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COMPLAINTS POLICY AND PROCESS

1. Introduction and Policy Statement

New City College aims to provide high quality services that meet the needs of our learners, staff and our wider communities. This complaints policy and process have been developed to encourage constructive feedback and help us to resolve issues. This will help us to improve the way we work for the benefit of all users of the College and its environment.

Through this policy and process we provide an open and fair method for dealing with alleged failure to meet acceptable standards of service. It allows the college to handle matters efficiently and effectively, allowing sufficient time to find out and consider relevant facts.

We welcome comments, complaints and suggestions from all members of the College community, from prospective students and from the general public. (Staff who wish to make a complaint should use the College grievance procedure.) All complaints and suggestions are taken seriously and are not regarded as a criticism of individuals.

The policy and process has been designed to make sure that people who wish to make a complaint are:

- taken seriously
- told who is dealing with the feedback and when a reply can be expected
- given a full and timely response
- kept informed of what is happening, with an explanation of any delays
- told about what to do next if they feel the complaint is not resolved to their satisfaction.

This process gives an opportunity for New City College to review, evaluate and address issues raised. This process supports the College's continuous quality improvement.

For students aged 18 and over (aged 25 and over if an EHCP is in place); a complaint received from a third party (including a parent) will be considered only with the express written permission of the person to whom the complaint relates giving the named third party power to act on their behalf. This permission must be supplied within the six week period following the incident. Anonymous complaints will not be considered.

Any information regarding complaints are held on College systems in accordance with the General Data Protection Regulation. No unnecessary personal information is held.

This process and policy should be used for complaints about services provided by New City College. Students learning or training with other providers should use the relevant complaints process.

2. The first step: informal process

Many difficulties can be dealt with by a lecturer, tutor or other relevant member of staff. This is the first step to try to resolve any problems at College. An informal approach can often be the quickest and most agreeable way of resolving complaints or concerns. Simply raise concerns directly with a relevant member of staff. If this does not resolve your concerns, a formal complaint can be made.

3. Complaints not in Scope

- **Anonymous complaints** - The College reserves the right not to investigate anonymous complaints, at its discretion.
- **Vexatious or unfounded complaints** - A vexatious complaint is one which is made

with the intention to cause inconvenience, harassment or expense to an organisation. If it is demonstrated that a complaint has no basis, or is a repetition of a previous complaint for which the complaints procedure has been followed and exhausted, it may be classed as a vexatious complaint. Every complaint that is received by the College will be considered. Where a senior manager has good reason to believe that a complaint is vexatious, it will be acknowledged, recorded and no further action taken.

4. Teacher Assessed Grades (TAGs)

Complaints about the award of Teacher Assessed Grades (“TAGs”) as part of the 2021 Summer Exam series are outside the scope of this Policy and will be considered under the separate ‘Summer 2021 Exams Process’ only. This is save for where matters relate to TAGs but lie outside of the ‘Summer 2021 Exams Process’ remit and at the express discretion of NCC College e.g.

1. any decision to withdraw an entry due to insufficient evidence on which to determine a Teacher Assessed Grade, or not to make an entry in the first place,
2. any failure or delay in offering or following the ‘Summer 2021 Exams Process’,

Any continuing concerns following completion of NCC College’s complaints process may subsequently be raised through the awarding organisation’s complaints process

5. The student disciplinary process and complaints

The complaints process should not be used to appeal an outcome of a disciplinary process, for example to appeal an exclusion or a managed absence. The student disciplinary policy explains the appropriate process for this. The complaints process does not cover matters of academic judgement, this could relate to: learning outcomes, the award of marks for an assessment, fitness to practice and/or research methodology (see OIA Rule 30.2 ‘the student complaints scheme’).

6. Formal Complaints

(A useful step-by-step summary of the formal complaints process is noted below in section 10)

6.1 Formal complaints may be made:

By email to: complaints@nccolondon.ac.uk

Or in writing to:

Complaints
New City College
Ardleigh Green Road
Hornchurch RM11 2LL

Or:

By completing a New City College complaint form and handing it to a New City College staff member who should pass it to complaints@nccolondon.ac.uk or via a Customer Services team member.

