



South Gloucestershire and Stroud College

Compliments, Complaints and Appeals Policy & Procedure

**If you would like this document in an alternate format
Please contact the Human Resources Department**

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Job Title/Role:	Vice Principal - Performance, Standards & Effectiveness
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Approved by	Corporation
Date:	April 2021

Impact Assessment



Completed by:		
Gavin Murray	Vice Principal - Performance, Standards & Effectiveness	01/04/2020
I have read the guidance document: Completing a Policy Impact Assessment?		✓
If this policy has been up-dated, please tick to confirm that the initial impact screening has also been reviewed:		✓

EQUALITY AND DIVERSITY IMPACT ASSESSMENT	
Characteristic	This policy seeks to:
Age	No appreciable impact
Disability	Use available resources to identify and address any issues of inequality as a result of disability. Supporting learners both academically and pastorally in order that they should be successful.
Faith or Belief	No appreciable impact
Gender	No appreciable impact
Race or Ethnicity	No appreciable impact
Orientation	No appreciable impact
Gender reassignment	No appreciable impact
Economic disadvantage	No appreciable impact
Rural isolation	No appreciable impact
Marriage	No appreciable impact
Pregnancy & maternity	No appreciable impact
Carers & care leavers	Use available resources to identify and address any issues of inequality as a result of being in care or a care leaver. Supporting learners both academically and pastorally in order to be successful.
Vulnerable persons	Use available resources to identify and address any issues of inequality as a result of being a vulnerable person. Supporting learners both academically and pastorally in order to be successful.
Please identify any sections of the policy that specifically seek to maximise opportunities to improve diversity within any of the Academy Trust's stakeholder groups:	Sections 7.2 and 9.2
Please identify any sections of the policy that specifically seek to improve equality of opportunity within any of the Academy Trust's stakeholder groups:	
Is there any possibility that this policy could operate in a discriminatory way?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
If you have ticked yes (red), which characteristic will be most affected? Choose an item.	
If yes please confirm that the Policy has been sent for a full Equality & Diversity Impact Assessment, and note the date:	<input type="checkbox"/> Click or tap to enter a date.

Note: if the policy does not seek to increase diversity or improve equality you should go back and review it before submitting it for approval.

MAPPING OF FUNDAMENTAL RIGHTS	
Which United Nations Convention on the Rights of the Child (UNCRC), Right does this policy most protect:	Art. 28 Right to education Art. 40. Right to justice Art. 42 Right to know your rights
Which Human Right (HRA) does this policy most protect:	Art. 14 Prohibition of discrimination Art. 7 No punishment without law

DATA PROTECTION & PRIVACY BY DESIGN SCREENING	
Tick to confirm that you have considered any data protection issues as part of the design and implementation of this policy; and, that implementing this policy will <u>not</u> result in the collection, storage or processing of personal data outside of official Academy Trust systems:	✓
Tick to indicated that this policy has or requires a Data Privacy Impact Assessment:	✓

Complaints and Appeals Policy

1. Introduction

- 1.1. This Policy has been written to ensure compliance with South Gloucestershire & Stroud (SGS) College's obligations as set out in the Education Act of 2002, the Higher Education Act of 2004 and the 2015 Consumer Rights Act.
- 1.2. The terms of this policy are also compliant with the Education (Independent Schools Standards) Regulations 2010 insofar as it relates to SGS as sponsor of the SGS Multi-Academy Trust (SGSAT)
- 1.3. This policy is informed by, and reflects, the College's Single Equality Plan, the Office of Qualifications and Examinations Regulation (OFQUAL) general conditions of accreditation and the Scottish Qualifications Authority (SQA) Accreditation scheme as appropriate.
- 1.4. This policy acknowledges that differently regulated activity and different Awarding Bodies operate separate complaints and academic appeals procedures. However, this policy sets out the underlying principles of fairness and good practice that the College will apply to both.

2. Statement

- 2.1. South Gloucestershire & Stroud College aims to positively change people's lives and add value to the social and economic wellbeing of our communities. We do this by providing high quality, innovative, accessible education and training in a friendly culture of mutual respect and support. SGS therefore recognises the importance of and welcomes feedback about our services from all College users, including learners, employers, staff and other stakeholders.

