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# Policy: Complaints

Date approved:	<b>20 October 2022</b>	Review Date:	<b>October 2023</b>		
Approved by:	FE Corporation				
Relevant to (please ✓):	<input checked="" type="checkbox"/> Vocational	<input checked="" type="checkbox"/> A Level	<input checked="" type="checkbox"/> HE	<input checked="" type="checkbox"/> NETA	<input checked="" type="checkbox"/> WBL
Signed (Lead Manager):	Peter Wood				
Print Name:	Peter Wood				

## **1 PURPOSE**

This document sets out the Group's policy and advice to learners, employers and other stakeholders on how to raise concerns about courses and/or other services provided by the Group; which includes Stockton Riverside College, Bede Sixth Form, Redcar & Cleveland College, NETA Training Group, the Skills Academy and Tees Valley Catering. This policy details how complaints will be investigated and the Group's approach in trying to resolve any concerns as early as possible via an informal route.

## **2 SCOPE**

This policy covers all users of Group services. If a complaint relates to provision provided by a subcontractor of the Group or by an organisation offering services to learners (e.g. a placement provider); the complainant should raise their complaint with that organisation in the first instance and also advise a relevant manager within the Group of the focus of the complaint so any necessary immediate Group actions can be considered. If the complainant remains unhappy following the response from the other organisation then they should progress their complaint under the formal stage of this policy.

Complaints from staff that primarily relate to employment related issues will be dealt with under the Group Grievance policy and procedure. In case of any query as to whom the grievance should be directed to, please contact the Group HR Operations Manager.

## **3 STATEMENT OF ACTION**

A range of methods are available to learners to enable them to provide feedback to the Group on the service they are receiving. This includes learner surveys, focus groups and complaint forms. Complaint forms are available to learners, parents and visitors at reception areas at all Group sites and completed forms should be handed into reception staff. Alternatively, an email can be sent to [feedback@stockton.ac.uk](mailto:feedback@stockton.ac.uk). All feedback will be used as appropriate in Group business planning, performance review, self-assessment and improvement planning processes.

## **4 LINKED POLICIES**

- Assessment of course work
- Appeal against an assessment decision
- Internal and external verification
- Conflicts of interest in assessment, verification and examination practice

## **5 LOCATION AND ACCESS**

This policy is located on the Group Gateway.



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# **Procedure: Complaints**

## **1. Informal Stage**

- 1.1 The complainant should first discuss the matter with the most appropriate person. This may be their lecturer/teacher or the course leader; or the person providing the service (e.g. a member of the information and guidance team).
- 1.2 The person receiving the complaint will endeavour to resolve the complaint in a timely, fair and objective manner and report the outcome to the complainant.
- 1.3 If the complainant is dissatisfied with the outcome the issue should be escalated to the most appropriate manager (e.g. responsible for the area of service) who will investigate and endeavour to resolve the complaint as quickly as possible. If the complainant is unsure who the most relevant manager is they should be advised to enquire at reception or contact the Group Quality Co-ordinator by phone on 01642 865498 or by email at [alice-may.appleby@the-etc.ac.uk](mailto:alice-may.appleby@the-etc.ac.uk) If the complainant is still dissatisfied at the conclusion of this informal stage the manager must provide them with information and advice regarding the formal complaint process, including timescales, and a copy of the Complaint Form.

