

Black Mountains College

Student Complaints Policy

Accessibility statement: If you need to access this policy in another form please contact Fenella Lloyd: Fenella@blackmountainscollege.uk

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1. Introduction & General Statement of Policy

1.1 Context

BMC aims to resolve complaints, concerns or issues about services provided by the College as quickly and fairly as possible.

1.2 Definitions

A complaint is an expression of dissatisfaction by one or more students about action or lack of action by the College, or about the standard of service provided by or on behalf of the College. Please see 2.3 and 2.4 below for information on what is covered by this policy, and matters not covered.

1.3 Aims

The College aims to operate a fair and transparent student complaints procedure and students will not suffer any detriment by making a complaint. Wherever possible, concerns raised by students should be resolved informally without recourse to formal procedures. If a student has a complaint about any aspect of the College, it should be raised with an appropriate person at the earliest opportunity.

1.4 Statement

If it is not possible to resolve the complaint informally, or if you are dissatisfied with the outcome, this complaints procedure shall be followed.

1.5 Complaints by Students with a Disability

Complaints by students with a registered disability about the provision of reasonable adjustments for teaching and assessment shall be given priority and dealt with urgently, in order to prevent prejudice to the student that might be caused by any delay.

2. Policy

2.1 Complaint Handling

BMC welcomes the opportunity to respond positively to genuine complaints and operates under the assumption that complaints will be raised by students in good faith. Whatever the issue, it will be taken seriously and dealt with as efficiently as possible. This will be done by logging the concern and examining the issue. It will provide a means of identifying problems and any weaknesses in the services offered by the organisation and the capacity to reflect and respond appropriately to secure a culture of continuous improvement.

2.2 Complaints Officers

The BMC assigned Complaints Officer is Ben Rawlence. The elected student representatives can also act as an advocate or help to resolve issues informally. If a complaint is submitted by email, it can be sent to complaints@blackmountainscollege.uk.

2.3 Complaint Management Flow Process

Details of our complaint management flow process is included in Appendix 1

2.4 Policy Restrictions

The scope of the policy is restricted to:

- Complaints in respect of the student's experience at the College including relationships with academic staff, fellow students, support staff or any services provided by BMC.
- Complaints made by members of the public or College staff concerning ANY SERVICE provided by BMC.

2.5 Matters Not Covered

This Policy and procedure does not cover the matters for which the following means of address exist:

- Complaints relating to student behaviour/misconduct [follow the Student Disciplinary Policy and Procedure];
- Complaints involving allegations of misconduct by Staff [follow the Staff Disciplinary Policy and Procedure];
- Complaints by a member of Staff against another member of staff [follow the Staff Grievance Policy and Procedure]
- Internal organisational issues by staff that should be referred to their line manager
- Complaints relating to a Fitness to Study Policy and Procedure [follow the FTS Appeals procedure]

2.6 Timescales

Complaints will be dealt with within the timescales identified unless there are extenuating circumstances which will be communicated to the complainant.

3. Procedure – Categorisation of Complaints

3.1 Stage 1 Frontline Resolution (non-serious, low risk, low profile)

All complaints received will seek to be resolved as soon as practically possible without referral or burdensome process, usually within 10 working days. Complaints will be logged onto the Stage 1 complaints register by the person receiving the complaint.

Complaints at this stage can be received and resolved by any member of staff as long as they are not the subject of the complaint. If they are the subject of the complaint they must refer the matter to another appropriate member of staff, normally their line manager.

Stage 1 complaints may be made in person, on the telephone, by email, by filling out the Complaints Form found on Moodle & on the Student segment of the BMC website (this can also be requested via email), and can be made by someone acting on the complainant's behalf in English or Welsh.

Every attempt should be made to resolve the matter as close to the first point of contact as possible, and complaints brought in Welsh should be treated no less favourably than those made in English.

If the complaint cannot be resolved in this way, it will be dealt with as a Stage 2 complaint.

3.2 Stage 2 Investigation (more serious, high risk, high profile)

This may be a situation which was not resolved at Stage 1, or is more complex and where more consideration has to be given before providing a solution or compromise.

