



# **Higher Education Complaints Policy & Procedure**

<b>This policy applies to :</b>	All Higher Education students and applicants
<b>Author/Department:</b>	Assistant Principal Higher & Adult Education & Practitioner Research Lead
<b>Area/Person responsible:</b>	Higher Education staff
<b>Date approved:</b>	February 2016
<b>Related Documents/ Policies:</b>	College Complaints Procedure HE Admissions Policy and Procedure
<b>Date of Next Review:</b>	April 2020

<b>Date of most recent review:</b>	April 2019
<b>Changes made:</b>	Annual update

### The Equality Act 2010: The Equality Duty

The College has a duty to consider the needs of all individuals in our day-to-day work – in shaping policy, in delivering services and in relation to our employees. The Equality Duty has three aims, which require the College to have due regard to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

<b>Does the policy support the aims of the Equality Duty?</b>	<b>Yes</b>	✓	<b>No</b>		<b>N/A</b>	
<b>If no, please state which groups may be affected and complete a full equalities impact assessment</b> (guidance and forms available on the intranet)						
<b>Impact Assessment Reference:</b>						

<b>Initial Impact Assessment Completed</b>	
<b>Review of Policy</b>	

<b>Date</b>	
<b>Date</b>	

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## 1. Introduction

- 1.1 This policy and procedure should be read in conjunction with the College’s Complaints Policy, HE Admissions Policy and Procedure and university partners’ policies where applicable. The College regards the monitoring of complaints as an important aspect of its quality assurance procedures

## 2. Principles of Fair Complaints and Appeals

- 2.1 This policy has been drawn up following examination of sector best practice guidance from Supporting Professionalism in Admissions (SPA), the UK Quality Code for Higher Education (QAA), Office of the Independent Adjudicator (OIA) and Competition and Markets Authority (CMA) guidelines.
- 2.2 The College seeks to continually improve the quality of its services and meet student expectations. We aim to provide our students with an excellent educational experience and administrative and pastoral support services whilst on programme. We aim to ensure that all complaints received are dealt with promptly, fairly, professionally and in a non-discriminatory manner, and that appropriate action is taken.
- 2.3 The College welcomes feedback regarding perceived problems so that they can be addressed and improvements made to improve our services. We encourage students to evaluate their course and overall experience providing feedback through module evaluations, HE student ambassadors, student staff liaison committees and student surveys. We hope to minimise formal student complaints through these means, addressing feedback and considering suggestions for improvement.

- 2.4 Whilst much of the feedback received is positive, it is recognised that at times problems arise. Students who are dissatisfied with their experience can therefore express concern or raise a complaint.
- 2.5 This policy compliments the general College Complaints Policy.
- 2.6 The purpose of the policy is to ensure that the complainant has a clear understanding of how to make a complaint and enable staff to manage complaints effectively. This document sets out the procedure for responding to complaints made by HE students and applicants.
- 2.7 Most complaints are successfully resolved informally.
- 2.8 The individual concerned will not be disadvantaged as a result of raising a matter of concern or of making a complaint, provided it is made in good faith. However, if a complaint is shown to be malicious or vindictive, the complaint shall be disregarded and disciplinary action may be taken against the individual who submitted the original complaint.

### 3. Scope

- 3.1 This policy applies exclusively to all Higher Education applicants and Higher Education students (HE) and to the College staff administering them. In most cases matters raised by complainants and others on their behalf are resolved by the College.
- 3.2 Adult Education students should refer to the general College Complaints Procedure.
- 3.3 Where the College feels the matter is related to an area of responsibility held by the University, the matter will be referred to them or in cases where individual issues cannot be resolved in line with the College procedures. University partners have coherent and extensive appeals and complaints procedures. If a student has a concern or complaint that they feel is something that the University should deal with, the College advises that they check with a College member of HE staff about whether this is the correct channel and whether the College can support them.
- 3.4 Academic appeals are not complaints and should be managed through the Academic Appeals Procedure. They should be directed to the relevant Head of Subject in the first instance and then directed to the university in question. Academic appeals such as grade disputes are carried out by the university. The individual concerned should also refer to the partner's university Academic Appeals Policy and Procedures. (See course/module handbook or refer to the university website for further details).
- 3.5 Complaints should be completed by the individual concerned themselves. Correspondence or phone calls from others will not be considered unless the College has received written/signed authorisation from the complainant that the third party intends to act on their behalf.
- 3.6 The scope of the legislation applies to all HE information that is made public. The College will make all reasonable endeavours to make sure that the information is accurate, accessible and clear. This includes Key Information Sets data (KIS), Wider Information Sets data (WIS), HE Information and Application Packs, Course Guide, website, information given by phone/email and at information events, HE policies and procedures, course and module handbooks, information held on College systems, enrolment and application forms, admissions

correspondence, complaints procedures, appeals procedure, and all aspects of the student experience.(This list is not exhaustive).

