

Complaints & Compliments Policy

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COMPLAINTS & COMPLIMENTS POLICY

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SCOPE AND PURPOSE

LTE Group (a statutory corporation and an exempt charity, for the purposes of the Charities Act 2011), of which The Manchester College and UCEN Manchester are operating divisions (“**LTE Group**”, “**the College**” “**We**”, “**Our**”, “**Us**”), is committed to providing high-quality services for all our college community, taking account of users’ views and using the findings to promote and develop capacity for sustainable improvement. This document details both the compliments and complaints procedure.

A complainant (“**You**” or “**Your**”) may be a student, prospective student, former student, parent, employer or any other relevant interested party that indicates dissatisfaction with the current level of service. A complaint is defined as a statement that something is unsatisfactory or unacceptable. This includes, but is not limited to: academic (e.g. progression and grades); teaching and learning; course organisation; discrimination; finance and funding; welfare; etc. Some complaints may be handled under separate statutory procedures, such as appeals relating to exclusions or whistleblowing.

The College also values recognition of good service and believes that staff should be recognised and rewarded. In doing so, we also collect compliments and commendations of staff, learners and the wider organisation. Compliments are used to enable service development and as part of individual performance development, and will be tracked internally on our compliment register.

RESPONSIBILITY

Overall responsibility for the Compliments and Complaints Policy and procedures lies with the Vice Principal for Curriculum & Support, whilst day-to-day responsibility for implementation falls under the Director of Planning & Performance and the Complaint Administrator.

All staff have a responsibility to try to resolve complaints informally, prior to invoking the formal complaints procedure.

All staff have a responsibility to forward formal complaints to the Director of Planning & Performance.

COMPLIMENTS

Compliments received will be acknowledged and passed on to the individual(s) concerned and their line manager. They may also be formally recorded in an individual's employee record, as part of their performance profile. Where appropriate, managers may respond to compliments made, to further acknowledge receipt.

COMPLAINTS - STAGE 1

Informal Complaint

An informal complaint differs from a formal complaint in the way it is processed, but both contribute to the overall complaints process. An informal complaint is managed through discussion (written and / or verbal) and should always be attempted before moving into the formal complaint process (**Stage 2**). An informal complaint resolution aims to seek mutual agreement and shared understanding, to avoid issues in the future. Complainants may approach any member of college staff or the Students' Union.

Informal complaints may be received by any of the following methods, the list is not exhaustive:

- **Verbal discussion**
- **In writing**
- **Service review**

If an indirect complaint, or a comment which could be interpreted as a complaint, is made in any format and brought to the attention of college staff, the Director of Planning and Performance will review the feedback and determine whether or not to escalate the issue through this policy, either through Stage 1 or Stage 2. If it is decided that the complaint should be processed through this policy, this can either be done in collaboration with the complainant or anonymously.

The relevant member(s) of staff should keep a record of the issue and outcome of an informal complaint resolution, in line with this policy and the LTE Group's GDPR Policy. Please refer to **Use of Personal Information Under this Policy**, below.

COMPLAINTS - STAGE 2

Formal

If an individual has a concern, it should initially be raised with any member of staff. The member of staff must take every opportunity to resolve the complaint informally (**Stage 1**). If an informal resolution is not possible, a formal complaint can be submitted through any of the methods listed below, and sent to the Director of Planning & Performance.

Making a Complaint

To make a formal complaint a Complaint Form and / or written letter of complaint should be submitted by any of the following methods:

- **Email:** feedback@themanchestercollege.ac.uk
- **Post:** Director of Planning & Performance (Complaints), The Manchester College, Ashton Old Road, Openshaw M11 2WH
- **In person:** hand in at any campus Reception

The Complaint Form can be made available in alternative formats, such as large print / braille. Magnification equipment is also available on request.

Complaints relating to Subject Access Requests or data breaches should be made directly to the group Data Protection Officer: dpo@ltegroup.co.uk

LTE Group is committed to ensuring the highest standards of honesty and integrity. Public interest disclosures (whistleblowing) are covered under our Public Interest Disclosure Whistleblowing Policy & procedures.

POLICY

The Manchester College / UCEN Manchester:

- Will investigate complaints thoroughly and objectively and they will be regularly monitored by the Vice Principal for Curriculum & Support.
- Aims to reach an outcome / decision within 15 working days.
- Aims to have communicated the outcome(s) / decision(s) to the complainant within 20 working days.
- Will contact the complainant to advise if the investigation is likely to take more than 20 working days and will keep them informed of progress by their preferred method of contact.
- Will ensure that students will not be treated less favourably following their complaint. If this is found to be the case, staff disciplinary procedures will be followed.
- Will identify actions from complaints and compliments received to improve and develop services

PROCEDURE

As part of our drive to improve services for all college customers, we will ask for equality and diversity information to be provided, for example: gender, age, ethnicity, etc. These details will help to ensure that all people are treated fairly.