A list of complaint types which will follow the Stage 2 process immediately, bypassing Stage 1 on receipt, are specified in Appendix 2. Generally only complaints relating to matters that have arisen in the past 6 months will be investigated, however, each complaint will be considered individually and be subject to risk assessment.

When a Stage 2 complaint is received, the responsible person receiving the complaint will obtain a written record of the complaint as soon as practicable and pass it to a non-biased individual to investigate. The non-biased individual will be either a staff member or trustee of BMC with no direct involvement in the matters raised by the complaint, or an appropriate third party in exceptional circumstances.

Upon receiving of a Stage 2 complaint, the details of the complaint will be recorded, and the complaint will be acknowledged within 5 working days of receipt. The complaint will be investigated thoroughly and resolved as quickly as possible, normally within 15 working days.

The individual investigating the complaint will normally offer the complainant the opportunity to speak about the issues raised so they have the opportunity to fully express their concerns and the outcome that they want to achieve. BMC will liaise with any relevant members of staff and witnesses to discuss the details of the complaint from their perspective, and keep the complainant informed of progress at every stage including variation to timescales.

The complainant will be informed of the outcome in writing, where it will be explained how and why BMC came to the decisions and details will be provided of the appeals process.

4. Appeals

If the outcome of investigation at Stage 2 does not reasonably satisfy the complainant, they may opt to appeal. However, the right of appeal may only be considered if there is new evidence which was not made available at an earlier stage or where, in the view of the complainant, the investigation was not carried out fairly, thoroughly, and/or the findings were not borne out by the evidence. Appeals must be submitted within 5 working days of notification of response to the Stage 2 investigation.

Appeals can be made by completing the Appeals Form which can be found on Moodle, the student segment of the BMC website, or requested via email.

Appeals can also be made in-person, by email, telephone or by someone acting on the complainant's behalf in English or Welsh.

The appeal will be acknowledged within 5 working days of receipt, investigated and resolved quickly, normally within 15 working days from receipt of the appeal (a longer timescale may be required where the member of staff investigating the appeal works part-time, but this will be communicated clearly to the complainant). The complainant will be informed of progress throughout the investigation including variations to timescales.

If an appeal meeting is deemed appropriate, the complainant will be given one week's notice of a proposed meeting. Should an appeal meeting be necessary the complainant has the right to bring someone with them e.g. student union representative, friend, family member, or advocate, however, they are not permitted to bring a legal representative.

Notes of the meeting will be taken, and the complainant will be informed of the outcome with reasonings in writing within 15 working days. This decision is final and the matter is considered closed.

5. Anonymous, Vexatious, Withdrawn Complaints and On-going Grievances

BMC values all its students and staff, and their feedback. This means that all complaints including anonymous submissions will be treated appropriately and action taken to consider them further, wherever possible.

5.1 Vexatious Complaints

Vexatious complaints are those that are 'manifestly, unjustified, inappropriate, or improperly use the formal procedure'. Complainants will be advised where it is felt that the nature or number of complaints made by them is deemed to be vexatious. Examples include:

- Those where the evidence indicated a personal grudge, for whatever reason and the complainant is targeting their correspondence towards a particular staff member against whom they have personal enmity.
- Where unreasonable persistence is applied in an attempt to reopen an issue which has already been addressed and concluded.
- Those using abusive or aggressive language.

5.2 Withdrawn Complaints

There may be situations that are reported that resolve themselves, or where the complainant does not wish to pursue their complaint. BMC will act appropriately should the complaint raised merit further action, referral or investigation, even if the complaint has been withdrawn in special circumstances.

5.3 Ongoing Grievances

Where a complaint is received from a staff member or student and that person is the subject of an ongoing disciplinary process, then the disciplinary process

will continue alongside the complaint investigation, unless it is not reasonable to do so.

6. Monitoring Complaints

The operation of this Policy and Procedure will be monitored by BMC. Reports will be produced on the nature of the complaints received and the manner and speed with which they were resolved.

Where appropriate, trends and patterns in complaints will be highlighted and addressed across the College.

7. Review

This Policy will be reviewed at 2 yearly intervals. The next review will be undertaken no later than April 2028. The review will be undertaken by the Senior Leadership Team.

