INSPIRING LEARNING
SINCE 1854

Learner Complaints Policy & Procedure

Created by	**Head of Learner Experience**
Approved by	**Governors**
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WORKING MEN'S COLLEGE EST. 1854

Purpose

The Learner Complaints Policy & Procedure 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.

This procedure 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 of the following policies:

- Code Of Conduct for Staff
- Capability Policy
- Data Protection Policy
- Disciplinary Policy
- Grievance Policy
- Whistleblowing Policy
- Learner Conduct Policy

Scope

All College complaints are managed via this procedure. The Policy should be used by anyone who wishes to complain about our services, staff or policies.

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.

Third Party Complaints: No investigation of a complaint made on behalf of a learner by a group or individual will be carried out without the learner's written consent (or where appropriate, the written consent of the parent or carer).

Group Complaints: Where the same complaint is raised by several individuals at a similar time, this will be treated as a single complaint. One learner within the group should be identified as

spokesperson and correspondent. All members of the group must grant their permission for the spokesperson to discuss their case. All learners in the group must be prepared to demonstrate that they have been personally affected by the matter that is the subject of the complaint.

Anonymous Complaints:
Complaints require investigation to enable resolution; where a complaint is made anonymously, it will not be possible to undertake such an investigation. There may be exceptional circumstances where the College judges it appropriate to investigate a complaint made by an anonymous complainant, but this is at the discretion of the College. Similarly, the College may decide not to investigate a complaint where the complainant refuses to participate in the investigation process.

Vexatious or Malicious Complaints:
Vexatious and malicious complaints are defined as complaints that are not sustainable, and that are made as an attempt to defame the name or character of someone associated with the college or the College as a whole. The College will not investigate vexatious or malicious complaints but will consider taking appropriate action. In the case of learners, this may involve invoking the Learner Conduct Policy.

Complaints made by learners subject to Fitness to Learn Procedures:
The College will investigate complaints made by learners who are subject to action under the College Fitness to Learn Policy and procedures. However, where there is significant evidence that the learner's behaviour is detrimental to their own or others' learning or safety, the Fitness to Study procedure and outcome will be finalised before the complaint is investigated.

Are you using the correct policy for the matter you wish to raise?

Matter to raise	Refer to
Assessment processes or decisions	Exam and Assessment Policies
Disciplinary and Exclusions	Learner and Staff Conduct Policies
Refunds	Fee Policy
Safeguarding	Safeguarding Policy

Key responsibilities

All College Staff are responsible for seeking feedback, handling complaints, advising complainants, treating them seriously and with sensitivity and for dealing with them in line with College policy and procedures.

College has the responsibility of
▪ Ensuring that this procedure is available to all College users ▪ Logging complaints and monitoring response times ▪ Supporting the Investigating / Appeals Manager 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 the complaint. ▪ Communicating the outcome of formal complaints
Complainant responsibility is
▪ To submit their complaint to the College within 4 weeks of the reason for the complaint occurring ▪ To provide full cooperation during the course of the complaint ▪ To explain the complaint as clearly and as detailed as possible, including any action taken to date ▪ To allow reasonable time for the complaint to be dealt with by the college

Complaints Procedure

There are 3 stages at which a complaint can be handled

1. Early resolution
2. Formal Complaint
3. Appeal

A visual representation of the complaints procedure is shown in **Annex A**.

The College will always try to resolve complaints informally except in these circumstances:

- Complainant is not satisfied with the outcome of the informal process and wishes to escalate this as a formal complaint.
- The College chooses to follow the formal process due to the nature of the complaint

Stage 1: Early resolution

An initial concern may be submitted in:

- Writing via letter or email
- Feedback Form on the College's website
- Feedback Form at Reception
- Face to face

The purpose of this stage is to address concerns promptly and seek to resolve concerns satisfactorily at a local level within the relevant curriculum or service area. The aim is to prevent the matter from escalating into a formal complaint. The College will endeavour to deal with concerns raised at this stage immediately and informally. Where it is not possible to resolve the complaint at this stage, or where the nature of the complaint makes this approach inappropriate, the matter may be progressed as a formal complaint under Stage 2.

You can raise a concern at Stage 1 directly with the relevant curriculum or service area, for example, your Tutor, Curriculum Manager, or Learner Services. Alternatively, you may raise the concern by emailing feedback@wmcollege.ac.uk and it will be forwarded to the appropriate area for response.

The College may deal with concerns raised under Stage 1 in a variety of ways, including face-to-face discussions, telephone conversations, or email correspondence. Wherever possible, we will seek to resolve this in consultation with you as quickly as possible.

You will normally receive the outcome of Stage 1 in writing.

Stage 2: Formal resolution

Formal complaints must be submitted in writing. The College will provide support where the person wishing to complain needs help with writing their statement.

- A complaint must be made within a calendar month of the event that gave rise to it.
- Learners' rights are not affected by making a formal complaint.
- Details of the complaint should be submitted in written form with confirmation of proposed resolution via the following:
    - In writing to the Head of Learner Experience, WM College, 44 Crowndale Road, London NW1 1TR OR via Email: feedback@wmcollege.ac.uk
- The College will acknowledge receipt of the complaint in writing to the complainant within 5 working days of the date of receipt.
- Timing guidelines for the handling of a formal complaint will commence from the date the complaint is received. The date of receipt will be regarded as Day Zero.

An Investigating Manager will be appointed by the College where possible, within 5 working days of receiving the complaint. Where the allegations made within the complaint are towards members of staff, this will be handled by the Head of HR and the Head of Learner Experience will be kept updated. There may be instances where it is inappropriate or impractical to involve a manager from within the area as the Investigating Manager. In this case, the College will decide on an alternative person to act as the Investigating Manager.