## 4. Responsibilities

- 4.1 All HE staff are responsible for reporting complaints and for participating in complaint investigations as appropriate, as set out in the procedure below. The Assistant Principal Higher & Adult Education & Practitioner Research Lead has overall responsibility for the implementation of this procedure.

## 5. Definition of Complaints and Grounds for Making a Complaint

- 5.1 A complaint is defined as an expression of dissatisfaction by a student or applicant about a HE provider's action or lack of action, or about the standard of service provided by or on behalf of the provider. This could include a complaint raised by a student against another student, member of staff, service, programme of study or facility where the College fails to match what would be reasonable to expect.
- 5.2 A complaint can be made at any stage, where there are adequate grounds for doing so and will only be considered if they relate to one of the above.
- 5.3 Where it is inappropriate or not possible for the individual concerned to make the complaint this may be done on their behalf by a person who has a legitimate interest in the student's complaint and with the student's written consent.

## 6. Complaints Procedure

- 6.1 This procedure is designed to enable an individual or a group of students, to bring matters of concern to the attention of the College and to provide a mechanism for the investigation of those concerns with the aim of a satisfactory conclusion.
- 6.2 The aim of this procedure is to provide an accessible, straightforward and timely consideration of HE student/applicant complaints.
- 6.3 Complaints will be dealt with in confidence as far as possible and only by those members of staff who need to consider them. Only information about the complaint that is necessary for the purpose of investigating and resolving the complaint and keeping appropriate records will be revealed to another person. However, all parties involved in the complaint have the right to know the full details of the complaint, including its source.
- 6.4 HE staff are trained in following this complaint handling procedure and have consumer protection awareness.
- 6.5 Documentation on the complaint will be kept in a secure location. Discussions and interviews on the matter will be held in private.
- 6.6 Complaints records (the number, type and outcomes of complaints) will be monitored by the Assistant Principal Higher & Adult Education & Practitioner Research Lead (Higher Education Complaints Policy and Procedure) and the PA to the Principal (College Complaints Procedure) in such a way as to assist in the maintenance and continuous improvement of service standards in the College.
- 6.7 Complaints and appeals are reported to the Senior Leadership Team with responsibility for an annual review, to ensure any outcomes were delivered, any procedural or policy changes are implemented and any specific trends are identified.

- 6.8 The College uses a staged approach to making a complaint which can be escalated if the complainant does not feel the matter is resolved after the previous stage. These stages must generally be followed in order, and a complaint cannot be taken to a higher level until the lower level is exhausted.

## 7. Stage 1 – Concern or Complaint – Early Resolution at Local Level

### Step 1

- 7.1 The College expects that the majority of complaints can be resolved at an early stage through informal discussion with the person who is most likely to be able to help the complainant and see if this helps a resolution to be reached without needing to instigate formal procedures. Therefore if an issue arises the first step is to bring the matter to the attention of the relevant staff member, either verbally or by email, and discuss it with them.
- 7.2 Complaints of a minor nature can frequently be sorted out quickly by:
- an applicant or student raising the matter informally with the member of staff directly concerned by phone, email, at an information day or after an interview.
  - a student raising the matter with the class teacher.
  - a student feeding the concern through the HE Student Ambassador and the Student Staff Liaison Committee, raising it at a Student Panel or through Surveys.
  - contacting an appropriate member of staff or Head of Subject if it relates to a support area or service.

It is anticipated that informal resolution of a complaint will be an oral process, and a written record will not normally be made (other than entry in student records for information or actions/resolution) and that the majority of complaints will be resolved in this manner. In most cases, the above should be able to help or advise the individual concerned and help them to reach a resolution. If the matter is not resolved they can move onto Step 2.

### Step 2

- 7.3 The student should contact the Head of Subject to discuss the matter. Again it is anticipated that this will be an oral process and a written record will not normally be made (other than entry in student records for information or actions/resolution). If this is not possible or the matter is not resolved they can move onto Step 3.