Complaints should be raised within 12 months of the original issue, so that evidence is available for the investigation. Any complaint received after this period will not usually be considered, however we will consider complaints made outside of this time frame if exceptional circumstances apply.

Students should be aware that malicious complaints received in any form will result in disciplinary action (i.e. complaints that are not true, use of foul language in any communications that are sent to staff).

All complainants should be aware that college staff have the right to work in a pleasant and safe environment and any violent or abusive behaviour towards staff will not be tolerated.

A complaints analysis will be produced each term and an annual summary report will be submitted to Governors, for improvement purposes.

The complaint should be submitted with as much detail as possible, but most importantly should include:

- Full name of complainant
- Student ID (where applicable)
- Date of birth
- Contact details
- What the complaint is about
- Any action taken so far
- The required outcome / resolution
- Any documentary evidence

If the complaint is a group complaint, each complainant must be named and signed on the Complaint Form / formal written complaint; however one single group representative must be identified with whom the College will correspond and who will be responsible for liaising with the other complainants.

All formal complaints must be sent to the Director of Planning & Performance to be recorded on the complaints system. The complaint investigation and cycle will be tracked by the Complaints Administrator.

When a formal complaint is received, a Complaint Investigator and Complaint Manager will be assigned within five working days. Once this has been done, the Complaint Administrator will write to the complainant to acknowledge receipt of the complaint. This initiates the 20 working day cycle.

- *Complaints received during half term or summer holidays may not be covered under the 20 working day cycle, due to academic staff being on leave. If this is the case, the complainant will be advised of this in their acknowledgement letter, or a further holding letter and an extended deadline will be set.*

- *In instances of complex complaints, more time may be required for the College to complete the complaint investigation, to ensure a thorough and fair outcome. If this is the case a letter of explanation will be sent to the complainant by their preferred method of contact and an extended deadline will be set.*

The Complaint Investigator will be responsible for conducting investigations, under guidance of the Complaint Manager. Once the investigation is complete, the findings will be communicated back to the Complaint Manager. The Complaint Administrator will continuously monitor and track the complaint until the issue has been resolved. As part of the investigation complainants may be invited in to discuss issues with the Complaint Investigator or Manager in more detail. Complainants have the right to be supported at these meetings by another person, such as another college student, member of staff or other.

It is the duty of the Complaint Manager to review the Investigator's findings and write the official complaint response, however they may ask the Complaint Investigator to outline an early draft. The final complaint response should be sent to the Complaint Administration team within 15 working days, who will proofread the letter and distribute to the complainant before the 20 working day deadline.

Complaint Response

When the complaint is assigned, a blank complaint response template will be provided to the Complaint Manager. The complaint response should always detail the following information:

- A summary of the key issues raised
- A summary of the complaint investigation, including actions, findings and conclusions
- A concluding paragraph with a final decision

Following the complaint investigation, the decision outcome will be categorised as one of the following:

- Informally resolved
- Not upheld
- Upheld
- Partially upheld

The complaint response will detail any actions taken to investigate the complaint and provide a full explanation of the decision(s) made and the reason(s) for it. Where appropriate, it will include details of actions The Manchester College or UCEN Manchester will take to resolve the complaint. The response letter will also include details on how the complainant can escalate their complaint, should they remain dissatisfied with the outcome of Stage 2.

Following review of the Complaint Investigator's findings, the Complaint Manager will have the power to make one or more of the following decisions:

- That further steps should be taken to resolve the complaint informally (for example, through mediation with the agreement of both parties);
- To uphold a complaint in whole or in part and where appropriate require such remedies as necessary;
- To reject a complaint in whole or in part where it is found that:
 - the substance of the complaint was not justified; and / or

- the College acted reasonably and in line with its procedures and written documentation; and / or
- the complainant has not been substantively disadvantaged by any variation of College procedures or written documentation

If a complaint is upheld, or partially upheld, and corrective remedies are suggested and / or implemented, unless the complainant escalates the complaint to Stage 3 within the set timeframe, it shall be considered that the complaint is settled in full and the complainant has no further right to make claims against LTE Group, pertaining to the issue(s) raised.

