

# Complaints Policy & Procedure

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**Assistant Principal Student  
Experience and Support**

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## 1. Introduction

The College aims to provide an inspirational, enjoyable and successful learning experience that supports students to achieve their goals. This complaints policy has been put in place to help deal with instances when students are not completely happy about an aspect of the service they have received by, or on behalf of, the College and feel this has affected their experience at the College.

This complaints policy will aim to deal with complaints constructively with a strong focus on early resolution. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented.

This policy is developed in line with guidance and good practice framework and principles issued by OIA and ESFA and this complaints policy also aims to be:

- Accessible and clear.
- Fair, impartial and confidential.
- Inclusive.
- Flexible and timely.
- Include guidance and support for students.

The College is committed to the highest standards of openness, probity and accountability and seeks to conduct its affairs in a responsible manner, considering the requirements of the funding bodies and the standards in public life set out in the reports of the Nolan Committee. If you have a genuine suspicion of bribery, or that there have been breaches of the law and other serious wrongdoings you should raise your concerns under the College's Whistle Blowing Policy with the Director of Governance. If you are concerned about safeguarding you should contact the Designated Safeguarding Lead (DSL) in Student Services.

## 2. Complaints procedure

This procedure is intended to provide a process, which focuses on early resolution by College staff. Students wishing to raise a complaint should follow each stage of the complaint procedure. These are:

- **Stage 1: Informal Complaint – Early resolution**

The purpose of the early resolution stage is to attempt to resolve concerns and complaints as quickly as possible. If you are unhappy with an aspect of the service you have received at the College, rather than let your concern become a formal complaint, you should try and resolve your issue promptly and informally. Concerns at this stage also can be raised in two ways:

- a) by either speaking directly with the person, who in your opinion, is responsible for your dissatisfaction or concern about the service provided or, raising your concerns with the supervisor/manager for the area/service concerned.
- b) in writing through the complements and complaints form, which is located on Student Zone webpage.

Complaints submitted for the early resolution stage should normally be raised within one month of the event unless there is valid reason for the delay.

### Resolving the concern

The staff member who received the written informal concern will acknowledge the receipt of a stage 1 early resolution complaint within two working days and aim to reach an early resolution outcome within five working days and this will be communicated to the complainant. Resolutions may include an explanation of why the issue occurred and where possible, the steps taken to prevent this from happening in the future. Students will be offered information and referred to support services as when relevant. The resolution notes will be communicated to the complainant in writing.

- **Stage 2: Formal Complaint**

If your concern has not been resolved at Stage 1, you feel the issue has not been responded to satisfactorily or where early resolution is not possible, you can take your complaint to the stage 2 of the Complaints Procedure by submitting a Formal Complaint by completing the [College complaints form](#).

Formal complaints should normally be submitted within 14 calendar days of completion of stage 1 have been completed unless there is valid reason for the delay or within one month of the event where the early resolution stage is not possible / not a suitable.

In submitting a formal complaint, you should identify both the nature of your complaint and, if appropriate, the individual against whom the complaint is being made. You are required to set out the complaint clearly and provide evidence to substantiate the issues you are raising.

Complainants are encouraged to suggest an appropriate resolution and identify their expected outcome from the complaint.

### **Resolving the formal complaint**

All submitted complaint forms will be reviewed initially to establish whether they are eligible for consideration under the Complaints Procedure. The College will acknowledge the receipt of a formal complaint within five working days and an independent College Manager (Investigating Officer) will be appointed to undertake an investigation of the facts relating to your complaint. The Investigating Officer may contact you for further information and may ask to meet with you to discuss the details of the complaint. The Investigating officer will keep record of their investigation and relevant information may be shared with interviewees.

The Investigating Officer will normally provide you with a formal written response to your complaint within 15 working days of the acknowledgement. We will write to you to let you know if for any reason, there will be a delay in a response being provided. The formal written response will detail the outcome any recommendations. Students will be directed to the next stage of the procedure if they remain dissatisfied at the outcome.

Please note that the next stage of the procedure for Higher Education students complaining about academic HE matters is to be signposted to the Complaints Procedure of the awarding partner institution for their programme. The partner institution will review the complaint to ensure that the student's complaint is handled in accordance with the Complaints Policy and Procedure and provide a formal written response and Completion of Procedures letter if applicable.

- **Stage 3: Review**

If you are dissatisfied with the outcome of your formal complaint, you have the right to appeal if you have grounds to believe that: -

- Your complaint at stage 2 has not been handled in accordance with due process outlined within the Complaints Policy and Procedure and this has affected the outcome.

- The decision and outcome of stage 2 were unfair and unreasonable.
- Significant new evidence and circumstance have become known / submitted, which could not have reasonably been made known / available at the stage 2.

Your appeal must be submitted in writing within 14 calendar days of receipt of the formal outcome later detailing the reasons for your dissatisfaction. You should submit your request in writing to [complaint@hughbaird.ac.uk](mailto:complaint@hughbaird.ac.uk)

### Resolving the appeal

Your appeal will be acknowledged within 5 working days and you will be informed of the name and contact details of the senior manager who is appointed to undertake a review of your complaint.