### Step 3

- 7.4 The student should contact the Assistant Principal Higher & Adult Education & Practitioner Research Lead regarding the matter by email, phone or in writing.
- 7.5 If the matter is not resolved to their satisfaction then they should move to Stage 2 (below). Any member of staff dealing with a dispute from an applicant should recommend the applicant proceed to Stage 2 if a satisfactory resolution cannot be agreed or if the staff member in any way feels it would be unprofessional to continue informally.

## 8. Stage 2 – Formal Complaint to the College’s ‘Comps Service’

- 8.1 A formal complaint can be raised. The deadline for submitting a formal complaint is 28 days after the occurrence. This Policy expects that the above Stage 1 steps have been taken in an attempt to resolve the matter where that is feasible, possible and appropriate to do so. Where this has not been feasible or possible or where the above has not helped a resolution to be reached, the student may wish to take the matter further.

- 8.2 A formal complaint or concern to the College 'Comps Service' can be made using the HE Complaints Form (appendix 2), email or letter to the:

Comps Service  
Ashton Sixth Form College  
Darnton Road  
Ashton-under-Lyne  
Lancashire  
OL6 9RL  
Telephone: 0161 3302330 Email: [comps@asfc.ac.uk](mailto:comps@asfc.ac.uk)

By submitting a formal complaint the complainant is giving their consent to share their information.

- 8.3 If the complaint is in writing, the complainant will receive an acknowledgement of the complaint within 5 working days and an investigation will be conducted. The acknowledgement will explain the steps to be taken, how long the process is expected to take and any further information required. The complainant should receive notification of the outcome of the investigation within 10 working days.
- 8.4 A group of students may use this procedure to make a collective complaint, but the group must nominate one person to be the main contact for purposes of communication and the spokesperson for the group, representing the group in all matters relating to the complaint.
- 8.5 An investigation will be conducted and the individual concerned may be contacted for further information. The most appropriate panel will be put in place to carry out an investigation. The complaint will be judged upheld, partially upheld or not upheld based on the findings.

## 9. Stage 3 – Review Stage (Appeals Process)

- 9.1 An appeal is a request for a formal review of a decision made.
- 9.2 If the individual concerned is dissatisfied with the outcome of the investigation in Stage 2, they can appeal in writing to the Principal only if there is new evidence to consider or grounds for complaint in the handling of the formal stage. A further investigation will be conducted (Appeal Process). They will receive notification of the outcome of the appeal within 20 working days.
- 9.3 The decision of the Principal on completion of the internal procedure is final and the complaint will be upheld, partially upheld or not upheld based on the findings.
- 9.4 This response to the complaint represents the College's final response within its Complaints Procedures.
- 9.5 A Completion of Procedures letter, together with information regarding the Office of the Independent Adjudicator for Higher Education (the OIA) for Higher Education students, will normally be sent within 10 working days of the final response being sent to the complainant.
- 9.6 Once the College's processes have been exhausted, a student may complain to the relevant partner university using their complaints policy if the matter is related to an area of responsibility held by the University or in cases where individual issues cannot be resolved in line with the College procedures. If the College hands over a formal concern or complaint to the University having exhausted its own investigations or attempts to resolve the matter, the student will receive a Completion of Procedures letter from the College and the College will provide all necessary evidence and details pertaining to the complaint to the university as appropriate.

- 9.7 Applicants and students also have recourse to advice from the Citizens Advice (England, Wales and Scotland) consumer helpline on 03454 04 05 06 or to other services e.g. dispute resolution services, legal advice, Trading Standards Services, Competition and Markets Authority (CMA).

## 10. Office of the Independent Adjudicator for Higher Education (OIA) - Higher Education students

- 10.1 To bring a complaint to the OIA a student must be or have been a registered student at the College.
- 10.2 Once the student has been issued with a Completion of Procedures letter and they wish to take the matter further, they will be able to have their complaint considered by the OIA. Information about the OIA will be sent with the Completion of Procedures letter or the student can contact the OIA directly:

OIA, Third Floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3AA

Telephone No. 0118 959 9813

Contact details: [www.oiahe.org.uk/contact-us/](http://www.oiahe.org.uk/contact-us/)

[www.oiahe.org.uk](http://www.oiahe.org.uk)

- 10.3 A complaint will not be considered by the OIA unless it is received within 12 months from the date of issue of the Completion of Procedures letter.
- 10.4 The formal decision and recommendation of the OIA Reviewer will be considered by the Principalship who may:
- (a) Accept the recommendations in full or in part
  - (b) Not accept recommendations in full or in part

Where the Principalship does not accept the recommendation(s), the OIA Reviewer will be informed as soon as is reasonably practicable, giving reasons for non-acceptance.

