Complaint Resolution Policy and Process

This policy explains how to raise a concern or complaint and how Middlesbrough College ("the College") will consider it.

In order to assist us to deal with your complaint quickly, please read the following guidance carefully before submitting your complaint.

The College aims to provide a positive and successful experience. We recognise that concerns may nevertheless arise. We welcome feedback and complaints because they enable us to address individual concerns and improve our services.

The College will deal with complaints fairly, impartially and so far as reasonably possible, promptly. No person will be disadvantaged because they have raised a concern or complaint under this policy in good faith.

If you need help to understand or use this process, or require information in an alternative format or another reasonable adjustment, please contact the Complaints Resolution Office (CRO).

Types of complaint covered by this process.

1. Complaints from current or former students registered at the College about a College service, action, omission, policy, procedure, facility or member of staff.

2. Complaints from parents or legal guardians of current or former students of the College about a College service, action, omission, policy, procedure, facility or member of staff. Where the student is aged 18 or over, the College will normally require the student's written consent before disclosing personal information or allowing another person to pursue a complaint on the student's behalf, unless there are safeguarding concerns, or the student is unable to provide consent, or another lawful reason applies.

3. Complaints from members of the public, visitors, contractors, or any other external stakeholder or user of the College who have been directly affected by a College service, action, omission, policy or procedure.

Types of complaint not covered by this process.

1. Complaints from students against other students. Allegations about the conduct of another student will normally be referred for consideration under the Student Positive Behaviour Management process and where appropriate, the College's Safeguarding procedures. Please refer any such matter to your tutor or Student Services for consideration under the Student Positive Behaviour Management process. A complaint about the College's response to, or handling of, such an allegation may be considered under this policy.

2. Complaints by employees. Complaints from College staff against other members of staff or departments. Concerns raised by an employee about their own employment will normally be considered under the Staff Grievance Procedure. A concern which amounts, or may amount, to a qualifying disclosure in the public interest will be referred for

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consideration under the College's Whistleblowing Policy. Please refer to your line manager or HR for consideration.

3. Conduct outside employment. Complaints about the private conduct of a College employee will not normally be considered under this policy where the conduct is wholly unconnected with the employee's College role. The College may nevertheless consider or refer such concerns where there is a relevant safeguarding, regulatory, employment or reputational connection, or where the employee is alleged to have used their College position or authority.

4. Police or external investigations. The fact that a matter has been reported to, or is being investigated by, the police or another external body will not automatically prevent the College from considering a related complaint. The College will decide on a case by case basis whether its investigation can continue, should be limited or should be paused, taking account of any risk of prejudicing an external investigation.

5. Historic complaints against the College. A complaint should normally be submitted within three months of the event complained about or, where the complaint concerns a series of related events, within three months of the most recent event. Where the complainant did not become aware of the relevant circumstances at the time, the three-month period will normally run from the date on which they became, or could reasonably have become, aware of them. The College may accept a late complaint where there is a good reason for the delay and it remains reasonably possible to investigate the matter fairly. Relevant considerations may include:
    a. disability, ill health or significant personal circumstances. The College will consider whether it is necessary to extend a time limit as a reasonable adjustment;
    b. the complainant's age or vulnerability;
    c. a safeguarding or otherwise particularly serious concern;
    d. delayed awareness of material information;
    e. the availability of relevant records and witnesses; and or whether accepting the complaint would cause material unfairness to another person.

Information to be included within a complaint

To ensure complaints can be fairly, consistently, and efficiently investigated, all complaints should provide, so far as is reasonably possible:

- clear description of the matter about which they are complaining;
- the relevant dates, people, departments or College services;
- details of any previous attempt to resolve the matter;
- any supporting information reasonably available to them; and
- the outcome they would like the College to consider.

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A complainant will not be required to provide information which is already held by the College. A complaint will not be rejected merely because the complainant cannot provide independent evidence or identify a particular remedy.

Where the College cannot understand or fairly investigate a complaint, it will normally explain what clarification or further information is required and give the complainant a reasonable opportunity to provide it.

Any decision not to accept a complaint will be communicated in writing. The decision will explain:

- why the complaint has not been accepted;
- any other procedure which may be more appropriate; and
- how the complainant may request a review of the decision.