3. Objective

- 3.1. This Policy seeks to ensure that we develop positive and responsive partnerships with all our learners, employers, public service providers and the communities we serve. Our review of feedback is used to inform planning and the continual improvement of the wider learning experience and the services that the College provides.

4. Principles

- 4.1. This policy establishes a good practice framework approach for handling Compliments, Suggestions, Complaints; provides an overview of the key factors included in our processes and sets out underlying principles and operational guidance to support an understanding of timeframes, progression between review stages, and record-keeping.
- 4.2. This Policy is not intended to refer to complaints about decisions concerning learner behaviour, financial aid, or assessment.

Complainants are advised to refer to the appropriate policy prior to submitting a complaint in line with this policy.

5. Implementation – General

- 5.1. All learners and staff will be informed about this Policy and Procedure during their induction; and, this policy will be made available via the SGS College website, the SGS Academy Trust website(s) and the intranet sites of each organisation within the SGS Group.
- 5.2. The Concern/Issue Flowchart and the Compliments Flowchart (Appendix 2) will be:
- Displayed on learner and staff noticeboards and issued within the Learner Charter and Codes of Conduct booklet (including the Higher Education handbook)
- 5.3. Compliments, Suggestions ‘**Tell us**’ cards (appendix 3), Complaint Forms (appendix 1) and Compliment/Concern/Issue/Complaint flowcharts (appendix 2) are available from each campus reception in the learning resource centres (LRC). Learner representatives can also be asked to take forward any concerns to Voice of the Learner meetings. Staff can also download relevant documentation from SharePoint and there is also an email address – talktous@sgscol.ac.uk

6. Key Performance Indicators

- 6.1. This policy seeks to ensure the provision of a consistently high quality of service and experience and to deliver measurable improvements to the learner journey in the following ways:

KPI	Further Education Measures	Target
KPI V3	Overall learner satisfaction will be rated as good or better	97%
KPI T13	Overall employer satisfaction will be rated as good or better	85%
KPI V11	Through improved informal resolution the number of complaints received will be less than (annually)	75
KPI T15	The variance in complaints received by Function or academic / Vocational Sector will be less than	3%

NSS	Higher Education Measures	Target
NSS Q5	Overall learner satisfaction will be rated as good or better (internal survey)	85%
NSS Q6	Overall learner satisfaction will be rated as good or better (internal survey)	90%
NSS Q7	Feedback on assessment will be prompt	90%

7. Responsibilities

- 7.1. **All College Users** will have regard to the objectives and principles of this policy and as such are encouraged to talk to their tutors or other members of staff as per the process (see flowchart: appendix 2) in order to make their views known and to resolve concerns and issues before they become complaints.

The College's complaints and academic appeals procedures, laid out below, are intended to be used by learners. The term 'learner' refers to those who have registered or enrolled onto a College course and those who have left the College within the last 12 months. The College will however accept complaints from a learner's representative, upon their request. However, we will not usually investigate a complaint without first confirming with the affected learner that they wish to open a complaint.

The College recognises that issues and concerns, which lead to formal complaints are often highly emotive. However, College staff have the right to be treated with respect and protected against unacceptable behaviour. Complainants who are rude or disrespectful will be warned once about any unreasonable behaviour and where such behaviour is repeated the College will terminate consideration of their complaint or academic appeal and may issue a disciplinary to the learner, according to the College's Disciplinary Policy and Procedure.

The College will also terminate consideration of complaints or academic appeals which it considers to be frivolous or vexatious. Examples of such complaints and academic appeals include:

- complaints or academic appeals which are obsessive, harassing, or repetitive
- Complainants who insist on pursuing non-meritorious complaints or academic appeals and/or unrealistic or unreasonable outcomes
- Complainants who insist on pursuing what may be meritorious complaints or academic appeals in an unreasonable manner
- Complaints or academic appeals which are designed to cause disruption or annoyance
- Complaints or demands for redress which lack any serious purpose or value.

