



**Higher Education and Higher Level 4/5
Student Complaint
Policy and Procedures
2022-23**

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Higher Education and Higher Level 4/5 Student Complaints Policy and Procedures

1. Purpose and aims

This policy aims to:

- 1.1 Ensure that the student has a clear understanding of the definition of a complaint and how to make a complaint;
- 1.2 Support the student with a straightforward and effective process for resolving a complaint;
- 1.3 Ensure procedural parity between all applicants making a complaint, and be operated in a respectful way;
- 1.4 Ensure that every issue raised in a complaint is investigated and receives an explanation to the student;
- 1.5 Protect the interests of the applicant making a complaint and have respect for confidentiality;
- 1.6 Enable college staff to manage complaints effectively.

The college seeks to maintain high standards in its provision of HE courses, services and facilities to students. The college has established a HE student complaints procedure to deal with complaints from students in a fair, prompt and efficient manner.

2. Scope

2.1 This policy applies to all Higher Education (HE) students who are studying a **Higher National Certificate or Diploma, a Foundation Degree, or a Higher Level 4/5** course at the college, including Higher Apprenticeships;

2.2 If the course is delivered/taught by the college and students are registered with the University of Bolton, then student **complaints need to be directed to the college in the first instance**, if the complaint is directly related to the college;

2.3 If the complaint is directly related to the University of Bolton then please inform your course leader that you have a complaint against the university, as they may be able to help or advise. **In the first instance, speak with the Course Leader to try and resolve the matter informally**;

2.4 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>

2.5 Also refer to the Office of Independent Adjudicators for Higher Education (OIAHE):

<https://www.oiahe.org.uk/> or
<https://www.oiahe.org.uk/students/> or
<https://www.oiahe.org.uk/contact-us/>

3. Roles and responsibilities of staff

3.1 Informal complaints:

The following staff roles have responsibilities within the complaints procedure:

3.2 Course Leader – may deal with **informal** verbal complaint, in the first instance; all informal verbal or written complaints and discussions should be recorded for reference;

3.3 Module tutor – may deal with **informal** complaint in the first instance; all informal verbal or written complaints and discussions should be recorded for reference;

3.4 Head of Area - may deal with **informal** complaint in the first instance; all informal verbal or written complaints and discussions should be recorded for reference;

3.5 Curriculum Leader - may deal with **informal** complaint in the first instance; all informal verbal or written complaints and discussions should be recorded for reference;

3.6 HE Academic Quality Leader - may deal with **informal** complaint in the first instance; all informal verbal or written complaints and discussions should be recorded for reference;

4. Roles and responsibilities of staff

4.1 Formal complaints:

The following staff roles have responsibilities within the **formal** complaints procedure:

4.2 HE Academic Quality Leader to log complaint;

4.3 HE Academic Quality Leader - to assess the validity of the **formal** complaint and take appropriate investigative action;

4.4 HE Academic Quality Leader – to investigate the **formal** complaint in conjunction with relevant Head of Area, and Director of Curriculum and Quality;

4.5 HE Academic Quality Leader to inform, in writing, the outcome of the **formal** complaint to the applicant, requesting a response from the applicant;

4.6 In addition, the HE Academic Quality Leader to advise the student that they can write to relevant awarding body organisation/university, or the Office of Independent Adjudicators for Higher Education, together with a Completion of Procedures (COP) letter in addition to the complaint outcome;

4.7 For Higher Nationals and Foundation Degrees, HE Academic Quality Leader to inform the University of Bolton of the outcome, and send all complaints documentation to the University of Bolton;

4.8 HE Academic Quality Leader to report all formal complaints to HE Committee

5. What is a complaint?

5.1 A complaint is where it is felt that an aspect of: a course, actions or behaviour of staff, college service, facility or site is unsatisfactory and should be investigated.

