

STUDENT COMPLAINTS POLICY

1. Purpose

- 1.1. At City Lit ('the College'), we are committed to our purpose of enriching lives through learning and giving our students an experience which embodies our values, including providing an efficient and responsive service; however, we recognise that sometimes things can go wrong, and when they do, we would like to know about it so that we can take action to put it right and improve our service and provision going forwards. Student feedback is integral to our quality improvement activities. All complaints are monitored and monitoring reports are regularly provided for our Student Services Manager, Quality Committee and Governing Body.
- 1.2. This policy is designed to define the College's approach to complaints. The College has in place a feedback system 'Happyornot' for general feedback on the College's offerings and service, and the College also welcomes reviews via Trustpilot, as well as through course evaluation feedback. The **Student Complaints Resolution Procedure** is for any student, including prospective students and past students (provided they completed their course within one month of their complaint) to make a complaint about their experience of applying for, or being on, one of our courses. Complaints by third parties (e.g. individuals other than a student complainant) are not normally accepted; however, the College may make an exception and accept complaints from third parties acting on behalf of a student if for any reason the student is deemed incapable of managing their own complaint, and the student has given their consent in writing. Complaints may be accepted from past students who completed their course more than one month before submitting their complaint if the College deems that exceptional circumstances apply.

2. Scope

- 2.1. The College defines a student complaint as an *"expression of dissatisfaction by a current, past or prospective student about the College's action or lack of action, or about the standard of service provided by or on behalf of the College"*.
- 2.2. This procedure explains:

- 2.2.1. how a College student can make a complaint if they feel one of our courses, provisions and /or services have fallen below the standard which they expect of us;
- 2.2.2. how we will respond to a complaint;
- 2.2.3. how we will try to resolve a complaint;
- 2.2.4. what a complainant may do if they still remain dissatisfied.

2.3. We may decline to deal with a complaint if any of the following apply:

- 2.3.1. The complainant confirms to us in writing that their complaint is feedback on a service or product offering, rather than a complaint;
- 2.3.2. The complainant does not adhere to any of the timescales set out in this policy;
- 2.3.3. We consider that a complaint has been/ should be/ is being dealt with under a different procedure or process within the College, of which full details can be found here: <https://help.citylit.ac.uk/hc/en-gb/sections/11258929821213-Key-Policies>.

For example:

- 2.3.3.1. for assessment appeals, see: <https://help.citylit.ac.uk/hc/en-gb/articles/11451648440349-Assessment-and-exam-appeals-procedure>.
- 2.3.3.2. for admissions appeals, see: <https://help.citylit.ac.uk/hc/en-gb/articles/12614719568285-Admission-policy-for-accredited-courses>.
- 2.3.3.3. for whistleblowing, see: <https://help.citylit.ac.uk/hc/en-gb/articles/12639874745885-Whistleblowing-Policy>.
- 2.3.3.4. for student conduct issues, see: <https://help.citylit.ac.uk/hc/en-gb/articles/13256595777693-Student-conduct-policy-and-procedure>.
- 2.3.4. We consider a complainant to be a habitual or vexatious complainant (see paragraph 2.5 below);
- 2.3.5. A complaint is anonymous and there is insufficient information provided for us to meaningfully investigate it.

2.4. We will inform the complainant in writing if any of the circumstances in paragraph 2.3. apply to their complaint.

2.5. Whilst the College will make every effort to respond with patience and sympathy to the needs of all complainants, it may decline to deal with habitual or vexatious complaints (as defined within our Vexatious Complaints policy which is available on

our website: <https://help.citylit.ac.uk/hc/en-gb/articles/13256680744989-Student-Vexatious-Complaints-Policy>).

- 2.6. Complaints made about an individual member of staff will be investigated under the College's relevant HR internal procedures, where appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint; however, the complainant will be notified that the matter is being addressed.
- 2.7. If a group of students make a complaint, they should choose one student to act as their representative during the complaints process. All students will be required to sign to confirm their agreement to the nominated student acting on their behalf.