The Investigating Manager must make initial contact with the complainant within 5 working days from the date of being appointed as day 0, and they have one calendar month to complete the initial investigation and respond back to the complainant (this can be extended as appropriately required). The Investigating Manager will confirm that, if in their view, the complaint was upheld, partially upheld or not upheld.

Deadlines may be extended outside of term-time due to the availability of relevant staff. If there is a delay in producing a final written response, the Investigating Manager will send a holding update to the complainant, informing the complainant of the reason for the delay and an update of the investigation to date.

Stage 3: Appeal

On completion of the Formal Stage, the complainant has 5 working days from the date of the formal

complaint response to deliver a written notice of appeal if they are dissatisfied with the outcome. Appeals can only be accepted in writing and must be submitted to feedback@wmcollege.ac.uk stating 'appeal' in subject of the email.

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

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

An Appeals Manager will be appointed. This would normally be someone of higher seniority than the initial Investigating Manager from the Formal Stage. The Appeals Manager should respond back to the complainant within one calendar month of receipt of the appeal correspondence.

Where an appeal does not meet the criteria, the College will write to the complainant within 10 working days to confirm the appeal has been refused.

Deadlines may be extended outside of term-time due to the availability of relevant staff. If there is a delay in producing a final written appeal response, the Investigating manager sends a holding update to the complainant informing them of the reason for the delay and an update of the investigation to date.

Continuing a complaint beyond the College

Once the complainant has exhausted the College complaints process, and if a 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) and the Greater London Authority (GLA). Such complaints should be addressed to the appropriate complaints team. Details can be found at the relevant websites.

Complainants should note that the Education and Skills Funding Agenda and the Greater London Authority 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.

Annex A - Complaints Procedure Process Map

We are here to help.
If you are not happy about something, please tell us. We will listen and try to put it right.

STAGE 1 Early Resolution

We will try to resolve your concern quickly and informally.

1. Raise your concern

- In writing (letter or email)
- Website feedback form
- Learner Services feedback form
- Face to face

2. We will respond quickly

We will talk with you and try to resolve the issue.

3. Outcome

You will normally receive the outcome in writing.

If you are not satisfied, you can make a formal complaint.

Usually resolved quickly

(timescale depends on the issue)

STAGE 2 Formal Resolution

We will investigate your complaint fully.

1. Submit your formal complaint

Send in writing within 1 calendar month of the event to:
feedback@wmcollege.ac.uk
or
Head of Learner Experience, WM College, 44 Crowndale Road, London NW1 1TR

2. Acknowledge receipt

We will acknowledge your complaint in writing within 5 working days.

3. Investigation

An Investigating Manager will be appointed within 5 working days.

They will contact you within 5 working days from the date of being appointed.

4. Outcome

You will receive a written decision:

- Upheld
- Partially upheld
- Not upheld

Timescales

We will keep you updated if there are delays.

Deadlines may be extended outside of term-time.

STAGE 3 Appeal

A senior manager will review your appeal.

1. Submit your appeal

If you are not satisfied, you can **appeal within 5 working days** of the formal response.

Email only to **feedback@wmcollege.ac.uk** (put 'appeal' in the subject line).

2. Grounds for appeal

Your appeal must be based on at least one of these:

- New evidence has come to light
- Not all evidence was considered
- Other procedural irregularity

3. Review

An Appeals Manager (normally more senior than the Investigating Manager) will be appointed.

They will respond within **1 calendar month.**

4. Appeal outcome

You will receive a written decision.

If your appeal does not meet the criteria

We will write to you **within 10 working days** to **confirm** the appeal has been refused.

Deadlines may be extended outside of term-time.

Continuing a complaint beyond the College

If you have completed all stages of our complaints process and are still not satisfied, you can complain to our regulatory bodies:

- **Department for Education (DfE)**
- **Greater London Authority (GLA)**

They will only consider your complaint once you have completed our process, unless they believe we are not dealing with it appropriately.

Details of how to complain are available on the DfE and GLA websites.

Need help?

Contact Learner Services.
We are here to support you.

Email: feedback@wmcollege.ac.uk
Website: www.wmcollege.ac.uk

EQUALITY IMPACT ASSESSMENT

What is the reason for carrying out this equality impact assessment?		**Choose One**
The introduction of or a significant change to a policy/practice is proposed/planned		Yes
An existing policy/practice is being reviewed		-
Business case for a new or changed practice		-
Staffing realignment or restructure proposal		-
	Judgement	**Supporting notes if required**
Does the proposal align with the intention of the College's Equality Diversity & Inclusion Policy?	Yes.	This policy aligns with our EDI Policy and ensures support is given to those with caring responsibilities, assisting with work-life balance.
Does the proposal in any way impact unfairly on any protected characteristics below?	No	
- Age	NO	
- Disability or Learning Difficulty	NO	
- Gender Reassignment	NO	
- Marriage or Civil Partnership	NO	
- Race	NO	
- Religion or Belief	NO	
- Sex	NO	
- Sexual orientation	NO	
- Pregnancy	NO	
Does the proposal contain any language/terms/references/phrasing that could cause offence to any specific groups of people or individuals?	No	
Does the proposal discriminate or victimise any groups or individuals?	No	
Does the proposal include any positive action to support underrepresented groups of people or individuals?	No	
How do you know that the above is correct?		This policy has been discussed at EMT and with the Governors' and will be shared with Unions