



COMPLAINTS POLICY AND PROCEDURE

At Brockenhurst College we aim to provide the very best for our students. Our vision is “to deliver excellence and transform futures within an inclusive community” and we are committed to promoting a positive culture of equality, diversity and inclusion”. Inclusivity one of our core values, alongside excellence, ambition, community and curiosity. Despite our best intentions, from time-to-time things may not always go to plan. We welcome feedback on all aspects of our provision and service. This complaints policy is for students, parents/carers, community, as well as members of staff.

WHAT IS A COMPLAINT

We define a complaint as any criticism which:

- The person making it says is a formal complaint, or which
- The person making it says requires College action, and/or which
- In the interests of maintaining high standards, an exceptional student experience and constant improvement, the College should investigate.

The Office for the Independent Adjudicator (for Higher Education Provision only) defines this as “*an expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider*”.

No complainant will be disadvantaged as a result of bringing a complaint and the College will not tolerate any victimisation of anyone raising a concern under this policy. All complainants will be treated fairly, with dignity and respect and the College will recognise that pursuing a complaint or appeal may be a stressful experience. The College will ensure that the well-being and support needs of both students and staff are addressed through the provision of impartial and unbiased advice and guidance.

Areas excluded from this procedure are:

- Academic Appeals – these have separate appeals procedures
- Examination results – appropriate regulatory/awarding bodies
- Issues relating to admissions – see Admissions Policy
- Data Protection which should be raised directly with the College Data Protection Officer

Key Principles:

1. The College aims to provide an excellent service for both students and the community.
2. This procedure applies to all enrolled students, parents/carers and other stakeholders.
3. Complaints will be dealt with promptly and fairly on the basis of this Procedure.
4. The College will seek to learn from complaints found to have been valid and may make changes to operating procedures and practices where appropriate.
5. In dealing with complaints the College will have regard to its commitment to promote inclusivity, tolerance and respect for others and to the value it places on diversity.
6. This policy will be reviewed on an annual basis by the Senior Leadership Team

PROCEDURE

Overview

- An opportunity for early resolution informally (Stage 1)
- A formal stage for the investigation and determination of complaints (Stage 2)
- An appeal stage

Stage 1 (informal): seek the help of a member of staff

Concerns should be raised in the first instance with the person or area concerned as soon as possible and no later than within ten weeks of the incident.

In the case of a current student or parent/carer of a current student, if an issue arises concerning a member of staff, another student, the College estate or service, and where it is not felt possible to talk directly to the person concerned, the line manager should be approached. If unsure, students and parents should raise concerns with the Principal's Executive Assistant in the first instance, who will forward the matter to the most appropriate person.

In the case of current members of staff, if an issue arises concerning a member of staff, and where it is not felt possible to talk directly to the person concerned, the direct line manager should be approached in the first instance, following the College's reporting structure.

Stage 2

If the complaint is not able to be resolved informally, the complainant has the right to make a formal complaint in writing by emailing the Principal. The Executive Assistant to the Principal will co-ordinate the response and hold any evidence centrally. All formal complaints will be acknowledged by the Executive Assistant to the Principal within 5 working term-time days.

The complaint will be acknowledged, and the complainant will be informed of which member of staff is investigating the complaint. The relevant member of the Senior Leadership Team or their nominated representative (the investigating officer) will then investigate the matter and respond within ten working term-time days of receiving the formal complaint to explain how the complaint has been dealt with and the outcome of the complaint. If the investigation is to take more than ten term-time working days you will be informed.

Where a complaint is upheld, the complainant will be informed that action is being taken.

Where a complaint is not upheld, a full explanation will be given and the right of appeal will be explained.

If a formal complaint is submitted without first following stage 1, the relevant member of the Senior Leadership Team or their nominated representative will usually advise the complainant to seek redress informally before submitting a formal complaint. The exception to this is where the complaint is of a very serious nature (for example, where the health and safety of one or more members of the College community is put at risk) in which case you may choose to progress straight to stage 2. A complaint received may be passed to another member of staff to be dealt with under stage 1 (informal) section of this procedure if it is appropriate.

