



# Complaints Procedure

## 1. Introduction

Midlands College of Commerce is committed to providing a high quality experience to all its students and stakeholders. However, we recognise that there may be times when you feel the need to raise concerns or even make complaints about some aspect of your experience with us.

This procedure results from a review of a number of related procedures:

- Student Complaints Procedure which involved feedback from student complainants, academic and professional service staff and an external partner;
- Student Disciplinary Procedure (cross College) which included feedback from academic, pastoral and professional service staff;
- Appeals and Grievance Procedure (FE)
- Academic Appeals Procedure (HE)

As a consequence, the Student Complaints Procedure 2017/18 encompasses the Appeals and Grievance Procedure (FE).

The procedure provides a guide to the acceptable grounds for a complaint, the difference between raising a concern and making a complaint and how to complain. It will also give details of how your complaint may be dealt with.

We ask that you make sure you have read and understood this procedure before making a complaint, however, you may seek further guidance if needed from your personal tutor, course tutor or Head of Studies within Further Education provision or course leader or Head of School for Higher Education Provision.

### 1.1 What is a Complaint?

The College defines a complaint as 'a statement of dissatisfaction by one or more students about an unacceptable action or occurrence for which the College is responsible.' Simply, this means that a complaint is your opportunity to tell us when something is not right and you feel that it is our fault.

### 1.2 What can I complain about?

#### Student complaints may be made about:

- Members of College staff
- Your teaching and learning experience such as the quality of feedback, marking turnaround, quality of lessons and the progress you are making (this is separate to academic decisions and/or judgements made by tutors related to your progress – please see below)
- An area of the College such as a department, any student services, libraries, social spaces
- An aspect of the College such as timetabling, rooming, access arrangements and resources
- The College as an entity

#### Student complaints may not be made about:

- Other students (unless there is a specific allegation of harassment or bullying)
- Academic decisions made by tutors, examiners or Boards
- Any academic matter that falls under the UCBC Academic Appeals Procedure.

- Services and facilities external to the College such as transportation to and from the College

### 1.3 Who can complain?

Any registered student of Midlands College of Commerce or, in the case of under 18s, a parent or carer, may make a complaint using this procedure. Students who are subject to breaks in training, are temporarily suspended or have been excluded may also make complaints using this procedure. Former students may make complaints using this procedure within 1 calendar month of completing or withdrawing from their studies.

The College does not investigate and cannot resolve anonymous complaints however, all potential complainants should be aware that their complaints will be handled with discretion and you have the option to withdraw your complaint at any time during the investigation. We cannot guarantee to maintain a complainant's anonymity during the complaint process as there may be times that this needs to be disclosed to key staff in order to access information, relevant to the complaint.

If you want to make a collective or group complaint you may do so but one student should be nominated as the spokesperson for the group and your collective complaint must have resolutions or outcomes which apply to and are agreed by the group as a collective.

### 1.4 Before I make a student complaint

If you are considering making a student complaint, you must read this procedure thoroughly and make sure you have understood the stages of the process, what the College will need from you and what you expect to happen as a result of your complaint.

Often complaints can be resolved quickly and easily by having an informal conversation with a member of staff, raising awareness of the problem with your tutor or Head of School/Studies or discussing with your Personal Tutor.

If the informal attempt (Stage 1 of the procedure) to resolve the problem has not resolved the issue to your satisfaction, then you should escalate your complaint to the Stage 2 formal procedure. Formal complaints should only be made once all attempts at reaching an informal solution have been exhausted.

## 2. The Procedure – How do I Complain?

The Student Complaints Procedure has 3 stages.

### 2.1 Stage 1 – The Informal Stage

Stage 1 of the procedure states that you make every attempt to resolve your complaint at a local level. The expectation remains that both you and the member of staff will make a genuine attempt to solve any problems at this early stage. It is the aim of the whole College to resolve any complaints as early and as quickly as possible.

