Cardiff and Vale College
Coleg Caerdydd a'r Fro

Complaints Procedures

Introduction

These procedures provide an overview of the way in which CAVC deals with complaints made about its staff, services or students.

For ALL learners:

a) It is intended for use by CAVC learners; parents/guardians of learners; carers of learners; employers; former learners and members of the public. Employees or former employees should use the College's Grievance Policy and Procedure.

b) Parents and guardians can make a complaint on behalf of a learner under the age of 18, or who is a vulnerable adult. No investigation of a complaint made on behalf of a learner will be undertaken without that learner's written agreement to the concerns raised and written consent for an investigation to be carried out.

c) Officers of the Students' Union may also bring complaints on behalf of learners, with the written agreement of the learner.

d) Learners who are dissatisfied with the outcomes of internal assessments should use the College's Assessment Appeals Procedures, not the Complaints Procedures. Other procedures shall apply where learners are dissatisfied with the outcomes of external assessments. For any further issues relating to academic decisions, HE students should use the appropriate university's appeals procedure.

e) For practical reasons, normally no action will be taken in the event of a complaint being made anonymously. There may, however, be exceptional circumstances where the college deems it appropriate to take action or investigate a matter on the basis of an anonymous complaint e.g. relating to Safeguarding. Any decision to do so must be agreed by the Dean of Quality Improvement.

f) Complaints will be handled with sensitivity and have due regard to the confidentiality of learners, staff and others involved. A member of staff referred to in a complaint will (and any learner named may) be made aware of the substance of the complaint and may receive a copy of the complaint, provided they first agree to treat the complaint confidentially. Such a third party to whom the complaint is provided may have a right of reply as part of any investigation. When dealing with a complaint, it will normally be necessary to discuss and liaise with College personnel and learners.

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g) Where a complaint involves allegations of criminal conduct, the College will consider whether it would be more appropriate to suspend its internal procedures for dealing with that complaint, pending the outcome of any police investigation.

h) Complaints that are deemed to be of a serious nature may go straight to Stage 2. The final decision on this rests with the Dean of Quality Improvement. Examples of a serious complaint are outlined in Appendix A.

i) No learner bringing a complaint under these Procedures, whether successfully or otherwise, will be treated less favorably by any member of staff moving forwards after the complaint has been closed.

Timescales

a) In order to help us to investigate and resolve any areas of dissatisfaction, you should notify us of your complaint at Stage 1 "Informal" immediately upon the occurrence of the event you complain of and in any event no later than 3 months of its occurrence.

b) Complaints made at Stage 2 Formal must be made within 1 month of exhausting Stage 1 of the complaints procedure.

c) Complaints made at Stage 3 Appeal must be made within 10 working days of exhausting Stage 2 of the complaints procedure. (A flowchart detailing each stage can be located in Appendix B)

Enquiries

Complaints that are deemed to be an "enquiry" which can be easily answered by a member of staff will not normally be considered under the Complaints Procedure. Appendix A makes the distinction between an enquiry and an informal complaint.

Stage 1 – "Informal" (in writing/verbal)

a) It is advised that you always try and resolve the issue informally, which is why we ask you to follow Stage 1 "Informal" before making a formal complaint. We ask you, before using the formal procedure, to talk directly about your dissatisfaction with the individual(s) most involved, to see if an informal resolution is possible. When you submit a complaint at Stage 1, we will arrange for the relevant Head of Department to work with you to attempt to resolve your complaint.

b) Only if these measures fail to reach a satisfactory conclusion should you move to Stage 2 and register a formal complaint.

5) Stage 2 - Formal

a) Where your complaint is not resolved informally to your satisfaction, then you should put your complaint in writing for the attention of the Dean of Quality Improvement at Unit 1-2 Cooper's Yard, Curran Road, Cardiff, CF10 5NB.

b) If you write to any other member of the College staff, they will forward your letter to the Dean of Quality Improvement.

c) When a formal complaint is made via the Dean of Quality Improvement, the College will write to you to acknowledge receipt of your complaint within 5 working days of receiving it.

d) The timescale for dealing with complaints is normally within 20 working days, following the acknowledgement of your written complaint. During this time, you may be invited to come in to College and discuss the complaint further.

e) On receipt of a complaint the Dean of Quality Improvement will arrange a meeting with the Quality Officer to discuss the complaint and to appoint an appropriate member of College staff as the 'investigating officer' to complete the formal investigation process.

f) In investigating the complaint the 'Investigating Officer' may consider documents and meet with individuals at his or her discretion.

The Investigating Officer may decide to hold a meeting with you in order to gather more information regarding the complaint. Should this be the case you are permitted to bring one other person with you (such as a friend, relative or Union representative).

The person who accompanies the complainant should not be a solicitor acting in a professional capacity.

If you wish to bring another person to the meeting you should inform the Investigating Officer beforehand. The College will have a member of staff at the meeting who will take minutes.

g) The Investigating Officer may in her/his sole discretion invite other individuals to attend the Investigation Meeting, as s/he considers appropriate. The College will notify you of any such individuals at least two days in advance of the Investigation Meeting.

h) The results of the investigation will be forwarded as a written report to the Dean of Quality Improvement and an agreement will be reached on a formal response to the Complainant. If, as part of the investigation the investigating officer and the Dean of Quality Improvement decide that the complaint needs to be referred to the HR department, all relevant employment laws will be considered.

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i) Where related to Equality and Diversity issues, a meeting of the Equal Opportunities Sub Group Committee will be called to discuss the final investigation report and outcomes.

j) The Dean of Quality Improvement will then write to the Complainant with a summary of the outcome of the complaint. If deemed appropriate the College will make amends for the cause of the complaint. An action plan will be drawn up outlining lessons learnt from the complaint in order to prevent the situation arising again. If your complaint is found to be unjustified/unfounded, the College will provide an explanation for arriving at this decision.

k) In drawing up a response the College will be mindful of acting consistently with the College's duties of confidentiality and Data Protection legislation.

l) Our target is that you will receive a written response within 5 working days after completion of the investigation, but if any delay is likely, then you will be informed of progress and a likely timescale for a response to be received.

6) Stage 3 (Appeals)

a) If you wish to appeal against a decision made at Stage 2 of the Learner Complaints Procedure because you are not satisfied with the outcome of the consideration of your complaint, then you may appeal to the Principal, subject to the provisos set out below.

b) If you are not satisfied with the outcome or any action taken relating to your complaint, you may request a review on one or more of the following grounds:

i) this Learner Complaints Procedure was not complied with in investigating the complaint.

ii) further evidence of a material nature has become available which was not reasonably available when the complaint was initially investigated.

iii) the outcome of the investigation process was plainly unreasonable and/or any action taken as a result of that outcome was disproportionate.

c) Your appeal must be received within 10 working days of receiving the College response to your written complaint. Your appeal letter should outline the reasons why you are requesting an appeal (see point b above). You should enclose with your appeal copies of all the documents upon which you wish to rely.

d) The Dean of Quality Improvement / Vice Principal Curriculum and Standards will consider your request for an appeal and decide whether or not it discloses one or more of the bases for an appeal set out in point b above. If the Dean of Quality Improvement / Vice Principal Curriculum and Standards concludes that your appeal does not disclose any of the grounds referred to above, the College will not give your request for an appeal further consideration. You will be informed of this in writing within 10 working days of the College receiving the appeal.

e) If the Dean of Quality Improvement / Vice Principal Curriculum and Standards decides that your request for an appeal discloses one or more of the grounds set out above, he/she or his/her designated representative will carry out an investigation of the process previously followed in investigating your complaint.

f) In coming to a decision on the appeal, the Dean of Quality Improvement / Vice Principal Curriculum and Standards may consider as appropriate documents relating to the complaint and the information provided in your request for an appeal and may, in his discretion, also hold a Review Panel to which you will be invited in order to gather more information before making a decision on the appeal.

g) If the Dean of Quality Improvement / Vice Principal Curriculum and Standards decides to hold a Review Meeting with you, you are permitted to bring one other person with you (such as a friend, relative or Union representative). If you want to bring another person to the Review Panel, you should inform the Principal or her/his representative three working days in advance of the Review Meeting.

h) The Review Meeting will consist of the Principal or his designated representative, a member of the College Senior Management Team and if requested a member of the Students' Union Executive or nominee. In considering the composition of the Review Panel, regard will be given to considerations of diversity.

i) Subject to first obtaining the College's prior consent, if you have particular requirements (e.g. English as a second language, a learning difficulty and/or disability), you may arrange for another person to accompany you at the Review Panel. If you wish to do this or if you need assistance in arranging for a translator or a support worker to assist you at the Review Meeting, you should contact the PA to the Principal at least **three** working days in advance of the Review Meeting.

j) The Dean of Quality Improvement / Vice Principal Curriculum and Standards may in her/his discretion meet with other individuals as part of her/his consideration of your appeal if s/he deems this appropriate. This may include individuals named in your complaint or request for an appeal and College personnel involved in your complaint. The Dean of Quality Improvement / Vice Principal Curriculum and Standards may in her/his sole discretion invites other individuals to attend the Review Meeting, as s/he considers appropriate. The College will notify you of any such individuals at least two days in advance of the review meeting.

k) If the process previously followed in investigating your complaint is found to be thorough and to have considered all material evidence, then the outcome of the Stage 2 investigation will not be changed.

l) The results of the Appeal process will be forwarded as a written report to the Dean of Quality Improvement who will then write to you with a summary of the outcome of the Appeal process and any actions that are to be taken by the College. In drawing up a response the College will be mindful of acting consistently with the College's duties of confidentiality and Data Protection legislation.

m) Our target is that you will receive a written response 10 working days after the review panel has taken place, but if any delay is likely, then you will be informed of progress and a likely timescale for a response to be received.

7) Higher Education Complaints

a) If a complaint is made in relation to any Higher Education course being delivered by the College then this will be dealt with in accordance to the requirements of the partner university. Appendix C outlines the procedure the College will follow, depending on which partner university your course is affiliated with.

b) The College will issue a completion of procedures letter in line with OIA procedures.

b) If you are dissatisfied with the conclusion of your complaint relating to your Higher Education course then you have the right to complain to the OIA (Office of the Independent Adjudicator). The College will send you a Completion of Procedures letter, which provides guidelines to you on how to complain to the OIA. The OIA is an independent review body, external to the university which looks at issues such as whether the university has followed its procedures, whether these procedures were reasonable and whether the university's final decision was reasonable in all the circumstances. The OIA cannot normally look at complaints:

(i) Where the student has not gone all the way through the university's complaints procedures
(ii) Where the complaint refers to matters occurring three years or more previously
(iii) Where the Completion of Procedures letter is received by the OIA outside the three month limit
(iv) Where matters have been or are being considered in court

8) Monitoring and Reporting of Complaints

All complaints will be centrally managed by the Quality Improvement office. The number and nature of complaints will be recorded and monitored. Action plans drawn up as a result of complaints received will be regularly reviewed to ensure action points have been completed in order to ensure required improvements in service delivery.

A termly report detailing the number and nature of complaints will be presented to the Deans of Curriculum. An annual report will be presented to the Quality Standards Board and to the Governing Body.

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9) Equal Opportunities

If you have particular requirement (e.g. a learning difficulty and/or disability, English as a second language), and require assistance in engaging in any part of the College Complaints procedure then please make a request to the College.

10) Welsh Language

This policy does not affect the Welsh language negatively. In accordance with College procedures, this Policy was written with consideration of the impact of individuals as per the Welsh Language Standards.

Location and Access to the Policy

This is available from the website, staff intranet and Moodle and may be out of date if printed. There is a Welsh version of this document available

Date approved: July 2013	**Responsible Manager:** Dean of Quality Improvement
Approved by: Quality Standards Board	**Executive Lead:** Deputy Principal
Review date: July 2019	**Accessible to Students:** Yes

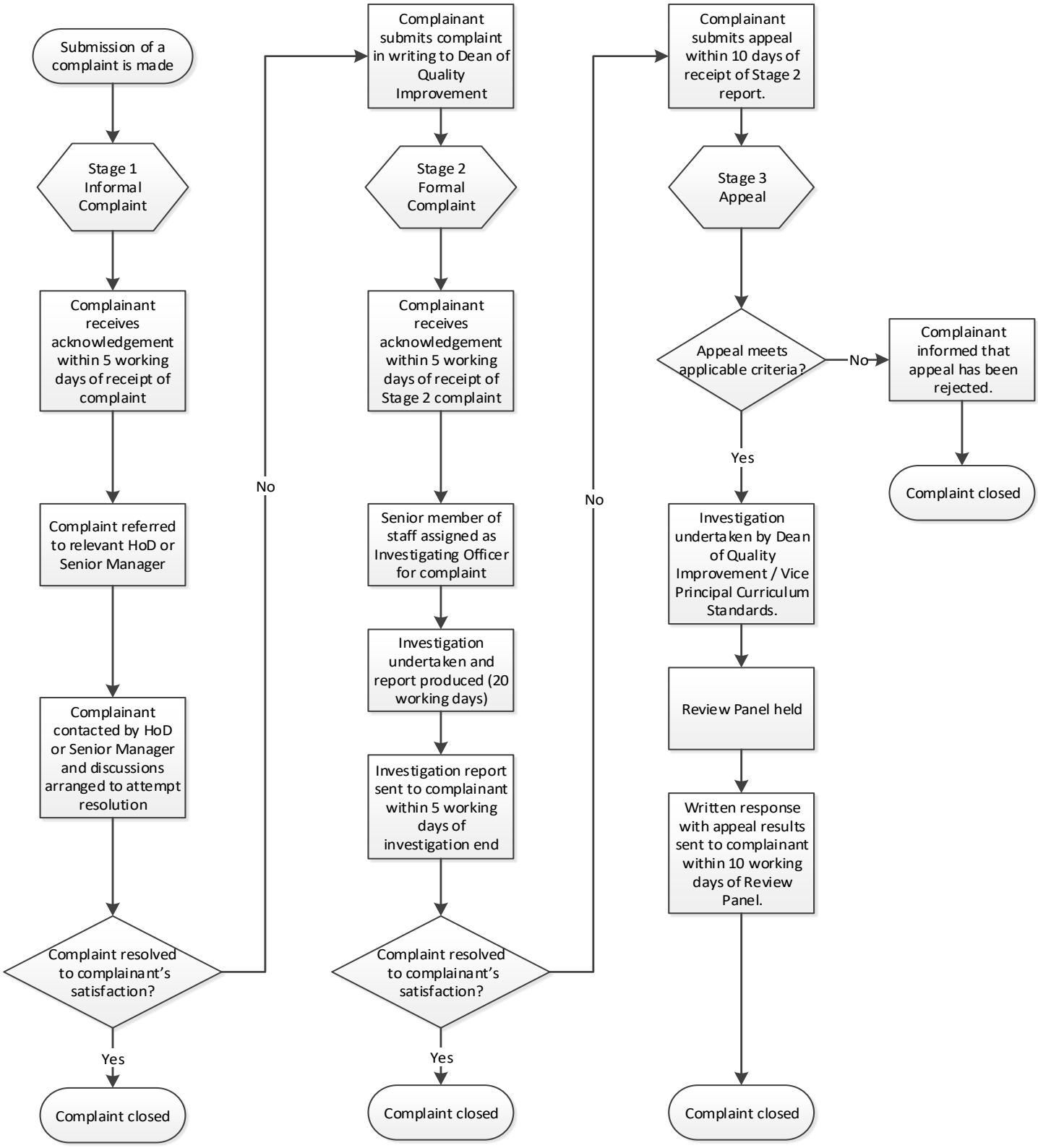
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APPENDIX A

Distinction between Formal and Informal complaints

Action	Rating	Criteria	Examples of complaint/issues
Complaints Procedure (Formal)	STAGE 2: Formal	Serious complaints can be defined as those which are likely to cause harm to the physical and/or mental wellbeing of the complainant.	• Issue not resolved under stage 1 • Safeguarding issues • Allegation of hate crime • Allegation of threatening language • Allegation of bullying • Allegation of being under the influence of drugs or alcohol • Allegation of discrimination • Allegation of sexual Harassment
Complaints Procedure (Informal)	STAGE 1: Informal	Complaints which are likely to have a negative impact on the customer experience, e.g.; where the College fails to provide a quality service OR where learner / staff / stakeholder behavior is a cause for concern.	• Course Delivery • Course Content • Quality of Facilities • Availability and accessibility of facilities and/or learning resources • A request for information that has not been provided at the enquiry stage • Poor or ineffective teaching practice
Enquiry	Enquiry	Where issues raised are likely to have a minimal impact on the customer experience, which are straightforward and can be answered promptly and easily.	• Admissions process • College closures • Timetabling issues • Exam queries • Transport and accessibility queries • Finance and funding issues

Appendix B
Complaints Procedure Flow Chart



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APPENDIX C

Higher Education complaints procedures for partner universities

University	Procedure
University of South Wales (USW)	Regulations apply to students studying university courses at the University's partner institutions where the complaints relate to academic matters. Where matters are the responsibility of the partner institution, for example crèche facilities, the student will need to access the partner institution's complaints procedure. I.e. Cardiff and Vale College's complaints procedure.
Cardiff Metropolitan University	Where a complaint relates to provision at a Collaborative Partner Institution the complaint should be raised through local procedures as directed on the College's website before raising a complaint with the University. I.e. Cardiff and Vale College's complaints procedure.
Kingston University	Students studying at partner institutions who are enrolled on Kingston University courses will be subject to the complaints procedure of the partner institution. I.e. Cardiff and Vale College's complaints procedure.
University of West London	This procedure applies to all students of the University of West London unless students are studying courses in other institutions, which are franchised or accredited by the University of West London, these students should use the procedures that are in place in that institution. Once the student has exhausted the procedures in place at their institution, they may raise a formal complaint with the University. I.e. Cardiff and Vale College's complaints procedure.
University of Birmingham (UCB)	Students studying at partner institutions who are enrolled on the University of Birmingham courses will be subject to the complaints procedure of the partner institution. I.e. Cardiff and Vale College's complaints procedure.