



## COMPLAINTS PROCEDURE

### 1 SCOPE AND PURPOSE

- 1.1 This complaints procedure is available to all students and other clients of Truro and Penwith College who are dissatisfied in their dealings with the College.
- 1.2 The purpose of the procedure is to enable such complaints to be dealt with promptly, thoroughly and fairly.

### 2 INFORMAL APPROACH

It should be possible to resolve most complaints informally. The complainant should first approach the member of the College staff with whom they have been dealing. That person may be able to deal with the situation there and then.

### 3 FORMAL APPROACH

If the complainant is not satisfied with the informal procedure then the College Management should be contacted. The contact may be by telephone, letter or in person. The following procedure will then be followed:-

- 3.1 The complaint will be recorded and the complainant may be asked to submit written details of the complaint.
- 3.2 The complaint will be acknowledged within one week of receipt.
- 3.3 The complaint will be investigated by the Management of the College.
- 3.4 The College will respond to every complaint in writing or in person at a meeting, if the complainant is happy with the latter approach and believes that it is appropriate. This response will be made within three weeks of the acknowledgement of the complaint.
- 3.5 In investigating and responding to a complaint the College will seek to ensure that the matter is dealt with promptly and fairly. The response will indicate any proposed action that arises from the complaint.

## **4 APPEAL**

- 4.1 If the complainant remains dissatisfied following a response by the Manager to a written complaint, the complainant may appeal to the Chair of the College Corporation to investigate the matter further. An appeal must be submitted within four weeks of the receipt of the Manager's response and should be referred to the Head of Governance, setting out the grounds for the appeal.
- 4.2 The decision of the appeal panel is the final stage in the process and there is no further right of appeal. See Appendix 1 for Complaint Appeal Procedure.

### **4.3 Higher Education Complaints**

In the event that the complaint is unresolved after following the College Complaints Procedure then the complaint should be forwarded to the University or awarding body. If they are unable to resolve the complaint the student may refer the matter to the Office of the Independent Adjudicator (OIA).

## **5 TIME PERIODS**

The time periods as set out in this procedure are for guidance and may be subject to extension, particularly outside academic terms. Where any such extensions are made, they will be notified to the complainant in writing.

### COMPLAINT APPEAL

#### 1. Appeal Process

If the complainant remains dissatisfied following a response by the Manager to a written complaint, the complainant may appeal to the Chair of the College Corporation to investigate the matter further. An appeal must be submitted within four weeks of the receipt of the Manager's response and should be referred to the Head of Governance, setting out the grounds for the appeal.

The decision of the appeal panel is the final stage in the process and there is no further right of appeal.

#### 2. Appeal Grounds

The grounds for an appeal will normally be confined to:

- new information not available at the time of the original complaint
- a failure to properly follow the College's Complaints Procedures
- a decision that is unlawful or entirely unreasonable

The appeal panel will not normally review any new issues at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

#### 3. Appeal Panel

The Chair of the College Corporation will refer the appeal to a panel consisting of at least three governors who have had no prior involvement or knowledge of the complaint. This may include the Chair of the Corporation and Vice-Chairs.

The Principal, staff and student governors will not be eligible to join an appeal panel. The panel of governors will decide amongst themselves who will Chair the panel.

If there are fewer than three governors available to hear the appeal, the Head of Governance will source any additional, independent governors through another college or school or by selecting other appropriate independent members to make up the panel.

#### 4. Procedure

The panel will normally invite the appellant to a meeting to discuss the appeal but may decide to deal with the matter through written representations. In making their decision they will be sensitive to the appellant's needs.

The Head of Governance will aim to convene the meeting within ten working days of receipt of the appeal (which does not include vacations and days of College closure) and inform the appellant of the date and time of the meeting. If this time scale is not possible, the Head of Governance will provide an anticipated date and keep the appellant informed of arrangements.

The purpose of the meeting is to clarify the grounds for your appeal and for the panel to listen to your case. The panel may wish to ask questions to fully understand the points you have raised. It is unlikely the panel will make an immediate response as it

may take time to consider what you have said and look into the matters raised.

## **5. Meeting Arrangements**

If the appellant is invited to attend a meeting, they may be accompanied by someone to provide support, if they wish. This can be a colleague, relative, friend or support worker. The appellant will be asked to state before the meeting whether they will be accompanied, the person who will be attending and whether they will speak on behalf of the appellant.

It is not usually appropriate or necessary for legal representatives to accompany either party. Representatives from the media are not permitted to attend an appeal hearing. Electronic recordings of meetings or conversations are not normally permitted unless an appellant's disability or special needs require this. Prior consent of all parties attending must be sought before meetings or conversations take place.

At least five days before the meeting, the Head of Governance will:

- notify the appellant of the date, time and venue of the meeting
- request copies of any written material or additional evidence to be submitted to the panel as part of the appeal – the appellant is advised to provide this in good time to allow the panel sufficient opportunity to review the material before the meeting
- ask whether the appellant will be accompanied, and, if so, who will be attending and whether that person will speak on their behalf

Any written material or additional evidence will be circulated to all parties before the meeting.

## **6. Outcome**

The panel will consider the appeal and all the evidence presented. If further investigations are needed, the appeal panel may make additional enquiries, as appropriate.

The panel can:

- uphold the appeal in whole or in part
- or dismiss the appeal in whole or in part.

If the appeal is upheld in whole or in part, the panel will decide whether to refer the complaint back to the College management for the original response to be reviewed and reconsidered.

The panel may suggest appropriate action to be taken to resolve the complaint. Where appropriate, the panel may recommend changes to the College's systems or procedures to prevent similar issues arising in the future.

The Chair of the panel will provide the appellant and College management with an explanation of the decision and the reason(s) for it, in writing, within ten working days. If this time scale is not possible, the Head of Governance will provide an anticipated date and keep the appellant informed of arrangements.

The letter to the appellant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint appeal has been handled by the College. The Department for Education will not normally reinvestigate

the substance of complaints or overturn any decisions. They will consider whether the College has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

by telephone: 0370 000 2288

or by writing to: Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2W