



## **Complaints Policy**

**Policy Area:** General Corporate

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**Approved By:** Governing Board

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## 1. Objectives

East Sussex College wants to provide an outstanding learning experience for its students. In addition it seeks to provide an excellent service for, and develop positive relationships with, students, visitors and all other parties such as parents and carers of young people, employers and stakeholders.

The college values any feedback that is provided as a contribution to its commitment to meeting the needs of each student. The college is also keen to have feedback from stakeholders, employers, visitors and neighbours to add value to its service and as a contribution to its commitment to the communities the college serves.

The college aims to deal with complaints quickly and put things right, or do as much as possible to improve how well it operates. All complaints about any services or facilities are taken very seriously.

## 2. Scope

This document provides guidance on procedures for those who may be dissatisfied with any aspect of the college's services or facilities and who wish to raise a concern or make a formal complaint.

This procedure is not for use by college staff, who are asked to refer to the appropriate People Services policy.

## 3. Coverage

All incoming complaints from students, visitors, and all other parties such as parents and carers of young people, employers, stakeholders, and neighbours (list not exhaustive).

## 4. Responsibilities

The Executive team is responsible for monitoring complaints made by students and stakeholders and for analysing trends and the actions we can take to improve.

The Deputy Principal will produce reports for the Executive team and the Curriculum & Standards sub-committee of the Governing Board, identifying the range of complaints, timescales for resolution and an analysis of underlying issues to prevent reoccurrence. An annual report will be provided to the Governing Board.

## 5. Formal complaints

If an issue cannot be resolved informally a formal complaint should be made directly to the complaints department. The complaint will be acknowledged normally within 3 working days of receipt. The complaints department can be contacted by emailing [complaints@escg.ac.uk](mailto:complaints@escg.ac.uk).

The complaints department will ensure the complaint is passed to the manager of the relevant area to carry out an investigation – this is done by contacting staff who are involved in the complaint or who are responsible for the student or individual concerned. The complaints department will ensure that the complainant is advised of the outcome of the investigation and actions to be taken by the college. The colleges aim to ensure that this will take place within 15 working days. Should this take longer the complainant will be informed of progress.

The investigating manager will take into account all relevant facts, needs and interests of all parties concerned and propose action that is needed to resolve the matter in the form of a written response

to the complainant. This may include action to seek to ensure the matter does not recur to the complainant or another student in the future.

## 6. Timescale for a complaint to be considered

Complaints will only be considered under this policy if the complaint is made within 2 months of:

- The incident occurring.
- The student having left the course.
- The student completing the course.

For complaints older than 2 months the college will take into consideration any extenuating circumstances that it considers appropriate.

## 7. Appeals

### 7.1. Stage 1

If the complainant is not satisfied with the response to their complaint, they can appeal to the complaints department.

Appeals must be received within 7 working days from the date of the email sent informing the complainant of the original decision on their complaint.

An acknowledgement of receipt of the appeal will normally be sent within 3 working days.

In order for an appeal to be considered it must:

- Provide new information or information/evidence not considered during the investigation of the original complaint *and/or*
- Identify where the written response to the complaint is inaccurate or incorrect *and/or*
- Identify concerns about the conduct of the investigation.

The appeal will be reviewed by a member of the Senior Leadership team who, after reviewing the case, will normally aim to provide a response within 15 working days of receipt of appeal. Appeals may require a meeting with the complainant.

### 7.2. Stage 2

There exists a right to complain to the Education & Skills Funding Agency or other appropriate statutory bodies:

The Complaints Team  
Education & Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT  
Email: [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)

The Education & Skills Funding Agency will check that published procedures are adequate and have been followed.

### 7.3. **Stage 3 (higher education only)**

On 1 September 2015 the college joined the Office of the Independent Adjudicator for Higher Education (OIA) Scheme.

The OIA looks at complaints about the acts and omissions of its members. This includes complaints about service quality, course provision, academic appeals, disciplinary and fitness to practice procedures. In reviewing a complaint, the OIA will consider whether the provider has followed its own regulations and procedures, and whether it has acted in all the circumstances. The OIA cannot review complaints about academic judgement, admissions, or student employment matters.

As a classic ombudsman scheme, the OIA is a complaints handler of last resort. Normally, students must exhaust a provider's own internal processes before complaining to the OIA.

### 7.4. **University of Brighton (UoB)**

Students at the colleges studying for University of Brighton validated awards who wish to make a complaint should use the procedures of the college in the first instance. Thereafter the college will issue a Completion of Procedures letter enabling the student, if still dissatisfied, to take their complaint to the OIA without the involvement of the university. Full details are available from the [OIA website](#).