3. General Principles

- 3.1. If appropriate, following investigation, we will acknowledge that the complaint is upheld in whole or in part, or not upheld. In addition, potential outcomes include (but are not limited to):
 - 3.1.1. an explanation;
 - 3.1.2. an admission that the situation could have been handled differently or better;
 - 3.1.3. an assurance that we will try to ensure the event complained of will not recur;
 - 3.1.4. an explanation of the steps that have been or will be taken to help ensure that it will not happen again, and an indication of the timescales within which any changes will be made;
 - 3.1.5. an undertaking to review College policies in light of the complaint;
 - 3.1.6. a refund.
- 3.2. A decision as to whether a complaint is upheld will be taken on the balance of probabilities (i.e. whether it is more likely than not that the thing complained of is true, taking into account the evidence available).
- 3.3. If a complainant commences legal action against the College in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded. If such a decision is taken, the complainant will be notified in writing.

4. Roles and Responsibilities

4.1. This section explains the roles and responsibilities of key individuals who may be involved in the Student Complaints Resolution Procedure on behalf of the College at various stages.

4.1.1. Designated Complaints Officer (DCO) - the DCO will be a member of College staff who is responsible for triaging all complaints, allocating an IO (see below), monitoring the progress of a complaint throughout its journey through the Student Complaints Resolution Procedure, and ensuring that the complaint is promptly seen through to completion.

4.1.2. Investigating Officer (IO) - the IO will be responsible for investigating the complaint at the formal stage (Stage Two) of this policy. The IO will be appointed by the DCO and will be independent, having had no previous involvement in the issue(s) being investigated or the complaint itself. Depending on the nature of the complaint and/ or resources, the IO could be external to the College.

4.1.3. Reviewer - The Reviewer's job is to consider whether a complainant's appeal under Stage Three of this policy meets one of the limited grounds for appeal, and if so, to investigate and make a decision. The Reviewer will be a member of the senior management team or an external resource (dependent on the nature of the appeal and/ or the availability of resources). They will be independent, having had no previous involvement in the issue being investigated or the complaint itself.

4.1.4. All College staff - a complaint may be made to any member of staff at the College. As a result, all staff must be aware of the Student Complaints Resolution Procedure, including how to handle complaints at the informal stage (Stage One), and how to signpost students appropriately if they wish for their complaint to be dealt with formally under Stage Two of this policy. The College encourages all staff to try and resolve issues at the informal stage where possible.

4.2. The above individuals have discretion to consult with other College staff and the complainant as they deem appropriate.

5. How you can make a complaint

5.1. The College's three stage complaints procedure is as follows:

Stage One - Informal Complaint

5.2. The College expects that it should be possible to resolve most issues or matters of concern raised by students informally at an early stage.

5.3. A student should raise the matter of concern with an appropriate member of staff (for example, a personal tutor if the complaint is related to an academic matter, or the head of department or service if the complainant considers that to be appropriate).

5.4. The recipient of the student's concern will notify the DCO of the concern, and of any action they propose to take in response. The DCO will advise if the matter can be managed informally or needs to be moved to Stage Two of the student complaints procedure to be dealt with formally (see paragraph 5.9). The DCO is responsible for monitoring complaints received and action taken to ensure that they are dealt with promptly and in line with this policy.

5.5. The recipient of the concern may refer the matter to a colleague if they consider this to be appropriate. The member of College staff dealing with the matter should aim to let the student know within **five Business days**¹ what steps they propose to take in response.

5.6. This stage will likely involve a conversation between the student and a member of staff to try and agree a way forward, but where it is considered proportionate to do so, any agreed action may be confirmed to the student in writing (normally by email).

