



## Complaints

## Policy

<b>Policy Title</b>	<b>Complaints Policy</b>
<b>Document Owner</b>	<b>Administration Manager</b>
<b>Directorates and Departments affected by this Policy</b>	<b>All Staff</b>
<b>Policy Effective From</b>	<b>March 2021</b>
<b>Next Review Date</b>	<b>March 2026</b>

New College Durham is committed to safeguarding and promoting the welfare of children and young people, as well as vulnerable adults, and expects all staff and volunteers to share this commitment.

If you require this document in an alternative format and/or language, please contact [pandcshelpdesk@newdur.ac.uk](mailto:pandcshelpdesk@newdur.ac.uk)

We review our policies regularly to update them and to ensure that they are accessible and fair to all. All policies are subject to equality impact assessments which are carried out to determine whether the policy has, or is likely to have, a different impact on those with protected characteristics. We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility of fairness of this and all College policies. The College's Senior Leadership Team will have overall responsibility of reviewing and approving this policy.

To make suggestions or to see further information please contact:

[pandcshelpdesk@newdur.ac.uk](mailto:pandcshelpdesk@newdur.ac.uk)

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## **1. Scope**

This Policy will define what the College will process as a complaint and the principles that the College will adopt in relation to the complaint. It will clarify responsibilities and categories of complaint and will also detail exceptions to any procedures.

## **2. Responsibilities**

The Senior Leadership Team is responsible for ensuring the College has a policy on complaints that ensures compliance with relevant legislation.

The Senior Leadership Team is responsible for ensuring the College has a policy on complaints that ensures compliance with regulators and validation and accreditation bodies.

The Principal and Chief Executive is responsible for intercepting any appeals at the final stage and allocating the investigation to an impartial member of the Executive Leadership Team.

The Administration Manager is responsible for monitoring and auditing all formal complaints to ensure a thorough investigation and response is provided to each complaint.

Heads of School/Heads of Department/Managers are responsible for investigating all informal complaints in the first instance in an attempt to resolve any concerns before reaching the formal stage.

Registry Co-ordinator is responsible for liaising with the Office of the Independent Adjudicator (OIA), college staff and any external HE Partners to ensure procedures are followed for complaints which have exhausted the New College Durham Complaints Procedure and the complainant has received an appropriate Completion of Procedures letter.

Any complaints concerning assessment must be dealt with using the College's separate Academic Appeals Policy.

Any complaint relating to fitness to practise must be dealt with under the Fitness to Practise Policy and Procedure.

Any complaint in relation to a staff or student disciplinary matter will be dealt with under the relevant Disciplinary Policy.

### 3. Relationship with Existing Policies and Regulations

This policy will ensure clarity in relation to other College Policies:

- Academic Appeals Policy and Procedure
- Freedom of Information Policy
- Refund and Compensation Policy
- Whistleblowing Policy
- Fitness to Practice Policy and Procedure
- Student and Staff Disciplinary Policies
- Refund and Compensation Policy

### 4. Categories of Complaint

Type	Define	Can be from
Teaching and Learning	Complaint in relation to the structure or delivery of teaching	Student Parent/Carer of 18 or under
Assessment <sup>1</sup>	Complaint about the delivery of assessments	Student Parent/Carer of 18 or under
Accommodation and Resources	Complaint about the physical buildings or the resources provided	Student Public
Management and Administration	Complaint about procedural conduct and policy implementation (ie. whether a department has followed procedure)	Student Parent/Carer of 18 or under Public
Student Support and Services	Complaint about Tutorials, ASC, the Library, the Students' Union or any other non-teaching service provided to a student or applicant	Student Parent/Carer of 18 or under Public
Equality & Diversity Related	Complaint about the College following the law in relation to E&D	Student Public
Local Community	Complaint from the public about any aspect of the College, except disability related	Public
FOI Appeal	A request for an appeal against an FOI response from Academic Registry	Student Public
External Partner	Complaint relating to any external partners in which the College holds a contract with. The complaint will only be dealt with if it is relating to a student and not the company in general.	Student

<sup>1</sup> Excluding complaints about marking which would instead be dealt with under the Academic Appeals Policy

## 5. Stages

The College process has three stages:

### a. Informal

The College expects a complaint to be able to be dealt with informally and as early as possible.

