through the formal procedure. Only in exceptional circumstances will the Head of School consider agreeing to a request for alternative working arrangements while the complaint is being investigated. On the other hand, if the parties have to work more directly together (e.g. the relevant member of staff is the complainant's dissertation supervisor, personal tutor or line manager or would normally assess work submitted by the complainant), the Head of School will endeavour to make alternative arrangements while the complaint is being investigated, should the complainant request it.

At all the stages of this procedure following the submission of a formal complaint, the complainant has a right to be accompanied to any meeting called by the Institute as part of the complaint process by a friend, who may not be a lawyer acting in a professional capacity. The friend may not speak on behalf of or otherwise represent the interests of the individual concerned unless invited to do so by the Institute. There is no equivalent right to be accompanied where a complainant is raising a concern, although the member of staff to whom the concern is addressed may agree to the complainant being accompanied if they believe this will help resolve the issue.

Complaints may be raised individually or collectively. In the case of a group complaint, each complainant must complete a separate form although these may refer to a common statement of the matter(s) complained of. The Institute may clarify which individuals are associating themselves with a submitted complaint before responding to it. Individuals who have not associated themselves with the complaint at that point will not normally be permitted to do so subsequently.

If any correspondence relating to a complaint is marked "without prejudice", the

Investigation Complaints Officer shall inform the Academic Registrar and HE Quality Manager. The Academic Registrar and HE Quality Manager, who may then refuse to accept the correspondence as raising, referring, progressing or pursuing a complaint, until it has been formally resubmitted and not marked “without prejudice”.

It is expected that all individuals will exhaust this policy before taking legal action, although this can not and does not purport to remove the right of any individual or the Institute to seek a legal remedy for their dispute.

## **7. Key members of staff**

The Quality Improvement Committee nominates Investigation Complaints Officers who are the primary contact for matters relating to concerns and complaints and are responsible for implementing the regulations herein. The Investigation Complaints Officer will produce an annual report which will be received by the Quality Improvement Committee for dissemination of institutional level data and trends. The Quality Improvement Committee will monitor and evaluate the report in addition to any matters arising from the ‘appropriateness’ of the policy, the level of understanding of staff and learners of the policy and the effectiveness of the overall procedures in meeting their aims.

The Institute recognises that for a learner making a complaint the process can be daunting and stressful and thereby makes provision for a learner to seek advice and support from a learner advisor. The learner advisor can be contacted by enquiring at reception (Nuns Corner Campus, Grimsby or the Westwood Campus, Scarborough), or by referring to contact details within the course/programme handbook.

## **8. Raising a Concern or Complaint**

### **8.1. Concern**

It is expected that, where a complainant is dissatisfied with the general provision of a service, they will normally first raise their concern through one of the mechanisms referred to in Appendix 2.

If a concern relates primarily to minor aspects of the behaviour of one or more members of staff, it is expected that the complainant will normally and informally approach the person(s) directly concerned.

In response to a minor concern raised with a member of staff, if a complainant remains dissatisfied, then the complainant should raise the matter with a person with immediate superior administrative authority for the area of work, for example: a Head of School. If a complainant is unsure of the identity of the person with immediate superior authority for the area of work concerned, advice can be obtained from the appropriate School. Aside from the provisions relating



to 'making a complaint', the person approached should respond either orally or in writing, normally within 10 working days.

If the matter raised is a serious one, or if it is a matter that the complainant has already raised and received a response to, the member of staff may require the complainant to raise the matter as a formal complaint should the complainant wish to pursue it and may refuse to respond further unless and until the complainant does so. Any such requirement shall be put in writing to the complainant. If a member of staff is unsure about when it is appropriate to do this, advice can be obtained from the relevant Quality and Standards Department.

## **9. Complaint**

### **9.1. Stage 1**

A complainant who wishes to make a formal complaint can do so regardless of whether the matter was first raised informally and should do so through the mechanisms identified in appendix 3. A complainant wishing to raise a complaint must complete a Complaint form CC1 and submit it to the Investigation Complaints Officer (FE Quality Hub, Nuns Corner, Grimsby, DN34 5BQ).

It is important that the complainant completes all elements of the form to prevent delay in any administrative process. The Investigation Complaints Officer shall acknowledge the complaint within 10 days of receipt in the form of writing.

The Investigation Complaints Officer will in the first instance send the complaint to the relevant Head of School (or their nominee) if the matter has not already been raised with a person with administrative authority within the School. The Head of School (or nominee) shall respond to the complainant in writing within 14 days of receipt of the referral from the Complaints Investigation Officer.

If the complaint has already been seen by the Head of School, the complaint will automatically be referred to Stage 2 of the procedure.