**Student Communication:** To inform the relevant member of staff (e.g. personal tutor, course tutor, Head of School/Studies) of your complaint, you should approach them verbally or in writing. It is not necessary to put this level of complaint in writing, but you may wish to follow up your conversations with the relevant College staff in writing.

**Time Limit:** You should inform relevant College staff of your complaint as soon as possible from the incident or event that has led to your complaint, normally within 10 days of the incident.

## 2.2 Stage 2 – The Formal Stage

If Stage 1 has failed to produce a satisfactory resolution to your complaint or you feel that your complaint is too serious (e.g. a breach of regulations), or that you cannot approach the relevant member of staff or their Head of Studies/School to talk about it, then you should proceed to Stage 2. Stage 2 is when an Informal Complaint becomes a Formal Complaint.

### How do I submit my complaint?

Students must make a formal Stage 2 complaint using the specified Stage 2 Complaint Form which is available from [www.midlandscollegeofcommerce.co.uk](http://www.midlandscollegeofcommerce.co.uk)

**Time Limit:** We request that Stage 2 complaints are made within 10 working days of the incident or 10 working days of the receipt of an outcome to Stage 1. The College recognises that some complaints are the result of a number of events over time and the 10 days reflects this.

### What happens next?

When you have submitted your Stage 2 complaint form via email you will receive an automated email response acknowledging receipt of your complaint and letting you know that you will receive an initial response within 5 working days.

The initial response from the Complaints Officer will confirm in detail if and how your complaint will be taken forward. If your complaint cannot be taken forward you will receive a rationale as to why this is the case.

This initial communication will also detail the next steps in investigating your complaint. This may differ slightly from complaint to complaint but usually this will involve inviting you to interview so you can talk in more detail about your complaint. Please note that whilst we will make every attempt to accommodate your requests around meeting times, we will not usually reschedule a cancelled meeting more than twice.

After your interview you will receive a set of notes from the meeting and you will be asked to confirm that you are happy that they represent the conversation you had.

From there the Investigating Officer will decide what needs to happen next. The investigation phase can take **up to one month**. Should your case be deemed to be unusually complex an extension to the investigation may be agreed with you.

After completion of the investigation, you will receive an outcome letter that outlines the decision and whether your complaint has been upheld (agreed with) or not upheld (no case to answer). This will explain the reasons why the decision has been reached and, in the case of your complaint being upheld, offering any actions or solutions as applicable.

According to the procedure, if you are not satisfied with the outcomes of Stage 2, you may be eligible to progress the complaint to Stage 3.

## 2.3 Stage 3 – The Appeal Stage

If you do not accept the outcome of the Stage 2, then you may proceed to Stage 3. However, you cannot request a review of Stage 2 simply because you are dissatisfied with the outcome, you can only request an appeal on the following grounds:

- a. That new evidence has come to light that was not or could not have been available during the Stage 2 investigation
- b. That there is evidence that the investigation at Stage 2 has not been conducted properly e.g. maladministration
- c. That there is evidence that the judgement reached at Stage 2 was biased or unfair

If you feel that your complaint meets one or more of the above grounds and you can provide evidence to substantiate this, then you may request a Stage 3 review.

### **How do I submit my request for Appeal?**

You must make a request for an appeal via [Complaints@midlandscollegeofcommerce.co.uk](mailto:Complaints@midlandscollegeofcommerce.co.uk)  
You must have read and understood the above grounds for submission to Stage 3 and believe you have a strong case for appeal. You must include **Request for Stage 3 Appeal** in the subject line of your email.

Forms for the Stage 3 appeal can also be completed and hand delivered in person to the Hub, Beacon Centre (reception). In return, students will be given a reference number which will act as a receipt for their complaint form. The form will then be scanned and emailed for processing to [complaints@midlandscollegeofcommerce.co.uk](mailto:complaints@midlandscollegeofcommerce.co.uk) , as in Stage 2.