- 7.2. **Tutors/Teachers/Learning Area Managers (LAMs) or Staff members and/or Heads of Service Departments** will seek to respond to concerns and address issues raised with them in a timely fashion; and forward, to the nominated complaints personnel, at the first available opportunity, as appropriate and as per the identified process.

Staff will respond sensitively to the issues and concerns raised with them. Effective complaints handling requires a local, informal element which is capable of resolving concerns before they become formal complaints. Staff who receive concerns should:

- Seek to provide individuals with more information or a more detailed explanation to alleviate concerns. Where appropriate staff must be proactive in making reasonable adjustments for learners or, where appropriate instigate action to mitigate for individual circumstances beyond a learners control.
- Be proactive in suggesting solutions
- Be empathetic and understanding when there is no apparent solution
- Make an apology where it seems appropriate to do so
- Introducing learners and staff to College trained mediators or conciliators.

Staff will direct learners towards the support services available to them, which can provide helpful independent support and advice to those who wish to pursue a complaint or academic appeal.

Staff will endeavour to identify learners (complainants) who have mental health issues, disabilities or other personal characteristics that may mean that they need additional support. All complainants who require additional support should be advised to contact their Well-being Mentor who will support them in making their complaint or signpost them to other sources of support such as counselling services or the Student's Union; and, where appropriate, services external to the College. If a learner appears unable to engage effectively with the complaints or academic appeals procedures, staff may wish to suggest that the learner appoints a representative; and it may be appropriate to suspend the consideration of a complaint or academic appeal until the student has accessed appropriate support.

SGS Well-being Mentors and Learning Support Coordinators, when supporting a learner to make a complaint, must advocate for that learner and act in their best interests at all times.

- 7.3. **The nominated complaints personnel** will forward feedback received as appropriate and as per the identified process; administer the process of complaints and suggestions, ensuring that timescales are met; and, review and report on all compliments, suggestions and complaints on a monthly basis for review by the Senior Management Team and the College Corporation.

8. Confidentiality

- 8.1. Complaints and academic appeals should be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint or academic appeal. No third party should be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

- 8.2. Where a complaint is made about another learner or a member of staff they will be told about the existence and nature of the complaint, some that they may adequately defend themselves against that complaint. The learner bringing the complaint will be told the outcome. However, it is not appropriate to share specific details affecting the other student or staff member, particularly where disciplinary action is being taken, and therefore these details will remain confidential.

9. Reporting requirements

- 9.1. Valuable feedback is obtained through the consideration and resolution of complaints and academic appeals. Both procedures allow the College to identify opportunities to improve provision of services and academic decision making. All formal complaints and academic appeals will be recorded and used for analysis and management reporting. The SGS Further Education Corporation will receive reports, at least annually, and the College will make an annual return, as to the volume and outcomes of complaints to (1) the Office of the Independent Adjudicator; and (2) to the Education and Skills Funding Agency (FE) and the Office for Students (HE) upon request.
- 9.2. The recording, analysis and management reporting of complaints and appeals will include an analysis of the prevalence of issues relating to equality, diversity and inclusion.

10. Related Guidance, Strategies and Legislation

- Complaint Investigation Guidelines for Managers
- SGS Quality and Improvement Strategy 2018 - 2020
- SGS Single Equality Policy
- SGS Applications, Admissions and Enrolments Policy and Procedure, and Guidance, Inclusion, Support and Transition policy
- OFQUAL General Conditions and Awarding Body Regulations
- JCQ Appeals Booklet
- University of Gloucestershire - Academic appeals and student complaints guidelines

