



colegsirgâr



colegceredigion

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| Policy Title | Complaints Policy and Procedure |
| Policy presentation | This will be made available in writing (Arial font size 12) in Welsh and English. Alternative formats may be requested. Such requests should be made to mike.williams@colegsirgar.ac.uk |
| Policy communication | College Websites Staff Gateways/Intranet Student Gateways/Intranet |
| Classification | External |
| Main purpose of the policy (Brief Summary) | To provide a mechanism for learners and other stakeholders to make complaints about service levels delivered by the College. |
| Main Author (Who can provide advice and guidance on contents) | mike.williams@colegsirgar.ac.uk |
| Date approved at Governors | 13 March 2018 |
| Date effective from | 1 May 2018 |
| Date for renewal | 1 May 2021 |
| Date of Equality Impact Assessment | 1 March 2018 |
| Date of Welsh Language Impact Assessment | 1 March 2018 |
| Date of Privacy Impact Assessment | 1 March 2018 |
| Risks Associated with Policy (If policy is not implemented) | Failure to respond to learner or stakeholder concerns. Failure to identify poor practice within the colleges. |
| Version | 1 |

1. Context

1.1 Coleg Sir Gar and Coleg Ceredigion (hereafter referred to as College) are further education Colleges that are part of the University of Wales: Trinity Saint David Group.

1.2 The College delivers a range of further education, work based learning, higher education and commercial courses.

1.3 The College aims to deliver excellent services to its learners and wider stakeholders and is committed to addressing problems when service levels fall below expectations.

1.4 All staff at the College share a responsibility to receive complaints, treat them seriously and deal with them promptly and courteously in accordance with the procedures set out below.

1.5 Staff requiring advice regarding complaints handling should contact their local Curriculum Area Manager, Director or Assistant Principal. Students requiring advice should approach their Tutor or Learner Services representative on their campus.

2. Purpose of the policy

2.1 The Complaints Policy provides the framework within which:

- a) learners or other stakeholders who have experienced dissatisfaction with the colleges can raise their concerns; and
- b) staff should deal with complaints from learners or other stakeholders.

2.2 Definitions and scope:

This procedure is designed to enable learners, or other stakeholders, to raise legitimate concerns without fear of disadvantage or recrimination and to enable the College, in turn, to be able to investigate such concerns in full.

2.3 The College is able to give formal consideration to complaints channelled through the Student Union or, in the case of a complaint from a group of learners, by two representatives from the group. However, the College is unable to respond or give formal consideration to complaints by third parties in any other circumstances or to anonymous complaints under this procedure.

2.4 This procedure is intended to incorporate the principles of natural justice and procedural fairness. For any instances where it is felt that the complaints procedure does not set down a precise course of action, reference should be made back to the underlying principles.

2.5 For the purposes of this procedure, a complaint is defined as the expression of a specific concern about the provision of a module, a Programme of Study, a related academic service, an individual's right to use the Welsh Language as depicted in the Welsh Language Standards applicable to the colleges or a related support service. It

also includes inappropriate or negligent behaviour of staff likely to cause physical or mental harm to the learner

2.6 The term learner refers to any person enrolled or registered to follow a Programme of Study or module(s) delivered by the College and persons who have been learners of the College for up to 3 months after they have left the College. This procedure applies equally to complaints made by individual learners and complaints made by groups of learners. The term stakeholder refers to members of the wider public.

2.7 This procedure does not apply to learner complaints about the behaviour or conduct of other learners. Complaints of this nature should be raised with the Director of Learner Services steve.kelshaw@colegsirgar.ac.uk in the first instance.

2.8 The procedure does not cover complaints against academic decisions made by awarding bodies or examining boards or disputes with persons not employed by or subject to the jurisdiction of the College. Advice on academic appeals procedures is available from the College's Quality Unit by contacting sian.treharne@colegsirgar.ac.uk

2.9 In the event that a complaint relates specifically to the personal conduct of an individual member of staff, the matter shall be referred to the Human Resources Department for consideration.

2.10 Complaints by learners studying a University of Wales Trinity Saint David programme at the College will in the first instance be dealt with through the College's procedures. In the event that the complainant is not satisfied with the outcome, then the learner has a right to request that their complaint be reviewed by the University. In doing so, the University will follow its procedure for reviewing a complaint outcome.

