



## Complaints and Appeals Policy 2020-2022

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## **1. Introduction**

- 1.1. Our aim at MidKent College is to provide an outstanding service and we welcome feedback about the services we provide as a College.
- 1.2. Most people who engage with MidKent College do not experience any problems. However, we recognise that sometimes things can go wrong, and when it does, we would like to know about it in order that we can put it right.

## **2. Definition and Scope**

- 2.1. The College defines a complaint as any expression of dissatisfaction, requiring a formal response.
- 2.2. The purpose of the Complaints Procedure is intended to ensure all complaints are handled in a consistent, fair and non-discriminatory way and resolved with a satisfactory and just outcome.
- 2.3. The Complaints Procedure provides the framework for anyone who has experienced dissatisfaction with College services to raise their concerns. This includes complaints from students, parents, guardians, carers, customers, support workers, employers, contractors, local residents, visitors or consumers of products.

## **3. Submitting Complaints**

- 3.1. Complaints may be made in person, over the phone, via social media or electronically via the College website.
- 3.2. MidKent College is regulated by Ofsted for all funded educational programmes. If you are unhappy with how a complaint has been dealt with by the College, you can contact Ofsted by visiting their website [www.ofsted.gov.uk](http://www.ofsted.gov.uk). Ofsted may not accept your complaint if you have not completed the College's complaints procedure.
- 3.3. MidKent College is also regulated by the Education and Skills Funding Agency (ESFA) for all funded apprenticeships programmes. If you are unhappy with how a complaint has been dealt with by the College, you can contact ESFA by visiting their website <https://www.gov.uk/complain-further-education-apprenticeship>. ESFA may not accept your complaint if you have not completed the College's complaints procedure.
- 3.4. In addition to the above, Higher Education programmes are regulated by the Office For Students (OFS) and local partner Universities. If you are unhappy with how a complaint has been dealt with by the College, you can contact the OFS by visiting their website <https://www.officeforstudents.org.uk/contact/complaints-and-notifications/making-a-complaint-to-a-higher-education-provider/>. OFS may not accept your complaint if you have not completed the College's complaints procedure.

## **4. Safeguarding**

- 4.1. If the College receives information that a student is, or has been, put at risk of harm, the matter will be addressed by the Designated Safeguarding Officer.

- 4.1.1. Safeguarding matters also include but are not limited to hate crimes, sexual exploitation and bullying.
- 4.1.2. If a complaint is received that is deemed to affect protected characteristics, it will automatically be escalated to the Director of Student Services.
- 4.1.3. After a full discussion with the young person or Adult at Risk involved, the information may have to be shared with the relevant statutory agencies in accordance with the Safeguarding and Students at Risk Procedures. If the complaint is sent to the Local Authority Designated Officer (LADO), it will be rated against their threshold. If the LADO wish to investigate the complaint, they will lead the investigation or present a detailed course of action. If the complaint does not meet their threshold, the response and action to the complaint will be led by the Designated Safeguarding officer in conjunction with the Human Resources team.
- 4.1.4. If a complaint is received concerning an immediate safeguarding concern, the complainant will be directed to the emergency safeguarding number.
- 4.1.5. If a complaint is received from a student in complaint of another student (including Apprentices), and contains safeguarding content, the investigation will be led by the Designated Safeguarding Officer.
- 4.1.6. If while investigating the complaint the Investigating Officer encounters issues that relate to safeguarding, the Director of Student Services will be consulted as appropriate.

## **5. Staff Conduct**

- 5.1. If the complaint is made against a member of staff, Human Resources will be immediately informed. The complaint will be dealt with in accordance with this policy unless Human Resources take responsibility for the investigation and resolution. In all cases Human Resources are responsible for ensuring that staff Disciplinary Policy/Procedures are followed if applicable.
- 5.2. If while investigating the complaint the Investigating Officer encounters issues that relates to staff conduct, the Director of Human Resources will be consulted as appropriate.

## **6. Responsibility**

- 6.1. MidKent College welcomes issues being brought to its attention as a mechanism for improving its quality and services.
- 6.2. MidKent College will ensure that complaints are dealt with effectively, reasonably and in a manner sensitive to all involved.
- 6.3. MidKent College will support an individual in making a complaint if necessary. This could be in the form of a scribe or simply providing a safe environment in which a complaint can be composed.
- 6.4. MidKent College will acknowledge complaints within timeframes outlined in the process.

6.5. If any criminal activity is found during a complaint investigation, the matter will be reported to the relevant authority.

6.6. MidKent College's Governing Body is responsible for ensuring that the complaints policy is operating effectively and will become directly involved if a complaint is directed against the Principal or members of the Governing Body.

6.7. The Governing Body delegates responsibility for monitoring complaints to the Risk and Audit Committee.

## **7. Monitoring & Reporting**

7.1. MidKent College will keep an accurate record of complaints received to support continuous improvement of the College's services to students, staff, employers and the public.