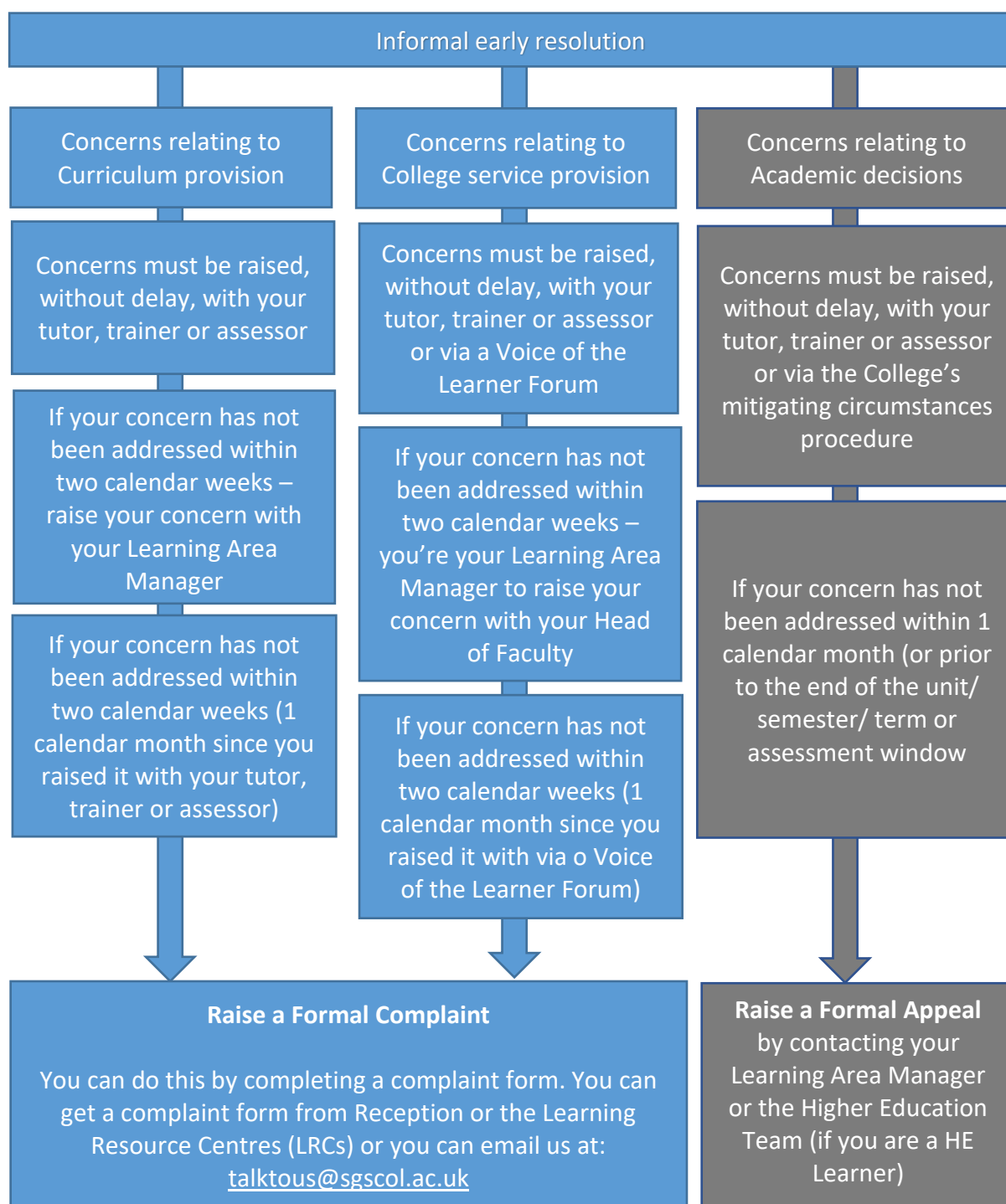
11. Addendum – Complaints and appeals arising from the Coronavirus/ Covid-19 pandemic

- 11.1. Coronavirus/Covid-19 is an unforeseen and unprecedented circumstance, beyond the reasonable control of the College. Like all educational institutions, the outbreak of Coronavirus has interfered with our continuing ability, to deliver programmes and other services in accordance with the descriptions provided on our website and within our prospectuses. However, the College is committed to use all reasonable endeavours to minimise disruption as far as it is practicable to do so.
- 11.2. Where it is not practical to do so, learners will not be penalised for missing any teaching or assessments because they have coronavirus

symptoms, because they are following advice to self-isolate, or because they have unexpected caring responsibilities.