If the complainant is not satisfied with the response from the Head of School (or with elements of it) or if a response is not received within the timescale identified, they may refer their complaint to Stage 2 of the procedure. To do this the complainant must write to the Investigation Complaints Officer clearly setting out:

- i. the elements of the response that they are not satisfied with
- ii. the reasons why they believe that the response is unsatisfactory
- iii. the remedy that they are seeking
- iv. that they wish the matter to be referred to Stage 2 of the complaints procedure.

## 9.2. Stage 2

The Investigation Complaints Officer shall acknowledge the complaint in writing within 10 days of its receipt. A referral will then be made to the Academic Registrar and HE Quality Manager who will respond within 20 days of the Stage 2 complaint being made.

If the complainant instigates Stage 2 because s/he did not receive a response within the relevant timescale, the Investigation Complaints Officer, having consulted the Academic Registrar and HE Quality Manager may refer the complaint back to Stage 1 by allowing the Head of School (or nominee) a further period of no more than 20 working days to provide a full response.

If in the view of the Investigation Complaints Officer, there are issues still being pursued that are wholly without substance or merit, or the complaint has become frivolous or vexatious, they shall refer it directly to the Academic Registrar and HE Quality Manager. The Academic Registrar and HE Quality Manager shall obtain such additional information as they feel necessary and shall then either dismiss the complaint summarily and inform the complainant in writing of their reasons for so doing, or shall refer the complaint back to the Head of School for a substantive response.

At all stages of these regulations, the Institute will endeavour to respond to any complaint as rapidly as possible. However, every complaint will need to be fully investigated and this may mean that a response cannot be given as quickly as either party would wish, particularly if the complaint is complex, or extensive, or was submitted at a time when key staff are temporarily away from the Institute. Equally, the Institute expects learners to submit any complaints that they have within a reasonable time of the matters complained of occurring and to pursue any response that they are dissatisfied with expeditiously.

A complaint will normally be summarily dismissed on the grounds that there has been unreasonable or inordinate delay in submitting it if the complainant does not submit it within three months of the latest:

- i. event complained of; or
- ii. event complained of, if the complaint is about a linked group or series of events; or
- iii. substantive response from the Institute, if the issue was initially raised as a concern

At the point where institutional procedures have been completed, the person complaining should expect to be provided by the institution with a clear written statement, confirming that its internal procedures have reached completion and the outcome that has reached.

## **10.Higher Education**

This is widely referred to as a 'completion of procedures letter' and is a requirement of the Office of the Independent Adjudicator for Higher Education (OIA).

## **11.Appeals**

If in the view of the complainant the matter has not being dealt with in a reasonable manner and appropriately resolved, the complainant may appeal in writing to the Deputy Principal for Further Education and Assistant Principal 14-19 and Higher Education for Higher Education, laying out the reasons for their appeal. However, where the Academic Registrar and HE Quality Manager has written to the complainant, the complainant will only have 5 working days from being served the letter, to lodge an appeal making clear the nature and reasons for the appeal (served meaning posted using recorded delivery).

## **12.14-16 Academy**

### **12.1. Stage 3 – Panel Hearing**

If parents/carers seek to invoke Stage Three following failure to reach an earlier resolution and where dissatisfied with the Principal's decision in respect of their formal complaint, the parents/carers may, in writing, addressed to Clerk to the Corporation, Grimsby Institute of Further and Higher Education, Nuns Corner, Grimsby, DN34 5BQ, request that their complaint be further considered by an independent Complaints Panel set up for this purpose.

This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.

Parents/carers must lodge their appeal in writing within ten (10) working days of the date of the Academy's decision made in accordance with the Stage Two Procedure. The parents/carers should provide a list of their complaint(s) made against the Academy and which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each.

The Complaints Panel is only obliged to consider the complaint(s) lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by the Academy, the Academy will, within five (5) working days, refer the matter to the Clerk to the Corporation who will act as Clerk to the Complaints Panel. Where the appeal is received by the Academy during Academy holidays, or within two (2) working days of their commencement, the Academy/studio has five (5) working days upon commencement of the school term to refer the matter to the Clerk.

The Clerk provides an independent source of advice on procedure for all parties.

On receipt of an appeal the Clerk will acknowledge the appeal in writing within five (5) working days, and inform the parents/carers of the steps involved in this Complaints Procedure.

The Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty (20) school days after receipt by the Academy of parents'/carers' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.

The independent Complaints Panel will consist of two Governors on the Board who have not previously been involved in the complaint, and one person **independent of the management and running of the Academy**. The process used for selecting an independent person will conform to relevant guidance issued by the Department for Education (DfE).

