

Procedure and Procedure Title	<b>Loughborough College Complaints Procedure</b>
Date Approved	23 <sup>rd</sup> March 2021 (revised)
Approved by:	Executive
Date of Equality Impact Assessment	1 August 2016
Next Review Date	March 2023
Executive lead	Director of Governance & Legal Services
Applicable to:	Learners, Staff and other Stakeholders
Accessible to	Learners, Staff and other Stakeholders

## 1. Purpose of the Procedure

- 1.1 The College has a staged complaints procedure which aims to resolve concerns swiftly and fairly.
- 1.2 The purpose of the procedure is to investigate complaints in a way that:
- encourages informal resolution of issues and concerns if possible
  - is fair and equitable
  - treats complaints with appropriate seriousness.

## 2. Scope & Responsibility

- 2.1 This procedure covers complaints relating to:
- any College policy, procedure or process
  - academic and support services or facilities
  - the conduct or actions of a college member of staff or someone acting on behalf of the College
  - misleading or inaccurate information regarding academic programmes, fees, services or facilities
- 2.2 This procedure is not used for:
- complaints about academic judgements, examination decisions, academic appeals or assessment outcomes
  - appeals against disciplinary actions
  - any kind of bullying as defined in the College Anti - Bullying Policy
  - whistle blowing.
- 2.3 This procedure should not be used by members of staff, who should use the College's Grievance Policy and Procedures. Further details and advice on this can be obtained from Human Resources.
- 2.4 It is the responsibility of all members of staff to ensure that the procedure is adhered to within the stages and timelines.

## 3. Definitions

- 3.1 The College uses the following definitions specific to this procedure:
- a complaint is an expression of dissatisfaction about an issue by a person/persons affected by the issue
  - 'days' refers to Monday – Friday, excluding bank holidays and periods when the College is closed
  - timescales specified will be adhered to wherever possible but may be extended during academic holiday periods or where a longer period is necessary to investigate matters thoroughly. On these occasions the complainant will be notified of the revised timescale.

## 4. Procedure

- 4.1 Complaints should be made as soon as possible after the events or actions (or lack of actions) which have prompted the complaint. The College will not normally consider complaints that are made more than one calendar month after the incident or event complained about. In exceptional circumstances, a complaint may be considered outside this timeline.
- 4.2 Anonymous complaints will not normally be investigated unless the Director of Governance & Legal Services directs otherwise.
- 4.3 A complainant may be invited for a meeting as part of any investigation relating to the complaint and may be accompanied by a parent/carer, employer or other representative. Details of any support needs will need to be declared prior to any meeting to ensure that any reasonable adjustments can be put in place to support the complainant.
- 4.4 The College will make reasonable adjustments, where necessary, to ensure that the complaints procedure is fair, equitable and accessible to all.
- 4.5 Where it is inappropriate or not possible for a learner or other stakeholder to make a complaint, this may be done on their behalf by another person, who has a legitimate interest in the complaint and has the complainant's knowledge and written consent. That interest must be made clear to the College.
- 4.6 Records will be kept in line with the College Records Management Policy.

## 5. Stage 1 (Informal)

- 5.1 Every attempt should be made to resolve any complaint on an informal basis in the first instance. Learners should discuss the issue with an appropriate member of staff who may be connected with the complaint. If this is not possible, it may be discussed with any of the following:
- Progress or Academic tutor
  - Programme Area Leader/Curriculum Manager
  - Learner Services
  - LSU.
- 5.2 Any potential concern by an employer or other stakeholder should be raised in the first instance with the relevant manager for the area or service concerned.
- 5.3 All members of staff dealing with any informal complaint must endeavour to resolve the issue within 10 working days. If longer time is needed, this should be communicated to the complainant and the agreed outcome logged on the ILP or in other relevant documents, in order that a record is maintained.

## 6 Stage 2 (Formal)

- 6.1 A complaint may be progressed to Stage 2 if it has not been possible to resolve the issue informally.
- 6.2 Stage 2 complaints must be made in writing to [somethingtosay@loucoll.ac.uk](mailto:somethingtosay@loucoll.ac.uk), identifying, where possible:

- The nature of the complaint
  - If appropriate, the individual against whom the complaint is being made
  - Any evidence supporting the case
  - An indication of the action or outcome wanted from the College.
- 6.3 The complaint will be logged and acknowledged within five working days.
- 6.4 The Director of Governance & Legal Services will appoint an appropriate manager or other appropriate person to investigate the complaint. The complainant will be informed of the progress of the investigation at key points throughout the process.
- 6.5 The investigator may contact or meet with the complainant to discuss the complaint (see 4.3 above) and may interview or obtain evidence from anyone involved in the issue.
- 6.6 The investigator will report their findings to the Director of Governance & Legal Services, setting out the facts and proposing an outcome. Where the investigator proposes that the complaint is upheld in full or in part, the investigator will identify solutions and recommend a course of action to resolve problems. The outcome from the investigation and proposed response will be sent to the Director of Governance & Legal Services for approval before responding to the complainant. The Director of Governance & Legal Services will determine the outcome of the complaint.
- 6.7 The response to the complaint will be communicated in writing within 15 working days of the date of acknowledgement, unless previously stated otherwise. If more time is needed to investigate the complaint, the complainant will be informed and given a revised deadline. All correspondence relating to a formal complaint at Stage Two must be logged and stored centrally. The report and investigation papers will remain confidential.
- 6.7 The response must include one of the following decisions:
- Upholding the complaint, in full or in part
  - Dismissing the complaint as unfounded
  - Determining that the complaint is minor and requires no further action.
- 6.8 The response may also include a range of other additional outcomes, including:
- An explanation
  - An admission that the issue could have been handled better/differently
  - An assurance that the issue will not recur
  - An explanation of what will be done to stop the issue happening again, including timescales
  - An undertaking to review policies/practices in the light of the complaint
  - An apology.
- 6.9 Where the complaint is upheld and relates to staff conduct, the complainant will be advised that the matter will be addressed through other staffing procedures as appropriate, but that the outcome will not be shared with the complainant.

