

DOCUMENT DETAILS

Document Name:	Nottingham College Complaints Policy			
Approval Body:	Board			
Approval Date:	July 2025			
Review Date:	July 2028			
Document Author:	Quality Reporting & Compliance Manager			
Document Owner:	Head of Quality Improvement and Standards			
Applicability	Students	X	Staff	X
	Governors	X	Other	X
Summary	This complaints policy aims to ensure that complaints are resolved as fairly and quickly as possible. It also aims to ensure that, where practical, lessons can be learnt and improvements made to the service which the College offers.			

DOCUMENT CONSULTATION & APPROVAL

Consultation person/body	Date passed

Approval body	Date approved
Board	July 23

IMPACT ASSESSMENT

A significant negative impact has been identified in the following area and a full impact assessment / risk assessment is available

Equality & diversity	No
GDPR	No
Health & safety	No
Safeguarding	No

POLICY CHANGES

Key updates	Impact	Section reference
Change to 3 yearly policy update cycle from 2 yearly	N/A	All
Change of job title	N/A	6
Change of ESFA to DfE	N/A	10

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1. Key Purpose and Objectives

This complaints policy aims to ensure that complaints are resolved as fairly and quickly as possible. It also aims to ensure that, where practical, lessons can be learnt and improvements made to the service which the college offers.

A complaint is an expression of dissatisfaction by one or more persons about the college's action, or lack of action, or about the standard of service, which has had a negative effect on the complainant's experience.

This policy covers areas of college activity where an individual or group has a complaint arising from their college experience. The policy should not be used where an issue is covered by any other college policy. In such cases students of the college will be advised and directed to the appropriate policy. These policies include, but are not limited to:

- Student Disciplinary Policy (exclusions / withdrawals)
- Exam Appeals Policy
- Assessment and Internal Quality Assurance Policy (academic appeals)
- Capability Procedure
- Disciplinary Procedure
- Grievance Procedure
- Redundancy/Voluntary Redundancy Policies
- Recruitment and Selection policy
- Whistleblowing Procedure
- Admissions Policy

2. Scope

All further education and general college complaints are managed via this procedure. Higher education complaints, including complaints from students on higher apprenticeships, should follow the higher education complaints policy and procedure. Students enrolled through Nottingham College by a subcontractor should follow the complaints process of the subcontractor in the first instance. Once a student has exhausted the subcontractor's internal complaints process, and if a satisfactory resolution has not been achieved, the student should then raise a formal complaint with Nottingham College.

3. Key Responsibilities

The Quality Team are responsible for:

- Ensuring that this procedure is available to all college users.
- Referring complainants to other policies/procedures if they are more appropriate.
- Logging formal complaints and monitoring response times.
- Supporting the investigating / appeals officer as required.
- Recording and reporting on the outcomes of formal complaints.
- Ensuring that central records relating to formal complaints are securely stored for a maximum period of six years.
- Ensuring all complainants are aware of their rights in relation to accessing personal data related to formal complaints.

The investigating / appeals officer is responsible for:

- Carrying out a full and balanced investigation into the complaint / appeal.
- Complying with the timescale for completion.
- Providing a written response to the complaints team.
- Maintaining and filing investigation notes and information on complaints for six years.
- Keeping the Quality Team updated regarding all aspects of the investigation.

4. General Principles

The college is committed to providing the highest quality of service which aims to meet and preferably exceed the expectations of all customers.

Users of the college have the right to complain if they are dissatisfied, and should expect to be dealt with fairly, amicably and quickly.

Decisions taken as the result of an investigation will be balanced and reasonable.

No student / employer bringing a complaint under this procedure, whether successfully or otherwise, will be disadvantaged. Should evidence to the contrary be found, the matter will be fully investigated and, if necessary, disciplinary proceedings may be taken.