If a complaint response stipulates required actions or remedies, these will be noted in the complaint database and tracked by the Complaint Administrator, as part of the complaint cycle. The Complaint Administrator will ensure that the actions outlined in the complaint response are followed through and any relevant information pertaining to these actions will be documented on the complaint file.

Some requests may require the College to take swift action, for example where the issues raised have detrimental consequences for the complainant's or another College member's health and safety (including mental health), or where external time limits apply for example, in meeting regulatory requirements for the completion of courses. If this is the case, the complaint procedure may be expedited.

Where a complainant alleges a violation of the law, the matter shall normally be referred to the Police immediately. Where the individual in question is subject to criminal proceedings arising in connection with the complaint, the College shall not normally continue with the procedures set out in this policy other than, if appropriate, taking steps to temporarily suspend or ban that person from College premises and / or activities pending the outcome of the criminal proceedings. If the matter under complaint is not proceeded with as a criminal matter by the prosecuting authorities, it will be dealt with by the College as though it had not been referred to the Police.

On occasions duplicate complaints may be received pertaining to the same subject. If this is the case, and the complaint has already been closed, the newer complainant will be advised that the College has already considered the complaint and the local process is complete. However, if new information or evidence has become available, this may be grounds for a new investigation and will be considered on a case-by-case basis.

The College reserves the right to make a judgement on whether or not to accept formal complaints that are made anonymously. Anonymous complaints will not normally be accepted, as this may limit the investigation and communication of the outcome. Exceptionally, an anonymous complaint may be considered if there is a compelling case supported by evidence and the decision will be made by the Director of Planning and Performance.

GOVERNORS

If your complaint is about the Governing Body, an individual member of the Governing Body, or the Principal of the College, it should be addressed to the Company Secretary & General Counsel:

The Company Secretary & General Counsel
Executive Suite
LTE Group
Ashton Old Road
Manchester
M11 2WH

COMPLAINTS - STAGE 3

Complaints Appeal Process

If the complainant is dissatisfied with the outcome of a formal complaint (**Stage 2**), they may appeal against the decision in writing within 10 working days of the complaint response, using the complaint contact details above.

The appeal request must clearly explain the reason(s) for appeal and will only be considered if the complainant can evidence one or more of the following:

- Any aspect of the original complaint was not investigated
- The investigation findings do not match the outcome
- There is new evidence which was not reasonably available at the time of the original complaint investigation
- The College's complaints process was not followed

The Director of Planning & Performance will check the grounds for appeal and, if sufficient, the appeal will be assigned to an Appeal Manager, independent of the original complaint.

The purpose of an appeal is to review the original complaint investigation and outcome, to ensure the appropriate conclusion was reached. If necessary, the Appeal Manager will make contact with the complainant, and any other relevant parties, to ask questions and confirm details; and such discussions may require a face-to-face meeting. The findings of the Appeal Manager will be submitted to a Vice Principal, or the Principal (if the matter involves a member of staff at Vice Principal level), for determination and the decision of the Vice Principal or Principal will be final. The same complaint investigation timescales will apply, that being 15 working days for appeal investigation and 20 working days for response.

The outcome of this appeal concludes The Manchester College and UCEN Manchester complaints process and the complainant will, on request, be sent a Completion of Procedures letter to confirm this.

If the complainant believes the College did not handle their complaint in accordance with this policy, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they may refer the matter to the Education and Skills Funding Agency (ESFA). The complaint must be related to an ESFA-funded course and must be submitted no longer than 12 months after the issue occurred, and only once the above complaint and appeal process has been exhausted:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

complaints.ESFA@education.gov.uk

HIGHER EDUCATION COMPLAINT APPEALS

This section applies to currently enrolled students (or former students) studying on a programme at level 4 or above.

Higher education complainants on a programme validated by one of our university partners have the right to request a review of the complaint to the relevant university, once the procedures under this policy have been exhausted. However, not all matters fall within their jurisdiction. If the university deems it does not fall under their jurisdiction, they will ask us to issue you with a Completion of Procedures notification, which would allow you to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review. If the matter falls under their jurisdiction, the university will issue the Completions of Procedure letter under the rules of the scheme.

Complainants can request a review by the relevant validating university by contact to the below email address, no later than 10 working days from the date of our appeal response:

Manchester Metropolitan University complaintsappeals@mmu.ac.uk
Sheffield Hallam University appealsandcomplaints@shu.ac.uk
University of Huddersfield studentcomplaints@hud.ac.uk

The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. UCEN Manchester (LTE Group) is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your complaint. You can find more information about making a complaint to the OIA, what it can and can't look at, and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

You normally need to have completed the College's complaint procedure before you complain to the OIA.