3. Policy development

3.1 This policy has been developed at College Management level and approved by the Executive and Governors.

3.2 It has been subject to an Equality Impact Assessment.

3.3 It has been subject to a Welsh Language Impact Assessment

3.4 It has been subject to a Privacy Impact Assessment

4. Policy statements

4.1 Procedure for Complaints

4.1.1 The College will receive written or verbal complaints in Welsh or English and neither will be treated less favourably.

4.1.2 The College will operate a Complaints Policy that has 3 stages: Informal, Formal and Review. All three stages will be available in Welsh or English.

4.1.3 At the Formal and Review stages, the Principal's office will log all formal complaints either in progress or resolved and maintain a record of all appeals and outcomes for a minimum of 2 years. The Clerk to the Board will maintain a record of all referrals following appeal in line with normal Board meeting records.

4.2 Informal Complaints Procedure

4.2.1 Most complaints can be resolved simply and swiftly in an informal manner, at a local level, by discussing the issue or concern with the relevant person. For issues relating to a module or a programme of study, the relevant person will normally be the Programme Leader or the Curriculum Area Manager. For concerns relating to services provided by the College, the relevant person will normally be the manager of the department or service concerned. The College encourages learners or stakeholders to raise matters of concern as soon as they arise. The College seeks, in turn, to find effective remedies to those concerns as quickly as possible and with minimum disruption.

4.2.2 A learner or group of learners who express a specific concern about the provision of a Programme of Study, or a related academic or support service should, where appropriate, seek to resolve the matter through their Learner Representatives, including, where appropriate, Mentors, Learning Support staff, Student Union officers, Year Tutors or Personal Tutors. Learner Voice meetings can also be used for this purpose. The College will make every effort to address the concern at this stage. The Quality Assurance procedures established by the College including questionnaires, annual programme reviews etc will take account of all forms of learner feedback and ensure that appropriate action is taken.

4.2.3 Issues relating to the Welsh Language and individuals' rights to use the language as depicted in the Welsh Language Standards for the colleges, should be raised with the Welsh Language Manager by contacting anna.jones@colegsirgar.ac.uk

4.2.4 Learners or groups of learners who remain dissatisfied should seek remediation through the College's formal complaints procedure.

4.3 Formal Complaints Procedure

4.3.1 The complaint should preferably be made in writing and submitted to the Principal's Office, Coleg Sir Gar, Llanelli, SA15 4DN or by e-mail to: complaints@colegsirgar.ac.uk A proforma is provided to assist with this, if preferred (Appendix 5.1).

4.3.2 Formal complaints should be received **no more than 1 month** after the informal procedure has ended (where appropriate) and normally **no more than 6 months** after the main issues complained about occurring. Formal complaints received after these deadlines will be deemed to be out of time and may not be considered unless there is independent evidence to show compelling reasons as to why the formal complaint was not raised in a timely manner.

4.3.3 The complaint will normally be acknowledged within 5 clear working days.

4.3.4 In the event of a complaint against one or more individuals, the Principal's office shall request that the complainant authorises in writing the disclosure of the written complaint. If such authorisation is not forthcoming, the Principal's office shall explain to the complainant that the complaint cannot be taken further.

4.3.5 The Principal's office will forward the complaint to the relevant Director or Assistant Principal. The relevant Director or Assistant Principal shall raise the matter with the member(s) of staff concerned and shall submit an initial report to the Principal's office within 15 clear working days which sets out the findings of the respondent's investigation and, where appropriate, makes recommendations on possible remedies to the complaint.

4.3.6 The relevant Faculty Director or Assistant Principal may request a meeting with the complainant to clarify statements made in the formal complaint and to confirm the details of the complainant's stated desired outcome. This meeting may be held in Welsh or English. If for reasons of distance or other good reason, physical attendance in person is not possible, the complainant shall be invited to contribute via video link, audio link or to make an additional written submission. Legal representation is not allowed. On completion of the investigation a final complaint investigation report shall be produced.