The college may consider invoking the disciplinary procedures under the student disciplinary policy in those cases where complaints are found to be vexatious or malicious. A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the complaints policy or, for example, to attempt to defame the name or character of another person.

All college staff have the right not to be subjected to aggressive, offensive or abusive actions, language or behaviour, regardless of the circumstances. The college will take the minimum action required to address such unacceptable behaviour, for example:

- Require that contact is made with a specified member of staff only.
- Terminate an abusive telephone call.
- Decline to accept telephone calls but maintaining at least one form of contact.

Where the same complaint is raised by a number of individuals at a similar time, this will be treated as a single complaint. In such circumstances, we will request the group to nominate up to two students to act as the group representative(s) and spokesperson(s). One investigating officer will be appointed to investigate issues of the complaint and will respond directly to the group representative(s).

Where a complaint is made about another learner or a member of staff they will be told about the existence and nature of the complaint, so that they may adequately defend themselves against that complaint. The complainant will be told the outcome however, it is not appropriate to share specific details affecting the other students or staff members, particularly where disciplinary action is being taken, and therefore these details will remain confidential.

Where a complaint is made about a member of staff it may be referred to people services for investigation via another college procedure, for example the staff disciplinary process. Where this is the case, the complainant will be advised which process their complaint will be transferred to.

5. Data Protection

It is expected that all students/employers will assume responsibility for communication with the college and for drawing attention to any problems or concerns.

Where a complaint is received from a parent / guardian or other third party on behalf of a student or individual to whom a complaint relates the college will accept the complaint and therefore communicate with the parent / guardian or relevant third party only with the express written consent of the student/individual and only on receipt of such consent. Exceptions will only be made in the vital interests of the student/individual, such as where there is serious concern which may impact on the safeguarding or welfare of the individual.

For information on rights and responsibilities within the data protection act, please refer to the college's data protection policy.

Where a student is unhappy about the processing of their personal data they can contact the data protection officer for advice.

6. Raising a Complaint

Complaints should be dealt with via stage 1 (early resolution) in the first instance. Usually only when this route fails to bring about a resolution should stage 2 (formal) be initiated. In the case of a serious complaint, the matter will usually progress immediately to the formal stage. The following are examples of matters that could constitute a serious complaint:

- A complaint received directly from a regulatory body such as a funding body, police or government department.
- A complaint of a serious or complex nature, including complaints involving discrimination, injuries, safety or data protection breaches at the college.

A complaint will not normally be considered if submitted more than three months after the issue or event occurred, unless there was good reason why it could not have been raised sooner.

At stage 1 (early resolution) complaints can be raised by speaking to a relevant member of staff, such as a tutor, Personal Development Tutor or college manager.

Stage 2 (formal) complaints should be submitted in written or electronic form via letter, e-mail or by completing a complaint form. Complainants will be advised to submit a formal complaint in writing if they contact the Quality Team via phone. Where a complainant identifies a support need, the Quality Team or any other member of staff can assist with compiling a formal written complaint.

Any complaint sent directly to a member of the Executive Leadership Team will be re-directed to a relevant member of staff to be dealt with through stage 1 in the first instance. If the complaint meets the criteria to progress immediately to stage 2, it will be transferred to the Quality Team who will process it in accordance with the complaints policy.

7. Stage 1 (Early Resolution)

Many issues can be dealt with at a local level and where possible it is often best to do so to ensure a speedy resolution. These matters may be handled by any member of staff but support from a line manager may be sought.

There is no requirement for the member of staff making the response to issue a formal letter or submit any other paperwork if the matter is resolved unless the complainant specifically asks for this. The member of staff will record the details of the complaint and the proposed resolution for reporting / quality improvement purposes. These records will be accessible to the Quality Team in the event that they need to be referred to should the complaint progress to stage 2.

The member of staff dealing with the complaint should store any notes or evidence for six years from the date of resolution and provide them to the Quality Team on request if the matter progresses to stage 2.

