

Customer Service and Complaints Procedure

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. INTRODUCTION

Askham Bryan College is committed to providing excellent customer service and we continually seek ways to improve quality and the student experience, as defined in the College Strategy 2021-2026. Askham Bryan College defines its customers as any person who comes into contact with the organisation, either as an internal or external service user.

2. PROCEDURE

All customers should be able to access the procedure for making a complaint, be it verbally, in writing or by using a Feedback Card (available in Reception, the LRC and through Student Services). This will be made available through the website and all Centres.

The procedure for investigating and responding to complaints is outlined below.

Stage 1: Investigation of complaint

- 1.1 A complaint may be made verbally, in writing, by email or by using a Feedback Card and should be initially recorded and acknowledged within 2 working days of receipt by PA to the Assistant Principal Quality and Performance before being forwarded to the Executive and copied to the Director/Dean plus Head of Department/Academic Leader(HE) or appropriate manager for investigation. An investigation shall be conducted and responded to within the given timescale of 10 working days wherever possible.

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1.2 For every complaint, the following should be recorded:

- Date of the complaint;
 - Nature of the complaint;
 - Contact details of the person complaining;
 - The action taken and by whom;
 - Outcome;
 - The date the complainant was informed of the outcome;
 - Impact on quality/improvement processes; and
 - Any reference to Safeguarding (including PREVENT), Equality, Diversity and Inclusion (EDI) and/or Health & Safety
- For HE students, the date a Completion of Procedures letter was issued to the student

1.3 If at any stage the member of staff receiving the complaint feels that other College procedures should be invoked, they should resolve the matter as far as they are able and then refer the matter. For example, if it appeared likely that one of the Student Disciplinary procedures applied, they should contact either the relevant Course Manager, Vice Principal, Assistant Principal Quality and Performance, Assistant Principal Students as appropriate. If a member of staff is involved in an alleged incident of misconduct, then the Director of Human Resources should be contacted.

1.4 Once the complaint has been investigated, the resulting decision/action and draft letter of response should be forwarded to the PA to the Executive for processing and recording. All responses should be agreed and approved by the Assistant Principal Quality and Performance. The feedback from the manager should also show actions to be taken to prevent future complaints of this nature and a judgement should be applied as to whether the complaint is Upheld, Partially Upheld or Not Upheld.

1.5 All complaints should be dealt with in a timely manner with the aim that resolutions should be within 10 working days of receipt of the complaint wherever possible. If this is not possible, then the complainant should be updated with progress after 10 working days.

1.6 Details of all complaints, together with the outcome of the investigation, shall be collated and shared with the CEO and Executive on an annual basis. The responsibility for such collation shall be with the Assistant Principal Quality and Performance, York.

Stage 2: Appeal against the decision made in Stage 1

All appeals against decisions made in Stage 1 must be received from the complainant within 10 working days of the Stage 1 decision letter.

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2.1 The complainant can appeal directly to the Chief Executive Officer or Vice Principal for a resolution to their satisfaction, where they are dissatisfied with the outcome of a Stage 1 investigation. The Chief Executive Officer or Vice Principal will recall all evidence and previous communications pertaining to the investigation into the original complaint. Where **new evidence or complaints are forthcoming**, then the Chief Executive Officer or Vice Principal may charge a manager to pursue an additional investigation into such matters. If the Chief Executive Officer or Vice Principal upholds the decision of the Assistant Principal Quality and Performance (or other Director/Manager), the complainant will be advised of any next steps if they wish to pursue their complaint further, which may include reference to the Education and Skills Funding Agency, Ofsted, validating universities, the Office of the Independent Adjudicator, or the Chair of the Corporation as appropriate (addresses will be supplied). In the circumstances where the Chief Executive Officer or Vice Principal over-turns the decision of the Assistant Principal Quality and Performance (or other Director/Manager), an attempt is made to extend a resolution to the satisfaction of the complainant.

Any appeal should wherever possible be actioned within 10 working days of being lodged.

2.2 A record of the outcome of the complaint showing any previous attempt to resolve the problem will be entered in the Central Register, held by the PA to the Chief Executive Officer. All correspondence relating to the matter will be filed. Complaint files will be kept for 6 years.

