



2019

# HE Complaints and Concerns (HE20)

 **TEC Partnership**  
Training • Education • Careers

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V1.0	New	18 June 2019	New
V1.1	Update	October 2019	12 months to use CoP  Addition of UoH review

This policy applies to Grimsby Institute of Further & Higher Education (GIFHE) and incorporates the trading styles of TEC Partnership, Grimsby Institute of Further and Higher Education, Scarborough TEC, Skegness TEC and all wholly-owned subsidiary companies of the Grimsby Institute of Further & Higher Education which include Modal, Support Staff Services and Grimsby College Trading. This policy applies to provision considered under the guidance of the Office for Students as 'higher education'. \*

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## Section 1 Introduction

The objective of the Tec Partnership is to provide the highest quality services and facilities to all its students. (This only applies to registered students, should an applicant to a programme wish to appeal a decision they can do so by using HE07 Admissions, Admissions Appeals and Accreditation of Prior Learning). We hope students will find that this reflects their experience of the organisation. However, if there are areas of our HE provision that are of concern, or about which a formal complaint is considered appropriate, this document provides the guidance on how to do so. This policy does not cover 'academic appeals'. For appeals see HE16 Academic Appeals

This policy may need to be considered alongside *other* policies or procedures.

This policy is based on the following principles:

- The active promotion of equality of opportunity
- The quality of the learning experience
- The provision of an open and transparent process
- The resolution of complaints conducted in a fair and equitable way within agreed timescales
- The absence of victimisation once a complaint has been reported
- The continuous improvement of services

### 1.1 Purpose

This policy applies in the context of a concern or a complaint in higher education.

Whilst the Partnership is firmly committed to monitoring and evaluating the standards of education and its wider services, learners and stakeholders are advised that it is sometimes necessary to make difficult decisions that are in the best interests of this complex organisation. Nevertheless, the policy is seen as a means by which the Partnership can identify any shortcomings, helping to 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 future issues which may lead to further concerns or complaints.

### 1.2 Complaints

This policy considered situations relating to concerns and complaints by students. The Partnership welcomes comments and suggestions for the improvement of its services and the organisation has established a variety of mechanisms to ensure that students and other stakeholders have the opportunity to contribute to the decision-making processes at course/programme, faculty and institutional level. It is hoped and expected that students will take full advantage of these opportunities to help address comments and make suggestions. The Partnership welcomes and encourages the chance to bring about informal, mutually-acceptable resolutions.

This policy relates 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 unless this is in support of accessibility. (This does not prevent an aggrieved student obtaining advice and/or support in the preparation of their complaint).

As far as is possible, the Partnership will endeavour to investigate and address any issues raised anonymously.

The policy does not cover complaints relating to allegations of harassment or discrimination. Allegations of this nature should be reported to the appropriate authority, typically the curriculum manager of the area in the first instance or in the case of an allegation against a staff member, the Human Resources Team.

### 1.3 Student Complaints

The policy applies only to acts or omissions which take place at a time when the complainant is an enrolled Higher Education student of the Partnership or one whose studies are formally suspended. It does not apply to applicants prior to admission or where a complaint refers to an act or omission which took place *after* their study has ended. The definition of 'student' extends one month beyond the day of sending of final transcript or withdrawal, after which time a period of six months is given to raise a complaint.

### 1.4 Monitoring

In all circumstances, the Partnership 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 and in a fair and understanding manner.

The Partnership 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 departments and campus and appropriate action plans are instigated if necessary. The report is also received by the Partnership's HE Oversight Committee as a means to review Partnership level information, actions and outcomes on behalf of the Corporation.

Monitoring and evaluating complaints enables the Partnership to satisfy itself that the policy is working satisfactorily for all HE learners, and to take appropriate action if not. Additionally, collecting information on the focus of complaints provides valuable feedback. The identification of consistent themes amongst complaints - or a disproportionate number of complaints from one part of the organisation - might, for

example, point to positive improvements which could be made.