## **2 Formal Stage**

- 2.1 All formal complaints relating to a programme of study must be made within three calendar months of the official notification of the outcome of a learner's course or within six months of a learner's recorded leaving date. All other formal complaints must be made within three calendar months of the issue/s occurrence that are the focus/foci of the complaint. In considering the outcome of a complaint, the time taken to initiate the complaint may be taken into account especially where it is deemed that there has been an unreasonable delay in making the complaint.
- 2.2 For the purposes of processing personal information the Group is a Data Controller. Confidentiality will be respected and all issues will be heard and dealt with through a transparent and accessible process which complies with the Data Protection Act 2018. No person will be disadvantaged because they have complained.
- 2.3 If a complainant considers him or herself to have a disability and informs the Group that they need support to make a complaint, the Group will offer reasonable support and make reasonable adjustments to the process to ensure that they are not disadvantaged in bringing their complaint.
- 2.4 Complaints will be accepted from learners; from a parent or carer if the learner is under 18 years of age (or the learner is under 25 years of age and in receipt of an Education and Health Care Plan and/or high needs funding); or from other persons or organisations that have a direct relationship with the Group (e.g. the employer of a Group apprentice). Complaints from third parties will not normally be accepted unless submitted on behalf of a learner under 18 years of age or a learner under 25 years of age and in receipt of an Education and Health Care Plan and/or high needs funding. The decision whether or not to pursue an anonymous complaint will be taken by the Group Director of Quality. Anonymous complaints may not be investigated where

there isn't enough information contained in the complaint for the investigation to be meaningful or for some other substantial reason.

- 2.5 The complainant may be accompanied at any meetings by a supporter who is not acting in a legal capacity. Any complaint involving legal representation will be dealt with through the Group's legal representatives.
- 2.6 Complaint forms will be available from reception at all Group sites. A request may be made for a form to be posted to any potential complainant based off site.
- 2.7 Complaints should be forwarded to the Group Director of Quality who will acknowledge receipt within 5 working days and instigate an appropriate investigation (note that the investigation may be assigned to another manager). At all stages of the investigation process the Group Director of Quality/other designated manager will follow Group guidelines for Investigating Officers (see Appendix 1). A working day is Monday to Friday during normal term time.
- 2.8 The Investigating Officer will respond in writing to the complainant, normally within 15 working days of the complaint being received, to notify the outcome. Where complaints are of a particularly complex nature and the timeframe for investigation needs to be extended beyond 15 days, the Investigating Officer will provide regular updates to the complainant, normally every 15 working days.
- 2.9 Written records of the investigation will be kept by the Investigating Officer. Details noted will include whether a complaint was justified and/or any implications for working practices. Complaint outcomes will be communicated to relevant Group managers and any individual member of staff specifically mentioned by name in the complaint. Any actions arising from the complaint will be implemented in a timely way by the relevant manager and monitored through the Group performance review process. Records of all formal complaints, including details of the investigation and outcome, will be held centrally by the Quality team.
- 2.10 If the complainant is not satisfied with the response they can appeal in writing, within 15 working days of the date of the complaint outcome letter, to the Head of Executive and Curriculum Administration Services by email to [catherine.turner@the-etc.ac.uk](mailto:catherine.turner@the-etc.ac.uk) or by post to:

Head of Executive and Curriculum Administration Services  
Education Training Collective  
Harvard Avenue  
Thornaby  
Stockton-on-Tees  
TS17 6FB

The appeal will be dealt with by an appropriate member of the Group Senior Management Team (SMT) who will acknowledge receipt within five working days of the appeal being received. The SMT member will conduct a review and reply to the complainant in writing within 15 working days of the appeal being received. This, Completion of Procedures letter, will be the final Group response. Please note that for the purposes of this policy, an appeal is defined as a request by a complainant for a formal review of

the outcome of a complaints decision. The complainant may appeal a decision regarding the outcome of the complaint, if the complainant feels that the complaint was not considered in accordance with the Group's Complaints Policy, that the decision did not take account of the available evidence or was unreasonable, given the evidence available. In making an application for an appeal, the complainant must state on which of these grounds the appeal is being made.

