



Polisi Cwyno

Complaints Policy

2018-20

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If you or someone you know would like this document in an alternative format please contact the HR Unit at hr@nptcgroup.ac.uk or on 01639 648175

1. Context

- 1.1 NPTC Group of Colleges aims to resolve customer complaints, concerns or issues about services provided by the organisation as quickly and fairly as possible. In this context a customer may be a student, a parent, a member of the public, member of Group Staff or any other supplier/contractor of Group provision.
- 1.2 If any stakeholder requires assistance understanding or implementing this policy, particularly where the reasons for this are related to disability, sex, race, gender reassignment, sexual orientation, age or religion or belief, they should contact the HR Unit, in the first instance.

2. Status

- 2.1 This policy was initially approved by the College's Senior Management Team on the 17th of May 2006, and was last revised in July 2015.
- 2.2 The Policy and procedures have been reviewed by the Assistant Principal HR in conjunction with the Senior Officers: HR, the SMT of the NPTC Group on the 20th of June 2018 and the NPTC Group Joint Information and Consultative Committee (JICC) and was approved at the JICC meeting held on the 25th of April 2018.
- 2.3 This policy has undergone an Equality and Linguistic Impact Assessment which is attached as Appendix 5.

3. Policy

- 3.1 NPTC Group of Colleges welcomes the opportunity to respond positively to genuine complaints. Whatever the issue, it will be taken seriously and dealt with as efficiently as possible. This will be done by logging the concern and examining the issue. It will provide a means of identifying problems and any weaknesses in the services offered by the organisation and the capacity to reflect and respond appropriately to secure a culture of continuous improvement.
- 3.2 Details of our complaint management flow process is included in Appendix 1
- 3.3 The scope of the policy is restricted to:
 - 3.3.1 Complaints in respect of the student's experience at the Group including relationships with academic staff, fellow students, support staff or any services provided by NPTC Group of Colleges.
 - 3.3.2 Complaints made by members of the public or NPTC Group of Colleges staff concerning **ANY SERVICE** provided by the NPTC Group of Colleges.

3.3.3 Complaints regarding non-compliance with the provisions of the Welsh Language (Wales) Measure 2011.

3.3.4 This Policy and procedure **DOES NOT** cover the matters for which the following means of address exist:

- Complaints relating to student behaviour/misconduct [follow the Student Disciplinary Policy and Procedure];
- Complaints involving allegations of misconduct by Staff [follow the Staff Disciplinary Policy and Procedure];
- Complaints by a member of Staff against another member of staff [follow the Staff Grievance Policy and Procedure]
- Internal organisational issues by staff that should be referred to their line manager

3.4 If your complaint refers to the Corporation Board or any of its members please contact the Assistant Principal: Governance, for assistance.

3.5 Complaints will be dealt with within the timescales indicated unless there are extenuating circumstances which will be communicated to the complainant.

3.6 The Complaints Policy and Complaints Leaflet for Learners (see Appendix 3) will be made available on the College Website.

4. Procedure - Categorisation of complaints

Stage 1 Frontline resolution (Non serious, low risk, low profile)

4.1 All complaints received will seek to be resolved as soon as practically possible without referral or burdensome process, usually within 10 working days. Complaints will be logged onto the Stage 1 complaints register by the person receiving the complaint.

4.2 Complaints at this stage can be received and resolved by any member of staff as long as they are not the subject of the complaint. If they are the subject of the complaint they must refer the matter to another appropriate member of staff, normally their line manager.

4.3 The person receiving the complaint should bring the complaint to the attention of the relevant Head of School/Department who will attempt to ensure the matter is resolved and record the action taken in the Stage 1 complaints register.

4.4 Stage 1 complaints may be made in person, on the telephone, by email, online or by someone acting on the complainant's behalf in English or Welsh. Every attempt should be made to resolve the matter as close to the first point of contact as possible, and complaints brought in Welsh should be treated no less favourably than those made in English.

- 4.5 If the complaint cannot be resolved in this way, it will be dealt with as a Stage 2 complaint.