### **Time Limit**

You have 10 working days from receiving the Stage 2 outcome letter to submit your email to request a Stage 3 appeal. This includes any time you need to collect further for evidence to fulfil the grounds above. If you require extra time and there are exceptional circumstances, these must be agreed with the Complaints Officer.

### **What happens next?**

After you have submitted your request for a Stage 3 appeal, the Complaints Officer will make an initial decision as to whether or not the appeal has grounds. If the appeal does not have grounds, you will be informed in writing that closes off proceedings. If the appeal does have grounds then an appeal panel, consisting of senior members of College staff which may include the Director of Quality and Standards and an Assistant Principal (FE) or Executive Dean (HE) or their nominees, will make a decision to accept or deny the appeal. Either way, this will be sent to you as a written response which will outline the reasons why the panel has reached their decision. If the complaint has been accepted then any actions, including additional meetings required or solutions, will be described in the written response, as applicable. After this, the College will write to you to let you know that proceedings are considered closed.

## **2.4 Taking your complaint further**

If all the stages of the Complaints Procedure have been completed and you still feel dissatisfied with the outcome of your case, then you are able to take your complaint external to the College addressing either:

the [Office of the Independent Adjudicator](#) for Higher Education students or  
the [Education and Skills Funding Agency](#) for Further Education Students.

### **3. Monitoring and Reviewing**

This procedure is held by the College Quality and Standards Unit. It is the responsibility of the Director of Quality and Standard to monitor and review the effectiveness of the procedure. This is done via:

- Termly updates to Assistant Principals (FE) and Executive Dean on complaints from their areas (number, nature, stage, resolution, characteristics of complainants)
- Annual report to Academic Board and Standards, Quality and Student Experience Committee, drawing on data from the termly updates and an analysis of the resolutions to create recommendations for improvements to this procedure and/or others, as appropriate
- Annual Review to the Policy and Resources Committee

### **4. Related Policies/Procedures/Codes and Guidance**

This procedure should be read in relation to:

- The Student Charter
- Student Behaviour Procedure
- Student Performance Procedure
- Academic Regulations for UCBC and in particular the Mitigating Circumstances / Academic Appeals / Misconduct procedures which are due for review in 2017/18

### **5. Equality Impact Assessment**

Midlands College of Commerce is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

### **6. Diversity Monitoring**

Midlands College of Commerce recognises that our response to complaints plays a vital role in our drive to promote equality and diversity, eliminate discrimination and safeguard our users from abuse and harassment. Therefore, the Complaints Form will contain a diversity monitoring section to ensure that unfair discrimination does not take place. This information will be requested solely to monitor and analyse data surrounding complaints and identify any trends which may emerge. No names or specific details that can identify an individual will be recorded on any monitoring reports.

Complaints relating to Equality and Diversity will be identified on termly reports to the Single Equality Committee and the Academic Board.

### **7. Dissemination of and Access to the Procedure**

- 7.4 This procedure will be made available to students via Moodle and reference made to the Student Complaints Procedure 2017/18 in Student Handbooks, as appropriate. A link is also available on the Parents' Portal. It is available to staff via the information portal.

7.5 All College procedures, once approved, will be held electronically in a document repository on the College’s intranet and a hard copy deposited in the Executive Office. If there is another important location for the procedure or means of access this should be recorded in this section.