- a. For the College to fully investigate and respond to a complaint, it should include:
 - An explanation of the concern and/or dissatisfaction with the College
 - Relevant information that supports the complaint
 - A note of the outcome you would like to see (this needs to be realistic and is without prejudice).

If you have difficulty in making a written complaint, you may request for a member of staff to discuss your complaint with you in confidence and note the details for you.

- 6.2 The College will acknowledge receipt of the complaint usually within 5 working days of receiving the complaint.
- 6.3 An investigating manager will be appointed who will undertake a full review of the complaint and record their findings.
- 6.4 In most cases, the investigating manager will send a written response explaining the outcome of the complaint within 10 working days of its acknowledgement. The investigating manager will make every reasonable effort to respond to the complaint within the 10-day timeline. If a complaint is particularly complex, to ensure a thorough review of the submission it may be necessary to take a case beyond the standard time limit. In such circumstances the investigating manager will send an explanation and interim update. When the outcome response has been sent, a complaints closure letter will be issued.
- 6.5 Any complaint should be submitted as soon as possible and must be made in writing or by email within 6 weeks of the incident occurring. Should your complaint fall outside of this timescale it will be rejected unless there are extenuating circumstances by way of justification.
- 6.6 If the complainant is dissatisfied with the outcome they may appeal to the relevant New City College Campus Principal by email to complaints@NCCLondon.ac.uk

7. The role of the investigating manager and the involvement of other staff

- 7.1 The member of staff carrying out an investigation into a complaint (the investigating manager) will be independent to the source of the complaint, and not involved in the situation which has given rise to the complaint. The investigating manager is required to look into the complaint objectively, thoroughly and with impartiality.
- 7.2 Through the investigation the investigating manager will seek opportunities to resolve rather than to escalate the complaint.
- 7.3 The investigating manager will conduct meetings and carry out other forms of investigation as appropriate in order to report to the complainant as soon as possible. Examples reasons for potential delays in response include periods of College holiday, staff absence, or if the complaint is closely linked to another college process such as grievance or disciplinary.
- 7.4 The investigating manager should give regular updates to the Group Director: Quality Improvement, via complaints@ncclondon.ac.uk throughout the investigation and report any anticipated delays to agreed deadlines.
- 7.5 The investigating manager will respect appropriate confidentiality for as long as is practicably possible. Details will be shared with staff who need to know in order to investigate and respond. However, if a complaint is made against a member of staff, the identity of the complainant will be disclosed to that member of staff. If there are any reasons why this should not happen, this should be discussed with the Group Director: Quality Improvement and noted in the record of the complaint. Any person implicated in a complaint will be informed of the nature of the complaint and have the right to state their understanding of the situation as part of the investigation.
- 7.6 The investigating manager will not report their findings to the complainant or write to them until the investigation is complete - other than as part of the investigation or to explain a delay in the process.
- 7.7 When the investigation is complete the investigating manager will write a response to the

complainant explaining the outcome of the complaint. The investigating manager will forward this to complaints@ncclondon.ac.uk so that this can be sent to the complainant, recorded centrally and securely, and a complaints closure letter issued.

- 7.8 For serious complaints a full report will be sent to the relevant Director, Deputy Principal, and/or Principal.
- 7.9 If the outcome of the investigation recommends disciplinary action, the issue will be passed to the Director of Human Resources.