- 11.3. All learners have been advised of what they must do in these circumstances, and how they should report a sickness absence.
- 11.4. The College has relaxed strict rules about needing medical evidence to support sickness absences. However, periods of illness, self-isolation or caring responsibilities must still be reported. If you think that these may impact upon your ability to continue to engage with or complete your studies you must communicate this to the College without delay; and before any assessment decision is made, using the College's mitigating circumstances process.
- 11.5. You may be able to make a complaint about how the coronavirus has affected your studies. Depending on the circumstances, you may also be able to make an academic appeal if your progress or grades have been affected. But all providers, SGS included, will not yet know what measures will be put in place to overcome the challenges that this disruption is causing. However, SGS is committed to the principal of fairness and expects that learners, who have complaints (and those who wish to make appeals), follow the informal early resolution process before lodging a formal complaint or appeal.
- 11.6. SGS College is unable to accept formal complaints, related to Coronavirus/Covid-19 unless the informal early resolution process has been attempted.

12. Complaints and appeals procedure



Note: early informal resolution is intended to address concerns swiftly and locally in a straightforward way.

All stakeholders are strongly encouraged to consider early informal resolution prior to making a formal complaint; the College reserves the right to reject formal complaints and refer them back to informal resolution where that is a more appropriate mechanism to resolve the concern.

Formal Complaints

The College will only accept formal complaints where:

- (1) The learner has declined to engage with early resolution and initiates the formal process by completing a complaint form or emailing us at talktous@sgscolac.uk
- (2) early resolution was attempted, but the learner was dissatisfied with the outcome and initiates the formal process by completing a complaint form or emailing us at talktous@sgscolac.uk; or,
- (3) The concern is highly complex and will require detailed investigation.

Initial evaluation and acknowledgement: Upon receipt of a formal complaint the College will evaluate it, if it meets the criteria for a formal complaint it will be acknowledged within two working days. If not, it will be referred back for early informal resolution.

Investigation: All accepted formal complaints will be fully investigated by an impartial person, appointed by the College – This investigation will be based upon the submissions of the concerned learner and other evidence available to the investigating officer at the time of the investigation. It is not always possible or practical to meet with learners in person and therefore we encourage those making formal complaints to seek support from a family member, their Well-being mentor or another trusted representative to ensure that their concern is accurately recorded. Investigations can take up to 90 days to complete - complainants will be informed of progress throughout the investigation.

Possible outcomes (Learners will be informed in writing of the outcome)

Notice that the complaint is not upheld

Notice that the complaint has been upheld (in whole or in part) and a description of the suggested resolution

Where the learner accepts the formal outcome they can request a **completion of procedures letter** – confirming the closure of their complaint.

Where the learner rejects the formal outcome they can request a review. Requests for review must be received within 10 working days of the date of the outcome letter.

Review: Learners can only request a review where they:

- (1) Believe that this procedure has not been followed correctly;
- (2) Have new material evidence; or,
- (3) Believe that the proposed resolution is not reasonable.

Final Outcome: Following a request for review, the final outcome will be approved by the College Principal and sent in writing (with 10 working days) to the Learner in the form of a **completion of procedures letter**.

Formal Academic Appeals

The College will **only** consider academic appeals if they are based on the following grounds:

- (1) The appeal is received by the College (using the Academic Appeals Form) **within 20 working days** of the result(s) being published*, together with appropriate evidence supporting:
- (2) That, at the time of the assessment, there were circumstances which adversely affected the learner's performance which the learner was unable to communicate to College before an assessment decision was made;
- (3) That there was an administrative error or procedural irregularity during the conduct of the relevant assessment of such a significant nature as to have materially affected the approved grade or mark awarded.

*For HE learners the appeal must be received within 20 working days of the Module Board of Examiners where the mark for the module/assessment was confirmed.

The Academic Appeals Group (HE) or the Curriculum Assessment Board (FE) will meet at the earliest opportunity to review the appeal and the outcome will be communicated, in writing, to the learner within 5 working days.

