



Higher Education and Higher Level 4/5 Student Complaint – Code of Practice for Staff 2022-23

Introduction

This Code of Practice for Staff has the status of guidance to staff and is not part of the approved procedure. Staff should be aware of its content and are expected to consider its guidance when dealing with any student complaint. There should be good reason if the guidance in this Code is not followed. **This Code should be read in conjunction with the Higher Education and Higher Level 4/5 Student Complaints Policy and Procedures.**

The Director of Curriculum and Quality, Heads of Areas, Managers of Offices, and the HE Academic Quality Leader (including any nominee) have particular roles and responsibilities in relation to handling complaints by students, especially how and by whom the processes described below are implemented (*please see the Higher Education and Higher level 4 Student Complaints Policy and Procedures document*).

If the course is delivered by the College and is a course by an Awarding organisation for a Higher Level 4/5 award then the Higher Education and Higher Level 4/5 Student Complaints Policy applies. The procedures are relevant to these HE students and to the college staff administering them.

Also refer to the Office of Independent Adjudicators for Higher Education (OIAHE): enquiries@oiahe.org.uk or <https://www.oiahe.org.uk/contact-us/>

If the course is delivered/taught by the college but is a University of Bolton award, then student complaints need to be directed to the college in the first instance, if the complaint is directly related to the college; if the complaint is directly related to the university then please inform your Head of Area and the HE Academic Quality Leader that you have a complaint against the university. **In the first instance, speak with the Course Leader or Module tutor to try and resolve the matter informally.**

For the **University of Bolton**, please refer to their Policy and Procedures: <https://www.bolton.ac.uk/student-policy-zone/student-policy-zone-2022-23/student-complaints-procedure-guidance-and-forms-2022-23>

For **Bolton College Higher Level 4 students**, please refer to: <http://www.boltoncollege.ac.uk/about-us/customer-services/making-a-complaint/>

There are *Higher Education and Higher Level 4/5 Complaints Guidance Notes for Students* which should be read in conjunction with this Code. The current Higher Education and Higher Level 4 Student Complaints Policy and Procedures, *Higher Education and Higher Level 4/5 Guidance Notes for Students* and Higher Education and Higher Level 4/5 *Student Complaints Application Form* are all placed on the college web.

The Higher Education and Higher Level 4/5 Student Complaints Procedure allows for three stages for the consideration of a student complaint.

- Stage 1 Informal complaint
- Stage 2 Formal complaint
- Stage 3 Review - COP

The HE Academic Quality Leader is able to advise staff on the procedure and on the use of this Code of Practice.

The scope of making an appeal or complaint applies to all HE information that is made public: Below is a list (not exhaustive) of examples where the college need to make sure that the information is accurate, accessible, and clear.

1. Web site and web page information
2. Any information held on EBS or any other database held by the college
3. HE site for students
4. Enrolment forms
5. Application forms
6. Admissions letters of acceptance or rejections to prospective students
7. Up to date list of applications including acceptance and rejections and dates of interviews (held by course leaders and copies to Admissions)
8. Brochure and leaflets
9. CIS's
10. Complaints application
11. Appeals application
12. Prescribed & Non-Prescribed HE Policies and Procedures
13. Course information contained in Course handbooks AND Module Guides
14. All relevant aspects of the student experience at college are also covered by the HE Complaints Policy

Section 1

What is a complaint?

The grounds and procedure are based on complaints arising from:

- i) Provision of academic services described in the college's publications including teaching, content of courses, support for learning;
- ii) Incorrect or misleading information about services provided by the college;
- iii) Provision of other college literature published by the College.

Section 2

What is not a Complaint?