The following are entitled to attend a hearing, submit written representations and address the Panel:

- The parent(s)/carer(s) and/or one representative;
- The Head of the Academy and/or one representative; and
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.
- Legal representation will not normally be appropriate.

Where the Complaints Panel deems it necessary, it may request that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:

- documents in support of the complaint(s),
- chronology and key dates relating to the complaint(s), and
- written submission setting out the complaint(s) in more detail.

This evidence will be considered by the Panel, along with the initial submission that was lodged by the parents/carers.

Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than ten (10) working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five (5) working days in advance of the Panel hearing.

It is for the Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Panel will resolve the parents'/carers' complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

After due consideration of all the facts considered relevant, the Panel will reach a decision, and may make recommendations, which it shall complete within ten (10) working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the relevant authorities, although any such approval must be compatible with the decision of the Complaints Panel.

The Panel's findings will be sent by the Clerk in writing to the parents/carers, the Principal, the Governors, the Trust and, where relevant, the person complained of. The letter will state any reasons for the decision reached and recommendations made by the Complaints Panel.

The Academy will keep a record of all appeals, decisions and recommendations of the Complaints Panel, and will be kept for one (1) year after the student leaves the Academy.

### **13.Higher Education Complaints**

Higher Education Complainants also have the right to make a complaint to the relevant University once these regulations have been exhausted

### **14.Special Circumstances**

Where the complaint is against a Head of School, the complaint will be referred to a member of the Senior Management Team

In instances where the member of the Senior Management Team or Head of School is known to the complainant through personal circumstance or through association with matters relating to those outside of the Institute, the complaint will be referred to another member of staff of equivalent standing within the Institute who has no prior involvement. This precept is specified in order to secure fairness to all parties to a complaint and that those investigating or deciding on them act impartially.

### **15.Further Education**

A complainant who is dissatisfied with the outcome of the decision of the Complaints Regulations may be entitled to complain to the Skills Funding Agency (SFA).

## **16.Higher Education**

A complainant who is dissatisfied with the outcome of the decision of the Complaints Regulations may be entitled to complain to the Office of the Independent Adjudicator or the Quality Assurance Agency.

## Comments | Concerns | Complaints

Name

Address (please include postcode)

Postcode

Telephone/Mobile

Gender

Age

**STUDENT STATUS – please tick one**

National/Home student

International student

Employer

Other

**ETHNIC ORIGIN – please tick one**

White - British

White - Irish

Any other white background (please specify):

Mixed – White and Black Caribbean

Mixed – White and Asian

Mixed – White and Black African

Mixed – Any other mixed background (please specify):

Asian or Asian British - Indian

Asian or Asian British - Pakistani

Asian or Asian British - Bangladeshi

Any other Asian background (please specify):

Black or Black British - Caribbean

Black or Black British - African

Black or Black British – Any other Black background (please specify):

Chinese

Any other ethnic group not covered above (please specify):

**DISABILITY – If you have one or more disabilities please provide the information below**

Programme Title (if applicable)

Student Number (if applicable)

Name of Tutor/Programme Leader (if applicable)

