

# HRUC COMPLAINT INVESTIGATION – PROCEDURE

## To be used in conjunction with the Complaints Policy.

All complaints will normally be acknowledged within **5 working days**, and normally be completed within **10 working days** during term time following acknowledgement. Where complaints are received within fifteen working days of a holiday period, or during a holiday period, it is expected that the complaint response will take longer than ten working days due to the absence of appropriate staff to investigate.

A college manager appointed to carry out an investigation into a complaint is required to examine the complaint from the Complainant's perspective with an aspect of best practice in customer care. They are required to carry out the investigation fairly and objectively, observing the requirements of the College's Equality & Diversity Policy, seeking opportunities to resolve rather than escalate the Complaint.

He/she must provide a written report – See Appendix 1. **They must not** report their findings to the Complainant or write to them other than as part of the investigation.

He/she must keep in close contact with the HRUC ASD throughout the investigation and report any anticipated delays to the report in time for the HRUC ASD to write to the Complainant within agreed deadlines.

## RESPONSIBILITIES OF INVESTIGATING OFFICER

### Overview

The Investigating Officer required to carry out an investigation into a complaint is required to examine the complaint with impartiality and with respect to best practice in customer care.

They are required to carry out the investigation fairly and objectively, seeking opportunities to resolve rather than escalate the complaint.

The Investigating Officer must provide a **written report** in the format below – **See Appendix 1**.

They must not report their findings to the complainant or write to them other than as part of the investigation.

During the investigation, if there are opportunities to resolve the complaint via mediation to the satisfaction of the Complainant, a report will still need to be completed.

You must report any anticipated delays to the report in time for the HRUC Academic Standards Department to write to the Complainant within agreed deadlines to notify the Complainant of a revised deadline.

## FRAMEWORK FOR THE INVESTIGATION OF COMPLAINTS

The nominated Investigator will receive notice to investigate from the HRUC ASD or other Investigating Officer (where applicable) with details of the complaint e.g., complaint form and/or letter of complaint.

The deadline for receiving the report will also be given and the Investigator should inform the Academic Standards Quality Department of any delay in carrying out the investigation so that notice of this can be sent to the complainant.

The Investigating Officer will make contact with the Complainant and keep them updated about the progress of the investigation, within the timescales specified if this is an extended period (over 2 weeks). It is advisable for the Investigating Officer to speak to the Complainant (phone or interview) to

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clarify the exact nature of the complaint and what may resolve the matter unless this is already clearly established.

The Investigating Officer will identify people to be involved in the investigation e.g., for a complaint about a member of staff, it would be the person implicated in the complaint, the person's line manager, Human Resources Director / Manager, and any witnesses to the event. The Investigating Officer, together with HR, where appropriate, will set up meetings with all concerned and obtain clarification about relevant events surrounding the complaint.

The Investigating Officer will identify any documentation that would help the investigation e.g., class timetables, course information, course selection criteria, letters to students, LO reports, disciplinary reports, witness statements etc. and conduct a review in relation to this evidence. Where a complainant or their representative is interviewed, minuted notes must be taken for the record. The Investigator will identify any visits required to aid judgements e.g., checking a room for issues, visits to a class, observation of a teacher/class and conduct appropriate visits.

Any meetings with the complainant or their representative's or other persons involved must be minuted.

## REPORTING

The Investigator will provide a written report in the format below – (See Appendix 1)

This report should be sent to the Academic Standards Department by the stated deadline, or where it involves a member of staff, to Human Resources.

The report should identify the Investigator's judgement in terms of whether each part of the complaint is upheld or not. For complaints that are upheld or upheld in part, the investigator should make recommendations for compensation/remedy where appropriate e.g., refund of fees or proportional refund, replacement of damaged goods, changes to procedure etc.

Upon receipt of the Investigator's report the HRUC Academic Standards Department will check the findings and recommendations of the investigation and, if necessary, instigate a dialogue with the Investigator to resolve any concerns, and then inform the relevant HOS/Department Head of the result of the investigation, including any recommendations. Any disagreements with regard to compensation/remedy should be discussed and agreed with the DP C&Q.