Definition of Timeframes

In this policy:-

- **Working days**: means Monday to Friday, excluding bank holidays and any published period during which the College is formally closed including weekends;
- **Calendar days**: means every consecutive day, including weekends, bank holidays and College closure periods.

The Process

In order to support you and to address any concerns that you may have quickly and efficiently, **please follow the procedure outlined below**.

Complaints sent directly to the Principal or another senior leader will normally be referred to the appropriate stage of this policy. A complaint about the Principal will be referred to the Chair of the Governing Body, or to another person appointed by the Chair who has not previously been involved in the matter. A complaint about the Chair of the Governing Body or another governor will be considered under the applicable governance arrangements.

The Complaints Resolution process is designed to support you and ensure that your concerns are addressed promptly and by the most appropriate person to achieve a satisfactory resolution. In order to achieve this outcome, the process is divided into 3 stages.

1. **Stage 1 – Informal Resolution**. The purpose of this stage of the process is to try and resolve your concerns with the person or department that you have a complaint against. If you are uncertain whether your complaint should be dealt with under Stage 1 or Stage 2 of the process, submit your complaint in writing using the form attached in Appendix 1, and emailed to complaints@mbro.ac.uk. The CRO will decide which is the most appropriate stage of the process for you to follow and advise you in writing of the next step to take. Further information about stage 1 is set out below.

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2. **Stage 2 – Formal Complaint**. If you have been unable to resolve your complaint through Stage 1 of the process, you may escalate your complaint to Stage 2 for a formal investigation. Further information about stage 2 is set out below.

3. **Stage 3 – Appeal**. If you are dissatisfied with the outcome of the Stage 2 formal investigation, you may escalate your complaint to Stage 3 for a review of the process. Further information about stage 3 is set out below.

Before submitting your complaint

Before submitting your complaint it will help you to reach a satisfactory conclusion quickly if you are clear about;

1. what happened and why you are dissatisfied;
2. the person, department, service, policy or decision concerned;
3. relevant dates and events;
4. any information which supports your complaint;
5. any steps already taken to resolve the matter;
6. the outcome you would like the College to consider; and
7. any assistance or reasonable adjustment you require to use the complaints process.

Initial Triage and Allocation

All complaints submitted to the Complaints Resolution Office (CRO) will undergo an initial assessment / triage process to determine:

- whether the complaint falls within the scope of this policy;
- whether another policy or procedure should be used;
- whether the complaint has been submitted within the applicable time limit;
- whether the College can understand the substance of the complaint;
- whether informal resolution is appropriate;
- whether urgent, safeguarding or protective action is required; and
- whether any reasonable adjustment is required.

Following this assessment, the College may:

- Request further clarification or evidence
- Redirect the complaint to a more appropriate process
- Decline to investigate complaints that do not meet required standards

Where the College decides not to accept a complaint, it will provide the complainant with written reasons and details of how that decision may be reviewed.

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Stage 1 – Informal Resolution

- All complaints, whether written or verbal, should initially be directed to the person or department that the complaint is about to see if your concerns can be resolved promptly and informally.
- A complainant may instead contact the Complaints Resolution Office (CRO) where:
    - they would feel uncomfortable raising the concern directly;
    - the complaint concerns the conduct of the person who would ordinarily consider it;
    - the complaint concerns alleged discrimination, harassment, safeguarding or serious misconduct; or
    - informal resolution would otherwise be inappropriate.
- The person or department receiving the complaint will investigate the complaint and attempt to reach a satisfactory conclusion, promptly and normally within 20 working days*. Where more time is required, the complainant will be told the reason for the delay and the date by which they can expect a response.
- You do not have to submit your complaint in writing at this stage, but you are advised to keep a note of what you are complaining about, who you complained to, as well as any significant dates, times or other important facts. You should also be clear about what you would see as a satisfactory outcome of your complaint. Keeping a detailed account of your concerns, will assist you if you wish to escalate your complaint further.
- If your complaint cannot be resolved informally, you may be referred to the Formal Complaints Process (under stage 2 and or stage 3, as applicable).