Should the complainant still not be satisfied after stage 1 they will be advised to submit a written complaint to the Quality Team in order to progress to stage 2.

8. Stage 2 (Formal)

Where a complaint has exhausted stage 1 or due to the nature of the complaint it is not appropriate to do so, the matter can progress to stage 2. The complainant should submit their

complaint in writing (either by filling in a complaint form or emailing feedback@nottinghamcollege.ac.uk) directly to the Quality Team.

Student / employer rights are not affected by making a complaint. The college is unable to take action on anonymous complaints, unless there are exceptional circumstances. Complaints found to be of a false nature may result in disciplinary action.

The Quality Team will acknowledge receipt of the complaint in writing to the complainant **within three working days from the date of receipt**. The day of receipt will be day zero.

Timing guidelines for the handling of a stage 2 complaint start on the day of acknowledgement from the Quality Team. The day of acknowledgement of the complaint will be day zero.

An investigating officer will be appointed by the Quality Team. This would normally be an independent manager with no direct involvement in the area of the complaint.

The investigating officer will aim to conclude their investigation within nine working days of receipt from the Quality Team and send a draft response letter to the Quality Team for approval. The investigating officer will also confirm if in their view the complaint was upheld, partially upheld or not upheld.

The Quality Team will send the final response to the complainant **within ten working days of acknowledgement of the original complaint** and close the complaint. Deadlines may be extended to take into account college holidays and staff training days due to the availability of relevant staff.

If there is a delay in producing a final written response, the Quality Team will send an update letter to the complainant within ten working days of acknowledgement of the complaint, informing the complainant of the delay. The investigating officer will aim to produce a final written response within ten working days of the date of this update letter. On some occasions further extensions may be necessary or it may be required to place a complaint on hold for a period of time due to extenuating circumstances. The complainant will be notified by the Quality Team if this is the case and advised of the revised completion date of the complaint.

Copies of all correspondence with the complainant and an investigation summary should be sent to the Quality Team for safe, confidential storage.

9. Appeals

On completion of stage 2, the complainant has ten working days from the date of the response letter to deliver a completed appeal request form to the Quality Team if they are dissatisfied with the outcome.

An appeal can only be requested on the basis that at least one of the following criteria apply:

- New evidence has come to light.
- Not all of the evidence was considered when coming to a conclusion.
- Other procedural irregularity in the process.

The Quality Team will acknowledge receipt of the appeal request form and confirm whether there are grounds for appeal **within three working days of receipt of the appeal request form**. The day of receipt of the appeal request form will be day zero.

If there are grounds for appeal, an appeals officer will be appointed by the Quality Team to review the case. This would normally be someone of equal or higher seniority than the initial investigating officer from stage 2.

The appeals officer will send a draft response letter to the Quality Team for approval, confirming if the appeal is upheld, partially upheld or not upheld and the reasons for their decision. **The Quality Team will send the final response to the complainant within twenty working days**, taking the day of acknowledgement of the appeal request as day zero.

Deadlines may be extended to take into account college holidays and staff training days due to the availability of relevant staff. If there is a delay in producing a final written response, the Quality Team will send an update letter to the complainant informing the complainant of the reason for the delay and the revised deadline for completion of the review.

10. Continuing a Complaint Beyond the College

Once the complainant has exhausted the internal complaints process (stage 1, stage 2 and appeal), and if a satisfactory resolution has not been achieved, the complainant has a right to complain to the college's regulatory body.

The college is regulated for the purposes of this policy by the Department for Education (DfE).

Complainants should note that the Department for Education will only take up a complaint when they are satisfied that the college procedure, including appeal, has been exhausted, unless the agency believes that the college is not dealing with a complaint appropriately or effectively, when it may intervene before the procedure is exhausted.

Details on the Department for Education complaints procedure are outlined on their website (<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa>)

11. Higher Education Students

Higher education complaints should follow the higher education complaints policy and procedure.