Possible outcomes (Learners will be informed in writing of the outcome)

The appeal is **upheld** and the Group/Board recommends reconsideration of the original decision.

The appeal is **rejected as invalid** because it is made against academic judgement, or is made outside the published deadlines.

The appeal is **rejected** because there is insufficient evidence to uphold the appeal but the learner may request that this be considered further by an Academic Appeals Review

Where the learner rejects the formal outcome they can request a review. Requests for review must be received within 10 working days of the date of the outcome letter.

An Academic Appeals Review Panel will then be established to review the case. The Review Panel's outcome will be communicated to the student within 10 working days.

Final Outcome: Following a request for review, the final outcome will be approved by the Academic Appeals Review Panel and sent in writing to the Learner in the form of a **completion of procedures letter**.

Note: Concerns about academic decisions cannot be treated as complaints. The College will not accept complaints about academic decisions or the decisions of the Academic Appeals Group (HE), the Curriculum Assessment Board (FE) or the Academic Appeals Review Panel

External Appeals Process

Learners should **only** consider the external appeals process once they have exhausted all internal College Procedures and have received a **completion of procedures** letter confirming this.

Formal Complaints and Appeals

Further Education Learners

Completion of Procedures letter received

Learners can escalate their complaint to their Qualification Awarding Body (The address for the Awarding Body will be highlighted with the Completion of Procedures letter.

Learners who are dissatisfied with the response they receive from their Awarding Body can escalate their complaint to the Education and Skills Funding Agency (ESFA) by emailing: complaints.esfa@education.gov.uk