Stage 2 – Formal Complaint

The College will normally encourage complainants to attempt informal resolution before making a formal complaint. Your complaint may be referred to the Informal Resolution Stage (stage 1) if you have not already attempted to follow this procedure.

A complaint may proceed to Stage 2 where:

a) the issues are serious, sensitive or complex;

b) safeguarding, discrimination, harassment or serious misconduct is alleged;

c) the relationship between those involved makes informal resolution inappropriate;

d) urgent action may be required;

e) the complainant is a former student and informal resolution is no longer practicable; or

f) the Complaints Resolution Office (CRO) considers that Stage 1 is unlikely to resolve the matter.

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- **All complaints at this stage 2 must be formally submitted in writing with supporting evidence**, using the form attached in Appendix 1 or by email to complaints@mbro.ac.uk. If you need help with completing the form, please contact Student Services.

- The College may accept a complaint in another format where reasonably required. Assistance is available for complainants who experience difficulty putting their complaint in writing or completing the form.

- The complainant should provide any relevant supporting information reasonably available to them. The absence of independent supporting evidence will not, by itself, prevent the College from investigating the complaint.

- Your complaint will be reviewed by the Complaints Resolution Office (CRO). A decision will be reached based on the evidence provided by you and the department or person about whom you are complaining. The CRO will decide which stage of the Complaints Resolution Process is the most appropriate for you to follow and advise you in writing.

- All Stage 2 investigations will be carried out by the Complaints Resolution Office (CRO). The CRO will appoint an appropriate investigator. The investigator must not have had material prior involvement in the subject matter of the complaint and must declare any actual or potential conflict of interest. The investigator will confirm the matters to be investigated and may:

    - meet or communicate with the complainant;
    - obtain a response from the person, service or department concerned;
    - interview relevant witnesses;
    - examine College records and other relevant information;
    - request further information from the complainant or other persons; and
    - consider whether informal resolution, mediation or another remedy remains possible.

- The investigator will conduct the investigation fairly and proportionately. Both the complainant and any person whose conduct is criticised will be given a reasonable opportunity to provide relevant information and respond to material allegations concerning them.

- Findings will normally be made on the balance of probabilities. Information will be disclosed only where it is reasonably necessary for the fair consideration of the complaint and in accordance with applicable confidentiality and data-protection requirements.

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- Once the CRO has concluded the investigation a decision will be made which will lead to one of three outcomes.
    - **To uphold your complaint.**
    - **To partially uphold your complaint.**
    - **To not uphold your complaint.**
- You will be informed in writing of the outcome the investigation by the CRO. The letter will include the rationale for each decision taken and the evidence upon which it was based. In the event of complaints that were upheld or partially upheld, you will be informed of any action taken by the College in so far as it is possible.
- For a complaint to be accepted at this stage, it should be made **within 30 calendar days** of conclusion of Stage 1 of the process. The College may extend this period where there is a good reason for the delay or where an extension is required as a reasonable adjustment. The request should be made using the form in Appendix 2 (or in another agreed format) and emailed to complaints@mbro.ac.uk. It should identify the ground or grounds of review and explain why the complainant considers that they apply.

The Complaint Resolution Office reserves the right to reject or return complaints at Stage 2 where:

- Admissibility criteria are not met
- Insufficient detail or evidence is provided
- The complaint duplicates a matter that has already been investigated
- The complaint is deemed vexatious, unreasonable, or outside the scope of this policy.

Stage 3 – Appeal

The Appeal Stage is only open to complaints that have been through Stage 2 of this process.

If you are dissatisfied with the outcome of the Stage 2 investigation, you can request a formal review of your complaint through the Appeal Process. A Stage 3 review may be requested on one or more of the following grounds:

a) there was a material procedural irregularity at Stage 2;
b) the Stage 2 outcome was unreasonable in light of the information considered;
c) relevant information was not properly considered;
d) new material information has become available which, for good reason, could not have been provided earlier;
e) there is evidence of bias, conflict of interest or a lack of independence; or
f) the remedy proposed was unreasonable or did not adequately address a complaint which had been upheld.