5.2 The student complaints procedure does not apply to student applying for a course.

If an applicant has a complaint or wants to appeal an admissions decision, please see Admissions Policy and Procedures for the University of Bolton course:

https://www.bolton.ac.uk/assets/Student-Policy-Zone-2022-23/Enrolment-and-Admissions/Student-Admissions-Policy-2022_23-Updated-August-2021.pdf

and

https://www.bolton.ac.uk/assets/Student-Policy-Zone-2022-23/Enrolment-and-Admissions/Complaints-and-Appeals-Process-for-Applicants-2022_23-Updated-August-2021.pdf

OR for Bolton College Higher Level 4/5 applicants:

<https://www.boltoncollege.ac.uk/assets/Uploads/Higher-Level-4-5-Admissions-Policy-and-Procedures-2022-25.pdf>

5.3 The student complaints procedure does not apply to appeals against an assessment decision;

5.4 The college will be responsible for ensuring that the Student Complaints procedure operates without fear of retribution against the person making the complaint.

6. Grounds for making a complaint

A complaint should normally be made within 3 months of the issue happening. However, a complaint may be made at any stage, where there are adequate and sufficient grounds for doing so.

6.1 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.

6.2 The grounds and procedure do not cover the following:

- i) For a University of Bolton award course, any matters relating to examination and assessment procedures or academic appeals:

<https://www.bolton.ac.uk/student-policy-zone/student-policy-zone-2022-23>

- ii) Disciplinary issues. Information regarding Positive Behaviour:

<https://www.boltoncollege.ac.uk/assets/Uploads/Positive-Behaviour-Policy-2022-23.pdf>

6.3 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.

6.5 The informal and formal complaints procedure applies to all HE students who are being taught at the college, in the first instance. Once the formal complaint has resulted in an outcome, all complaint documentation will be forwarded to the awarding organisation.

7. Storage of information and what the college will do with the information relating to complaints

7.1 By signing a letter of complaint, you agree that the college can process information it contains for all the purposes relating to the complaints procedure for applicants and to your application to the college. This information may be disclosed to members of the college who are investigating the complaint, and those who may have a need to see it in order to respond to any issues.

7.2 The complainant should try not to include unnecessary personal information, particularly about third parties, in their appeal or complaint. For example, if there is mitigation based around the health of a family member, we do not need to see detailed medical information about that person; what we do need is evidence about the effect the circumstances have had on the student themselves. Article 14 of the regulations (General Data Protection Regulation (GDPR)) means that the college will need to notify third parties that we are processing their data, so it is helpful to minimise the amount of unnecessary personal data we hold.

7.3 The General Data Protection Regulation (GDPR) came into force on 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/data-protection-reform/overview-of-the-gdpr/>

The college policy can be found at:

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

7.4 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.

7.5 Safeguarding Children and Vulnerable Adults

It may be that a complaint or an incident relates to the physical, sexual or emotional abuse or neglect of someone under the age of 18 or someone who is deemed to be a "vulnerable adult". Therefore, disclosures of this kind to any members of staff (including the College Counselling Service) may not remain confidential, as the person "at risk" will require protection.

If you wish to report or discuss this type of incident contact any of the following via Reception:

- Jane Marsh, Director of Human Resources: 01204 482100
- Mark Burgoyne, Deputy Principal: 01204 482013

8. Monitoring of complaints

The college reviews the number and outcomes of complaints and may report this to internal quality assurance forums with a view to improving customer service. Monitoring reports will not contain any personally identifiable information.

9. Student Complaints Procedures

9.1 The Student Complaints 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.

9.2 The Student Complaints Procedure aims to provide an accessible, straightforward and timely consideration of student complaints so that all have confidence that these are being given effective attention.

9.3 Complaints records will be monitored by the HE unit and reported to the SMT via the Director of Curriculum and Quality in such a way as to assist in the maintenance and continuous improvement of service standards in the college.

9.4 The HE Academic Quality Leader will report to the Director of Curriculum and Quality, and the HE Committee, on the annual report by the OIA regarding any formal complaints made by college HE students.

9.5 The Student Complaints Procedure acknowledges the existence of other college procedures and policies which may be more appropriate to deal with some issues which, nevertheless, may be raised initially as a student complaint.

9.6 This Procedure is supplemented by a Higher Education Code of Practice for Staff and Higher Education and Higher Level 4 Guidance Notes for Students.