4.3.7 The final complaint investigation report will normally be submitted to the Principal's office within 30 clear working days of receipt of the complaint. If the final complaint investigation report cannot be completed within this time period, the Principal's office and the complainant shall be informed accordingly and provided with an estimated completion date.

4.3.8 The relevant Director or Assistant Principal shall determine whether to uphold or reject the complaint.

4.3.9 The final decision on the complaint shall be communicated to the complainant in their language of choice (Welsh or English) by means of a Complaint Outcome letter (which may take the form of an electronic communication), no more than 5 clear working days after the completion of the report. The Complaint Outcome letter should include a brief explanation of reasons for the decision and, if appropriate, details of the proposed remedy.

4.3.10 Other officers of the College shall be informed of the decision where appropriate.

4.4 Review of Complaint Outcome

4.4.1 On receipt of a Complaint Outcome letter, if the complainant is not satisfied with the outcome or the remedy proposed, the complainant may request that the complaint outcome be reviewed by the Principal or Principal's nominee (normally an Assistant Principal not previously involved in the complaint).

4.4.2 A request for a review may only be made on one or more of the following grounds:

- a) irregularities in the conduct of the complaints procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
- b) the existence of relevant evidence and there are compelling reasons why this evidence was not provided earlier in the complaints procedure;
- c) the complaint outcome was not reasonable given the circumstances of the case.

4.4.3 If the complainant does not wish to request that the complaint outcome be reviewed, the complainant may request that a Completion of Procedures letter be issued.

4.4.4 A request for review of the complaint outcome must be sent to the Principal's Office on the Request for Review of Complaint Outcome Form (Appendix 5.2) normally not later than 15 clear working days after the notification of the complaint outcome. Simple notice of a desire to request a review by a learner within the above deadline shall not be deemed to constitute a formal request for review and shall not be accepted. The complainant shall provide full details of the grounds on which the request for a review is being made.

4.4.5 If no request for review is received within 15 clear working days, the College will assume that the complainant does not wish to request a review. The complainant may request that a Completion of Procedures letter be issued.

4.4.6 Receipt of the request for review shall be acknowledged normally within 5 clear working days.

4.4.7 The Principal or Principal's nominee shall review the request to ascertain if the request has been made on permissible grounds and if a clear case has been made. The Principal or Principal's nominee may refuse any request which is not based on the grounds stated above or in which it is apparent that no clear case to review the complaint has been made. The complainant shall be informed by means of a Completion of Procedures letter that the request for review has been rejected and that the original complaint outcome stands.

4.4.8 If it is determined that the request has been made on permissible grounds and that a clear case for reviewing the complaint has been made, the Principal or Principal's nominee shall consider the request on the grounds indicated by the complainant.

4.4.9 In reaching a decision on the request, the Principal or Principal's nominee shall base his/her decision on the evidence of the complainant's submission together with any further evidence which he/she considers relevant.

4.4.10 The Principal or Principal's nominee shall be empowered to take one of the following decisions:

- a) to uphold the original complaint outcome;
- b) to refer the complaint back to the formal complaint procedure;
- c) to offer a modified outcome and remedy.

4.4.11 The Principal or Principal's nominee decision shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Principal or Principal's nominee with the complainant or any other person.

4.4.12 In the case of paragraph 4.4.10 a) above, the decision of the Principal or Principal's nominee shall be communicated to the complainant by means of a Completion of Procedures letter, normally within 15 clear working days of receipt of the request for review.

4.4.13 In the case of paragraph 4.4.10 b) above, the complainant shall be informed that the case has been referred back to the formal complaint procedure and that the procedures set out in section 4.3 will be followed. There shall be no right to request a further review of the complaint outcome as set out in a revised Complaint Outcome letter issued in accordance with paragraphs 4.4.2 b) where the case has been referred back after review by The Principal or Principal's nominee. On receipt of the revised Complaint Outcome letter, the complainant may request a Completion of Procedures letter.

4.4.14 In the case of paragraph 4.4.10 c), the complainant shall be informed of the modified outcome and remedy by means of a Complaint Outcome letter (which may take the form of an electronic communication). There shall be no right to request a further review of the complaint outcome as set out in the revised Complaint Outcome letter. On receipt of the revised Complaint Outcome letter, the complainant may request a Completion of Procedures letter.