Stage 2 Investigation (More serious, high risk, high profile)

- 4.6 This may be a situation which was not resolved at Stage 1, or is more complex and where more consideration has to be given before providing a solution or compromise. Where a complaint moves from Stage 1 to Stage 2, the Senior Officer: Customer Service and Compliance will be notified so that it can be Recorded on the Stage 2 register and they will liaise with HR where the complaint relates to alleged staff misconduct.
- 4.7 A list of complaint types which will follow the Stage 2 process immediately, bypassing Stage 1 on receipt, are specified in Appendix 2. Generally only complaints relating to matters that have arisen in the past 6 months will be investigated, however, each complaint will be considered individually and be subject to risk assessment.
- 4.8 When a Stage 2 complaint is received, the responsible person receiving the complaint will obtain a written record of the complaint as soon as practicable and pass it to the Senior Officer: Customer Service and Compliance.
- 4.9 On receipt of a Stage 2 complaint, the Senior Officer: Customer Service and Compliance will;
- Ensure the details of the complaint are recorded on the Stage 2 register.
 - Acknowledge the complaint within 5 working days of receipt.
 - Ensure that the complaint is investigated thoroughly and resolved as quickly as possible, normally within 15 working days from receipt of the complaint.
 - Where necessary speak with the complainant so they have the opportunity to fully express their concerns and the outcome that they want to achieve.
 - Speak with any relevant members of staff and witnesses to discuss the details of the complaint from their perspective.
 - Keep the complainant informed of progress at every stage.
 - Inform the complainant of any variation to the timescales e.g. if the matter is complex or if mediation is considered appropriate it may be necessary to alter the timescales.
 - Inform the complainant of the outcome in writing, explain how and why they came to their decisions and provide details of the appeals process.

Stage 3: Appeal

- 4.10 If the outcome of investigation at Stage 2 does not reasonably satisfy the complainant, they may opt to appeal. However, the right of appeal may only be considered if there is new evidence, which was not made available at an earlier stage or where the complainant feels that the investigation was not carried out fairly, thoroughly, and/or the findings were not borne out by the evidence. Appeals must be submitted within 5 working days of notification of response to the Stage 2 investigation.
- 4.11 Appeal lies with the Chief Executive or their designated representative, and they will ensure that:
- All details are recorded.
 - The appeal is acknowledged within 5 working days of receipt.
 - Ensure that the appeal is investigated and resolved quickly, normally within 15 working days from receipt of the appeal.
 - Keep the complainant informed of progress throughout the investigation.
 - If an appeal meeting is deemed appropriate to write to the complainant with one week's notice of a proposed meeting.
 - Inform the complainant of any variation to the timescales.
 - Inform the complainant of the outcome in writing, explaining how and why decisions were reached.
- 4.12 Should an appeal meeting be necessary the complainant has the right to bring someone with them e.g. student union representative, friend, family member or advocate, however, they are not permitted to bring a legal representative. Notes of the meeting should be taken and the complainant will be informed of the outcome in writing within 15 working days. This decision is final and the matter is considered closed.

Higher Education Students

- 4.13 For Higher Education Students, once internal procedures are completed, the College will issue the Student with a 'Completion of Procedures' letter within 28 days if the complaint or appeal is not upheld. If the complaint or appeal is upheld or partly upheld the College will advise the student that they can request 'a Completion of Procedures' letter if they remain dissatisfied. The letter will set out clearly the issues that have been considered and the College's final decision. The Completion of Procedures letter will:
- Confirm the date when the student completed the College's internal complaints procedure.

- Clarify the issues considered by the College under those procedures.
- Advise the Student of the possibility of bringing a complaint to the Office of the Independent Adjudicator (OIA).
- Establish the timescale to bring the complaint to the OIA.