10. Information regarding the steps of the procedure

10.1 Complaints will be addressed through a three stage process. Stage 1: Informal Resolution of Complaints; Stage 2: Formal Complaints Procedure; and Stage 3: Review

10.2 All complaints will be dealt with without recrimination and no student will be disadvantaged on account of raising a complaint. Students may complain individually or collectively, where appropriate. Complaints will be investigated objectively. Anonymous complaints will not be accepted, as it would be difficult to address the issues anonymously.

10.3 All complaints will be dealt with constructively and the student will be informed of the outcome. Where a complaint is upheld, the college will make an appropriate response including taking any necessary corrective action. Means of redress include an explanation of actions taken or planned and written or oral apologies.

10.4 All complaints will be dealt with in confidence with the proviso that any person about whom a complaint is made shall be supplied with a copy of the complaint. A student may be asked to attend an interview with the member of staff investigating their complaint.

10.5 A record of Stage 2 complaints received from a student and the means of resolution will be kept by the college PA to the Principal, the Director of Curriculum and Quality, and HE Academic Quality Leader, and reported annually to the SMT as part of the college's monitoring and quality assurance processes. No information that will identify any individual will be available within the report.

10.6 A student may seek advice from the Students' Union: <https://www.nus.org.uk/> when making a complaint and may be accompanied by a friend, another student or a representative,

for example an officer of the Students' Union, in any meeting that takes place in connection with a complaint she/he has lodged.

10.7 Where a complaint made by a student is believed to be frivolous, vexatious or motivated by malice, the college reserves the right to take disciplinary action against the student in line with the College Disciplinary Policy and breach of the Policy.

10.8 Advice on whether the complaints procedure applies and how it operates may be sought from the HE Academic Quality Leader or the Director of Curriculum and Quality.

10.9 Where a complaint is upheld the college will reimburse the student upon production of receipts for incidental expenses (e.g. travel and subsistence) that have been necessarily incurred by the student in the resolution of their complaint. If a complaint is not upheld the student will be informed of the reason(s) for that decision. The college may in its discretion reimburse the student upon production of receipts for incidental expenses necessarily incurred by the student in putting forward their complaint if satisfied that the complaint was made in good faith.

11. Stage 1: Informal resolution of complaint

Student complaints shall be handled by staff in accordance with the Higher Education and Higher Level 4/5 Code of Practice for Staff.

11.1 If a student requires advice or wishes to discuss the matter before making a complaint she/he can consult her/his personal tutor, a student representative or an officer of the Students' Union: <https://www.nus.org.uk/> , or a friend who may be able to help and offer advice.

11.2 The complaint may be made orally or in writing, normally within ten working days of the incident or action from which the complaint arises, or in any event as soon as possible.

11.3 The member of staff will liaise, discuss, and try and resolve the complaint with the student. The member of staff will respond to the student in person, or via email, normally within ten working days.

11.4 If the student is dissatisfied with the outcome of this informal procedure, then they can follow the procedures described in the formal complaints procedure below.

12. Stage 2: Formal complaints procedure

12.1 A complaint under this procedure should be made by accessing the student complaint form and guidance via: <https://www.boltoncollege.ac.uk/about-us/customer-services/making-a-complaint/> **Please remember to use the HE Complaints procedure.**

12.2 Submission of the complaint form should normally be within 3 months of the incident or action from which the complaint arises, or the outcome of the informal resolution. However, a complaint may be made at any stage, where there are adequate and sufficient grounds for doing so.

The following details need to be provided:

1. Full contact details for the student
2. A full statement of the complaint
3. Brief details of the steps already taken to resolve the complaint
4. What the student would like done to address the complaint
5. A copy (not original documents) of any documentary evidence the student wishes to submit

12.3 If a student needs help with completing the complaint form then they can visit the Student Services Centre and ask for help with completing the form. A student can also ask the student union to help them: <https://www.nus.org.uk/> , or a HE Student Rep at college.

12.4 The HE Academic Quality Leader will make sure that all the necessary information has been provided and may contact the student requesting additional details and evidence. In all cases, the HE Academic Quality Leader will acknowledge receipt of the complaint within 5 working days.