4.5 Completion of Procedures and Independent Review

4.5.1 The Completion of Procedure letter confirms that the internal procedures of the College in relation to the complaint have been completed. The letter will indicate whether or not a review of the complaint outcome was requested. The complainant will be advised via the Completion of Procedures letter, that:

- a) he/she can take his/her complaint to the Board of Governors (applicable to Further Education learners or other stakeholders)
- b) he/she can take his/her complaint to the B-WBL Consortium (applicable to Work Based Learning learners)

c) he/she can take his/her complaint to the Office of the Independent Adjudicator, OIA, (applicable to Higher Education learners)

d) he/she can take his/her complaint to the Welsh Language Commissioner's Office (applicable to complaints relating specifically to the Welsh Language).

4.5.2 Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the date of the Completion of Procedures letter. Full details of the procedure are available from the Academic Office or from the OIA website: www.oiahe.org.uk.

4.6 Legal proceedings

4.6.1 In the event of a learner commencing any legal proceedings or in the event of proceedings being commenced against the complainant in relation to a complaint, the above procedures may be suspended or abandoned at the College's discretion.

4.7 Reporting on complaints

4.7.1 The Principal's office shall report annually to the Board of Directors on the operation of these procedures in a form that maintains confidentiality and enables the College to reflect upon lessons learnt from learner complaints and disseminate advice accordingly.

4.7.2 The Principal's office shall also report to the B-WBL Consortium on complaints relating to Work Based Learners.

4.8 Complaints against senior post holders

4.8.1 Senior post holders at the College include the Principal and the Assistant Principals. Complaints against a senior post holder should be made to the Chair of the Board of Directors in the first instance and addressed to the Clerk to the Board, Coleg Sir Gar, Llanelli, SA15 4DN or by e-mail to marcus.beaumont@colegsirgar.ac.uk

4.8.2 In such an event, the formal complaints procedures will apply and a member of the Board of Directors will be appointed to consider the complaint.

4.8.3 Complaints against the Chair of the Board, a Director or the Board of Directors should be addressed to the Clerk to the Board or the Principal's office.

4.8.4 Complaints against the Clerk to the Board should be addressed to the Chair of the Board via the Principal's office.

Appendix 5.1

FORMAL COMPLAINT FORM

Complaints procedure

The College operates an informal complaints procedure and a formal complaints procedure. You should raise issues through the informal procedures in the first instance and should only use this form if it has not been possible to find a remedy to the complaint or if you are dissatisfied with the proposed remedy under the informal procedures.

Before completing this form, you should read the College's Complaints Policy & Procedure. This form cannot be used for complaints against the decisions of Examining Boards or disputes with persons not employed by or subject to the jurisdiction of the College. The form does not apply to student complaints about the behaviour or conduct of other students. Complaints of this nature should be raised with the Director of Learner Services in the first instance.

You are reminded that the Students' Union can be approached at any time for advice and support on any issue and that the College is able to give formal consideration to complaints channelled through the Students' Union.

This form should be typed, or completed in black ink and sent to the Principal's Office (Ref: Formal Complaint). All sections of the form must be completed. Learners are advised to keep a copy of the form. The forms can be submitted in Welsh or English and neither will be treated less favourably.

Formal complaints must be received **no more than 1 month** after the informal procedure has ended (where appropriate) and normally **no more than 6 months** after the main issues complained about occurring. Formal complaints received after these deadlines will be deemed to be out of time and may not be considered unless there is independent evidence to show compelling reasons as to why the formal complaint was not raised in a timely manner.

The Principal's Office shall acknowledge receipt of your complaint normally within 5 clear working days. If you do not receive an acknowledgement within 5 clear working days, you should contact the Academic Office to ensure that your complaint was actually received.