The annual report (Appendix 4) takes into account the following categories to enable the monitoring of themes or trends.

- I. The number of concerns and 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.
- VI. The number of formal concerns logged by each faculty

## 1.5 Support

The Partnership is committed to providing impartial advice and support for students wishing to complain. Support can be requested through the Learner Services Team

## Section 2 Definition and Scope

### 2.1 Concerns and Complaints

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

It should be noted that raising a vexatious or malicious complaint may lead to disciplinary action. A complaint that is categorised as vexatious may be rejected and in such instances the student will be notified in writing with reasons as to why.

This policy clearly distinguishes between a concern (the opportunity for an individual to bring a matter directly to the attention of an appropriate member of staff) and a complaint (a formal statement by an individual to the organisation's Complaints Officer, eliciting a formal response and to which the individual has the right to pursue if they are not satisfied).

Any matter simply raised in written or verbal form will be treated as a concern and dealt with locally. Managers will log the concern and the appropriate resolution on the individual Student's ILP. The concern will be considered as a formal complaint only if form HECC02 has been submitted electronically or in hard copy to the Complaints Officer by the complainant.

Matters that are raised as a concern, that the individual wishes to remain confidential, should remain so unless the concern has implications that intersect with our safeguarding policy. 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. It may, therefore, not be possible to pursue the concern in any meaningful way. Importantly, 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 fully informed. However, as noted, where the concern relates to a potential safeguarding issue, this may be referred to the Safeguarding Team.

Matters raised as a formal complaint will remain confidential to those directly involved in the investigation of, and response to, the complaint. This extends to any staff who are the subject of the complaint. To ensure the progress and integrity of the complaint investigation or response, any staff member or learner who has been made aware of the issues must maintain confidentiality. Failure to do so may result in formal disciplinary action being taken through the Student or Staff Disciplinary Procedure.

Submitting a formal complaint may potentially have an impact on staff/student relationships. It is expected that all parties maintain a professional working relationship throughout the process. In exceptional circumstances only, a senior manager may need to make a decision in the best interests of the individuals concerned, and/or other stakeholders to alleviate a situation arising from the procedure. This decision should not however, unduly affect or influence the progress or outcome of the complaint but should be noted as part of the case.

During the process the complainant has a right to be accompanied to any meeting called by the organisation by another person, however, the Partnership will not permit legal representation. The friend may not speak on behalf of or otherwise represent the interests of the individual unless invited to do so by the investigating officer to comply with accessibility. There is no equivalent right to be accompanied where a concern is raised, 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. Associated complaints will be addressed together once the link between them has been established. Once the investigation of the complaint/s has commenced, complaints received subsequent to those initially received will not be considered.

If any correspondence relating to a complaint is marked “without prejudice”, the Investigation Complaints Officer shall inform the Academic Registrar. The Academic Registrar, 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 or further action, although this cannot and does not purport to remove the right of any individual or the Partnership to seek a legal remedy for their dispute.

## 2.2 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 Officers 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 students of the policy and the effectiveness of the overall procedures in meeting their aims.

The Partnership recognises that for a student making a complaint the process can be daunting and stressful and thereby makes provision for a student to seek advice and support. Support can be accessed through Learner Services or via a Success Coach.

## Section 3 Raising a Concern or Complaint

### 3.1 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 line management for the area of work, for example: a Curriculum Manager. If a complainant is unsure of the identity of the person with immediate line management for the area of work concerned, advice can be obtained from the appropriate Faculty. The person approached should respond either orally or in writing, normally within 10 days.

If a concern has yet to be resolved through normal means or the concern is of a serious nature, staff members should advise the student as appropriate. It is expected that the concern then becomes raised as a formal complaint through the complaints procedure. If a member of staff is unsure about when it is appropriate to do this, advice can be obtained from the relevant Complaints Officer or Academic Registrar.