2.3 Without prejudice to the learner's legal and/or statutory rights, the decision of the Chief Executive Officer or Vice Principal will be final, and with the final Stage 2 decision a Completion of Procedures letter will be issued to the complainant with the decision and the reason for the decision, except in cases described in 2.4, where the Chief Executive Officer or Vice Principal may refer the complaint to the validating university.

2.4 In the case of students studying on Higher Education programmes validated by Harper Adams University, complaints may be referred to the validating university for final, review stage consideration of any unresolved complaint that relates to the academic standards and / or quality of the learning opportunity. If this is applicable, the university will issue a completion of procedures letter, as per Annex 7.04 of Harper Adams University Academic Quality Assurance Manual (<https://www.harperadams.ac.uk/documents/Complaints-Procedure.pdf>) A Completion of Procedures letter will be issued to HE students following a Stage 2 outcome.

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Stage 3: For students studying on Higher Education programmes only

- 3.1 If a complainant is still dissatisfied with the outcome of this decision at Stage 2, the matter can be referred to the Office of the Independent Adjudicator for Higher Education (OIA), provided that the complaint is eligible under its rules and a Completion of Procedures of letter has been issued, either by the College, or the validating university, if applicable.
- 3.2 The (OIA) has been set up to provide an independent scheme for the review of student complaints. A complaint by a current or former student may be taken to the OIA once the College's and partner university's internal complaints procedures have been exhausted and a 'Completion of Procedures' letter has been issued. Students will need to refer their complaint to the OIA along with appropriate documentation within three months of the final decision.
- 3.3 After a complaint has been referred to the OIA, the OIA will request additional information. The College/University will respond to such enquiries in accordance with OIA timeframes.
- 3.4 The OIA will investigate the complaint, and if the complaint is found to be justified may ultimately make recommendations to the College, which are actioned via relevant departments and reported on in an annual report.
- 3.5 Complainants who are not current or former students are not able to pursue a complaint through the OIA.
- 3.6 Further information regarding the OIA can be found on the OIA website:
www.OIAhe.org.uk

Serious Complaints

- 3.7 Where a complaint is made which is of a very serious nature, for example, where a student accuses a member of staff of abuse or serious professional misconduct, the matter should be dealt with under the Staff Disciplinary procedure and/or the safeguarding policy. All such complaints should be referred immediately to the Chief Executive Officer.
- 3.8 In the first instance, the Chief Executive Officer will commission an investigation into the matter to ensure, as far as is possible, that the complaint has some basis and is not obviously vexatious.

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3. COMPLAINTS MADE DIRECTLY TO THE PRINCIPALSHIP, CORPORATION, FUNDING/REGULATORY/QUALITY ASSURANCE BODIES

On occasions, complainants choose not to raise the matter at the most appropriate level within the College in the belief that the matter will be resolved more swiftly by 'going straight to the top'. In this situation, the case will normally be directed to and investigated by the appropriate Director or Assistant Principals under Stage 1 of this procedure. Where relevant, the outcome of the investigation will be reported to the CEO and as appropriate to the ESFA/Corporation as a matter of courtesy. If a complaint has been processed through all stages, including being taken to the Appeal Stage if appropriate, the case is considered closed and there can be no further recourse to any aspect.