Senior Post Holders & Senior Officer: Customer Service and Compliance

- 4.14 Any complaint involving a Senior Post Holder is to be referred to the Chair of the Corporation.
- 4.15 If the complaint is resolved by the Chair of the Corporation, the Assistant Principal: Governance will log the complaint and response in the College Complaints Register.
- 4.16 If the complaint is not resolved, the Chair will instruct the Assistant Principal: Governance to convene a committee of the Corporation Board to investigate the issue.
- 4.17 Any complaint involving the Senior Officer: Customer Service and Compliance should be referred to the Assistant Principal: Governance.

Anonymous, vexatious, withdrawn complaints and on-going grievances

- 4.18 NPTC Group of Colleges values all its customers and feedback, and this means that all complaints including anonymous submissions will be treated appropriately and action taken to consider them further, where ever possible.
- 4.19 Vexatious complaints are those that are ‘manifestly, unjustified, inappropriate, or improperly use the formal procedure’. Complainants will be advised where it is felt that the nature or number of complaints made by them is deemed to be vexatious. Examples include:
- Those where the evidence indicated a personal grudge, for whatever reason and the complainant is targeting their correspondence towards a particular staff member against whom they have personal enmity.
 - Where unreasonable persistence is applied in an attempt to reopen an issue which has already been addressed and concluded.
 - Those using abusive or aggressive language.
- 4.20 There may be situations that are reported that resolve themselves, or where the complainant does not wish to pursue their complaint. The Senior Officer: Customer Service and Compliance will act appropriately should the complaint raised merit further action, referral or investigation.
- 4.21 Where a complaint is received from a staff member or student and that person is the subject of an ongoing disciplinary process, then the disciplinary process

will continue alongside the complaint investigation, unless it is not reasonable to do so.

Mediation

- 4.22 When dealing with complaints that are more complex where customers and other stakeholders have become entrenched in their position, mediation can be a means of resolution and can be accessed through discussion with HR.

5. Monitoring

- 5.1 The Senior Officer for Customer Service and Compliance will monitor the operation of this Policy and Procedure and will produce a monthly report for the Standards and Performance Management Group on the nature of the complaints received and the manner and speed with which they were resolved. Where appropriate, trends and patterns in complaints will be highlighted and addressed across the College. The Assistant Principal: Governance will report annually on College complaints to the Board of Governors.

6. Review

- 6.1 This Policy will be reviewed at 2 yearly intervals. The next review will be undertaken no later than 1st September 2020.
- 6.2 The review will be undertaken by the Senior Officer for Customer Service and Compliance.

7. Use of Personal data

- 7.1 NPTC Group of Colleges is committed to protecting the privacy and security of your personal information. Personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). In order to carry out a complaint investigation we may share your personal information with third parties in order to facilitate the investigation, disclosing information to external parties for safeguarding and duty of care purposes, where required by law or where we have another legitimate interest in doing so. Only information required for this purposes is obtained and processed. Any disclosure of personal data to third parties involved in the complaints procedure will be made only where there is a legitimate reason to do so and in accordance with Data Protection legislation.
- 7.2 You have the right to withdraw your consent for processing your personal information at any time. To withdraw your consent, please contact Senior Officer: Customer Service and Compliance. Once we have received notification that you have withdrawn your consent, we will no longer process your complaint and, subject to our retention policy, we will dispose of your personal data securely.

- 7.3 The Group keeps personal data for as long as it is needed for the purpose for which it was originally collected in accordance with the Group's Record Retention Policy. A basic record of a complaint will be kept by the Group for 7 years. This data is retained in order to provide a record of your complaint and to allow us to address any appeal and analyse the effectiveness of action taken. Some anonymised information may also be retained for statistical purposes.

A copy of the Group's Privacy Standard Policy is available upon request.

Appendix 1

Complainant management process

STAGE ONE

Non-serious/low risk/low profile

Attempt to resolve directly as soon as practicable possible.
[usually within 10 days]
If not resolved.



STAGE TWO

More serious/high profile/high risk/unresolved Stage One complaints

Written acknowledgement to complainant within 5 working days of receipt.

Complaints officer will speak to complainant for clarification if necessary.