The reviewing manager will focus on the grounds of the appeal outlined above (stage 3 – review).

The reviewing manager may contact you for further information and may ask to meet with you to clarify the concerns you have raised as part of your appeal.

The reviewing manager will normally write to you within 15 College working days with the outcome of your appeal. You will be informed if this timescale is going to be changed. This represents the final stage of the College's Complaint Procedure.

Depending upon the nature of your complaint you may, if you remain dissatisfied, have the right to pursue the matter through an external complaints procedure. If this applies, your outcome letter from the College will confirm the completion of College procedures and signpost the relevant next steps for you, which may include: -

- Appeal to the Education and Skills Funding Agency (ESFA) – Further Education
  - Appeal to the Office of the Independent Adjudicator (OIA) – Higher Education.
- A Completion of Procedures letter will also be issued.

## 3. Independent External Review

If you remain dissatisfied and depending upon the nature of the matter you have complained about you may have a further right of appeal to either the Education and Skills Funding Agency (ESFA) or the Office of the Independent Adjudicator (OIA) for Higher Education. Please note that if your programme of study is awarded by a partner institution, your review may have to be submitted to them first (please see the Complaints regarding HE Matters section for more details).

### Complaints regarding FE Provision

You can obtain a copy of the ESFA Complaints Procedure from the Complaints Team, Education & Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry

CV1 2WT. Guidance on submitting a complaint can also be viewed at <https://www.gov.uk/government/organisations/education-and-skills-fundingagency/about/complaints-procedure>.

You should be aware that any complaint made to the ESFA must be made in writing within twelve months of exhausting the College Complaint Policy and Procedure.

### **Complaints regarding HE Matters**

If you are a Higher Education student and remain dissatisfied with the outcome of the stage 2 of College's Complaint procedure you may pursue the matter through the Complaint Procedure of the awarding partner institution for your programme. This will depend upon the nature of your complaint (i.e an academic HE matter). When this is applicable, students will be directed to the next stage of the procedure and links to individual partner institution policies and procedures will be provided.

Following a review of your complaint by a partner institution, you will be issued with a Completion of Procedures letter. If you remain dissatisfied you have a right to contact the Office of the Independent Adjudicator (OIA) for Higher Education, within 12 months of the issue of the Completion of Procedures letter. Full details of the OAI scheme are available at [www.oiahe.org.uk](http://www.oiahe.org.uk).

## **4. Eligibility**

This procedure is available to students enrolled on a programme of study at the Hugh Baird College, Hugh Baird University Centre (HBUC), parents of students under 18 years old, employers, College partners and customers using College services, wishing to complain regarding an issue or a service. Those students who have recently left a programme of study may complain about an issue within three months after their completion or withdrawal from their programme.

Some issues may be more appropriately considered under processes other than this complaint procedure. For example, this procedure will not cover complaints regarding admissions or readmission decision.

We are committed to enhancing the experience of our diverse community who have different expectations. Students have a range of opportunities to provide feedback and offer suggestions to improve services. We continue to encourage students to engage with our student voice mechanisms.

Students may not normally bring anyone to a meeting that is not a member of the College unless they are a parent of a student who is under 18 years old or this has been agreed as a reasonable adjustment under the Equality Act 2010.

## HE Students

This procedure should not be used to raise a concern or complaint related to the outcomes of assessment performance or academic judgements except where there is a complaint about a service provided which has to be resolved before an appeal decision can be made. If you are an HE student and wish to appeal against an assessment decision based upon your academic achievement or progress, you should refer to the Higher Education Appeals procedure available on the HBUC home page.

If you wish to appeal against a decision which has been made in relation to an application to study one of our Higher Education programmes, you should refer to the HE Admissions Policy and Procedure for details of the Appeals process. A copy is available on the HBUC home page.

## 5. Support for Students

Support and guidance for students is available through our Student Services. Students who have particular requirements may request reasonable adjustments to these procedures in line with the rights that students retain under the Equality Act 2010. Requests will be considered individually, and students will be notified of the adjustments that have been agreed in at the earliest opportunity.

## 6. Monitoring and Review

The number and nature of formal complaints will be recorded and monitored. Implementation of this policy will be monitored by the Assistant Principal Student Experience and Support, to ensure it is consistently and fairly applied and reviewed.

Recommendations made as a result of complaints received will be regularly reviewed to ensure consideration is given to each in to introduce improvements.

## 7. Equality Impact Assessment

The College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and meets our obligations under the Equality Act 2010.

## 8. Definitions

### **Complaint**

A complaint is defined as ‘an expression of dissatisfaction by one or more students about a College’s action or lack of action, or about the standard of service provided by or on behalf of the College’.

### **Group Complaint**

Complaints raised on behalf of a group of individuals will not normally be considered without consent from all individuals included in the group. In such circumstances, the College will deal with the nominated representative of the group only. The representative will be expected to liaise with the other individuals of the group.

### **Malicious Complaints**

Malicious Complaint is a complaint which is deemed to be unreasonable and based on untrue foundation and has vexatious purpose. The College reserves the right to not accept or terminate the investigation of any complaint considered malicious and will consider discretionary processes.