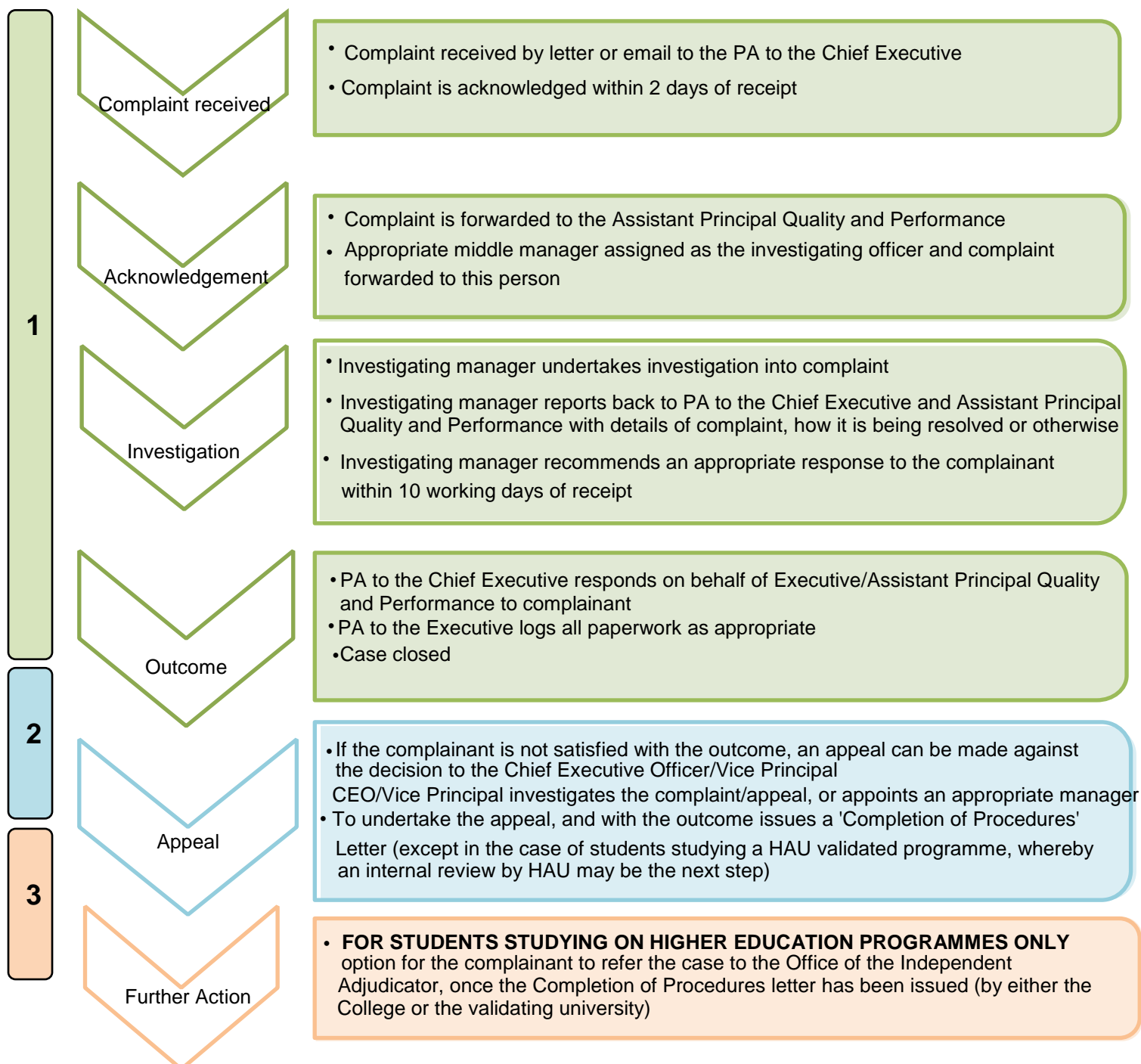
4. HABITUAL OR VEXATIOUS COMPLAINTS

- 4.1 Habitual or vexatious complainants can be a problem for College staff and Governors. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of time and displace scarce human resources, plus public resource that could otherwise be spent on College priorities. Whilst the College endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- 4.2 Prior to considering its implementation the College will send a summary of this policy to the complainant to give them prior notification of its possible implementation.
- 4.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Appendix II), the College Solicitors following discussions with relevant Managers will take a report to the Senior Management Team to seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. Appendices II and III detail the options available for dealing with habitual or vexatious complaints.
- 4.4 The College Solicitor will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.
- 4.5 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the College Solicitor with reports being taken to the Senior Management Team as required. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

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5. APPENDICES

Appendix I. Flowchart indicating the sequence of processing of a formal complaint. Stage of the procedure is indicated on the left.