Once the report has been signed off by the ASM the Investigating officer will write to the Complainant giving details of the investigation together with the outcomes outlining (see appendix 2):

- The results of the investigation
- An apology for whatever the College admits to being upheld / upheld in part from the complainant.
- An outline of actions being taken as a result of the complaint if it is upheld / upheld in part.

Before sending the letter, it will be checked by the ~~Assistant Director~~ for accuracy within two days of receipt to keep within the timeframe for investigating complaints.

AsP/ HOS responsible for any actions arising will be sent a copy of the full investigation to complete actions. Monitoring progress and completion of these actions is the responsibility of the AsP.

The letter from the AsP will include information about the appeal procedure and will be sent out via the Academic standards department to ensure correct collating of information.

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The investigation will identify actions to be taken which could include disciplinary procedures. The decisions of this investigation may not concur with the decision of a resulting disciplinary board.

### **Responsibilities of the Senior Manager conducting an appeal**

The Senior Manager conducting an appeal will:

- Check that there are grounds for appeal and inform the complainant accordingly within 5 working days
- If there are grounds for appeal, reconsider relevant aspects of the complaint
- Inform the complainant of the outcome of the appeal within 10 working days
- Provide appropriate remedy
- Where an appeal is not upheld, refer the complainant to the appropriate external organisation, as follows.

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## Appendix 1 – Investigation report.

The purpose of this investigation is to identify:

- whether a complaint is upheld, upheld in part, or not upheld.
- whether there should be compensation/reimbursement made to the Complainant and what it should be
- any actions that need to be taken by HRUC to ensure that rigorous standards are maintained.

During the investigation of a complaint appropriate confidentiality should be maintained and you should not share any information relating to complaints unnecessarily. However, where involved students under 18 or vulnerable adults, where issues arise relating to the safeguarding agenda, HRUC reserves the right to contact students’ parents or legal guardians. The Complainant should be contacted or interviewed, as appropriate, so that the Investigator can obtain detailed information about the complaint. Any person implicated in the complaint must be informed of the nature of the complaint and have the right to state their views. The investigation will identify actions to be taken which could include disciplinary procedures. The decisions of this investigation may not concur with the decision of a resulting disciplinary hearing.

<b>Framework of Complaint Investigation (completed by Investigating Officer)</b>	
Complainant name:	Risk Allocation:
Name of Investigator:	Position:
Date of Complaint:	Date investigation started:
Deadline for completion:	Actual Completion date:
Details of any delays with reasons (these must be sent in advance to the Academic Standards Office)	
<b>SUMMARY OF THE COMPLAINT</b>	
Brief summary of main points made in the complaint.	
<b>Part B To be completed by the Investigating Officer</b>	
Brief summary of any outcomes sought by complainant	
<b>INVESTIGATION EVIDENCE BASE</b>	
Names (codes if confidential) and job roles of people interviewed together with reasons for interviewing them:	
Notes from interviews and meetings	
Description of documentation reviewed together with reason for its inclusion:	

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Details of Visits / Observations carried out with reasons for these

### INVESTIGATION FINDINGS & RECOMMENDATIONS

Please state the findings of the investigation in terms of the main points made by the complainant.

Please select decision and delete those that are not appropriate:

**Complaint is upheld in full / Complaint is upheld in part / Complaint is not upheld.**

Reason for this decision:

**Investigating Director's statement:** I confirm that the investigation has been carried out within the requirements of the College's Equality & Diversity Policy to ensure that no individual/group of individuals has been disadvantaged on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity

**Signed:**

**Date:**

Bearing in mind any outcomes sought by the complainant, confirm recommendations (including, if appropriate, any compensation/reimbursement).

Director:

Date for authorisation:

### ACTIONS ARISING FROM THE INVESTIGATION

Identify any concerns not included in the complaint that have been identified as part of this investigation:

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Identify actions that need to be addressed as a result of this investigation. (Add lines as appropriate). *The Quality Department / Academic Standards Department* will notify the relevant AsP to discuss with relevant staff. The Senior Leadership Team will monitor progress in addressing issues arising from complaints.

