

# Complaints Procedure

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Author: Samantha Rooney

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*Putting Students First*

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## Chronology of updates

September 2023	Insertion of frivolous/vexatious complaints section

## Introduction

We aim to ensure your experience of the Isle of Wight College is positive. However, we know that occasionally people may have concerns about some areas of our work, or the conduct of our staff or students.

We take complaints seriously. We view them as an important way of improving what we do. Complaints can let us know about difficulties or problems in our systems and may lead us to change and improve processes and procedures.

This procedure explains how students, apprentices, former students and apprentices, users of the college's services and stakeholders can make complaints about the services offered by the college.

Our complaints procedure covers concerns and formal complaints. For the purpose of this policy a complaint is defined as: *"An expression of dissatisfaction by one or more people about the college's action, or lack of action, or about the standard of service provided by, or on behalf of, the college"* (which aligns with the definition provided by the [Office of the Independent Adjudicator](#)).

Examples of complaints can include:

- Teaching and learning, including on higher education programmes
- The experience of apprentices, either in the workplace or in college
- Equality and diversity issues
- The college environment, such as facilities and resources
- The distribution and administration of student support funds
- The services we provide – the college restaurant, the hair and beauty salons, gym
- Franchised provision
- Misleading or incorrect information in prospectuses, promotional material or other information provided by the college
- Failure by the college to meet obligations including those outlined in the course/student handbooks and student charter

## Principles of the complaints procedure

We want our complaints procedure to be easily accessible, well publicised and easy to use.

We will handle complaints in line with the principles below:

- We will handle complaints speedily and with rigorous standards for action and keeping people informed

- The process will be consistent, treating people in similar circumstances in similar ways
- We will investigate complaints thoroughly
- We will consider and respond to complaints in a fair and even-handed way
- Anyone submitting a complaint will not be disadvantaged in their dealings with the college as a consequence of their complaint.
- We will provide a full response which tackles all the issues raised
- We will provide clear information on what to do if people are unhappy with the response, including eventual recourse to an external agency
- We will prioritise complaints that we consider to be high risk, for example, those relating to safeguarding or disability support, or where the impact of the issues raised has detrimental consequences for the student's mental health or where the student displays distress
- We will regularly monitor complaints
- We will report annually on the level and nature of complaints to the college governors.

We will investigate every complaint thoroughly and deal with the issues as quickly as possible. We will admit our failings if the facts clearly prove that we have not delivered an acceptable standard of service.

We initially aim to resolve concerns informally, as described below. If you feel your concern should be treated as a formal complaint as set out in stage 3 of the below procedure, we encourage you to put it in writing, or make it clear to the person receiving your complaint that you wish your concern to be treated as a formal complaint.

You may nominate someone else to act on your behalf when submitting your complaint and subsequently liaising with the college. If you wish to do this, we will require from you a signed, written statement, confirming the name and contact details of the person you wish to appoint and the scope and capacity in which they will represent you. In handling the complaint, we will liaise directly with your representative, in accordance with your instructions, but will always send the final outcome letter to both you and your representative.

If someone submits a complaint on behalf of someone else, we will first contact that person to obtain their agreement to investigate the concerns raised.

## Safeguarding

Safeguarding young people and adults with care and support needs is a central part of our business. Our definition of safeguarding can be summarised as:

- Protecting young people and adults with care and support needs from maltreatment, harm, risk, attempted harm and abuse – whether this be physical,

sexual, emotional, psychological abuse or neglect – with the addition of financial abuse for adults with care and support needs

- Undertaking that role so as to enable young people and adults with care and support needs to have optimum life chances.

If you have a concern about the safety of a young person or adult with care and support needs at the college you should contact the college switchboard (01983 526631), where you will be referred to one of the college staff with responsibility for dealing with safeguarding matters.

You can read more about our commitment to protecting students in our Safeguarding Policy, which is available on the college website.

## Special educational needs and disability (SEND)

The college always strives to meet the needs of all users of its services, including those with a special educational need and those with a disability. The college's equality, diversity and inclusion policy, which is available on the college website, sets out the college's approach to achieve this.