Appendix II. Criteria for Determining Habitual or Vexatious Complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet **one** of the following criteria:

Where complainants:

- Persist in pursuing a complaint where the College's complaints process has been fully and properly implemented and exhausted.
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints.)
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the College to help them specify their concerns, and/or where the concerns identified are not within the remit of the College to investigate.
- Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what constitutes a trivial matter can be subjective and careful judgement will be used in applying this criteria.
- Have threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The College has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the College is to be made.

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- Have, in the course of addressing a registered complaint, had an excessive number of contacts with the College – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgement will be used to determine excessive contact taking into account the specific circumstances of each individual case.
- Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health issue and there is a need to be sensitive in circumstances of that kind.
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Make unreasonable demands on the College and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the College’s complaints procedure or normal recognised practice.
- Make unreasonable complaints which impose a significant burden on the human resources and public resources of the College and where the complaint:
 - clearly does not have any serious purpose or value; or
 - is designed to cause disruption or annoyance; or
 - has the effect of harassing a member of staff; or
 - can otherwise fairly be characterised as obsessive or manifestly unreasonable.
- Make repetitive complaints and allegations which ignore the replies which members of staff have supplied in previous correspondence.

Appendix III. Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the College is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.

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2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.

3. Notify the complainant, in writing, that the College has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the College does not intend to engage in further correspondence dealing with the complaint.

4. Inform the complainant that in extreme circumstances the College will seek legal advice on habitual or vexatious complaints.

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APPENDIX III. COMPLETION OF PROCEDURES LETTER- HIGHER EDUCATION

[Remove red text before sending]

- This template is for complaints closed on or after 9 July 2015.
- Please note - the format may be adjusted to meet the individual circumstances of a complaint provided that the key points below are included.
- To be issued once a complainant has exhausted our internal complaints process as per the policy and procedure

Dear [Name of complainant],

Completion of Procedures Letter

This letter confirms that the internal procedures of [name of higher education provider] in relation to your *complaint / appeal etc** regarding [please describe] have been completed.

The issues that you raised in your *complaint / appeal etc** were [details]

The issue(s) that were considered in relation to your *complaint / appeal etc was / were**: [brief summary of the complaint etc].

The final decision of [name of higher education provider] is* [detail] because [reasons].

The procedures / regulations applied were*: [details and date as supplied to the OIA's electronic Regulations Bank].

[Name of provider] subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of *your complaint / appeal etc** to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form **must be received by the OIA** within **12 months** of the date of this letter, that is, it must be received by the OIA **on or before** [insert date - e.g. if the Completion of Procedures Letter is dated 9 July 2015, this date should be 9 July 2016].

[Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.]

You can fill in the OIA's complaint form online or download a copy from the OIA website. <https://www.oiahe.org.uk/students/how-to-complain-to-us/>. The OIA also publishes *An Introduction to the OIA Scheme for Students*, which can be downloaded from <https://www.oiahe.org.uk/students/can-you-complain-to-us/>. Alternatively, you can telephone or write to the OIA for a form. **You should send a copy of this letter to the OIA with your OIA Complaint Form.**

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <https://www.oiahe.org.uk/students/how-to-complain-to-us/>. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

Yours sincerely, [Authorised signatory]

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APPENDIX IV. COMPLETION OF PROCEDURES LETTER- FURTHER EDUCATION

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- Please note - the format may be adjusted to meet the individual circumstances of a complaint provided that the key points below are included.
- To be issued once a complainant has exhausted our internal complaints process as per the policy and procedure (eg after appeal)

Dear [Name of complainant],

Completion of Procedures Letter

This letter confirms that the internal procedures of [name of provider] in relation to your *complaint / appeal etc** regarding [please describe] have been completed.

The issues that you raised in your *complaint / appeal etc** were [details]

The issue(s) that were considered in relation to your *complaint / appeal etc was / were**: [brief summary of the complaint etc].

The final decision of [name of provider] is* [detail] because [reasons].

The procedures / regulations applied were*: [details and date of current policy].

The decision of Askham Bryan College in relation your complaint/appeal is final and has now reached the end of the College's complaints/appeals process. No further appeal will be accepted after this point.

Yours sincerely,

[Authorised signatory]

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