8. Use of Personal Data

BMC is committed to protecting the privacy and security of your personal information. Personal information means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). In order to carry out a complaint investigation we may share your personal information with third parties in order to facilitate the investigation, disclosing information to external parties for safeguarding and duty of care purposes, where required by law or where we have another legitimate interest in doing so. Only information required for this purpose is obtained and processed.

Any disclosure of personal data to third parties involved in the complaints procedure will be made only where there is a legitimate reason to do so and in accordance with Data Protection legislation.

You have the right to withdraw your consent for processing your personal information at any time. Once we have received notification that you have withdrawn your consent, we will no longer process your complaint and, subject to our retention policy, we will dispose of your personal data securely.

BMC keeps personal data for as long as it is needed for the purpose for which it was originally collected. A basic record of a complaint will be kept by the College for 7 years. This data is retained in order to provide a record of your complaint and to allow us to address any appeal and analyse the effectiveness of action taken. Some anonymised information may also be retained for statistical purposes.

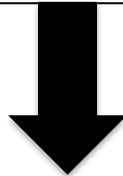
See our GDPR Policy for more information.

Appendix 1 – Complaint Management Process

Stage 1

Low risk/non-serious/low profile

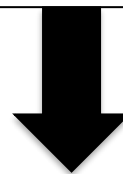
Attempt to resolve as quickly and practically as possible (usually within 10 working days). If the complaint is not resolved, move to stage two.



Stage 2

More serious/high profile/high risk/unresolved Stage 1 complaints

Written acknowledgement to complainant within 5 working days of receipt.
Complaints Officer will speak to complainant for clarification if necessary.
Complaints officer investigates and provides written response within 15 days of complaint wherever possible, with any actions.
If complainant wishes to appeal, move to Appeals Stage.



Stage 3

Appeal within 5 working days

Written acknowledgement sent to complainant within 5 working days of receipt.
Director or representative reviews appeal and conducts further investigation if necessary.
If necessary, conduct an appeal meeting with 10 working days of receipt of appeal and give complainant one week's notice.
Director or representative reviews complaint and provides written outcome within 15 working days.

Appendix 2 – Stage 2 Definitions

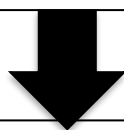
Complaints defined as potentially being of high risk, high profile or serious nature could involve:

- Complaints where Stage 1 has been completed and the complainant remains dissatisfied
- An allegation of corruption against an employee
- A claim of dereliction of duty by an employee
- A potentially significant risk to the College's operations or reputation
- A failure in the College's student health and wellbeing service
- A claim of gross misconduct against a member of staff as indicated in the Staff Disciplinary Procedures.

Appendix 3 – Quick Guide to Complaints for Students

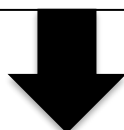
Complaints Procedure

You can make a complaint in person, by phone, by email to complaints@blackmountainscollege.uk, by form, or in writing to our Complaints Officer (Ben Rawlence). We have a two- stage complaints procedure. We will always try to deal with your complaint quickly, but if it's clear that the matter will need a detailed investigation, we will inform you, and keep you updated on our progress.



Stage 1 – Frontline Resolution

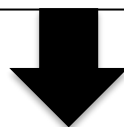
We will always try to resolve your complaint quickly, (within 10 working days if we can). Complaints at this stage can be received and resolved by any member of staff as long as they are not the subject of the complaint. The person you are complaining about may be informed at this stage depending on the circumstances of the complaint. If you are not satisfied with our response, you can ask us to further consider your complaint at Stage 2.



Stage 2 – Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at Stage 1. We also look at some complaints immediately at this stage, bypassing Stage 1, if it is clear that they are complex and need detailed investigation.

We will acknowledge your complaint within 5 working days and give you our decision within 15 working days, wherever possible.



Stage 3 – Appeal

If you remain dissatisfied, you may appeal to the Director or their nominated representative within 5 working days of receipt of the written decision at Stage 2, and their decision is final. You can submit an appeals form by accessing the document via Moodle, the Student Portal segment of the BMC website, or by request by emailing a member of staff.