Appendix 1  
Complaints Procedure Summary Flowchart

Are you dissatisfied with any aspect of the College's activities and wish to make a complaint?

Yes

**Stage 1 – Concern or Complaint**

Bring your complaint to the attention of an appropriate member of staff close to the source of the issue or feed your concern through your HE Student Ambassador, the student staff liaison committee, student panel or via a survey. If the matter is not resolved contact the Head of Subject to discuss further.

Did you receive a satisfactory and timely response?

Yes

Complaint resolved

No

Contact the Assistant Principal Higher & Adult Education & Practitioner Research Lead by email, phone or in writing outlining the issue and what you have tried to do to resolve it. If a satisfactory resolution cannot be agreed, proceed to Stage 2.

Did you receive a satisfactory response?

Yes

Complaint resolved

No

**Stage 2 – Formal Complaint to the College 'Comps Service'**

If you do not feel that due process was followed through the investigation or additional evidence becomes available you can complain about the decision made at Stage 1. You can write to the 'Comps Service' at the College following the College's Complaints Policy, using the HE Complaints Form (appendix 2), e-mail or letter. An investigation will be conducted and you may be contacted for further information. Your complaint will be acknowledged straight away and normally responded to within 10 working days.

Did you receive a satisfactory response?

Yes

Complaint resolved

No

**Stage 3 – Review Stage (Appeal Process)**

If there are grounds for complaint in the handling of the formal stage or new evidence to consider you can appeal by writing to the Principal. A further investigation will be conducted and you will normally receive a response within 20 working days.

Did you receive a satisfactory response to your complaint?

Yes

College issues a Completion of Procedures Letter

No

College issues a Completion of Procedures Letter and having exhausted the College procedures if you are still unsatisfied you can take your complaint to your University Partner **if the matter is related to an area of responsibility held by the University.**

If you wish to take the matter further you may refer your complaint to the OIA within 3 months (registered HE students).

Appendix 2  
HE Complaints Form

This form is only for the purpose of submitting a formal complaint to the College 'Comps Service' in accordance with the Higher Education Complaints Policy and Procedure (<https://www.asfc.ac.uk/he-and-adult/he-consumer-rights>). Please read this policy before submitting the form as we may be unable to consider an inappropriate or incomplete submission.

If you have any queries concerning the completion or submission of this form, please contact [HEadmissions@asfc.ac.uk](mailto:HEadmissions@asfc.ac.uk) or on 0161 666 8215.



## Higher Education Complaints Form

(Confidentiality will be respected)

Title		First name(s)		Surname	
Address & post code					
Telephone Number	Home		Work		Mobile
e-mail					
Date & Time of occurrence (if relevant)					
I wish to make a formal complaint.				Please tick	<input type="checkbox"/>
Please provide details of your complaint below (continue on separate sheets if necessary)					

Are you attaching any additional documentation?		Y/N
If yes, please list		
Have you already discussed your complaint informally with a member of College staff?		Y/N
If yes, please provide details  (continue on separate sheets if necessary)		

If you have a specific resolution in mind, please indicate your desired outcome(s) below. Please note any expression of preferred outcome will not prejudice our consideration of your complaint.

(Continue on separate sheets if necessary)

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**Declaration:**

I confirm that the above details and any attached documentation is a true reflection of events to the best of my knowledge and that it does not contain any false or fraudulent information. I agree to the investigating officer on behalf of the College sharing details of this case with other persons as part of any investigation and to retain a record of that investigation, in accordance with the College's Higher Education Complaints Policy and Procedure and the College Complaints Policy.

Signed		Date	
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Please send this form and any additional documentation to:

*Comps Service,  
Ashton-under-Lyne Sixth Form College,  
Darnton Road,  
Ashton-under-Lyne,  
Lancashire  
OL6 9RL*

You should normally expect an acknowledgement of the complaint within 5 working days and notification of the outcome of the investigation within 10 working days.

For College use only...

Date received		Reference Number	
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