Complaints officer investigates and provides written response within 15 days of complaint with any actions.
If complainant wishes to appeal



STAGE THREE

Appeal within 5 working days

Written acknowledgement sent to complainant within 5 working days of receipt

Chief Exec or representative reviews appeal and conducts further investigation if necessary.

If necessary conduct an appeal meeting with 10 working days of receipt of appeal and give complainant one week's notice.

Chief Exec or representative reviews complaint and provides written outcome within 15 working days.

Appendix 2

Complaints that will immediately be dealt with at Stage 2

Complaints defined as potentially being of high risk, high profile or serious nature could involve:

- Complaints where Stage 1 has been completed and the complainant remains dissatisfied
- An allegation of corruption against an employee
- A claim of dereliction of duty by an employee
- A potentially significant risk to the College's operations or reputation
- A failure in the College's student health and wellbeing service
- A matter that appears to come within the remit of Higher Education Funding Council for Wales complaints procedure
- A claim of gross misconduct against a member of staff as indicated in the Staff Disciplinary Procedures.
- A matter that appears to come within the remit of the Welsh Language (Wales) Measure 2011.

Appendix 3
Complaint leaflet for learners

NPTC Group of Colleges
Complaints procedure

1. Making a complaint to the College

Our aim is to get things right first time, so we value our learners' comments and suggestions. Although we have a range of stakeholder consultation and feedback mechanisms to help inform and improve our services, sometime our service may fall short of expectations. Therefore we value any complaints that we receive and take them seriously. This includes anonymous ones, providing we have sufficient information for us to make further enquiries.

The most effective way to resolve an issue is to deal with it straight away so we ask that in most cases you speak directly to a member of staff.

Requests for services or changes to services, comments and suggestions on service improvement and assessment/bursary/disciplinary appeals are not considered complaints and do not fall within this procedure

1.1 What you can complain about

- failure to provide a service
- inadequate quality or standard of service
- the admissions process
- the disciplinary process
- a request for a service or for information which has not been actioned or answered
- our policies
- wrong information about academic programmes or services
- the quality and availability of facilities and learning resources

- accessibility of our buildings or services
- the behaviour of a member of staff or contractor
- a student's behaviour
- treatment by, or attitude of, a member of staff or contractor
- disagreement with a decision where you can't use another procedure (such as an appeal) to resolve the matter
- our failure to follow the proper administrative process

Your complaint may involve more than one college service or be about someone working on our behalf, such as a contractor.

1.2 What you cannot complaint about

There are some things we cannot deal with through our complaints handling procedure. These include

- a routine first-time request for a service
- a request for information or an explanation of policy or practice
- a disagreement with academic judgement
- a claim for compensation from the College
- issues that are in court or have already been heard by a court of tribunal
- disagreement with a decisions where a right of appeal exists, for example the academic appeals process or the bursary appeals process

- a Subject Access Request or Freedom of Information Request
- a grievance by a member of staff
- an attempt to have us reopen or reconsider a complaint we have concluded or given our final decision on.
- If we are aware of other procedures or rights of appeal which can help you resolve your concerns, we will let you know.

1.3 Who can complain?

Anyone can make a complaint to us, including the representative of someone who is dissatisfied with our service as long as the individual complainant has given their consent. Please also refer to the section 'Getting help with your complaint.'

1.4 How do you complain?

You can complain in person, by phone, in writing, by email or by using our complaints form available from all our reception desks.

It is easier for us to resolve complaints if you make them quickly and directly to the College service concerned. So, please talk to a member of our staff in the School/Department you are complaining about. Then they can try to resolve any problems on the spot.

When complaining tell us

- your full name and address
- As much as you can about the complaint
- what's gone wrong
- how you want us to resolve the matter

1.5 How long do you have to make a complaint?

Normally, you will need to make your complaint:

- within 6 months of the event you want to complain about, or
- within 6 months of finding out that you have a reason for complaint, as long as this is no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel the time limit should not apply to your complaint, please tell us why.