Where the complaint relates to provision by the university, links to the decision of an examination board, or concerns academic standards, the student must, use the procedures of the college in the first instance. If the college's complaints procedure has been exhausted and a student remains dissatisfied with the outcome, they may proceed to submit a Stage 3 Request for Review to the university. (Please note that Stages 1 & 2 are not applicable to students at college). This is the final stage of review and thereafter a Completion of Procedures letter will be issued within 28 days enabling the student, if still dissatisfied, to bring their complaint to OIA. Further details of the University of Brighton's complaints policy & procedures are available on request at [complaints@escg.ac.uk](mailto:complaints@escg.ac.uk).

### 7.5. **University of East Anglia (UEA)**

Students at the college studying for University of East Anglia validated awards who wish to make a non-academic complaint should use college procedures in the first instance.

Complaints regarding recruitment, selection, and admissions, should be made in accordance with the UEA Partner Institution Recruitment, Selection and Admissions Appeals and Complaints Policy. The procedure exists in order that applicants rejected by the partner institution can challenge an admissions decision if they have reason to believe that the decision was subject to procedural irregularity, prejudice or bias, or that extenuating circumstances should be, and have not already been, taken into account. The challenge would be dealt with as a form of complaint.

The appeals and complaints procedure cannot be used where the college's decision resulted from:

- (i) A failure on the student's part to fulfil academic requirements.
- (ii) A failure on the student's part to fulfil non-academic requirements, e.g. an unsatisfactory DBS Enhanced Disclosure or an unsatisfactory health check
- (iii) A reference from a third party, such as a provider of a work or training placement which forms an integral part of the course to which the student has applied

For academic complaints, the complaint must follow the UEA Partner Institution Academic Appeals and Academic Complaints Regulations. This involves an informal stage, a formal Stage 1 managed by East Sussex College and a formal Stage 2 managed by UEA if the submission meets the required conditions for consideration. A Stage 2 academic appeal or complaint can only be considered where the student claims that one of the following criteria apply:

- The correct procedure was not followed in the conduct of the Stage 1 appeal or complaint and this is sufficient to undermine the validity of the decision
- That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the appeal/complaint reviewer and/or any person helping the appeal/complaint reviewer to investigate.
- That evidence (including any mitigation) put forward at Stage 1 was not fully considered.

Once the process has been concluded a Completion of Procedures letter will be sent to the student enabling the student, if still dissatisfied, to take their complaint to the OIA without the involvement of the university. Full details are available from the [OIA website](#). Further details of the University of East Anglia's complaints policy & procedures are available on request at [complaints@escg.ac.uk](mailto:complaints@escg.ac.uk).

## 8. Additional matters

Only those directly involved in the complaint would normally be aware of the details of a complaint. Complainants will not be treated adversely because they have complained; on the contrary, complaints will be dealt with positively to seek a remedy. However, all complaints are logged, and general information is provided to relevant managers and governors in order to monitor complaints and improve the college's performance. In some instances, the college may be required to provide information about complaints when required to do so by law and/or to protect the complainant or others from harm.

If a student who is subject to disciplinary procedures makes a complaint, which relates in any way to the allegation against him/her, then this matter may be taken into account as part of the disciplinary process and not as part of the complaints procedure.

Complaints about a member of staff will be investigated by their line manager. The line manager will normally be expected to share the complaint with the individual member of staff concerned.

If a complaint investigation identifies justifiable concerns about staff performance/conduct, the line manager will notify the Director of People to agree the appropriate actions to be followed.

All correspondence from legal representatives, or that which indicates the complainant is seeking legal advice, including compensation claims, will be forwarded for the attention of the college's legal team. An acknowledgement of receipt and notification of forwarding will normally be sent within 3 working days. Further, the college's normal action times will no longer apply to this process.

Complaints that raise serious concerns about safeguarding will be brought to the attention of the Principal, the Vice Principal Student Experience and/or the relevant safeguarding contact at each campus immediately.

### 8.1. Ofqual

FE students that remain unhappy after following the college's internal complaints procedure have the right to contact awarding organisations directly.

Should you address your complaint to the awarding body and remain unhappy with the outcome you may then raise this with the qualification regulator Ofqual.

Ofqual deals with complaints:

- When an organisation it regulates does not comply with its regulations
- Regarding the award of qualifications by organisations it regulates
- Regarding issues that could undermine public confidence in qualifications it regulates

Before you complain to Ofqual, you should first use the appeal process of the organisation you wish to complain about. Ofqual will not normally follow up on a complaint unless you have first been through the awarding body's full appeals process.

Complaints can be made to Ofqual by phone, letter or email:

Complaints  
Ofqual  
Earlsdon Park  
53-55 Butts Road Coventry  
CV1 3BH  
Email: [public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)  
Telephone: 0300 303 3344

## 9. GDPR

Information related to a complaint will be electronically retained for a period of 7 years. This information is subject to freedom of information requests.