8. The Appeal Stage

- 8.1 If a complainant is not satisfied with the outcome of their complaint, they should write within 10 working days of receipt of the closure letter, **explaining the reason/s why they are not satisfied**, to:

Complaints
New City College
Ardleigh Green Road
Hornchurch RM11 2LL

Or by email to:

complaints@ncclondon.ac.uk

- 8.2 This will be regarded as an appeal, and will be reviewed by the Principal at the relevant New City College campus. This may be delegated to a Deputy as appropriate.
- 8.3 Appeals must be based on one or more of the following grounds:
- That procedural errors in the investigation significantly affected the outcome
 - That evidence has not been properly considered and / or that there are reasons to query the judgment that has been reached
 - That new evidence has come to light which was not available during the investigation
- 8.4 The Principal or Deputy will carry out a further assessment of the complaint and its response, known as a validity assessment. If the Principal or Deputy agrees that there are valid grounds for an appeal, s/he will arrange an appeal hearing usually within 3 working weeks. A written summary of the appeal outcome will be sent within 10 working days of the appeal hearing.

9. Next steps

- 9.1 Following the conclusion of the appeal, if a complainant is still not satisfied with the outcome or response, they may be able to take the matter further with the Education and Skills Funding Agency (ESFA) or, if they are a student on a higher education course, the awarding university, and then the Office of the Independent Adjudicator for Higher Education (OIA) (www.oiahe.org.uk), refer to section 10 below for further details.

10. Higher Education: Further Options For students enrolled on the College's Higher Education programmes.

- 10.1 The College subscribes to the Office of the Independent Adjudicator (OIA) for Higher Education. With the exception of providers see 10.3, 10.4, 10.5 below - For HE-related complaints a Completion of Procedures (COP) Letter will be sent to the complainant, within 28 days of the final closing letter.

- 10.2 Complainants wishing to take their unresolved complaint beyond the College may have recourse to the university that approves or validates their qualification. Before proceeding externally to the university, the College complaints procedure must be followed first and in its entirety.
- 10.3 Students studying with The Open University can take the complaint to the Open University for consideration. If, after completion of the College's procedure, the student is dissatisfied with the outcome, the student has the right to contact The Open University for a review of the decision. This must be made within 3 months of receiving the College's final outcome letter. The request for a review can be made by sending a written complaint/appeal to the Vice – Chancellor Delegate at The Open University at the address below:

The Vice-Chancellor's Delegate,
The Open University,
Academic Services,
Student Casework Office,
Walton Hall,
Milton Keynes, MK7 6AA,
United Kingdom.

The student can also contact the Student Casework Office (SCO) for help or advice regarding your case:

Contact SCO by email: SCO-VC-Delegate@open.ac.uk
Contact SCO by phone: +44 (0)1908 659535

Following The Open University's review and completion of the university's procedure. The Open University will issue you a completion of procedure letter.

- 10.4 For Students studying with London Metropolitan University if, after completion of the College's procedure the student is dissatisfied with the outcome, the student has the right to contact the university for a review of the decision. Further information can be found on Student Zone for London Metropolitan University at:
<http://student.londonmet.ac.uk/your-studies/student-administration/rules-and-regulations/complaints-procedure/>

- 10.5 For Students studying with the University of East London If, after completion of the College's procedure the student is dissatisfied with the outcome, the student has the right to contact the university for a review of the decision, by sending a written complaint/appeal to the address below:

Quality Assurance and Enhancement
University of East London
4-6 University Way
London. E16 2 RD

- 10.6 For Pearson HN provision the College will send a Completion of Procedures Letter to the complainant, within 28 days of the final closing letter.

10.7 Further **Recourse**

If, after exhausting both the College's and the awarding or validating university's complaints procedure, the student is still dissatisfied with the outcome, then the student on a Higher Education programme is entitled to ask the Office of the Independent Adjudicator (OIA) to look into the complaint. This must be made within 12 months of receipt of the awarding body/university completion of procedures letter.