Concerns raised with managers will be logged within the Formal Concern Register. These will be used for reflection about our early resolution of complaints and for reports as necessary.



### 3.2 Formal Stage

The formal complaint stage can be initiated if -

- Following the raising of a concern, the student does not feel satisfied with the early resolution and initiates the formal stage of the process
- The issue has not previously been raised as a concern but the student wishes to raise a formal complaint based on the seriousness of the issue
- The issues raised are complex and will require detailed investigation, for example where a complaint relates to the conduct of staff members or covers a number of different incidents

A complaint must be raised by the individual complainant using a complaints form HECC02. This is available electronically at: <https://tecpartnership.com/partnership-feedback/#1501672889199-d0950462-b97c>

Alternatively, this can be downloaded for completion and sent to the Complaints Officer (Quality Hub, Nuns Corner, Grimsby, DN34 5BQ).

To prevent unnecessary delays, ALL parts of the form must be completed. The Complaints Officer shall acknowledge the complaint in writing within 10 days of its receipt, stating the name of the investigating officer and will include the text provided by the student on their complaint form.

The Complaints Officer will send the complaint to the nominated investigating officer, normally an Associate Principal from another faculty or someone in the organisation of a similar standing. The nominated investigating officer shall initially respond to the complainant within 10 days of receipt of the referral from the Complaints Officer. This communication may include a request to meet with the complainant. This response may or may not confirm the decision of the officer and will consider the following:

- If the complaint is an academic appeal and therefore to be referred to the academic appeals procedure
- Has an early concern been raised and a resolution attempted? Should the complaint be referred back to the concerns stage?
- Is there clarity about what the complaint concerns and to whom/what it refers
- What is the resolution that the student is seeking and is this possible?
- What support the student may need to continue with the complaint procedure

The investigating officer may decide to:

- Refer the complaint to an alternative procedure
- Reject or refer back the complaint due to procedural failure, evidence or lack of clarity

- Refer to 'concern' stage with recommendations for remedial action such as mediation
- Proceed with a formal investigation

### Formal Investigation

The formal investigation will consider the context of the complaint and the evidence provided by the student. The complainant may be asked to meet with the investigating officer at the start or during the investigation to clarify aspects of the complaint and to consider the student's expectations of the possible outcome. Unrealistic expectations should be explained to the student at this meeting. Other meetings may be required to gather further evidence to consider the complaint. The initial period for investigation of the complaint would be 15 working days. In cases that are complex and/or require further investigation, this initial response may state the necessity of a longer period of time to ensure that a formal investigation is thoroughly complete before a final response can be given. This extension would usually be up to a further 20 working days. The investigating officer is expected to be open and transparent with the complainant about the timeframe of the investigation.

If the complaint pertains to one of the following areas, to minimise further impact, the timeframe for the investigation is expected to be as short as possible:

- Complaints involving threats of serious harm
- The impact of the issues in the complaint has serious consequences for the complainant's mental health
- Complaints regarding disability support
- Serious and repeated service failure or delays
- Highly sensitive issues

Following a formal investigation, the complainant should receive a report which outlines the purpose and scope of the investigation, the sources of information used in the process of the investigation, the conclusions drawn from the investigation and the recommendations of the officer. The complainant will receive a copy of this information. The complainant will also receive information on their right to appeal, the grounds on which an appeal can be requested, the timeframe and procedure for an appeal and how to access support.

If the complaint is rejected through non-compliance by the complainant, then a letter will be issued by the complaints officer detailing the reasons that the case will not be investigated further and the actions the complainant needs to take to proceed.

If the complaint does not meet the timeframe for the formal appeal process, the complainant will be notified in writing. A completion of procedures letter should be sent only where the student requests this action.

If a complaint is upheld, the response will determine the remedy offered, including for example, an apology and when the remedy can be expected.

### **3.3 Formal Appeal**

A formal appeal must be made writing to the complaints officer.