The grounds and procedure do not cover the following:

- i) Any matters relating to examination and assessment procedures or academic appeals. Information regarding the Appeals Policy and Procedures is found on the College web:
<https://www.boltoncollege.ac.uk/assets/Uploads/Higher-Level-4-5-Student-Academic-Appeals-Policy-Regulations-and-Procedures-2022-24.pdf>
- ii) Disciplinary issues. Information regarding Positive Behaviour:
<https://www.boltoncollege.ac.uk/assets/Uploads/Positive-Behaviour-Policy-2022-23.pdf>

Where a student makes a complaint about the behaviour of another student or about unacceptable behaviour of college staff the College HE Academic Quality Leader shall consult as appropriate and determine the correct student or staff procedure or policy to be followed. Where appropriate the complaint will be referred under the staff or student disciplinary procedures.

Grounds for making a complaint

A complaint may be made at any stage, where there are adequate grounds for doing so.

The **Informal** and **Formal** procedure applies to all HE students being taught at the college.

2.5 The informal complaints procedure (Stage 1) applies to all HE students who are being taught at the college, including those students whose Awarding Body is the University of Bolton.

The Higher Education and Higher Level 4 *Guidance Notes for Students* state that a complaint will not be accepted if it is in, or accompanied by, an unacceptable form of behaviour (e.g. an abusive, insulting or threatening manner) or is malicious, vexatious, libelous or frivolous. The student should be told this and that the complaint will only be considered if it is genuine and submitted in the proper manner.

Section 3

The Student Complaint Application Form

3.1 To be acceptable the complaint must be in the form of a statement in writing in written/or electronic form

3.2 The complaint may be made directly on the Higher Education and Higher Level 4/5 Student Complaint Application Form.

3.3 The statement of complaint on the *Student Complaint Application Form* must be signed by the student or, where this is impossible, by another person on their behalf who has a legitimate interest and whose relationship to the student is clear to the college. Therefore, it should be clear that the student is aware of the complaint being made or would reasonably have been expected to complain if they had been able to do so.

3.4 The Higher Education and Higher Level 4/5 Student Complaint Application Form can be accessed via the following links:

<https://www.boltoncollege.ac.uk/about-us/governance/he-strategies/>

Section 4

Principles for dealing with a complaint

These should apply throughout the procedure.

4.1 To ensure a **speedy** handling of the complaint.

4.2 To keep **written records** of **informal** and **formal** complaints and keep relevant people informed of progress.

4.3 To respect an individual person's desire for **confidentiality**.

4.4 To ensure a **full** and **fair** investigation that addresses all the points at issue.

4.5 To provide an effective **response** to the complainant and allow for their further rights.

4.6 To allow for the **monitoring** of the process.

Section 5

Handling a Complaint

5.1 Complaints of a minor nature can frequently be sorted out quickly by the student complainant talking directly to the tutor or to the person providing the service.

It is anticipated that **informal resolution (Stage 1)** of a complaint will be an oral process, that a written record will be made and that the majority of complaints will be resolved in this manner.

5.2 Following the receipt of a copy of a written **formal (Stage 2)** complaint from the Director of Curriculum and Quality and the HE Academic Quality Leader, the person responsible for investigating the complaint should:

- Consider the **seriousness** of the matter and if anything should be done urgently to avoid any further recurrence.
- Offer to **discuss** the complaint with the complainant in order to gain further information, more insight into the matter, and/or to outline the procedure being followed. (The complainant can choose whether or not to meet with the person responsible for investigating the complaint).
- Decide which of the following could be the appropriate actions for the purpose of **investigation**.
- To **inform** the relevant person/s or providers that a complaint has been made, to seek an initial response, and/or to outline the procedure being followed.
- To **consult** with other persons who could provide additional background information on the circumstances.
- To **establish a panel**, to consider the complaint, investigate it, deliberate and report its findings and recommendations to the appropriate manager.
- To **interview** such persons who could provide information on the situation, corroboration of facts, relevant evidence, etc.
- With the permission of all concerned, to discuss the matter in a **Complaint Panel meeting** with the complainant and those responsible for the service.
- One or more of the above may be appropriate in a varying order or repeated as the investigation develops.

5.3 It is a requirement that the college **register** the formal complaint for the purposes of monitoring procedure and outcomes (this may take the form of a report to the appropriate manager, stating the basis of the complaint and how it is to be dealt with, together with an indication of the likely time span).