12.5 The HE Academic Quality Leader will forward the complaint to the appropriate area(s) and will contribute to investigating the complaint using the information provided by the student in their written statement of the complaint.

12.6 The investigation will involve a Complaints Panel meeting and consist of: HE Academic Quality Leader (Chair); Director of Curriculum and Quality; Head of Area (from subject area in which the complaint originates); Head of Area (NOT from a subject area associated with the complaint).

12.7 A response, detailing the outcome of the investigation, will be sent to the student in writing within 20 working days of the full complaint being acknowledged by the college. The response sent to the student will be copied to the college Director of Curriculum and Quality and all relevant parties (including the Students' Union where applicable).

12.8 In instances where it has not been possible to resolve the complaint within 20 working days for a legitimate reason, the relevant area investigating the complaint shall write to the student and inform them of:

- The name of the person investigating their complaint
- The reason for the delay
- The date by which the student will be notified of the outcome

The letter sent to the student will be copied to the Director of Curriculum and Quality and all relevant parties (including the Students' Union where applicable).

12.9 If the student is satisfied with the outcome of the complaint in the written response, then no further action is taken.

1. If the student making the complaint needs clarification on any matters from the written response, or if the student feels that the written response has omitted certain information, they can contact the HE Academic Quality Leader and request an invitation to a face-to-face Complaint Panel meeting;
2. The invitation to a Complaint Panel meeting will be included in the written response to the student;

3. The student should include reasons in the letter, as to why they are not satisfied with the written response;
4. The student will be informed that they can bring a friend or someone for support to the Complaint Panel meeting;
5. The student should inform the HE Academic Quality Leader of the name and role of the friend or supporter before the meeting takes place;
6. So that a meeting can be set up as soon as possible, the student should respond within 5 working days of receiving their letter from the college.

12.10 A Complaint Panel meeting will normally be convened within 10 working days from receipt of the student letter requesting the meeting. The panel meeting will normally consist: HE Academic Quality Leader (Chair); Director of Curriculum and Quality; Head of Area (NOT associated with relevant subject area); A HE Student Rep; the student making the complaint; a friend or supporter of the student. The meeting will cover:

- Written response from the college and explanation/clarification on the outcome decision to the student;
- Student letter outlining reasons of dissatisfaction;
- Opportunity for student to explain why they are not satisfied with college response;
- Verbal summary of the meeting by the Chair, and outcomes of the meeting

12.11 For a student completing a University of Bolton award, a written outcome, of the meeting will be sent to the student within 5 working days. **The Vice Principal will have oversight of all documentation and will make the final decision on the outcome of the complaint.** All written documentation related to the complaint will be sent to the **University of Bolton immediately** after the meeting outcome has been recorded. The **University of Bolton** will then respond to the student. There will be no further opportunity to pursue the complaint within the college.

12.12 For a student completing an award by an awarding organisation **other** than the University of Bolton, a written outcome of the meeting will be sent to the student within 5 working days of meeting. **The Vice Principal will have oversight of all documentation and will make the final decision on the outcome of the complaint.** All written documentation related to the complaint will be sent to the awarding body immediately after the meeting outcome has been recorded. The letter will include a Completion of Procedures (COP) letter from the college. The Completion of Procedures letter exhausts the college's internal procedures. There will be no further opportunity to pursue the complaint within the college.

13. Stage 3: Review (Completion of Procedures) (COP)

13.1 If, after receiving the outcome letter, the student still has reason to believe that his/her complaint has not been handled fairly, objectively or in accordance with the procedures described above, the student can request an independent review by the Office of Independent Adjudicators for Higher Education (OIA). The student should include the Completion of procedures (COP) letter from the college when submitting their request to the OIA. The OIA will review the complaint independently.

14. Referral to the Office of the Independent Adjudicator for Higher Education

14.1 Once the complainant has been issued with a *Completion of Procedures* letter 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, Second Floor, Abbey Wharf, 57-75 Kings Road, Reading, RG1 3AB
Telephone No. 0118 959 9813
E-mail: enquiries@oiahe.org.uk or <https://www.oiahe.org.uk/contact-us/>