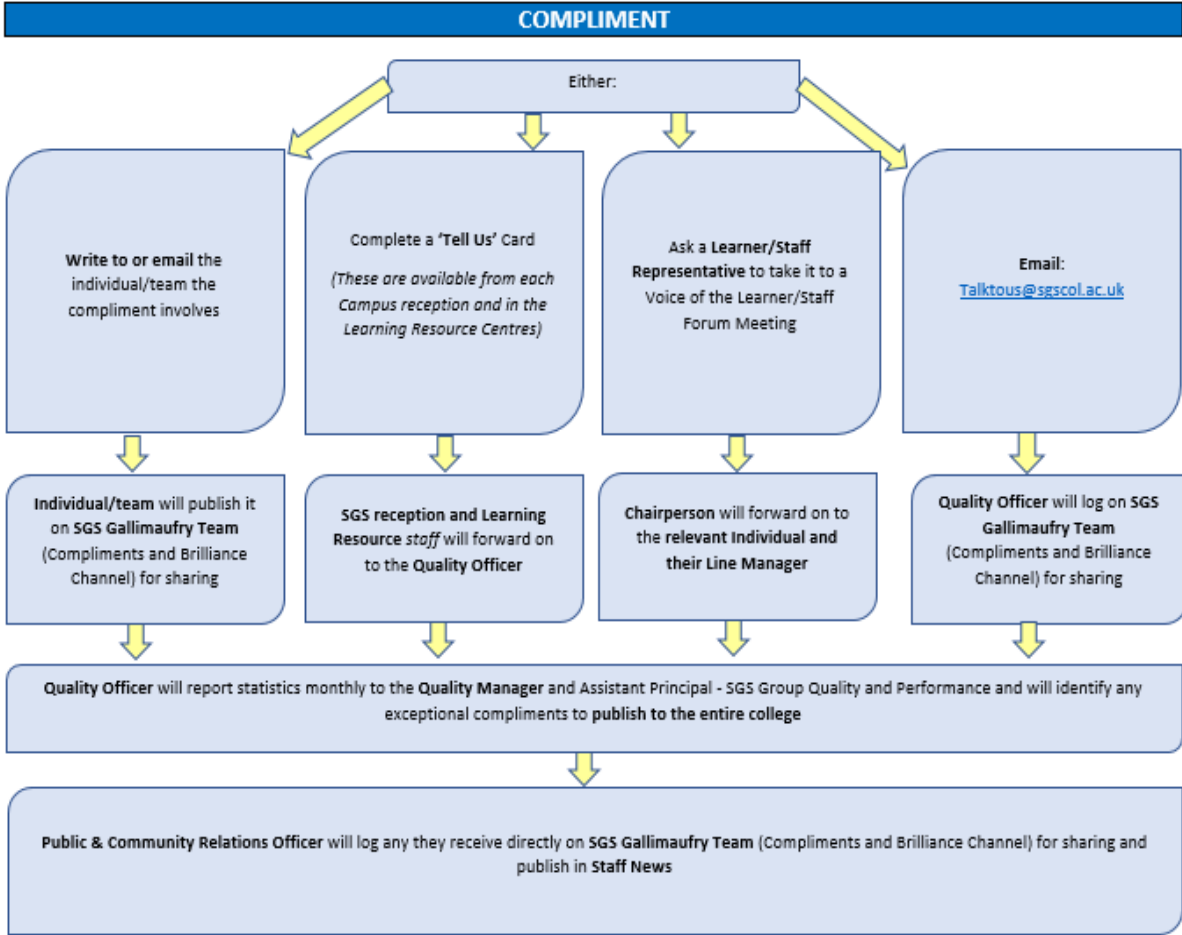
Higher Education Learners

Completion of Procedures letter received

Learners can escalate their complaint to their Qualification Awarding Body: Learners on programmes awarded by the University of Gloucestershire can write to: appealsandcomplaints@glos.ac.uk

Learners on programmes awarded by Pearson should visit: <https://qualifications.pearson.com/en/contact-us/feedback-and-complaints.html>

Learners who are dissatisfied with the response they receive from their Awarding Body can refer their complaint to the Office of the Independent Adjudicator by visiting: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>



Appendix 1: Formal Complaint Form

Before you complete this form, please ensure that you have firstly raised the matter informally at a local level with the appropriate Tutor, Programme Lead or Learning Area Manager. Please also ensure that you have carefully read the SGS Compliments, Complaints and Appeals Policy & Procedure.

SECTION A: LEARNER DETAILS

Name, including your Surname (Family Name):	
Student ID Number (e.g. sgs12345):	
Which campus do you study at:	
Daytime Telephone Number:	
Course:	
Date of complaint (or incident leading to complaint):	

SECTION B: REPRESENTATIVE (DATA PROTECTION WAIVER)

If you wish to appoint a representative to act on your behalf you can do so here.

Name of representative:	
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By ticking the box below, I confirm that I am giving consent to the College to share my personal data with my representative and; I understand that all correspondence relating to my complaint will be sent to my representative, unless I ask the College to stop, by emailing Siobhan.turner@sgscol.ac.uk

Tick here to confirm

SECTION C: GROUNDS FOR COMPLAINT

Please confirm your grounds for appeal by selecting the appropriate box(es) below:

1. *I have attempted informal early resolution but I remain dissatisfied with the outcome and wish to initiate a formal complaint*

Yes No

2. My concern is highly complex and will require detailed investigation

Yes No

SECTION D: SUPPORTING STATEMENT

Please give details of the circumstances of your complaint and attach any relevant supporting evidence (continuing on a separate sheet if necessary).

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Please indicate the remedy you are seeking as a resolution to your appeal:

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SECTION E: DETAILS OF EARLY INFORMAL DISCUSSIONS

Has this complaint been raised informally first with the appropriate Tutor, Programme Lead or Learning Area Manager?

NO : Prior to completing this form please ensure that you have attempted to resolve the matter informally with the appropriate Tutor, Programme Lead or Learning Area Manager.

YES : If 'Yes', with whom was it discussed? :

Name of staff member:	
Post Title:	
Date discussed:	

What was the outcome? *(Please also indicate why you are still dissatisfied)*

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SECTION E: STUDENT DECLARATION

By signing this form, I declare that:

- I have read and understood the SGS Compliments, Complaints and Appeals Policy & Procedure.
- I understand that the College will need to gather information about the matters raised in my complaint and that this information may include sensitive personal details which will be processed in accordance with Data Protection legislation and the [College's Privacy Notice](#)
- I understand that my complaint will be handled in confidence, but that in order to investigate the issues raised it may be necessary to disclose the content of my appeal to relevant staff or exchange information with external organisations
- If I have disclosed personal data relating to another person/s within my complaint, I have been given permission by them to do so.
- I confirm that what I have written on this form and any enclosures is truthful and relevant to my complaint.