**8. How we use your Personal Information – Privacy Statement**

A reminder of the privacy statement from your current enrolment form:

This privacy notice is issued by the Education and Skills Funding Agency (ESFA), on behalf of the Secretary of State for the Department of Education (D of E). It is to inform learners how their personal information will be used by the D of E, the ESFA (an executive agency of the D of E) and any successor bodies to these organisations. For the purposes of the Data Protection Act 1998, the D of E is the data controller for personal data processed by the ESFA. Your personal information is used by the D of E to exercise its functions and to meet its statutory responsibilities, including under the Apprenticeships, Skills, Children and Learning Act 2009 and to create and maintain a unique learner number (ULN) and a personal learning record (PLR). Your information may be shared with third parties for education, training, employment and well-being related purposes, including for research. This will only take place where the law allows it and the sharing is in compliance with the Data Protection Act 1998. The English European Social Fund (ESF) Managing Authority (or agents acting on its behalf) may contact you in order for them to carry out research and evaluation to inform the effectiveness of training. You can opt out of contact for other purposes by ticking any of the boxes in the ‘Contact Methods’ section of your enrolment form if you do not wish to be contacted:

Further information about use of and access to your personal data, and details of organisations with whom we regularly share data are available at: <https://www.gov.uk/government/publications/esfa-privacy-notice>. On completion of your course and on receipt of your certificate/s from the awarding body, the College will send out said certificates to your most current address, 2nd class post. You must therefore keep your address details up to date by notifying the College Registry should you move house. Any certificate posted out to an incorrect address due to non-notification of an address change will mean you, the learner, will be charged a full cost for certificate replacement. The College will not be liable for any lost or damaged certificates in the post. Should you wish the College to retain your certificate you must inform the Registry department in advance of the completion of your course. If you ticked that you are unemployed and have provided evidence that you are in receipt of a benefit, you are also confirming that you wish to enter employment and that the enrolment to the programme detailed on this form will provide the skills and training to do so. If have declared false information, action may be taken against you to reclaim tuition fees and any associated costs.

For learners under 19 years of age only: I agree that the College may contact my parents or guardians over concerns relating to my academic performance, attendance, punctuality or behaviour.

<b>Author:</b>	<i>Director of Quality and Standards</i>
<b>Owner:</b>	<i>Director of Quality and Standards</i>
<b>Date last approved:</b>	<i>January 2021</i>
<b>Date of review:</b>	<i>January 2021</i>
<b>Consulted with:</b>	<i>Academic staff, Finance, Interim Dean HE, Assistant Principal Student Support and Engagement, complainants</i>
<b>Consultation date/s</b>	<i>August – September 2017</i>
<b>Date of approval:</b>	<i>24 January 2021</i>
<b>Approved by:</b>	<i>Policies and Procedures Committee</i>
<b>Next Review date:</b>	<i>January 2021</i>

## Complaints Process

STAGE

1

- Issue(s) raised directly with the member(s) of staff concerned

2

- If the matter cannot be resolved informally then a complaint should be submitted in writing to the Quality and Standards Unit via [complaints@midlandscollegeofcommerce.co.uk](mailto:complaints@midlandscollegeofcommerce.co.uk)

3

- Internal appeal - if the matter remains unresolved the complainant may appeal for their complaint to be heard by an Appeal Panel via [complaints@midlandscollegeofcommerce.co.uk](mailto:complaints@midlandscollegeofcommerce.co.uk)

4

- External appeal - when internal procedures are exhausted, a complaint may be referred to a relevant external agency

**Complaint Form** (Stage 2)

<b>Name:</b>		<b>Date:</b>	
<b>Address:</b>			
		<b>Postcode:</b>	
<b>Telephone No:</b>		<b>Email:</b>	

<b>Student ID Code:</b>		<b>Course Tutor:</b>	
		<b>Course Title:</b>	

**Please give details of your complaint including:**

- the nature and grounds for complaint;
- when the incident occurred;
- who was involved and any witnesses;
- attach any evidence with this form.

*(continue on a separate sheet if necessary)*

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**Have you tried to resolve the issue informally?** *(Stage 1 of the Complaints Procedure)*

Yes

No

**If 'yes' what has been the response to your complaint?**

**What resolution are you looking for as a result of the complaint?**

**Student's  
signature:**

**Full name (capitals):**

**Date:**

**Diversity Monitoring**

The College aims to ensure that unfair discrimination does not take place when a student makes a complaint. In order to help the College monitor the effectiveness of this policy you are asked to provide the information requested below. We collect data relating to protected characteristics as defined by the Equality Act 2010. This information is requested solely so that our procedures can be monitored and complaints data analysed.

