

# Complaints Policy

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**Approved by: SMT**

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## 1. Purpose

Brent Start is committed to providing the best quality of learning and services that meet or exceed the expectations of our learners. We value feedback on our services and use information from it to help us improve our service. As a result, we endeavour to respond to all complaints within a specified period and in a manner which is supported by clear and accessible procedures, including a thorough investigation, in order to ensure fairness. To this aim, the purpose of this policy is to outline how learners and other stakeholders can make a complaint and how we respond to complaints.

## 2. Scope

Brent Start defines a complaint as an expression of dissatisfaction about:

- Standards of service
- Action or lack of action by Brent Start or its employees
- Provisions of Brent Start affecting learners, visitors, or other stakeholders

This policy applies to all learners on all types of programmes across all Brent Start venues. It covers all aspects of Brent Start provision where an individual has a complaint arising from their learning experience. The Policy should not be used where an issue is covered by any other Brent Start policy, such as the Admissions Policy, Learner Management Policy, Attendance Policy, Appeals Procedure and Fitness to Study Policy. Other stakeholders who can make a complaint under this policy include community partners and visitors.

For reasons of confidentiality, complaints must be made directly by the learner concerned unless:

- the learner is on a SEND programme, in which case their parent/carer/ guardian or next of kin can submit a complaint on the learner's behalf, or
- The complaint is made by an elected representative acting on their constituent's behalf.

Aspects of the service we accept complaints on:

- a failure to provide a service or inadequate quality or standard of service

- a request for a service or for information which we have not actioned or answered, or wrong information about academic programmes or our services
- the quality and availability of facilities and learning resources
- accessibility of our buildings or services
- the conduct of a member of staff or a learner's behaviour
- disagreement with a decision where you cannot use another procedure to resolve the matter
- failure to follow the proper administrative process.

We do not accept complaints on the following:

- a routine first-time request for information or a service
- a disagreement with academic judgement
- a claim for compensation against the service
- issues that are in court or have already been heard by a court or tribunal
- disagreement with a decision where a right of appeal exists
- a request for information under the Data Protection or Freedom of Information Acts
- a grievance by a member of staff
- an attempt to have us reopen or reconsider a complaint we have given our final decision on

### **3. Responsibilities**

Learners have responsibility to:

- comply with the Brent Start Code of Conduct
- bring the complaint to the College's attention as quickly as possible after the reason for the complaint occurs
- explain the facts of the complaint as clearly and in as much detail as possible, including any action you have already taken
- allow Brent Start reasonable time to deal with the complaint content
- accept that some circumstances may be beyond our control
- raise issues common to a group of learners through their Learner Rep if applicable

Brent Start staff have responsibility to:

- treat all complaints seriously and deal with them promptly and fairly
- provide support and guidance to any student or member of the public who requires assistance to access the Complaints Policy
- respond promptly to any requests for information
- treat all those involved with the complaint with respect
- investigate impartially and deal with all information factually to conclude the complaint
- ensure confidentiality is maintained throughout

Programme Leaders and Senior Programme Leaders have responsibility to:

- ensure complainants are contacted within the set timeline
- include and update any relevant team member of progress and outcome of the investigation
- keep the relevant SMT members informed of progress if/when a complaint is not resolved within the published timelines
- support members of staff who may be subject to a formal complaint

Investigating Managers have responsibility to:

- ensure complainants are contacted immediately to make initial contact and resolve their concerns if resolution is possible without the need for further investigation
- include and update the relevant team of progress and the outcome of the investigation
- keep the relevant SMT members informed of progress if/when a complaint is not resolved within the published timelines
- proactively listen to all those involved
- move the investigation forward in a timely manner
- ensure confidentiality is maintained throughout
- investigate impartially and deal with all information factually to conclude the complaint

Quality Manager has responsibility to:

- closely monitor complaints to ensure appropriate, timely action is taken in line with the Complaints Policy
- carry out Stage 2 investigations
- keep the complainant informed of progress if a complaint or appeal investigation/review is not resolved within the published timelines
- provide support and guidance on matters relating to the Complaints Policy

The Head of Brent Start has responsibility to:

- investigate appeals and ensure that appeals are closed immediately following resolution of a complaint
- take appropriate action where PLs or SMT members are not responding to complaints in line with the Complaints Policy

## **4. Procedure**

How to make a complaint

A complaint can be made:

- by letter or e-mail
- by telephone
- in person by arranging a meeting

When a complaint is made verbally, the recipient should record the details of the complaint and the outcome the learner is seeking.

### Informal Stage

In the first instance, the member(s) of staff involved should attempt to resolve the problem informally by talking with the complainant. If the recipient is able to quickly resolve the complaint themselves they should do so. Otherwise, details of the complaint and the desired outcome should be agreed with the complainant. If a complaint cannot be resolved within 48 hours of it being submitted, or if the complainant requests a formal investigation, the complaint will be dealt with under Formal Stage 1 of this policy.

### Formal Stage 1

Stage 1 complaints must be acknowledged within 5 working days. This will include an explanation of the complaints process and the timescale for dealing with the complaint.

Stage 1 complaints must be investigated by a Senior Programme Lead if the complaint is related to any aspect of teaching and learning or a tutor's conduct, or the Learner Services Manager if it is related to enrolment, access to information or LSSO conduct. Where the complaint names a member of staff, they should be informed of the complaint and given the opportunity to comment, but will not be responsible for providing the response to the complainant. Where necessary, the Quality Manager may be requested to act as an investigating officer, e.g. if the Senior Programme Lead has a line management responsibility for the member of staff named in the complaint.

Stage 1 complaints must be investigated, and a response sent to the complainant within 20 working days. Where an email address has been provided a response should be sent by email, unless a paper copy has been requested.

### Formal Stage 2

If the complainant is not satisfied that all aspects of their complaint have been addressed and wishes to escalate it, they must inform the Stage 1 respondent within 10 working days of receiving their response, stating what aspects of the response they are dissatisfied with and their desired outcome. The complainant should provide any additional or further information that may affect the outcome of the response.

Stage 2 investigations will be conducted by the Quality Manager, or a nominated member of the Senior Management team, if the Quality Manager carried out Stage 1 investigations.

Stage 2 investigations will usually be completed within 20 working days.

### Stage 3 – appeal against the outcome of the investigation

If the complainant remains unsatisfied by the outcome, they have the right of appeal on either or both of the following grounds:

- They reasonably believe that the procedures set out in this document have not been complied with; and/or
- New evidence has come to light which may affect the decisions already reached in relation to the complaint considered.

The complainant must formally make an appeal within 10 working days of the decision of the complaint being finalised. The appeal should include detail of why the outcome is not considered satisfactory.

Appeals will be acknowledged within 5 working days. The Head of Brent Start will respond to an appeal within 20 working days and their response will be final.

### Timelines

Brent Start must respond within these timelines:

- All complaints will be acknowledged within 5 working days of receipt and an initial response or outcome will be provided within 20 working days.
- If Brent Start needs longer to investigate a complaint, or it's during a holiday period and limited staff are available, the complainant will be advised about the change in the timeline.

### Closure of complaints

Brent Start will deem a complaint closed if a request for appeal (see section 4) is not received within 10 working days of the date of the letter the outcome to the original complaint. The closure will not be reversed.

## **5. Data Protection**

The Data Protection Act 1998 (DPA) was introduced to protect personal data about individuals by setting rules and conditions which all bodies, such as The London Borough of Brent (the Act calls us Data Controllers) must obey when obtaining and using information about individuals. The Act also provides individuals with certain rights, which the Data Controllers must respect.

## **6. Fair Processing Notice**

Any personal information given to us is held securely and will be used only for council purposes. Information that was collected for one purpose may be used for another council purpose, unless there are legal restrictions preventing this. The London Borough of Brent may share this information where necessary with other organisations, including (but not limited to) where it is appropriate to protect public funds and/or prevent fraud in line with the National Fraud Initiative guidelines.

## **7. Confidentiality**

Information provided through the complaints process must be treated as confidential. It may be necessary to share information with a third party to resolve the complaint, however, any information shared will be strictly on a 'need to know' basis and used solely for the purpose of improving services and resolving complaints.

Anonymous complaints should be considered under the complaints policy and any anonymous complaint or comment that relates to vulnerable people or those who might be at risk must be investigated and acted upon immediately. However, it may not be possible to investigate an anonymous complaint.