All communications relating to this complaint must be in writing and either emailed or posted to:

(for post)

Principal's Office
Coleg Sir Gar
Graig Campus
Sandy Road
Llanelli
Carmarthenshire

(for email)

Email: complaints@colegsirgar.ac.uk

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| SA15 4DN | |
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SECTION A: Student Details

| | | | |
|---|------------------------------------|------------------------------------|--|
| Learner Name: | | | |
| Learner Number: | | | |
| Contact Address: | | | |
| Contact Telephone Number: | | | |
| E-mail address: | | | |
| Programme of Study: | | | |
| Type of study: | <input type="checkbox"/> FE | <input type="checkbox"/> HE | <input type="checkbox"/> WBL |
| Mode of study | <input type="checkbox"/> Full-time | <input type="checkbox"/> Part-time | <input type="checkbox"/> Distance Learning |
| College: | | | |
| Campus: | | | |
| Are you currently a student with the College? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

| | |
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| If "No", what was the final date that you were a student with the College? | |
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Please note that this form will be forwarded to the appropriate members of staff:

- the relevant Faculty Director or Assistant Principal - for complaints about an academic service;
- the relevant manager of department or service - for complaints about a support service.

SECTION B: Details of complaint and desired outcome

Complaint against

Please indicate the provision (e.g. module, programme), service (e.g. Faculty, Curriculum Area, Centre, Support Unit, right to use Welsh Language) or individual against which you wish to make a complaint.

(this box will expand as you type or you may attach additional sheets)

Details of complaint

Please state **exactly** the nature of your complaint. Indicate any events, dates or times that you feel are relevant. List any College documentation that you feel has been contravened.

(this box will expand as you type or you may attach additional sheets)

Supporting evidence.

List and describe the documentation which you have attached in support of your statement (please note that the College will NOT seek evidence on your behalf – it is your responsibility to do this).

(this box will expand as you type or you may attach additional sheets)

(Please do not state that “xxx is available if needed” - If you list documentary evidence to support this claim you are required to submit it or provide a date by which you will submit it).

Desired outcome

Please outline, without prejudice, the outcome or further action you would like in resolution of this complaint.

(this box will expand as you type or you may attach additional sheets)

You may be contacted by the Principal's Office in order to seek further clarification or to arrange a meeting regarding your complaint and desired outcome.

A final complaint investigation report will be completed within 30 clear working days of your form being received by the University and you will receive a **Complaint Outcome letter** (which may take the form of an electronic communication) detailing the final decision on your complaint no more than 5 clear working days after the completion of the report.

SECTION C: Details of informal procedures

Most complaints can be resolved simply and swiftly in an informal manner, at a local level, by discussing the issue or concern with the relevant person. The College encourages students to raise matters of concern as soon as they arise.

Have you discussed your complaint with a member of staff as part of the informal procedures for investigating complaints:

Yes: No:

Name of member of staff to whom you initially reported this complaint:

(this box will expand as you type or you may attach additional sheets)

If you have not discussed your complaint with a member of staff as part of the informal procedure for investigating complaints, please explain the reasons for not doing so and why you wish to take the complaint to formal procedures.

(this box will expand as you type or you may attach additional sheets)

If appropriate, please provide details of the remedy offered after the informal procedures for investigating complaints.

(this box will expand as you type or you may attach additional sheets)

If appropriate, please explain why you are dissatisfied with the remedy offered after the informal procedures for investigating complaints.

(this box will expand as you type or you may attach additional sheets)

The information which I have provided is correct and complete to the best of my knowledge. I give my consent for this information to be disclosed to the relevant officers of the college who are responsible for considering complaints and to any members of staff named in the complaint. **Submitting false documentation or fraudulent information is a serious matter and could be dealt with under the Disciplinary Procedures. The College reserves the right to check on the validity of the document(s) you submit or statements you make in this complaint.**

Signature:

Date:

Please tick this box if you wish a copy of your complaint to be forwarded to the Students' Union.

Note: The Students' Union can provide advice and support at any time during the process of the consideration of your complaint.

Appendix 5.2

REQUEST FOR REVIEW OF COMPLAINT OUTCOME FORM

Request to have final decision on a student complaint or a postgraduate research supervision complaint reviewed by the Deputy Vice-Chancellor (Academic)

This form should be used if you have received a Complaint Outcome letter following the consideration of a complaint under the College's Formal Complaints Procedure and you wish to request that the decision be reviewed.

On receipt of a Complaint Outcome letter, if you are not satisfied with the outcome or the remedy proposed, you may request that the complaint outcome be reviewed by the Principal or Principal's nominee by completing this form.