The Complaints Officer shall acknowledge the formal appeal in writing within 10 days of its receipt. A referral will then be made to an investigating officer who has not been involved in earlier processes and who will respond within 20 days of the formal appeal being received.

The appeal should be based on:

- i. a review of the procedures followed at the formal complaints stage
- ii. the reasons why they believe that the outcome was not reasonable
- iii. the availability of new evidence which could not reasonably have been provided earlier in the process.

The appeal will be considered by a member of the Senior Management Team as the investigating officer/s.

The appeal will not usually involve a further investigation or reconsideration of the initial complaint afresh. A complaint must have been considered at the formal stage before an appeal can be considered.

However, if in the view of the 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 Executive Director of Quality who shall obtain such additional information as they feel necessary and then either dismiss the complaint/appeal summarily and inform the complainant in writing of their reasons for so doing, or shall refer the complaint to an investigating officer as above.

In instances where the member of the Senior Management Team is known to the complainant through personal circumstance or through association with matters relating to those outside of the organisation, or is personally linked to the complaint the appeal will be referred to another member of staff of equivalent standing who has no prior involvement. This precept is specified in the interests of fairness and impartiality.

The investigating officer may request to meet with the complainant to confirm the scope and the possible outcomes of the appeal to ensure that the complainant's expectations are managed.

The appeal may consider-

- The application of the complaints procedure during the formal stage and whether the outcome was communicated

- How reasonable was the outcome in the context of the circumstances
- The validity of new evidence and the reason for its late submission.

If the appeal is upheld: the investigating officer will write to the complainant and explain the conclusion and how the issue will be remedied. If the conclusion is that the formal stage has not been completed, the timeframe for the new investigation will be stated.

If the appeal is not upheld, the complainant will be informed of their rights to complain to the OIA and the timeframes for doing this as well as how advice and support can be accessed. The complainant must request a Completion of Procedures letter within 20 days of the being informed of the outcome of the Formal Appeal stage.

### 3.4 Completion of Procedures

For Foundation Degree students and students on Higher National Programmes

Once the formal appeal stage has been completed, the student is entitled to request a completion of procedures letter and then ask the OIA, the independent ombudsman service, to review his or her complaint about the outcome of the provider's complaints process. The complaint should be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.

To make a complaint to the OIA, information can be found here:

<https://www.oiahe.org.uk/students/how-to-complain-to-us/>

For Students on University of Hull Programmes

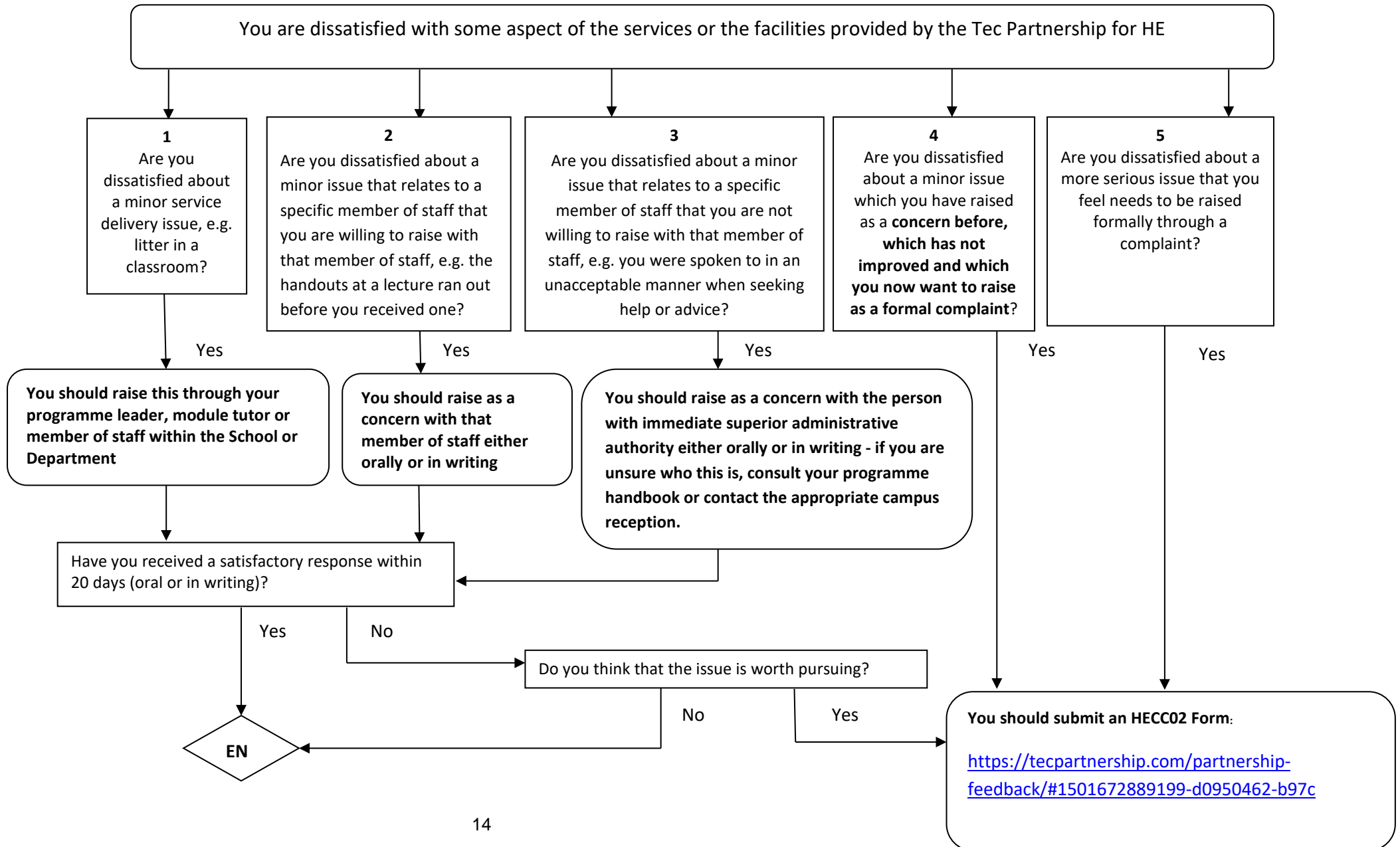
For students on partner university validated courses once TEC Partnerships have made their final determination, they have the right request a Final Determination of TEC Partnership letter. They then have the right to appeal through relevant university. For University of Hull Students this must be completed within 15 working days of receipt of the *Final Determination of TEC Partnership* letter. Once the University of Hull have reviewed the complaint they will issue a completion of procedures letter allowing review by the OIA.