1.6 What happens when you complain?

We will always tell you who is dealing with your complaint. Our complaints procedure has 2 stages;

Stage 1 – front line resolution

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

We will give you our decision at Stage 1 within 10 working days, unless there are exceptional circumstances. All attempts to resolve the complaint at this stage will take no longer than 10 working days from the date we receive the complaint.

If we cannot resolve your complaint at this Stage, we will explain to you why and tell you what you can do next. We might suggest that you take your complaint to Stage 2.

Stage 2 - investigation

This stage deals with complaints that have not been able to be resolved at Stage 1,

and those complaints that are complex and require detailed investigation. If an investigation is to be undertaken you will be asked to make a formal written record of your complaint. You can do this by email, letter or by completing our complaint form available at all reception desks Student Services will be able to help you complete the form. An investigator will be appointed who will provide you with their name and contact details as a single point of contact as soon as possible after a decision has been made to investigate. The investigator will give due regard to information that may be confidential, sensitive, restricted, or covered by data protection legislation and will obtain consent to access/share information where appropriate.

When using Stage 2 we will:

- Acknowledge receipt of your complaint within 5 working days.
- Discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- Give you a full response to the complaint as soon as possible and within 15 working days.

If our investigation will take longer than 15 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress. The investigator will provide a full, objective and proportionate response endorsed Deputy chief Executive that represents the College definitive position and outlines any action that will be taken and when.

2. Unacceptable actions by students

We recognise that people may be angry and upset when making a complaint and that a person may act out of character in times of trouble and distress. However, we will not accept unreasonable behaviour towards staff and we record all incidents of unacceptable actions by complainants. The threat or use of physical violence, verbal abuse, or harassment towards staff is likely to result in a termination of all direct contact with the College and incidents may be reported to the police. Any appeal regarding restricted contact with the College will be heard by a senior member of staff who was not involved in the decision to restrict contact.

3. What if you are still dissatisfied?

After we have fully investigated, if you are still dissatisfied with our decision or the way we have dealt with your complaint, you may appeal to the Chief Executive. The appeal must be made in writing within 5 working days of receipt of receiving the Stage 2 decision in writing. The Chief Executive will consider the outcomes of the investigation, and his decision is final.

4. Complaints by Higher Education Students

Once internal procedures have been completed, the College will issue the student with a 'completion of Procedures' letter within 28 days if the complaint or appeal is not upheld. If the complaint is upheld or partly upheld, the College will advise the student that they can request a Completion of Procedures letter if they remain dissatisfied. The letter will set out clearly the issues that have been considered and the College's final decision. The Completion of Procedures letter will:

- Confirm the date when the student completed the College's internal complaints procedures
- Clarify the issues considered by the College under those procedures
- Advise the student of the possibility of bring a complaint to the Office of the Independent Adjudicator (OIA)
- Establish the timescale for bring a complaint to the OIA.

In all cases, the complaint must first have been considered by the College.