5.4 During the process of investigation, other facts may be revealed that require consideration. If these are of a more serious nature needing to be referred elsewhere then the current investigation may be **suspended** pending that outcome.

5.5 If the complaint is found to be of a **frivolous, malicious, libelous or vexatious nature** then the rights of staff and of the college to conduct its activities in a proper manner may need to be safeguarded.

Advice may need to be sought from the Director of Curriculum and Quality and the HE Academic Quality Leader or and/or Personnel. Further action on the complaint may then be precluded and the complainant should be informed of this outcome at an early stage. This may be accompanied by an appropriate warning to the complainant of disciplinary action (particularly if there is any repetition).

5.6 The Director of Curriculum and Quality must be kept informed of progress (particularly if there is any delay in handling the complaint and reaching an outcome) for monitoring purposes and in some circumstances so that it may be possible to advise staff handling a complaint.

Section 6

Resolving a Complaint

6.1 **Consider** all the relevant information, weigh up any conflicting evidence, and take account of the circumstances. Keep notes of significant aspects of the case.

6.2 **Determine** whether there is justification to the complaint and if action should be taken.

6.3 After **reviewing** the options for action, (see 'Outcomes' below), **decide** which to take and the method of implementation. Keep a record of these decisions.

6.4 In conjunction with the HE Academic Quality Leader offer an **informal resolution** of the complaint to the student without prejudice to their further action under the procedure. If acceptable to the student, then a note to this effect should be made and copied to the HE Academic Quality Leader, together with any action taken within the college as a consequence of the complaint.

6.5 In conjunction with the HE Academic Quality Leader **inform** the complainant and other appropriate persons in writing of the outcome and an explanation for any decision made or not made.

Conclude with the following statement:

"I trust that your complaint has now been resolved. However if you wish to pursue it further, you should write to the Director of Curriculum and Quality."

6.6 Include the rights that the complainant may have under the procedure for further consideration of the matter and those who can be contacted for advice.

6.7 A signed copy of the letter to the complainant informing them of the outcome of the investigation of their complaint must be sent to the Director of Curriculum and Quality, and the PA to the Principal **normally within five working days** of the decision being taken.

Outcomes

6.8 These could include one or more of the following decisions:

- That there is no justification or insufficient justification for the complaint to be upheld.
- That it is not possible to reach a conclusion on the matter because of insufficient information or because conflicting accounts cannot be resolved.
- That the complaint is justified but the circumstances require no further action to be taken.
- The complaint is justified and, where this is possible, redress is to be made or recommended for the appropriate person/s, and/or there is a situation to be corrected.
- The complaint is justified and action is to be taken to prevent repetition.
- The complaint is justified and is to be referred to a more appropriate person to consider further

Section 7 Confidentiality

7.1 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.

7.2 Documentation on the complaint will be kept in a secure location. Discussions and interviews on the matter will be held in private.

Information will be stored and processed in accordance with The General Data Protection Regulation (GDPR) 25 May 2018. For further information please refer to the Overview of the GDPR (via the Information Commissioner's Office:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

The College policy can be found at: <https://www.boltoncollege.ac.uk/assets/Uploads/Bolton-College-Data-Protection-Policy-vDP1-2022.pdf>

7.3 The impact the GDPR will have on the college is that the college will retain all complaints information for 2 years from the date from the Completion of Procedures Letter (COP) has been sent to the complainant; or if a student decides not to pursue the complaint, the information will be retained for 15 months after the complainant discontinues with the complaint.

7.4 If a complainant requests anonymity they will be advised by the HE Academic Quality Leader that this may place limitations on the investigation and possible outcome. If this is likely to be the case, a request will be made for the student's agreement for disclosure of their name in connection with their complaint and it may be that the complaint will not be considered if anonymity is insisted upon.

Data Protection Policy:

<https://www.boltoncollege.ac.uk/assets/Uploads/Bolton-College-Data-Protection-Policy-vDP1-2022.pdf>

Student Complaints Procedure Summary Flowchart