If you are studying on a higher education programme which is not validated by one of our university partners, we will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your appeal is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

EQUALITY AND DIVERSITY

All complaints will be treated fairly and within the directives of the College's Single Equality Scheme. All complainants will be treated with respect and fairness throughout any investigations and processes linked to a complaint made.

RETENTION

Complaint data will be held in line with LTE Group's Data Protection Policy, that being the current academic year + 6 years.

LINKED POLICIES AND PROCEDURES

The Complaints Policy is linked to:

- Behaviour Support & Disciplinary Policy
- People Safeguarding Scheme
- Single Equality Scheme
- Public Interest Disclosure Whistleblowing Policy
- Academic appeals
- Disciplinary issues
- Data Protection Policy

The policy is cross referenced to the above policies and any complaint that falls within the processes of another policy will be handled under the appropriate policy, but may be formally or informally logged as a complaint.

LOCATION AND ACCESS TO THIS POLICY

- Staff intranet
- Student intranet
- LTE Group website
- The Manchester College website
- UCEN Manchester website

ROLES AND RESPONSIBILITIES

Complainant

- Explain the complaint in full, as early as possible
- Cooperate with the College in seeking a solution to the complaint
- Respond promptly to requests for information or meetings, or in agreeing the details of the complaint
- Ask for assistance as needed
- Treat all those involved in the complaint with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

Complaint Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and students, and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- Liaising with the complainant and the Complaint Administrator, as appropriate, to clarify what the complainant feels would put things right.
- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are held securely, pending any appeal
- Complete the complaint investigation within the allocated timescale
- Prepare a comprehensive report for the Complaint Manager that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Complaint Manager

The Complaint Manager will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaint Administrator

The Complaint Administrator will:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with the Complaint Manager and Investigator to ensure effective practice of the Complaints Policy and procedure
- Be aware of issues regarding:
 - Sharing third party information.
 - Additional support. This may be needed by complainants when making a complaint, including interpretation support or where the complainant is a vulnerable person.
- Ensure the complaint database is kept accurate and up to date

Appeal Manager

The Appeal Manager will:

- Review the original complaint investigation and ensure the appropriate outcome decision was reached
- Ensure that all reasonable steps were taken to fully investigate all aspects of the complaint
- Consider any new evidence available, in conjunction with the original investigation findings
- Ensure the College Complaint Policy was adhered to at all stages of the complaint lifecycle

SERIAL AND UNREASONABLE COMPLAINTS

LTE Group is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our group. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

LTE Group defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the College, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to cooperate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Whenever possible, the Director of Planning and Performance will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Director of Planning and Performance will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Manchester College or UCEN Manchester causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from all The Manchester College and UCEN Manchester campuses.

USE OF PERSONAL INFORMATION UNDER THE COMPLAINT POLICY

In order to handle a complaint effectively it will be necessary for the College to process a complainant's personal data, in accordance with this policy. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, responding as part of an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

Such persons may include:

- Staff handling, investigating and considering the complaint;
- Individuals named or involved in the complaint, such as students, staff or external bodies;
- Authorised representatives of other external bodies involved in the complaint;
- The College's legal advisors;
- A complainant's authorised representative.

Documentation generated in the course of an investigation under the procedure will be disclosed in full to the complainant, except where information relates to an individual who has not explicitly consented to the disclosure of personal data.

Following completion of the procedure, the complaint, the documentation generated in the course of the investigation and the decisions made under the procedure, will be retained securely by the College for six years after the end of the current academic year. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any complaint is subsequently submitted under this procedure by the same complainant, this information may be taken into account by the Complaint Investigator and Complaint Manager, in reaching a decision under Stage 2 and Stage 3 of this policy. The information may also be used, if relevant, for the purposes of conducting disciplinary proceedings or referral for consideration.

Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under data protection legislation as applicable at the time or otherwise.

CONFIDENTIALITY

By invoking this policy, the complainant agrees to keep the details of any resolution agreement (including the circumstances leading up to it), and in particular the amount of any compensatory payment confidential, and shall not disclose (and shall not be the source of any such disclosure) any such matters or any other matters connected with the subject matter of the agreement to any person other than my immediate family (provided that any such disclosure is made on equivalent terms of confidentiality as set out in this clause) or as required by statute or any court of law. The complainant will be liable for any disclosure made by any third party for which they were the original source.