The OIA can be contacted at the address below:

Office of the Independent Adjudicator for Higher Education
Second Floor
Abbey Gate
57-75 Kings Road
Reading RG1 3AB
Tel: 0118 959 9813
Email: enquiries@oiahe.org.uk
Website www.oiahe.org.uk

10.8 The OIA considers complaints from those who remain dissatisfied at the conclusion of the College's internal complaints procedure (Pearson HN programmes) and for complaints relating to an awarding or validating university both the College and the university's complaints procedure. The OIA looks at issues such as whether the procedure was followed, whether these procedures were reasonable, and whether the final decision was reasonable in all the circumstances. The College will respond to any OIA enquires in line with OIA timeframes. The OIA cannot normally look at complaints:

- Where the student has not progressed through all stages of the College's complaints procedures and where applicable the university's procedure
- Where the complaint refers to matters more than three years old
- Where the Completion of Procedures letter is received outside the twelve months time limit
- Where matters have been or are being considered in court.

11. New City College step-by-step summary complaint procedure: Formal stage

- 11.1 If a complaint cannot be resolved informally, a complaint is submitted using the formal stage complaints form, by email to complaints@ncclondon.ac.uk or by letter to Complaints, New City College, Ardleigh Green Road, Hornchurch, RM11 2LL. (If needed, a staff member may give support by writing notes of a verbal complaint).
- 11.2 The complaint is usually acknowledged within 5 working days.
- 11.3 An investigating manager is appointed as soon as possible after the formal complaint is received and is given the details of the complaint from the form, letter or email.
- 11.4 The investigating manager informs the relevant curriculum or service manager of the complaint.
- 11.5 The investigating manager may arrange interview with the complainant and/ or any staff involved in the situation, as appropriate to the nature of the complaint.
- 11.6 If the complainant is invited to an interview, they may bring a friend for support and not in a legal capacity. Staff may bring a trade union representative or work colleague for support, not in a legal capacity.
- 11.7 If the complaint relates to teaching and learning, the investigating manager may contact the Quality department.
- 11.8 The investigating manager writes to the complainant (via complaints@ncclondon.ac.uk) with a summary of their findings and the outcome normally within a further 10 working days. In serious cases, the investigating manager writes a full report of the complaint investigation including recommendations, to the relevant director, Deputy Principal and/or Principal.
- 11.9 A closure letter will be sent to the complainant from complaints@ncclondon.ac.uk. If an appeal is not made within 10 working days from receipt of the letter, the complaint is considered closed.
- 11.10 If the complainant is not satisfied, they may submit an appeal within 10 working days of receipt of the closure letter. All documentation relating to the investigation is forwarded to the Principal, who undertakes a validity assessment. If s/he considers that there are grounds for the appeal, s/he hears the appeal usually within 3 working weeks. (The Principal can nominate another Senior Manager to hear the appeal.)
- 11.11 An appeal hearing is a recorded meeting at which the complainant outlines grounds for an appeal. It is not an opportunity to repeat the investigation but witnesses can be called if their evidence is directly relevant to appeal grounds.
- 11.12 A written summary of the appeal outcome will be sent within 10 working days of the hearing.
- 11.13 The Group Director: Quality Improvement will share all recommendations with Directors as appropriate to ensure continuous quality improvement.
- 11.14 The College subscribes to the Office of the Independent Adjudicator for Higher Education (OIA). For all complaints relating to Higher Education provision, a Completion of Procedures Letter will be sent to the complainant within 28 days of the final closing letter. (Please note this part of the procedure only relates to learners enrolled on an HE learning programme at the College).