7.2. The findings and analysis of complaints will be regularly reported to the Senior Management Team and the Governing Body to ensure procedures are in place to improve the College's services to students, staff and the public.

## **8. Review**

8.1. The College will review the Complaints Procedure annually. Any feedback from students, staff and the public will be considered when updating the procedure.

8.2. Students will also be given the opportunity to comment on the procedure through Student Voice.

## **9. Confidentiality**

9.1. Every attempt will be made to ensure that details of a complainant and the contents of their complaint will be held confidentially. However, where a complaint is of a personal nature against an individual, it is likely that the complainant's identity will be revealed at some stage in all but the most exceptional cases, so there can be a fair investigation.

## **10. Data Protection**

10.1. All complaints will be kept and stored according to the relevant data protection legislation. If you have concerns about how your personal data is used or stored, or you wish to exercise your rights under the Data Protection Act contact [data.protection@midkent.ac.uk](mailto:data.protection@midkent.ac.uk).

## **11. Status of Procedure**

11.1. The Complaints Procedure was approved by the Executive Directors in September 2019 and the Governing Body supersedes all previous documentation.

11.2. The Complaints Procedure will be kept under review by the Director of Quality and may be reviewed and varied from time to time.

11.3. The Complaints Procedure is detailed at appendix 1.

- 11.4. All complaints sent directly to the Principal will be processed via the Complaints Procedure initially and escalated accordingly.
- 11.5. In exceptional circumstances, complaints will bypass the informal process and immediately proceed to the formal process for the attention of the appropriate managers.
- 11.6. Any complaints not resolved under the informal process will automatically be escalated to the formal process.
- 11.7. Anonymous complaints will be accepted under this process but may not be investigated as the complainant's identity needs to be verified to validate the complaint.
- 11.8. Vexatious complaints will be dealt with on a case by case basis and managed accordingly.

The complaints reporting MS form can be accessed from the following link:

<https://forms.office.com/Pages/ResponsePage.aspx?id=-Xh2Ffi1UkmvMoJEncFvWD-EsSuagYJOpMDxTLzNQFURVVDFRESIY1WjI1OVM3V0ZTU0xSVFBSVC4u>

## **12. Appeals**

- 12.1. Appeals should be submitted using the procedures and forms relevant to the specific appeal. Appeals processes exist in College, Awarding Body and University processes and procedures.
- 12.2. All appeals that are not submitted in accordance with the above policies and procedures should be submitted in writing to the Quality Team who will acknowledge receipt within three working days and arrange a thorough investigation by an appropriate manager.
- 12.3. The outcome of every appeal will be notified to the appellant in a timely manner. If the appellant is not content with the outcome, the appeal will be referred to a Senior Manager for review.

## Appendix 1 – Complaints Procedure

| Process            | Details  |
|--------------------|--|
| Stage 1 - Informal | <ul style="list-style-type: none"> <li>• Most complaints or concerns can usually be addressed informally through a conversation with a responsible member of the College’s staff.</li> <li>• We aim to deal with all concerns informally within 2 working days by arranging for the appropriate Head of Department/Service Manager of staff to contact the complainant.</li> </ul>   |
| Stage 2 - Formal   | <ul style="list-style-type: none"> <li>• If you feel that your concern has not been resolved at the informal stage, you may request that the matter is dealt with as a formal complaint by phone to Complaints Course Enquiries Team 01634 402020. All informal complaints that are unresolved will be forwarded to the Quality team to progress to the Formal process.</li> <li>• On receipt of the formal complaint the Quality Team will acknowledge that complaint within 2 working days.</li> <li>• The Quality Team will assign a suitable Investigating Officer. If the complaint concerns safeguarding it will be passed to a Designated Safeguarding Officer.</li> <li>• The Investigating Officer has 10 working days to review and respond to the complaint.</li> <li>• The Investigating Officer may contact the complainant to discuss the complaint and clarify any issues. The Investigating Officer will hear the views of other people concerned with the complaint.</li> <li>• If the complaint is against the Principal or Governors, the complaint will be referred immediately to the Governing Body. The Clerk will administer the process and arrange an appropriate investigation panel based on the nature of the complaint.</li> </ul> |
| Stage 3 - Appeal   | <ul style="list-style-type: none"> <li>• If the complainant is not satisfied with the outcome of the formal process, the complaint can be appealed within 5 working days. In exceptional circumstances, the Director of Quality may accept appeals submitted after 5 working days.</li> <li>• Appeals will be investigated by the Principal or designated Executive Director for final internal review, to be completed within 15 working days.</li> <li>• The Principal or designated Executive Director may contact the complainant and others involved to discuss the complaint and clarify any issues.</li> <li>• The Principal's/Executive Director’s decision is final.</li> </ul>   |