## 7 Stage Three (Appeals)

- 7.1 A complainant may appeal the outcome of Stage 2 within 15 days. The appeal should clearly state the reasons for the appeal, which may be that:
- There is a procedural irregularity in the conduct of the complaint investigation
  - There is new evidence to support the complaint that can be substantiated, including extenuating circumstances, which were not known at the time, and may have affected the outcome had it been known and there is valid reason for not making it known at the time.
- 7.2 An appeal should be sent to the Chief Executive Officer by emailing [somethingtosay@loucoll.ac.uk](mailto:somethingtosay@loucoll.ac.uk). A response will be issued within 10 working days, where possible.
- 7.3 The Chief Executive Officer will appoint an independent person to review the complaint, and once the investigation has been completed, a report and its findings will be forwarded to the Chief Executive Officer for approval.
- 7.4 The Chief Executive Officer will make a decision as to the final outcome of the appeal and recommendations (if any). This will be communicated in writing to any parties involved. This is the final stage of the College's Complaints Procedure.

## 8 Conflicts of interest & Staffing matters

- 8.1 The Director of Governance & Legal services will not appoint someone to investigate a complaint relating to an issue in which they have been directly involved or where there is any conflict of interest.
- 8.2 Where the complaint discloses a potential disciplinary issue against a member of staff, or where such an issue comes to light during the investigation, the Director of Governance & Legal Services will advise the Head of HR, and they will ensure that both the complaint itself and the potential disciplinary matter are properly investigated, whether through the same investigation or separately.
- 8.3 Where a complaint of a non-disciplinary nature relates to the Director of Governance & Legal Services, a Vice Principal/Assistant Principal will be appointed to investigate and decisions will be taken by the Chief Executive, with appeals to the Chair of the Audit & Risk Committee. Where a complaint of a non-disciplinary nature relates to the Chief Executive, the Director of Governance & Legal Services will investigate and take decisions, with appeals to the Chair of the Audit & Risk Committee.

## 9 Vexatious/Persistent Complainants

- 9.1 Complainants are entitled to expect that their genuine complaints will be dealt with thoroughly and that outcomes will be followed through and implemented. Where the College receives:
- A complaint from the same or linked complainant that is the same or broadly similar to a previous complaint that has been investigated and the findings implemented
  - Complaints that are obsessive, persistent, harassing or prolific
  - Complaints apparently designed to cause disruption or annoyance

or where the complainant:

- insists on pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- pursues a meritorious complaint but in an abusive or wholly unreasonable manner

the Director of Governance & Legal Services may deem the complainant to be vexatious.

- 9.2 Any complaint from a vexatious complainant will be reviewed by the Director of Governance & Legal Services for any exceptional circumstances, but will not otherwise be investigated further.

## 10 External Appeal

- 10.1 If a complaint remains unresolved after appeal, the College can provide the appropriate external contact, including awarding body or funding body details, in order for an external appeal to be made. Contact should be made to [somethingtosay@loucoll.ac.uk](mailto:somethingtosay@loucoll.ac.uk) for relevant details. Before this is done, all stages of the College Complaints Procedure must have been exhausted.
- 10.2 Where the College's own internal complaints and appeal process has been exhausted, complaints about apprenticeship issues can be referred to ESFA Apprenticeship Support Service on 08000 150 600 or on [helpdesk@manage-apprenticships.service.gov.uk](mailto:helpdesk@manage-apprenticships.service.gov.uk).
- 10.3 Complaints received by an external funding body or arbitration service e.g. Education & Skills Funding Agency or Department for Work and Pensions, will be referred to the Chief Executive Officer.

## 11 Contact information

- 11.1 Learners can take advice and support from the LSU either prior to making a complaint or during the complaints process at:

### Student Union Office

Loughborough Students' Union  
Union Building  
Ashby Road  
Loughborough LE11 3TT  
T: +44 (0)1509 635000  
E: [Union@lufbra.net](mailto:Union@lufbra.net)

## 12 Linked policies

- Anti-Bullying policy
- Academic Appeals policy
- Whistle Blowing policy

## 13 Location and access to the procedure

The procedure is located on the:

- College Website ([www.loucoll.ac.uk](http://www.loucoll.ac.uk))
- Learn Zone site for learners (<https://learnzone.loucoll.ac.uk/>)