¹ *Business days for the purposes of this policy means Monday – Friday 9am to 5pm.*

5.7. Should the student wish to have their issue dealt with formally as a complaint, they should submit their complaint formally under Stage Two of this policy, making clear their wish to bypass the informal stage, and addressing:

5.7.1. why they believe the matter cannot be dealt with informally; or

5.7.2. the steps that were taken to try and resolve the matter informally, and why they feel these have not resolved the matter.

5.8. The College may take the view that the complaint should be dealt with formally under Stage Two from the outset, in which case we will inform the complainant of this within **five Business days** of receipt of their complaint.

Stage Two - Formal Complaint

5.9. If a complainant's complaint is not resolved informally under Stage One of this policy, or if the complainant or the College confirm their intention for the complaint to be dealt with formally from the outset, the complaint will be dealt with under Stage Two of this policy.

5.10. Complainants are asked to complete the online form which can be found at <https://help.citylit.ac.uk/hc/en-gb/requests/new>. The complainant will receive an auto-response email acknowledging receipt of the complaint.

5.11. Complainants should go to the Student Centre and speak to staff at IAG if they need assistance to submit a complaint. IAG can also assist complainants if they need assistive technology or if they require an interpreter or any other support or adjustments.

5.12. Complainants must submit their formal complaint within three months of the incident/issue about which they are complaining (unless there are exceptional reasons why they are not able to do so), otherwise it may become difficult for the College to investigate the complaint due to the passage of time. The College will have regard to its Equality and Diversity policy (including its duty to make reasonable adjustments under the Equality Act 2010) if relevant in considering whether to accept a complaint outside of the usual three-month time limit.

5.13. The DCO will nominate an appropriate IO to investigate the complaint. The IO will be independent, having had no previous involvement in the issue being investigated or the complaint itself; depending on the nature of the complaint and/or resources, this could be an IO who is external to the College.

5.14. Within **five Business days** of receipt of the Stage Two complaint, the College will confirm by email or in writing to the complainant:

5.14.1. that the Stage Two complaint has been received;

5.14.2. the complaint number; and

5.14.3. the name of the IO appointed to investigate the complaint.

5.15. The IO will investigate the complaint, gathering the evidence they consider is appropriate and proportionate in the circumstances.

5.16. The College expects the IO to offer to meet with the complainant to give them an opportunity to fully express their concerns and the outcome they want to achieve. If the IO decides it is appropriate to arrange a meeting with the complainant, the complainant should be informed of their right to bring a friend, family member or advocate to the meeting. Legal advisers will generally not be permitted to attend complaint meetings.

5.17. If the complainant fails to attend the meeting with the IO (and/or if it has not been possible for the IO to arrange a meeting with the complainant following reasonable attempts), the IO may determine the complaint on the basis of the evidence available at the time.

5.18. The IO will decide, based upon the evidence gathered, whether to:

5.18.1. Uphold or partially uphold the complaint, and take appropriate steps to address the issue; or

5.18.2. Dismiss the complaint as unfounded, with reasons.

5.19. The IO will produce an investigation report which summarises the evidence collected and considered, conclusions drawn and any recommendations. The College's final position on the complaint must be signed off by an appropriate,

independent senior leader to reassure the complainant that their concerns have been taken seriously.

5.20. It is expected that the outcome of the Stage Two complaint (together with a copy of the IO's investigation report) will be sent to the complainant in writing or by email within **20 Business days** of receipt of the Stage Two complaint. In exceptional circumstances (for example, the complainant is not available to hold the initial meeting within the first two weeks, the complaint raises particularly complex issues, the College's operations are disrupted by unforeseen events etc.), it may be necessary for the College to extend this period. If this is the case, this will be confirmed to the complainant in writing or by email before the end of the 20 Business day period, together with an indication as to when a substantive response will be provided.

5.21. When the complainant receives the outcome of their stage 2 complaint, they will also be provided with:

- 5.21.1. the reasons for the decision;
- 5.21.2. details regarding their right to appeal the decision under Stage Three of this policy (see below);
- 5.21.3. the grounds upon which they can appeal;
- 5.21.4. the deadline for an appeal; and
- 5.21.5. how they can access support.