If the complaint is about a member of the Senior Leadership Team, the complaint should be directly addressed to the Principal.

If the complaint is about the Principal, it should be addressed to the Director of Governance for the attention of the Chair of the Governing Body. The Director of Governance will coordinate the response and hold any evidence centrally. Please note that the Governing Body is not usually involved in complaints other than those concerning Senior Post Holders.

APPEAL

If the complainant remains dissatisfied with stage 2, they may appeal in writing to the Principal within ten working term-time days of receiving a response to stage 2.

The Principal will decide how to proceed, depending on the nature of the original complaint and the reason(s) why the complainant feels it has not been resolved at stages 1 and 2. The Principal may review the situation and respond to the complainant or may decide to convene a panel to review the complaint. A panel will usually be made up of three people, with its composition depending on the nature of the complaint. The complainant and any others invited to attend a panel meeting will be informed five working term-time days beforehand who is on the panel and how the panel meeting will operate. Any recommendations or decisions made by the Principal or a panel shall be final.

The outcome of the appeal will be communicated in writing to the complainant within five working term-time days.

After this stage, the complainant has exhausted the College procedure.

Higher Education Only

For Higher Education courses once the College appeal stage of the complaint procedure has been exhausted, the complainant may appeal to the awarding university. This must be done within ten working days of receipt of the appeal stage decision. The complainant must advise the College that they have progressed the complaint to the relevant awarding institution. If the University deems that that complaint is not appropriate for them to investigate, the complainant will be informed of this and directed back to the College. If the complainant chooses not to appeal to the relevant awarding University or the University deem the appeal not appropriate for them to investigate, the College will complete a Completion of Procedures letter.

For Higher Education courses of a franchised or partner nature, after this stage, if the complainant remains dissatisfied with the outcome of the appeal, the complainant may be able to escalate the complaint to the Office of the Independent Adjudicator for Higher Education. The complainant will be issued with a Completion of Procedures Letter within 28 days. This letter will inform the complainant of their right to bring a complaint to the Office of the Independent Adjudicator for Higher Education. The complainant will then have twelve months from the date of the Completion of Procedures Letter to register a complaint with the OIA. The complainant will also be required to provide supporting documentation related to the complaint.

Please note the OIA will not review complaints related to: admissions, academic judgement; student employment, matters which have been considered by a court or tribunal and where the proceedings have been concluded; matters which are being considered by a court or tribunal where the proceedings have not been stayed; matters which the OIA consider have not materially affected the complainant as a student; the matter complained about was previously considered by another ADR Entity; and/or the OIA will not normally look at complaints that took place three years before the complaint was received by the OIA.

It is important that both the complainant and the College remain professional throughout. Brockenhurst College has a duty of care to its students and staff, and if the behaviour or language of a complainant is insulting or aggressive during a phone conversation in a meeting or in emails/letters, the College reserves the right to terminate the complaint process. We wish to ensure that anybody with concerns will have those listened to and addressed. We expect all parties who engage with the procedure to treat each other with courtesy, dignity and respect at all times. The College has a duty of care to its students and staff, and if the behaviour or language of the complainant is insulting or aggressive during a phone conversation or in emails/letters, the College reserves the right not to terminate the complaint procedure.

Further sources of information:

FE Students

Education and Skills Funding Agency (ESFA)

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

Higher Education Students

Office for Students (OfS)

<https://www.officeforstudents.org.uk/for-students/ofs-and-students/complaints/complaints-about-a-university-or-College/>

Office of the Independent Adjudicator

<https://www.oiahe.org.uk/> with email enquiries sent to : enquiries@oiahe.org.uk

For Homestay learners it must be noted that if a satisfactory resolution cannot be found then the complainant can contact Ofsted

<https://www.gov.uk/government/organisations/ofsted/about/complaints-procedure>

First Aid Industry Body (FAIB) - First Aid – www.faib.co.uk;

For learners on this qualification it must be noted that the final arbiter is FAIB in all instances.