Midlands College of Commerce is committed to preserving the privacy of its students and to complying with the General Data Protection Regulations 2018. To achieve this commitment, information about our students will be collected and used fairly, stored safely and not unlawfully disclosed to any other person.

<b>Age:</b>	16 – 18	<input type="checkbox"/>
	19 – 25	<input type="checkbox"/>
	25+	<input type="checkbox"/>
	prefer not to say	<input type="checkbox"/>

<b>Gender:</b>	Female	<input type="checkbox"/>
	Male	<input type="checkbox"/>
	prefer not to say	<input type="checkbox"/>

<b>Disability:</b>	<b>Do you have a disability or health condition?</b>	
	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
	prefer not to say	<input type="checkbox"/>

<b>Ethnic Origin:</b>	<b>Which of the following groups do you consider you belong to? (Please select one only)</b>	
	<div style="border: 1px solid black; padding: 5px;"> <span style="border-bottom: 1px solid black; display: inline-block; width: 100%;">White English</span> <span style="float: right;">▼</span> </div>	

**Please return this form to: Quality Officer - Quality and Standards Unit**

Midlands College of Commerce

<b>College use only:</b>			
<b>Date complaint rec'd:</b>		<b>Date first response:</b>	
<b>Forwarded to for action:</b>		<b>Date forwarded:</b>	
<b>Date reply rec'd:</b>			
<b>Action taken:</b>			
<b>Date complaint closed:</b>		<b>Action recorded:</b>	

## Appeal Form (Stage 3)

<b>Name:</b>		<b>Date:</b>	
<b>Address:</b>			
		<b>Postcode:</b>	
<b>Telephone No:</b>		<b>Email:</b>	

<b>Investigating officer:</b>		<b>Date of outcome letter:</b>	
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<b>Grounds for appeal</b>
<p><i>Please select as appropriate</i></p> <p>a. <input type="checkbox"/> That new evidence has come to light that was not or could not have been available during the Stage 2 investigation</p> <p>b. <input type="checkbox"/> That there is evidence that the investigation at Stage 2 has not been conducted properly e.g. administration</p> <p>c. <input type="checkbox"/> That there is evidence that the judgement reached at Stage 2 was biased or unfair</p>

<p><b>Please provide evidence of your grounds for appeal.</b>  <b>You may attach evidence of emails, doctors notes etc to the form if appropriate</b></p> <p><i>(continue on a separate sheet if necessary)</i></p>

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	19 – 25	<input type="checkbox"/>
	25+	<input type="checkbox"/>
	prefer not to say	<input type="checkbox"/>

<b>Gender:</b>	Female	<input type="checkbox"/>
	Male	<input type="checkbox"/>
	prefer not to say	<input type="checkbox"/>

<b>Disability:</b>	<b>Do you have a disability or health condition?</b>	
	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
	prefer not to say	<input type="checkbox"/>

<b>Ethnic Origin:</b>	<b>Which of the following groups do you consider you belong to? (Please select one only)</b>
	<div style="border: 1px solid black; padding: 5px;"> <span style="border-bottom: 1px solid black; display: inline-block; width: 100%;">White English</span> <span style="float: right;">▼</span> </div>

**Please return this form to: Quality Officer - Quality and Standards Unit**

Midlands College of Commerce

**College use only:**

<b>Date appeal rec'd:</b>		<b>Date first response:</b>	
<b>Forwarded to for action:</b>		<b>Date forwarded:</b>	
<b>Date reply rec'd:</b>			
<b>Action taken:</b>			
<b>Date complaint closed:</b>		<b>Action recorded:</b>	