When a complaint is first received into the College, this will be dealt with informally by the relevant manager within the area the complaint is relating to. It is expected that a thorough investigation will be conducted with a response provided to the complainant within 14 calendar days of receipt. Should this not satisfy the complainant then it would be escalated to a formal complaint.

### b. Formal

A formal complaint is instigated once the informal stage has been exhausted. This is dealt with by the Administration Manager who will allocate an investigating manager from the Senior Leadership Team.

### c. Appeal

This stage is to be used when a solution cannot be found at the Formal stage. An appeal should be submitted in writing to the Principal and Chief Executive within 14 calendar days of receipt of their formal investigation response. The Principal will then identify an impartial member of the Executive Leadership Team to lead the investigations for the appeal and provide the final response. For Higher Education programmes validated by the College, a Completion of Procedures letter will be provided at this stage to allow the student the opportunity to submit a further appeal to the Office of the Independent Adjudicator (OIA). For Open University validated programmes, a Completion of Internal Procedures letter will be issued following a formal response which will allow the complainant to appeal to the Open University direct.

## 6. Accessibility and Clarity

The College is committed to ensuring the policy and procedures for addressing complaints are published and reviewed regularly, that the guidance is clear and easy to locate on the College Website.

It is open to anyone to make a complaint.

Complainants may appoint a representative to assist them during the complaints process. This person must not be acting in a legal capacity.

The College will be responsive to the accessibility requirements of any complainant.

Records of complaints will be maintained by the Administration Manager and standard documentation will be used.

## **7. Fairness and Independence**

The College is committed to ensuring the process for investigating complaints is fair.

Staff involved in the investigation of complaints will be appropriately trained and should not have a direct connection to the complainant or the business area or School about which the complaint has been made. There should be no bias in the investigation process, perceived or actual.

Students will not be disadvantaged as a result of making a complaint.

Anonymised statements are not accepted as part of the investigation process.

The response to a complaint will give clear reasons for the outcome.

## **8. Confidentiality**

Confidentiality can be expected in that the investigation of a complaint should not affect a student's educational experience.

Any person submitting information must nevertheless be made aware that their statement and identity may be disclosed to the other parties to the complaint.

## **9. Proportionality**

Where a complaint falls under more than one College Policy, the Administration Manager will seek to accommodate more than one process.

The College expects all parties to behave reasonably and fairly towards each other and to treat the process with respect.

## **10. Timeliness**

Each stage should have 14 calendar days to respond to the complaint (if this needs to take longer the complainant will be notified):

Informal - 14 calendar days.

Formal - 14 calendar days (then a further 14 calendar days to appeal if not satisfied).

Appeal - 14 calendar days for the Principal and Chief Executive to respond, if referred to the OU or OIA then their procedures must be followed from then on.

## **11. Impact on the Student Experience**

Complaints provide an indicator of the student experience. We use the information gathered from our complaints to improve the student experience and service provided to our students.

## **12. Complaints about External Providers**

As defined in section 4 the College expects External Partners to follow their own complaints procedure. If a complaint about an External Partner is received by the College it will be referred to the Partner to resolve.

If this process is exhausted the complaint may be referred to the College Administration Manager for review.

If the referred complaint is eligible to go to the OIA, on reviewing the complaint the College would provide the student with an investigation report and a letter of completion. At this stage if still unsatisfied the student could apply to the OIA.

## **13. HE and the Office of the Independent Adjudicator (OIA)**

The Administration Manager will ask Academic Registry to pull together the evidence which should be available through the complaints workflow.

For New College Durham students, a Completion of Procedures letter would be provided to the student once the formal procedure had been exhausted. There are specific letters to be used which are available on the College Intranet and Central Administration SharePoint site.

The College will ensure OIA complaints are dealt with within the timeframe stipulated by OIA: [Good Practice Framework - OIAHE](#)

For Open University (OU) registered students, a Completion of Internal Procedures (COIP) letter will be provided to the student to confirm our internal procedures have been exhausted (informal and formal stage). The student then has the opportunity to escalate their concerns to an appeal with the OU direct for further investigation, should they feel their concerns have not been addressed. This must be done within 28 calendar days of receipt of the COIP letter.