### **Anonymous complaints**

Complaints received anonymously will not normally be accepted, unless there are reasons and evidence, which requires an investigation.

### **Students at Partner Institutions**

For students studying under collaborative arrangements, concerns and complaints may be made through the partner institution's complaints procedure. Students will be provided with signposted to the relevant information when submitting a complaint.

### **Confidentiality**

Complaints will be handled with sensitivity and complainants may expect complaints to be dealt with confidentially and their privacy (and those involved) will be respected. No investigation of a complaint made on behalf of a student will be undertaken without that student’s agreement to the concerns raised.

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

Where a concern or complaint has been raised against a member of staff and has been upheld or partially upheld, the student will be advised of that overall outcome. However, specific details affecting individual staff members will not normally be shared.

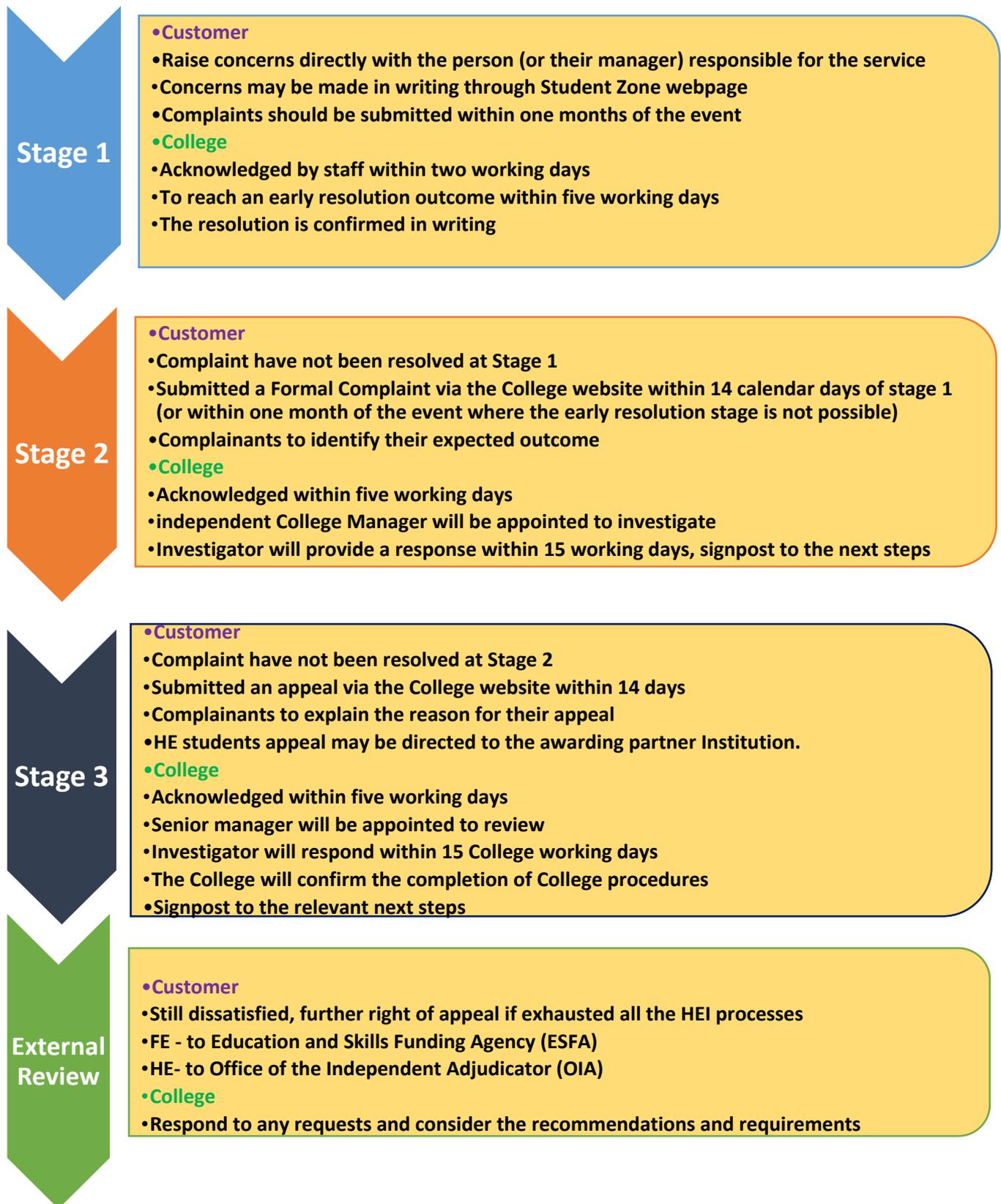
## 9. Flowchart

A flowchart is attached as an Appendix to this Policy to summarise the stages of the complaints procedure.

## 10. Contact

If you require any further information or assistance, contact us at [complaint@hughbaird.ac.uk](mailto:complaint@hughbaird.ac.uk)

## Complaints Procedure Flowchart



## Hugh Baird College

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**Email**

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[www.hughbaird.ac.uk](http://www.hughbaird.ac.uk)