Stage Three - The Appeal

5.22. Complainants have the right to request an appeal of their Stage Two complaint outcome.

5.23. The grounds for an appeal are limited to the following:

- 5.23.1. New material evidence has come to light that was not reasonably available to the complainant at the time of the initial complaint investigation under Stage Two;

- 5.23.2. The decision reached under Stage Two was one at which no reasonable individual (taking into account the evidence available) could have arrived at;
- 5.23.3. The Stage Two investigation was not carried out independently, or was subject to bias and/or prejudice against the complainant;
- 5.23.4. This complaints policy was not followed correctly.
- 5.24. If, upon receipt of the outcome to the Stage Two complaint, a complainant wishes to appeal, they should, within **10 Business days**, reply to the Outcome email setting out the ground(s) and reasons for their appeal (by reference to the limited grounds in paragraph 5.23). If a complainant requires any support submitting their Stage Three appeal, they should speak to IAG.
- 5.25. The appeal will be allocated to a member of the senior management team or an external resource ('the Reviewer') dependent on the nature of the appeal and/ or the availability of resources. The Reviewer will have had no previous involvement in the issue being investigated or the complaint itself.
- 5.26. The College will acknowledge the appeal within **five Business days** of receipt, and then the Reviewer will determine whether the appeal meets one or more of the grounds for appeal (as set out in paragraph 5.23).
- 5.27. If the Reviewer believes that the appeal does not meet one or more of the grounds for appeal at paragraph 5.23, they will confirm this to the complainant in writing or by email within **10 Business days** of receipt of the appeal, and advise the complainant that they have exhausted the College's internal complaints procedure and therefore their complaint will be closed. The complainant will also be provided with details of their right to complain to the Education and Skills Funding Agency (ESFA) at this stage.
- 5.28. If the Reviewer considers that the appeal does meet one or more of the grounds for appeal in paragraph 5.23, they will confirm this to this to the complainant in writing or by email within **10 Business days** of receipt of the appeal, and aim to provide a formal response to the appeal with reasons within **30 Business days** of receipt of the complainant's request to appeal.

5.29. The Reviewer has the power to (as they consider appropriate):

- 5.29.1. substitute their decision for the decision made at Stage Two of this policy;
- 5.29.2. uphold the decision made at Stage Two (in whole or in part), or;
- 5.29.3. if there was a procedural error at Stage Two of the complaints procedure, refer the matter back to Stage Two for reconsideration by the IO.

5.30. The Reviewer's decision will be final and there will be no further right of appeal within the College's own procedures; this will be confirmed to the complainant in the Reviewer's final letter.

6. If you are not happy with the way you complaint has been handled

6.1. If a complainant is a learner or authorised representative of a learner and they have exhausted all steps contained in this complaints policy but they remain dissatisfied, they can contact the ESFA at complaints.ESFA@education.gov.uk or by post to:

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

6.2. Complainants must contact the ESFA within 12 months of the date of the issue complained about (for example, the date of notification of the Stage Three appeal outcome).

6.3. Further details about the ESFA's complaints procedure can be found at:
<https://www.gov.uk/government/organisations/education-and-skills-fundingagency/about/complaints-procedure>

7. Retention of Information

- 7.1. By submitting a complaint, the complainant is agreeing that the College can process the information it contains for all purposes relating to this complaints procedure. Information and records will be kept in accordance with the Data Protection Act 2018 and the College's Privacy policy.

Executive Owner	Julie Gilbert
Policy Owner	Graham Jennings
Approval Body	Governing Body
Date Approved	6 th December 2022
Review Period	Every two years
Next Scheduled Review Data	Two years from date approved

Version tracking

Versions	Date	Author	Reason for changes
1.1	7/12/2022	Graham Jennings	Update

APPENDIX A:

FLOWCHART - CITY LIT COLLEGE APPEALS PROCESS