**Please indicate which category your communication relates to – please tick one**

General Comment

Concern

Complaint

**Please give the details of your comments, concern or complaint below**

**The concern has been raised with? (If not indicated stage 1 will be implemented)**

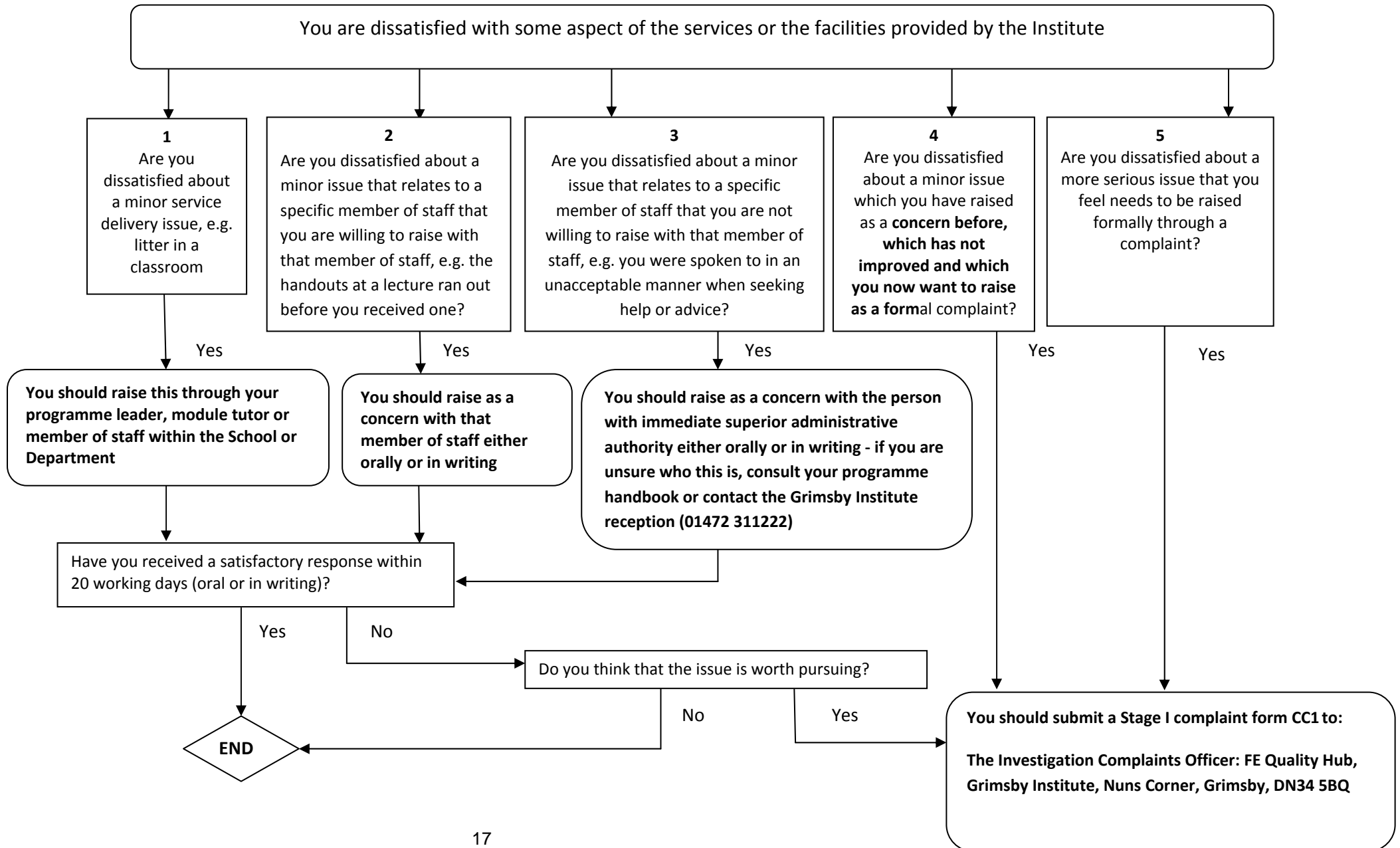
Module Tutor	Yes	No	Date
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Programme Leader	Yes	No	Date
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Head of School /Department	Yes	No	Date
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## APPENDIX 2 Raising a Concern



## APPENDIX 3 Making a Complaint

You must submit a Stage 1 complaint on form CC1 to the Investigation Complaints Officer

Your complaint is referred to and considered by the Head of School (or nominee) or Manager of Department if it has not already been raised with a person with administrative authority within the School

Have you received a satisfactory response within 20 working days?

No

Do you think that the issue is worth pursuing?

No

END

Yes

You must submit a Stage 2 complaint (in writing) to the Academic Registrar and HE Quality Manager

Your complaint is referred to the Academic Registrar and HE Quality Manager

Have you received a satisfactory response within 20 working days?

No

Do you think that the issue is worth pursuing?

No

END

Yes

You may make a complaint or appeal to the Deputy Principal (for Further Education) and Assistant Principal 14-19 and Higher Education (for Higher Education)

**Further Education**

If you remain dissatisfied with the outcome of the decision of the University, you may direct your complaint to the Skills Funding Agency (SFA).

**Higher Education**

If you remain dissatisfied with the outcome of the decision of the Institute's Complaints Regulation processes, you may direct your complaint to the relevant University

If you remain dissatisfied with the outcome of the decision of the University, you may direct your complaint to the Office of the Independent Adjudicator (OIA).

## **APPENDIX 4: Annual Complaints Monitoring Report**

### **Executive Summary**

1. Introduction
2. Context
3. Analysis
  - a. Number of Complaints
  - b. Source of Complaints
  - c. Subject of Complaints
  - d. Types of complaints
  - e. Part-Time/Full-Time Students
  - f. Student Age
  - g. International Students
  - h. Student Ethnicity
  - i. Gender
  - j. Disability
  - k. Religion/belief
  - l. Sexual Orientation
  - m. Stage Reached
  - n. Completion of stages within the specified time frame
4. Strengths
5. Weaknesses
6. Trends
7. Recommendations