If a user of the college's services with a special educational need or a disability is unhappy with the support they are receiving, they should follow the steps set out in this procedure. The college recognises that they may need additional support in doing this and will ensure that this is available. Young people aged 16-25, may find it helpful to refer to the Department for Education guide, '[Special educational needs and disability \(SEND\) complaints: A guide for Young People in education](#)', a copy of which is available on the college website.

## Franchise partners

The college works with a number of franchise partners (primarily Platform One and UKSA) to offer educational programmes in specialist areas. Where a student studying a course franchised by the college to a partner has a concern or cause to complain they should initially discuss this with the franchise partner and follow its complaints procedure. If the student remains dissatisfied having fully exhausted all the steps in the partner's complaints procedure, they have the right to ask the college to undertake a review of how the complaint has been handled and the solutions offered by the partner.

## Frivolous or Vexatious Complaints

The Isle of Wight College may reject any complaint without full consideration if it is considered frivolous or vexatious. Examples of what the college considers to be frivolous or vexatious include:

- complaints which are obsessive, harassing, or repetitive
- insistence on pursuing unmeritorious complaints

- seeking unrealistic or unreasonable outcomes
- insistence on pursuing what may be meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress which lack any serious purpose or value.

If the college considers your complaint falls into this category, you will be advised that your complaint will not be considered further. You will be given the opportunity to appeal against this decision by submitting written reasons to the Assistant Principal within 5 working days of the date on receipt of the email.

## Stage 1: Resolving concerns informally

We encourage anyone with a concern or a complaint to raise these as soon as possible so that we can deal with them quickly.

If you are already a student or apprentice at the college you should, in the first instance, speak to your tutor, assessor (if you are an apprentice), course co-ordinator, head of department, curriculum manager or student mentor. These people will do all they can to sort out the matters raised, through discussions and asking for advice where necessary.

If you are an employer with an apprentice, in the first instance speak to either the assessor of your apprentice or the head of apprenticeships.

If you are not a student at the college, please talk to our staff at reception or in our student support area, who will be happy to help resolve the matter.

To help develop and improve the service we offer, we keep records of matters raised and how they were resolved.

If we cannot resolve your concerns informally, or if you do not feel that we have dealt with your concern adequately, you may wish to move to stage 2 of our complaints procedure.

Please note:

1. Where appropriate, reference will be made to other college policies or procedures such as: Grievance Procedure, Student Disciplinary Procedure, Harassment Policy etc.
2. The college will not investigate anonymous complaints or those considered to be malicious.



## Stage 2: Contacting student services

If you are unhappy with the response you receive to an initial complaint, you can talk to one of our student mentors.

The student mentor will listen to your concerns, check what action has already been taken and, where necessary, ask questions to make sure they clearly understand your issues. If necessary, the student mentor will then contact those best placed to help.

The student mentor will, if appropriate, advise and support you with the aim of brokering a resolution. Although the college is unable to provide advocacy services these are available from Southern Advocacy Services should you feel that you require additional support. Further information and their contact details are available on the following link: [www.southernadvocacyservices.co.uk](http://www.southernadvocacyservices.co.uk).

The staff will keep a written record of each case so that it can be used if any further investigation is needed. We will try to make sure that you are satisfied that we have done everything possible to resolve your concern.

If you feel that the matter has not been resolved, we will tell you how to make a formal complaint.

## Stage 3: Initiating a formal complaint

If it has not been possible to resolve your concerns informally, you may decide to make a formal complaint. Complaints could be about the conduct of our staff; our teaching and learning; our administrative processes; the college environment; or a combination of these. If you wish to make a formal complaint, we encourage you to lodge it within 30 days of the incident to ensure that the issue can be investigated fully and acted upon promptly, and no more than 90 days after the incident has occurred.

It is helpful if you can make formal complaints in writing, either in a letter or an email or by using the complaint form (see Appendix). Putting the complaint in writing can help you be clear on your concerns and ensure that we have responded to each of your points. If, however, you do not wish to put the complaint in writing, but still wish it to be treated as a formal complaint please make this clear to the person who is helping you.

If you have special circumstances which mean that you cannot send us a complaint in writing, or would like some assistance in submitting a complaint, then please contact a student mentor, who will be happy to assist you.