- 2.11 The Completion of Procedures letter will summarise the complaint/outline the issues that have been considered in addition to stating the final Group decision and the reasons for the decision. The letter will include information to enable a complainant to progress their complaint further where they are unwilling to accept the Group decision. This information will include the relevant Awarding Body and other appropriate bodies (e.g. the Education and Skills Funding Agency or the Office for Students) where appropriate and relevant to the nature of the individual complaint.
- 2.12 Complainants whose complaint relates to a Higher Education (HE) programme/s may be directed to the Office of the Independent Adjudicator for Higher Education where appropriate. Where the complaint relates to HE provision leading to Awards of Teesside University, complainants will usually be directed to progress their complaint initially via the Teesside University complaints process.
- 2.13 Completion of Procedures letters for complaints regarding HE provision will explain the role of the Office of the Independent Adjudicator for Higher Education, including its remit as an independent review scheme. It will also detail any factors it is important for a complainant to consider when deciding on timescales for further pursuing a complaint (e.g. discontinuation of a programme/module that would make the remedy they are seeking impossible to implement after a certain date) and the time limits (at the time of the Completion of Procedures Letter) for raising a complaint with the Office of the Independent Adjudicator for Higher Education.

### **3. Complaints against Corporation or a member of Corporation (the Group Governing Body)**

- 3.1 A complaint against the Corporation, a member of the Corporation or the Clerk to the Corporation may be made by an individual, business or an organisation. The decision whether or not to pursue an anonymous complaint will be taken by the Clerk to the Corporation after consultation with the Chair or Vice Chair of the Corporation as appropriate. A decision may be taken not to investigate an anonymous complaints where there is insufficient information contained in the complaint for the investigation to be meaningful or for some other substantial reason. Please note all complaints against staff members of the Corporation, except the Group Principal and Chief Executive, will be dealt with under the process outlined in section 3.2 of this policy.
- 3.2 Complaints against the Corporation or a member of the Corporation should be made in writing and sent to The Clerk to the Corporation by email to [sarah.thompson@the-etc.ac.uk](mailto:sarah.thompson@the-etc.ac.uk) or by post to:
  - The Clerk to the Corporation
  - Stockton Riverside Group Harvard
  - Avenue

Thornaby  
Stockton-on-Tees  
TS17 6FB

3.3 The complainant will be expected to state clearly the nature of the complaint and if appropriate provide copies of any related documentation.

3.4 The Clerk to the Corporation will:

- acknowledge receipt of the complaint within 5 working days
- provide a response to the complaint within ten working days or if this is not possible provide the complainant with an interim statement

3.5 The written response of the Clerk to the Corporation will include details of any arrangements for pursuing the matter with an independent body (e.g. the Education and Skills Funding Agency) as appropriate.

3.6 The Clerk to the Corporation will keep the Chair of the Corporation informed of the situation (unless the Chair is the subject of the complaint, in which case the Clerk will liaise with the Vice Chair of the Corporation) and for complaints relating to the Corporation in general, will provide the Corporation with a written statement of the nature of the complaint and the response, at the next Corporation meeting. Such a report shall be circulated to members within ten working days of the response of the Clerk to the complaint, so that members are appraised of the situation.

3.7 The Clerk to the Corporation and the Chair of the Corporation (or Vice Chair where appropriate) will jointly decide what information (taking advice from other relevant agencies and/or the Board Level Lead for Safeguarding where appropriate) will be shared with the Corporation when the complaint relates to an individual member of the Corporation. This will be especially applicable for any allegations that are related to safeguarding issues.

3.8 When carrying out an investigation in response to a complaint against the Corporation or an individual member of the Corporation, the Clerk to the Corporation will have the authority to refer issues to the Corporation's auditors (external and/or internal) or other appropriate advisers, as appropriate.

3.9 A complaint against the Clerk to the Corporation shall to be forwarded to the Chair of the Corporation for investigation and response. Letters for the attention of the Chair of the Corporation to be addressed to The Chair of the Corporation.

Stockton Riverside Group  
Harvard Avenue  
Thornaby  
Stockton-on-Tees  
TS17 6FB

3.10 The approach to be adopted by the Chair of the Corporation in investigating and responding to a complaint will be similar to that outlined above, with regard to complaints against the Corporation and individual members of the Corporation.