Before completing this form, you should read the relevant Complaint Procedures, taking particular notice of the section Review of Complaint Outcome and the grounds on which a request for review may be made.

If you do not wish to request that the complaint outcome be reviewed, you may request that a Completion of Procedures letter be issued.

You are reminded that the Students' Union can be approached at any time for advice and support on any issue.

This form should be typed, or completed in black ink, and sent to the Principal's Office (Ref: Review of Complaint Outcome), to be received no later than **15 clear working days** after the notification of the complaint outcome.

The Principal's Office shall acknowledge receipt of your request for review normally within 5 clear working days. If you do not receive an acknowledgement within 5 clear working days, you should contact the Academic Office to ensure that your request for review was actually received.

All communications relating to this request for review during its process must be in writing and either emailed or posted to:

(for email)

Email: complaints@colegsirgar.ac.uk

(for post)

Principal's Office
Coleg Sir Gar
Graig Campus
Sandy Road
Llanelli
Carmarthenshire
SA15 4DN

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|---------------------------|--|
| Learner Name: | |
| Learner Number: | |
| Contact Address: | |
| Contact Telephone Number: | |
| E-mail address: | |
| Type of Study: | <input type="checkbox"/> FE <input type="checkbox"/> HE <input type="checkbox"/> WBL |
| Level of study: | |
| Mode of study: | <input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Distance Learning |
| Curriculum Area: | |
| Campus: | |

SECTION B: Details of request for review

| | |
|---|--|
| <p>What was the final decision on the complaint as stated in the Complaint Outcome letter?</p> <p>(this box will expand as you type or you may attach additional sheets)</p> | |
| Date of the Complaint Outcome letter: | |

Indicate the grounds on which you are requesting a review (tick the relevant box(es) and complete the relevant section of the form):

There were irregularities in the conduct of the complaints procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred (please complete Section 1 below).

The existence of relevant evidence and there are compelling reasons why this evidence was not provided earlier in the complaints procedure (please complete Section 2 below).

The complaint outcome was not reasonable given the circumstances of the case (please complete Section 3 below).

Please note that requests on any other grounds will not be considered.

Section 1

Please outline the nature of the irregularities in the conduct of the complaints procedure and how such irregularities might, in your opinion, have affected the final decision on your complaint.

(this box will expand as you type or you may attach additional sheets)

Section 2

Please provide details of the relevant evidence and explain the compelling reasons why this evidence was not provided earlier in the complaints procedure (you may need to support your explanation with independent evidence).

(this box will expand as you type or you may attach additional sheets)

Section 3

Please explain why, in your opinion, the complaint outcome was not reasonable given the circumstances of the case (mere dissatisfaction with the outcome will not be deemed as sufficient reason for undertaking a review).

(this box will expand as you type or you may attach additional sheets)

Supporting evidence: List and describe the documentation which you have attached in support of your statement (Please note that the College will NOT seek evidence on your behalf – it is your responsibility to do this).

(Please do not state that “xxx is available if needed” - If you list documentary evidence to support this request for review you ARE required to submit it or provide a date by which you will submit it).

(this box will expand as you type or you may attach additional sheets)

NOTE - REQUESTS FOR REVIEW RECEIVED MORE THAN 15 CLEAR WORKING DAYS AFTER OFFICIAL NOTIFICATION OF THE APPEAL OUTCOME WILL NOT NORMALLY BE CONSIDERED. THE PRINCIPAL WILL REFUSE ANY REQUEST THAT IS INCOMPLETE, LACKS EVIDENCE OR DOES NOT PRESENT A CLEAR CASE FOR REVIEW.

The information which I have provided is correct and complete to the best of my knowledge. I give my consent for this information to be disclosed to the relevant officers of the College who are responsible for considering requests for review of complaint outcomes. **Submitting false documentation or fraudulent information is a serious matter and could be dealt with under the Disciplinary Procedures. The College reserves the right to check on the validity of the document(s) you submit or statements you make in this request for review.**

Signature:

Date:

Please tick this box if you wish a copy of your request for review to be forwarded to the Students' Union.

Note: The Students' Union can provide advice and support at any time during the process of the consideration of your request for review.