Signed (Your Signature)	Date
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Appendix 2: Academic Appeals Form

Before you complete this form, please ensure that you have firstly raised the matter informally at a local level with the appropriate Tutor, Programme Lead or Learning Area Manager. Please also ensure that you have carefully read the SGS Compliments, Complaints and Appeals Policy & Procedure.

SECTION A: LEARNER DETAILS

Forename(s):	
Surname (Family Name):	
Student ID Number (e.g. sgs12345):	
Email Address:	
Daytime Telephone Number:	
Course:	
Date of result publication or Module Board of Examiners to which this appeal relates (e.g. July 2020)	

SECTION B: MODULE/ASSESSMENT ELEMENT RELATED TO THE APPEAL

Please give the module code(s) and details of the assessment(s) related to the appeal (e.g. Unit number, assignment)

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SECTION C: GROUNDS FOR APPEAL

Please confirm your grounds for appeal by selecting the appropriate box(es) below:

- At the time of the assessment, there existed circumstances which adversely affected your performance and which you were unable to communicate to the Board of Examiners before it reached its decision. In making such a case, you must provide valid documentary evidence where appropriate. (Retrospective medical certification will not be accepted as valid)*
 Yes No
- There has been an administrative error or procedural irregularity during the conduct of the relevant assessment, of such a significant nature, as to have materially affected the approved grade or mark awarded.*
 Yes No

SECTION D: SUPPORTING STATEMENT

Please give details of the circumstances of your appeal and attach any relevant supporting evidence (continuing on a separate sheet if necessary).

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Please indicate the remedy you are seeking as a resolution to your appeal:

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SECTION E: DETAILS OF INFORMAL DISCUSSIONS

Has this appeal been raised informally first with the appropriate Tutor, Programme Lead or Learning Area Manager?

NO : Prior to completing this form please ensure that you have attempted to resolve the matter informally with the appropriate Tutor, Programme Lead or Learning Area Manager.

YES : If 'Yes', with whom was it discussed? :

Name of staff member:	
Post Title:	
Date discussed:	

What was the outcome? (Please also indicate why you are still dissatisfied)

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SECTION E: STUDENT DECLARATION

By signing this form, I declare that:

- I have read and understood the SGS Compliments, Complaints and Appeals Policy & Procedure.
- I understand that the College will need to gather information about the matters raised in my appeal and that this information may include sensitive personal details which will be processed in accordance with Data Protection legislation and the [College's Privacy Notice](#)
- I understand that my appeal will be handled in confidence, but that in order to investigate the issues raised it may be necessary to disclose the content of my appeal to relevant staff or exchange information with external organisations
- If I have disclosed personal data relating to another person/s within my appeal, I have been given permission by them to do so.
- I confirm that what I have written on this form and any enclosures is truthful and relevant to my appeal.

Signed (Your Signature):	Date:
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Appendix 3: Compliments and Suggestions Form

SECTION A: LEARNER DETAILS

Forename(s):	
Surname (Family Name):	
Student ID Number (e.g. sgs12345):	
Course name (if appropriate):	

SECTION B: COMPLIMENT OR SUGGESTION

Help us to identify good practice and understand how we can improve by telling us what we are doing well or what and how we could do better:

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SECTION E: DECLARATION

By signing this form, I declare that:

- I have read and understood the SGS Compliments, Complaints and Appeals Policy & Procedure.
- I understand that my comments and suggestions will be handled in confidence, but that in order to investigate the issues raised it may be necessary to disclose the content of my suggestions to relevant staff or exchange information with external organisations in accordance with Data Protection legislation and the [College's Privacy Notice](#)
- If I have disclosed personal data relating to another person/s, I have been given permission by them to do so.
- I agree to the College sharing (including through publication in electronic and print media) my compliment.

Signed (<i>Your Signature</i>):	Date:
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