5. OIA contact details;

OIA

Second Floor

Abbey Gate

57-75 Kings Road

Reading

RG1 3AB

Telephone: 0118 95 9813

Website: www.oiahe.org.uk

6. Getting help to make your complaint

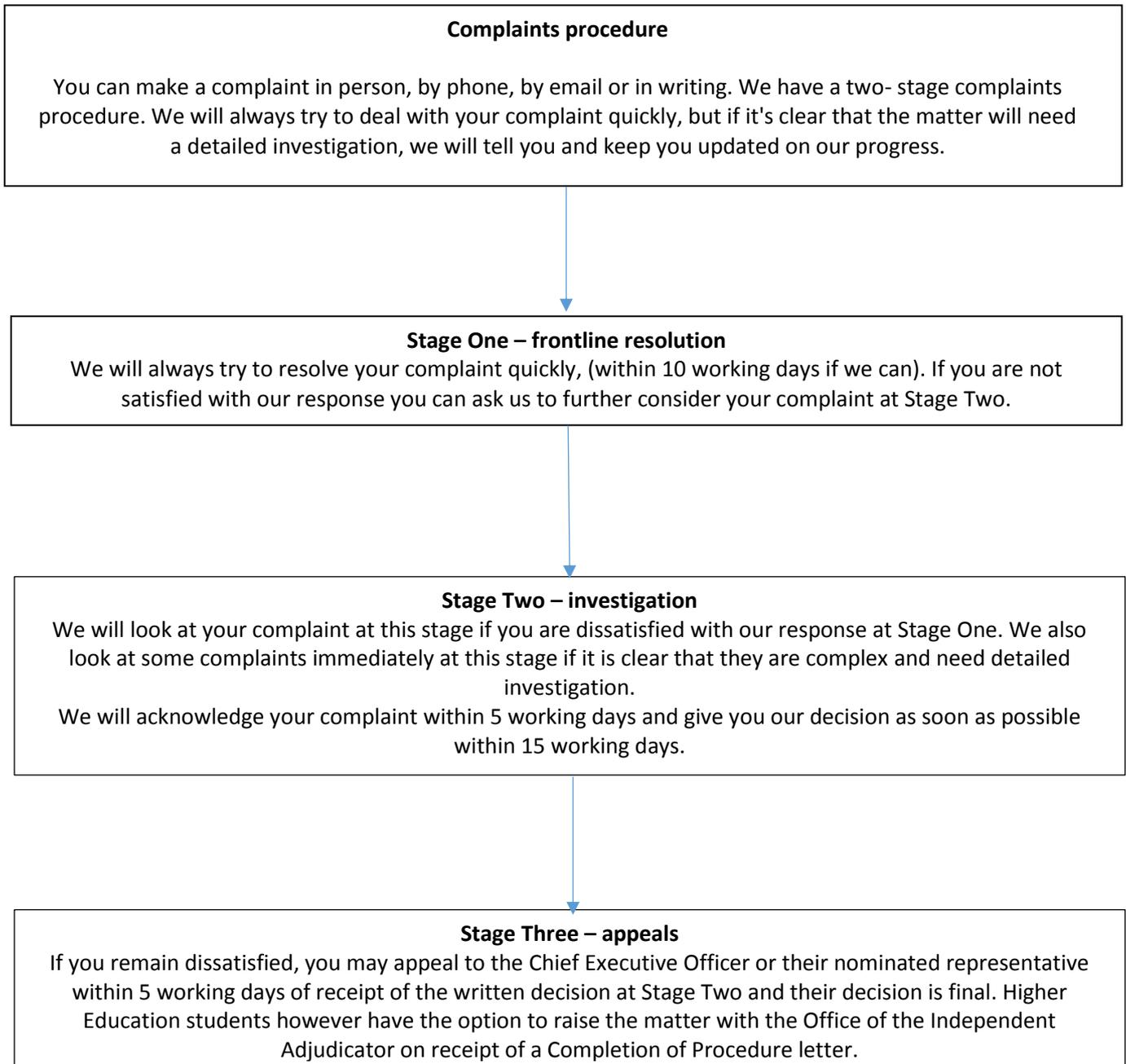
We understand that you may be unable or reluctant to make a complaint yourself.

We accept complaints from the representative of a person who's dissatisfied with our service. We can take complaints from a relative, friend or an advocate, if you have given them your consent to complain for you.

We are committed to making our services easy to use for everyone. In line with our statutory equalities duties, we will always ensure we make reasonable adjustments to help customers access and use our services. If you have trouble putting your complaint in writing, or want this information in Welsh or in a different format, please tell us in person.

Appendix 4

Quick guide to the complaints procedures.



Appendix 5 Equality Impact Assessment

Equality Impact Assessment & Screening Document

Stage 1 – Screening

What item is being assessed and what is its purpose?

Provide a description of the policy, practice or provision being assessed with a short statement about what the item is intended to achieve (its aims and objectives), who is affected, e.g. staff, students, parents/carers, partners, etc.

Using the boxes below consider any possible consequences for any of the protected characteristics.