It is important that we have all the information, with all the points you want us to consider, from the start of the process. This will allow us to deal with your complaint more quickly and will reduce the need for us to ask for more information. Please give the reasons for your complaint as clearly as you can, with the main areas of concern set out and supported by examples. If you are unsure, the online complaints form may help you to structure your complaint. The Assistant Principal (Teaching, Learning, Students & HR) will initially assess your complaint and decide who will carry out the investigation. The Principal will be aware of your complaint and will oversee the investigation.

To submit your complaint, please either:

- a) Write to the Principal at the Isle of Wight College, Medina Way, Newport, Isle of Wight, PO30 5TA
- b) Send an e-mail to [complaints@iwcollege.ac.uk](mailto:complaints@iwcollege.ac.uk), marked for the attention of the Principal
- c) Download the online complaints form, which can be found on the college website at [www.iwcollege.ac.uk](http://www.iwcollege.ac.uk) or collect a form from the main college reception, complete and submit to the Isle of Wight College, Medina Way, Newport, Isle of Wight, PO30 5TA

You will be sent an acknowledgement of your complaint within two working days of its receipt.

We will reply in writing and ensure that the outcome letter is sufficiently detailed to provide a full response to all aspects raised in your complaint. We will try to answer all of your concerns within 10 working days (during term time) from the date of receipt.

Our reply will include details of how to proceed should you remain unhappy with the response. When we cannot answer concerns within 10 working days (term time), we will keep you informed about when you will receive a response.

We will ensure that the response provides a clear conclusion in terms of whether an aspect of a complaint has been upheld or not upheld. However, where the evidence is inconclusive, (for example, if there is a difference of opinion which cannot reasonably be resolved through independent confirmation) then no conclusion will be drawn and the outcome will be recorded as 'no decision could be reached'. Where this occurs, we will give a full explanation of why a conclusion cannot be reached.

## Stage 4: Involving the Chair of Corporation

If you remain dissatisfied, you should contact the Chair of Governors of the Isle of Wight College at the address below and request a review of how the complaint was handled and the resolution offered:

Chair of Governors  
The Isle of Wight College  
Medina Way  
Newport  
Isle of Wight  
PO30 5TA

The request needs to be made within ten working days of the date of the reply to your complaint. You will receive an acknowledgement within two working days.

The Chair of Governors will consider your request and will carry out a review of the investigation and the outcome, taking account of your concerns. This review will also consider:

- Adherence to procedure
- Alleged discrimination or discourtesy
- Failure to apologise or accept mistakes
- The appropriateness of the remedies offered.

## Stage 5: Appeal to external agency

If, after having had your complaint reviewed by the Chair of Governors you do not believe the correct procedure has been followed, you should contact the Education and Skills Funding Agency at the address below. More information can be found on the Gov.uk website, which will guide you through the process and clearly sets out the parameters under which they operate

Customer Service Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry, CV1 2WT

or by email to [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)

Full details of the process the Education and Skills Funding Agency will follow are available at:

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

### **For Higher Education courses:**

Students studying on a higher education course should initially follow the college complaints procedure. If, once your complaint has been reviewed, you remain dissatisfied, then complaints should be directed to the University of Portsmouth, as follows:

**University of Portsmouth**  
Complaints Team  
Email: [complaintsadvice@port.ac.uk](mailto:complaintsadvice@port.ac.uk)

## Appendix: Complaint form

If you need help completing this form please ask your tutor or go to student services on the main campus. We do not comment publicly on the details and outcomes of a complaint.

CONTACT DETAILS		
What is your name?		
What is your home telephone number?		
What is your mobile number?		
Please tell us your postal address		
ABOUT YOU		
Are you a student at the college?	YES	NO
If YES, what course are you on?		
Are you making a complaint yourself or are you making this complaint on behalf of someone else (e.g. son or daughter)?	SELF	<u>SOMEONE ELSE:</u> THEIR NAME:  COURSE DETAILS:
THE COMPLAINT		
What is the complaint about?		
When did the incident occur?		

Where did the incident occur?	
What happened?	
What evidence is available? (It is really helpful to us if you provide factual information that can be substantiated)	
Does your complaint relate in any way to any of the <u>following</u> : • Age • Disability • Gender reassignment • Marriage/civil partnership • Pregnancy/maternity • Race • Religion/belief • Sex (gender) • Sexual orientation	
Date:	Signature: