



## COMPLAINTS HANDLING PROCEDURE OF WEST MIDLANDS OPEN COLLEGE Year 2013 to 2014

### INTRODUCTORY NOTES

*The complaints handling procedure in this policy is one in which complaints are investigated by a Complaints Officer or a member of the leadership team or as appointed by the Principal and CEO of West Midlands Open College.*

*This policy also provides for appeals.*

- 1) A complaint is defined as the expression of a specific concern about the provision of an academic or related service by the West Midlands Open College (WMOC). The procedures set out below can be used by students to complain about any service the WMOC provides.
- 2) The WMOC aims to deal openly, fairly and effectively with any comment or complaint about services, and to offer an appropriate remedy to any student who is adversely affected by a service which fails to deliver to the WMOC's standards.
- 3) The complaints policy should not be used to appeal against decisions made by examination boards. These should be dealt with through the Academic Appeals Policy. Where your complaint is material to an academic outcome, as specified in the Academic Appeals Policy, it may only be dealt with through that policy.
- 4) The WMOC will not penalise you for making a complaint about services, and nothing will appear on your academic record to indicate that a complaint has been made.
- 5) Both the Students' Union (SU) and Student Support Services (Student Experience Manager or equivalent) are able to provide advice on submitting a complaint. In all cases students are strongly encouraged to seek impartial advice concerning their complaint.
- 6) You should make every possible effort to resolve your complaint within the relevant department, area of study or unit. The formal procedure can of necessity take some time and should be used only if the stages above have been exhausted.
- 7) There are separate procedures for the following
  - a. dealing with academic concerns and offences (Academic Discipline Policy and Procedures);
  - b. dealing with disciplinary offences including complaints by students about the behaviour of other students (Student Fitness to Practise and Behaviour Policy);
  - c. informing the WMOC of special circumstances in relation to assessments (Special Circumstances Process);
  - d. appealing against the outcome of academic decisions (Policy Regarding Academic

Signed Principal and CEO.....Date: 1<sup>st</sup> November 2013

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Appeals and the Procedures to be followed when submitting an Appeal).

e. making disclosures in the public interest, i.e. 'whistle blowing' (please see the WMOC Duty of Care and Whistle blowing Policy).

8) The complaints procedures cannot be used for any of the above purposes, although in exceptional circumstances an academic appeal may follow a successful complaint.

### **Purpose of this Procedure**

At West Midlands Open College we are committed to providing a pleasant work environment for all employees and students. We acknowledge, however, that employees and students can sometimes feel aggrieved about something that is happening at the WMOC which appears to be discriminatory or to constitute harassment. An employee or student can have a complaint about any decision, behaviour, act or omission (whether by the Principal, members of the leadership team or other staff/students) that he/she feels is discriminatory or constitutes harassment.

The purpose of this document is to provide a procedure by which employees/students can have such complaints addressed by this policy, it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint and the person investigating.

If you feel that you are being harassed or discriminated against, this complaints handling procedure is available to you so your concerns can be addressed.

### **Key elements of our complaints handling procedure**

The following are the key elements of our complaints handling procedure:

**Impartiality.** If you make a complaint, it will be investigated in a fair and impartial manner. No judgments or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

**Confidentiality.** Confidentiality will be ensured and only the people involved in handling the complaint and yourself will have access to your complaint. No third parties beyond those involved in the case will be given any information.

**No victimisation.** You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The *school/college authorities* will ensure that a person who makes a complaint is not victimised in any way.

**Timeliness.** Each complaint will be finalised within as short a period as possible. All complaints should be finalised within one month.

### **What to do if you have a complaint**

#### **1. Approach the person involved.**

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory or harassment. Telling the person will give them a chance to stop or change what they are doing.

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West Midlands Open College

**2. Go to staff member on duty to over see college activities in that week. Names will be post on the Website, [www.westmidlandsopencollege.co.uk](http://www.westmidlandsopencollege.co.uk). (Ask for a proforma or download one complete and inform the staff on duty, or upload to [complaints@westmidlandsopencollege.co.uk](mailto:complaints@westmidlandsopencollege.co.uk)).**

If you don't feel as if you can approach the person directly, then go and explain the problem to your *personal tutor or the Principal directly*. These people have been trained to be the first point of contact for people with complaints. The names of (*complaints contact officers*) are listed at the end of this policy.

The *Officer* will advise you about what your options are and what will happen if you decide to make a formal complaint. Nothing will be done in relation to the complaint without your agreeing.

### **What happens next?**

Once you have made the complaint to the *Complaints Officer* will then consider whether there are any reasons why *he/she* should not proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the *Complaints Officer* to deal with your complaint, it will, with your consent, be referred to another appropriate person.

The *the staff on duty* will then interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the *school/college* is dealing with the complaint. The *staff on duty* will then take a written record of the complaint.

The *staff on duty* will then talk to the person about whom the complaint is made to hear that side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g possible defamation action, initiation of a complaint for harassment).

The *staff on duty* will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the *staff on duty* what action you would like taken, eg a written apology from the person, a written warning, etc.

### **Review**

If the complaint remains unresolved it will be reviewed by the Principal who will make a final decision as to the outcome of the complaint. (*Note that this review step will only be possible if the principal has not been acting as the Complaints Officer.*)

### **Possible outcomes**

If the complaint is proved, the following are possible outcomes:

- a written apology;
- an official warning;
- counselling;
- disciplinary action; or
- dismissal.

Signed Principal and CEO.....Date: 1<sup>st</sup> November 2013

If the complaint is unproved (not enough evidence), possible outcomes are:

- relevant training for all staff; and/or
- monitoring of behaviour of employees.

If the complaint is proved not to have happened at all, the following are possible outcomes :

- counselling for the person who made the complaint;
- a written apology;
- an official warning;
- disciplinary action; or
- dismissal.

The *staff on duty* will make sure that whatever outcome is decided upon actually happens. He/she will also assess the effectiveness of the outcome from time to time.

### Appeals

*Other avenues of appeal are*

- *Student Union Body*

If you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you, you may appeal to the council of assessors, via the Principal's office.

The *Principal or other designated person* will look at the way the complaint was handled and examine the outcome. If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action. If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

The appeal will be dealt with by someone other than the person who first handled the complaint.

### Go to an external agency

If you are not happy with the way your complaint has been dealt with by WMOC, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint.

The counseling department will have a list of some external agencies that may be of help or you can use your own sources at your discretion.

### Complaints contact offices and Complaints Officers

*Dr Francis Shamuyarira, Admission Tutor*

*Dr John Lukomona, Principal*

*Hotline to use and ask for one of these:*

*T: 0745321139*

*Email: [complaint@westmidlandsopencollege.co.uk](mailto:complaint@westmidlandsopencollege.co.uk)*

Signed Principal and CEO..........Date: 1<sup>st</sup> November 2013