If any member of staff requires assistance with understanding or implementing this policy, particularly where the reasons for this are related to disability, religion or belief, sex, gender reassignment, sexual orientation, pregnancy or maternity, age or race they should contact the Senior Officer: Diversity Officer, in the first instance for advice.

Description of item: Complaints Policy 2018
Aims & objectives: To provide a concise and equitable policy to address complaints received about NPTC Group services' from any stakeholder in a timely manner.
Those affected: staff, students, parents, partners, employers, public, contractors and any other stakeholder

Use the boxes below to consider possible consequences for protected characteristics

Protected Characteristic	Potential impact positive or negative & notes
<p>Sex Also called gender, means a man or a woman</p>	<p>The policy is designed to be inclusive for all stakeholders. If a particular group feels less inclined to report a complaint, NPTC Group could lose opportunities to resolve issues and improve service delivery. The fact that the policy is published and readily available has a positive impact.</p>
<p>Race Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins</p>	

Protected Characteristic	Potential impact positive or negative & notes
<p>Age Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p>	<p>The policy is designed to be inclusive for all stakeholders. If a particular group feels less inclined to report a complaint, NPTC Group could lose opportunities to resolve issues and improve service delivery. The fact that the policy is published and readily available has a positive impact.</p>
<p>Gender Re-assignment The process of transitioning from one gender to another</p>	
<p>Sexual Orientation Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p>	
<p>Religion & Belief Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>	
<p>Pregnancy & Maternity Pregnancy is when expecting a baby, Maternity refers to period after the birth</p>	
<p>Marriage & Civil Partnership Marriage is between two partners, Civil Partnership is between same sex couples</p>	
<p>Disability Any long term condition that effects day to day activity. Conditions include hearing, visually & physical impairment, learning disability, mental health, cancer, HIV & MS</p>	

Welsh Language	Potential impact positive or negative & notes
Welsh (not a protected characteristic) however it is important to ensure the Welsh Language is considered.	The policy is available in Welsh and English which will have a positive impact.
Explanation – see notes above	
E & D priority level: high	

Stage 2 – Analysis

What equality analysis has been done on this item?

Based on the screening process above, list the evidence, data or sources used to analyse the impact of this item (include any, data, reports, surveys or web links utilised in the process).

Protected Characteristics	Data Source	Findings
Sex		
Race		
Disability		
Sexual Orientation		
Age		
Pregnancy & Maternity		
Marriage & Civil Partnership		

Religion & Belief	
Gender Re-assignment	
Welsh	<p>No complaint has been submitted in the Welsh language – this will be monitored as part of the annual review.</p> <p>The policy covers complaints made and to referred to the Welsh Language Standards.</p>

Stage 3 – Assessment of Equality Impact

How was an assessment of equality impact reached, who was involved in the decision?

Group impacted	Nature of positive and/or negative impact or explanation for no identified impact
Sex	<p>With all protected characteristics NPTC Group has very limited data to analyse in relation to the complaints register.</p> <p>The present methods for collecting data have not proved a reliable and consistent source of information so an action needs to be formulated to address this issue.</p>
Race	
Disability	
Sexual Orientation	
Age	
Pregnancy & Maternity	
Marriage & Civil Partnership	
Religion & Belief	
Gender Re-assignment	
Welsh	

Stage 4 – Mitigation & Changes

What changes have been made or are scheduled for change following assessment & consultation to reduce or eliminate any adverse impact?

Impact	Possible change	Recommended & actioned

Statement of justification and mitigation where negative impact cannot be avoided

Not applicable

Stage 5 - Consultation

What consultation has taken place? (state when and who with)

Consultation process	Findings
JICC	Approved
Corporation Board	Approved

Stage 6 - Publication

When will the EIA be published?

Date and method:

EIA will be published as an appendix to the Complaints Policy 2018

Stage 7 - Monitor & Review

How will this item be reviewed & monitored?

Lead person or group responsible and review dates :

Heather Swinnerton
Senior Officer: Customer Service and Compliance, March 2020

Signature of Assessment Manager & other staff completing EIA

Name (s) – please print

Heather Swinnerton

Gemma Charnock