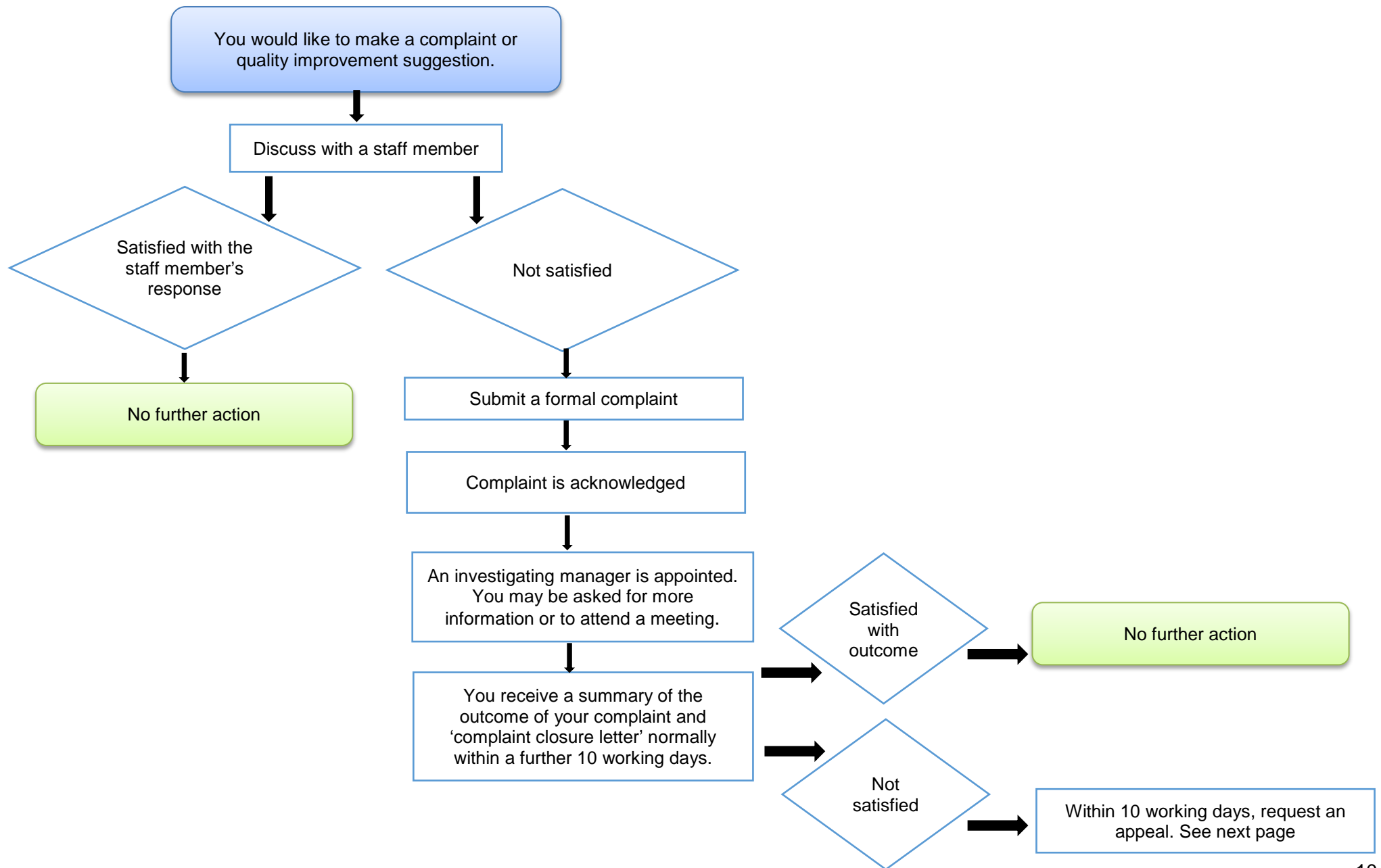
Complaints Form (Formal Stage)



Name:	
Student ID Number (if you are a student):	
Correspondence Address	
Contact telephone number:	
Email address:	
Course/ programme	
Outline of complaint (Please write details of your complaint)	
Please explain what steps you have already taken to resolve your complaint (please include dates and any members of staff you have spoken to):	
Please indicate, without prejudice, what you feel we can do to resolve this matter:	
Signature:	
Date	

Please return this form to: complaints@ncclondon.ac.uk
Or by hand to a New City College staff member who will forward it for you.

New City College **Complaints** process summary
(Please refer to the Complaints Policy and Process document)



New City College Complaints **Appeal** process summary
 (Please refer to the Complaints Policy and Process document)