## Investigating Officer Role and Responsibilities

Any member of staff who is appointed as the Investigating Officer for a formal complaint must handle it in an impartial, professional and efficient manner to:

- a) Investigate the complaint/allegation keeping adequate notes/records
- b) Reach a judgement
- c) Respond to the complainant in writing
- d) Report findings to an appropriate member of SMT if there are significant recommendations in relation to Group practice/s or individual members of staff

Complaints about the actions or conduct of staff are potentially the most complex to investigate and if in doubt how to proceed guidance should be sought in the first instance from an appropriate member of SMT. This is particularly important if a safeguarding, staff disciplinary or competence issue emerges. Note all allegations that are related to safeguarding must be immediately referred to the Group Designated Safeguarding Lead or Board Level Lead (please also refer to the guidance in the Allegations section of the Safeguarding policy). Complaints from staff that primarily relate to employment related issues will be investigated under the Grievance policy and procedure

### 1) Investigating the complaint/allegation

- a) In undertaking the investigation the following principles should be observed:
  - Impartiality – a neutral approach
  - Accuracy
  - Factual evidence
  - Clarity
  - Thoroughness
  - Professional approach
  - Confidentiality
- b) Because investigations into complaints against a member of staff may require several formal meetings, the target time for concluding the investigation may be extended, by agreement with the Group Director of Quality or an appropriate member of the Group Executive Team, beyond 15 working days.
- c) An individual will normally not be asked to investigate a complaint if they are the subject of the complaint, or have been directly involved in providing the service that is being complained about. If a conflict of interests arises advice should be sought from the Group Director of Quality or an appropriate member of the Group Executive Team as soon as possible.
- d) The nature and seriousness of allegations can vary widely and the appropriate way to investigate the allegation can also vary. Investigating Officers need to obtain factual information on which to base their judgement/s. They will need to question the

staff and/or learner(s) involved and to obtain documentary evidence if at all possible. This will avert a possible dispute over the facts at a later stage. A clear record of the facts will also help Investigating Officers to reach their judgement/s and draft their report. This is necessary as the report may be used as evidence in a disciplinary hearing.

e) A member of staff who is the subject of a complaint must be informed at the earliest opportunity of the complaint. The principles of natural justice require that the member of staff be given an adequate opportunity to respond to the allegation. This would normally involve arranging a meeting with the member of staff at which they may choose to be supported by a work colleague or trade union representative.

f) Investigating Officers should meet with the individual making the complaint (or speak to them on the phone). This will provide an opportunity to clarify any points.

g) If as part of the investigation the Investigating Officer needs to interview a learner who is under 18 years of age (or the learner is under 25 years of age and in receipt of an Education and Health Care Plan and/or high needs funding), the parent/carer should be made aware of the investigation and either they (or another appropriate adult) invited to attend the meeting with the learner, where appropriate.

h) The Investigating Officer can request note taker support to minute any meetings and produce typed notes from the meetings.

i) At the end of any investigation meeting, the Investigating Officer should summarise, check and re-check with the individual the key points of the meeting.

j) Dependent on the potential seriousness of the complaint it may be advisable to send notes of the meeting out to the individual. If the Investigating Officer does not receive any comments in response within 5 working days it will be assumed that the individual is in agreement with the statements made.

## **2) Reaching a judgement**

The investigation should enable the Investigating Officer to make a judgement as to whether the allegation warrants further action. The Investigating Officer should consider all of the facts of the events against relevant Group policies/procedures/practices and make a recommendation as to whether further action is appropriate. In arriving at recommendations, the Investigating Officer may wish to consider whether factors such as supervision and training/re-training may be appropriate.

## **3) Responding to the complainant**

All points raised by the complainant should be addressed in the complaint outcome. This should include an overview of the evidence that has been considered and the rationale behind conclusions. Investigating Officers may also wish to detail recommendations for Group practice, where appropriate.

## **4) Reporting to SMT / Presentation of the Case**

A written report to an appropriate member of SMT must be produced when an Investigating Officer has recommended that the facts of the case warrant a disciplinary hearing. At this point the Disciplinary policy and procedure will be invoked.