## APPENDIX 1 The Complaints Form

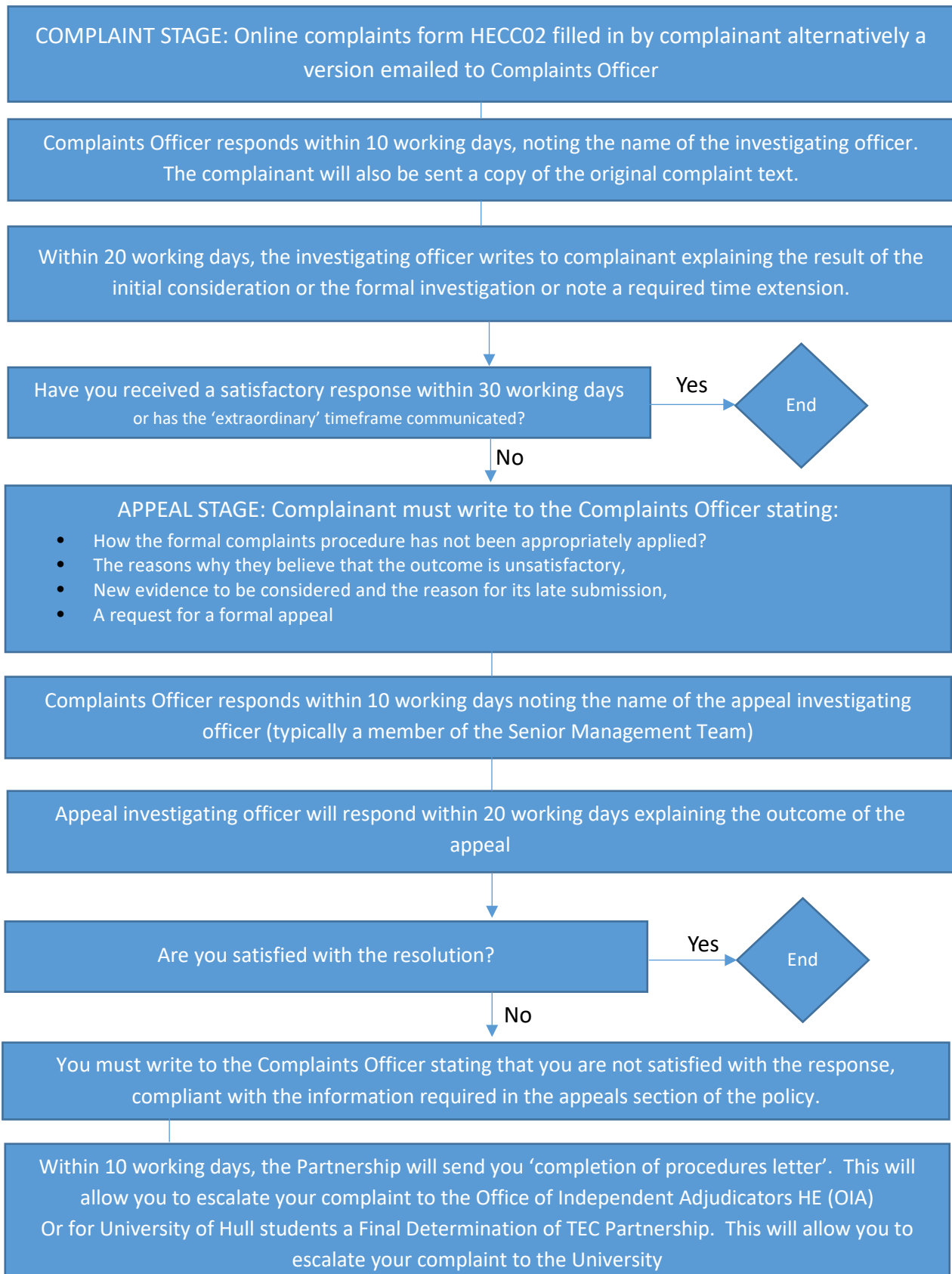
The HECC1 complaints form can be found at the below website:

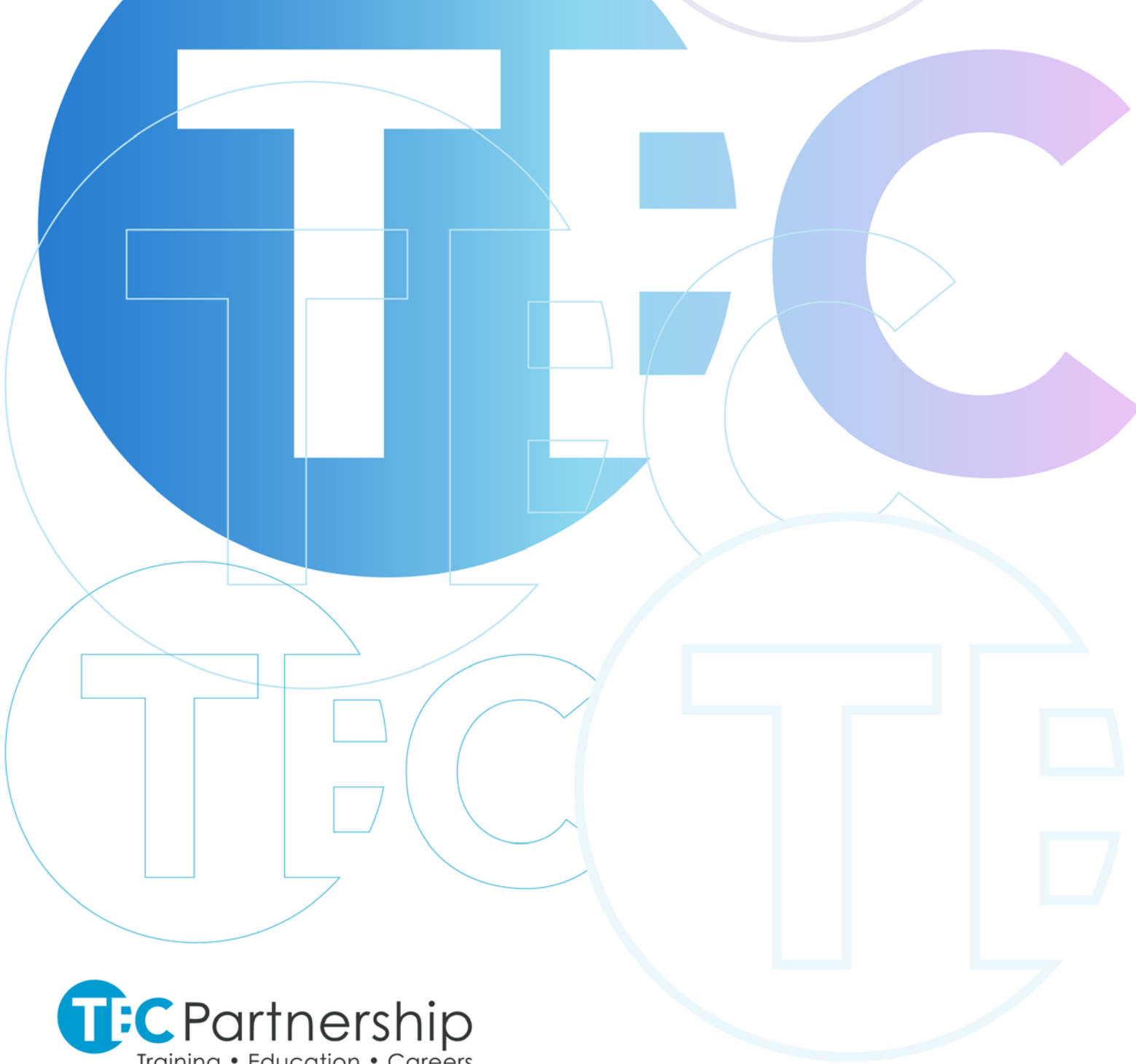
<https://tecpartnership.com/partnership-feedback/#1501672889199-d0950462-b97c>

## APPENDIX 2 Raising a Concern



## APPENDIX 3 Complaint Process





# TEC Partnership

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- Grimsby Institute
- University Centre Grimsby
- Skegness TEC Training Education Careers
- The Academy Grimsby YOUR FUTURE, FOCUSED
- 6
- gi International
- net National Employer Training
- workforce SKILLS
- LITTLE STARS Day Nursery
- Doncaster LEARNING CENTRE
- distance LEARNING
- Skegness Learning Centre
- Grimsby Learning Centre
- Immingham Learning Centre
- Louth Learning Centre
- Scarborough TEC Training Education Careers
- MODAL TRAINING
- ecosh EAST COAST OCCUPATIONAL SAFETY & HEALTH
- Transsafe TRAINING
- FRPERC Food Refrigeration and Process Engineering Research Centre