<b>Action</b>	<b>Intended outcome</b>	<b>AsP responsible for implementation</b>

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## Appendix 2

Template - Response Letter

Dear

Ref Complaint:

I am writing to you with the outcomes of the investigation into your complaint that we recently received. The investigation has been carried out by a senior member of the College staff and focused upon the following summarised areas:

The findings of the investigation are as follows. *(state if outcomes where **upheld/partially upheld/not upheld**)*

I trust that this resolves your concerns. If you wish to appeal the outcomes of this investigation you may do so with 10 days working days of the date on this letter by writing to Leola Salandy PA to the Group Principal and Deputy CEO at the College, or via. [Leola.salandy@hruc.ac.uk](mailto:Leola.salandy@hruc.ac.uk) Appeals will be heard where you are able to bring forward evidence that one or more of the following have occurred:

1. The College has not followed the formal procedure as described in this policy document.
2. Incorrect evidence has been used during the investigation of the complaint or new evidence has arisen.
3. The Investigating Officer did not fully consider the complainant's personal circumstances.
4. The circumstances of the complaint were not fairly considered.

Thank you for your time in helping with this investigation as this helps us continue to improve our work in getting the best outcomes for our students.

Yours sincerely,

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## Information for ASD Staff only - tracking of complaints.

### ALLOCATION OF RISK

It is the responsibility of the HRUC ASD to determine the risk of the complaint. Risk will be categorised as low, medium or high.

Complaints likely to be judged as 'high risk' are those that pose a legal threat to HRUC as a result of potential breach of legislative responsibility. These would include alleged breaches of the Consumer Rights Act 2015, the Equality Act or College Policy, issues of Child Protection, Fraud, Health & Safety, or those concerning matters that are likely to bring HCUC into serious disrepute.

In normal circumstances, the Director of the area concerned will be required to undertake an independent investigation of a complaint categorised as *high* risk. The HRUC ASM may recommend that a Senior Manager from outside the Curriculum / Service Area concerned is asked to investigate a high-risk complaint. Such a recommendation must be agreed by the DP C&Q. Where the ASM is absent then the DP C&Q will allocate the complaint to an Investigating Officer.

Complaints categorised as 'medium risk' are those that are not considered likely to result in legal action.

Complaints likely to be considered 'low risk' are those that identify minor issues and are likely to be those that have not been raised informally within the relevant curriculum area.

### CLASSIFICATION OF COMPLAINTS

Complaints are classified according to the following categories:

- CTL – Curriculum: Quality of T&L
- CLS – Curriculum Learning Support
- CLE – Curriculum: Quality of Learning Environment
- CA – Course Administration
- ER – Employer Related
- LBE – Learner Behaviour External
- LBI - Learner Behaviour Internal
- SBE – Staff Behaviour External
- SBI – Staff Behaviour Internal
- CQ – Catering Quality
- ETR – Estates: Teaching Rooms
- EG – Estates: General
- EE – Estates: External
- II – Incorrect Information

If the nature of the complaint is concerned with an area covered by regulatory policy, this will be indicated by additional categorisation as follows:

- HS – Health & Safety issue
- ED/D – Equality & Diversity issue related to Disability.
- ED/A – Equality & Diversity issue related to Age.
- ED/R – Equality & Diversity issue related to Race.
- ED/G – Equality & Diversity issue related to Gender.
- ED/GR – Equality & Diversity issue related to Gender Reassignment
- ED/SO – Equality & Diversity issue related to Sexual Orientation
- ED/RB – Equality & Diversity issue related to Religious Belief



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- ED/PM – Equality & Diversity issue related to Pregnancy/Maternity
- ED/MCP– Equality & Diversity issue related to Married/Civil Partnership
- CP – Safeguarding/Child Protection
- FR – Financial Regulations
- NA – Not Applicable

Diversity monitoring is carried out for internal complaints in terms of the originator of the complaint according to their race, disability, gender and age where this information is disclosed. Any complaints relating to Equality & Diversity will be reported to the Equality & Diversity Forum.