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- Any formal request for a review under the Appeals Process, must be made **within 30 calendar days** of the decision from Stage 2 of this process being issued.
- Requests for review must be made in writing using the form in Appendix 2 and emailed to complaints@mbro.ac.uk, stating the reason for the request and providing any additional evidence.
- The Stage 3 review will not ordinarily involve a complete rehearing or reinvestigation of the original complaint. The reviewer or Review Panel may nevertheless:

  a) seek further information;
  b) reconsider a finding where this is necessary to determine a ground of review fairly;
  c) correct a procedural or factual error;
  d) vary the Stage 2 outcome or remedy; or
  e) refer all or part of the complaint for further investigation or reconsideration.

- Your complaint will be reviewed by the Appeals Panel. Each panel member must have had no material prior involvement in the complaint; be appropriately senior or otherwise suitably experienced; and declare any actual or potential conflict of interest. A decision will be reached based on the evidence provided by you and the Complaints Resolution Office (CRO). The decision at this stage will lead to one of the following outcomes:

  - To uphold your appeal;
  - To partially uphold your appeal;
  - To vary the remedy or outcome proposed at Stage 2
  - To not uphold your appeal.

- If a complaint is upheld or partially upheld, the stage 3 decision will be communicated to you in writing including an explanation of the action that will be taken by the College (if applicable).
- If your complaint is not upheld at stage 3, you will receive a letter explaining the basis for the decision. A Completion of Procedures letter will be issued to higher education students informing them of any right of appeal to external agencies.
- Where the complaint relates to higher education provision and the College's internal procedure has concluded, the College or relevant awarding body will issue a Completion of Procedures letter in accordance with the OIA Scheme Rules. Where the complaint or review is not upheld, the Completion of Procedures letter will be issued automatically and normally within 28 days of the final decision. It will explain:

  - the student's right, where applicable, to ask the Office of the Independent Adjudicator for Higher Education to review the complaint;
  - the applicable time limit; and
  - how to obtain further information and support.

- Where the complaint is upheld or partially upheld, a Completion of Procedures letter will be issued if the student requests one or where otherwise required by the OIA Scheme Rules.

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- Where a student is registered on a programme validated by the Open University or another awarding body, responsibility for the final internal stage and the issue of any Completion of Procedures letter will be determined in accordance with the applicable validation or partnership arrangements. The Stage 3 outcome letter will explain which organisation is responsible and identify any further steps available to the student.

Use of Artificial Intelligence in Complaint Submissions

The College recognises that complainants may use tools, including artificial intelligence (AI), to assist in preparing complaints. However:

- The complainant remains fully responsible for the accuracy, authenticity, and relevance of the submission.
- Complaints must reflect the genuine personal experience of the complainant.
- Submissions that are generic, templated, repetitive, or lacking specific factual detail may be returned or rejected.
- The College may request clarification or additional evidence where the origin or reliability of the content is unclear.

The College may ask for clarification where a submission does not identify the relevant events or concerns clearly enough to permit a fair investigation. A complaint will not be rejected merely because assistance, a template or an automated tool has been used in preparing it.

Timescales

The table below shows the estimated response times for each stage of the complaints process.

Stage	**Time estimate (as defined above)**
Stage 1 – Informal Resolution	20 working days
Stage 2 – Formal Complaint	30 working days
Stage 3 – Appeal	30 working days

The College may extend a timescale where reasonably necessary, for example because:

a. the complaint is particularly complex;
b. relevant information is awaited;
c. an external organisation is involved;
d. a key witness is temporarily unavailable; or
e. an extension is necessary to ensure a fair investigation.

Where a timescale is extended, the College will tell the complainant why the extension is necessary; the work which remains outstanding; the revised expected completion date; and when a further progress update will be provided.

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Vexatious, Unreasonable or Unreasonably Persistent Complaints

The College is committed to considering complaints fairly. It also has a responsibility to protect students and staff from behaviour which is abusive, threatening or so persistent that it has a disproportionate effect on the College's ability to provide its services.

Behaviour may be regarded as unreasonable or unreasonably persistent where, having regard to all the circumstances, it includes or demonstrates one of more of the following:

- Repeated submission of materially identical complaints after a final outcome
- Lack of new, relevant, or substantive information
- Excessive volume, frequency, or length that places disproportionate burden on College resources
- Failure to engage constructively with the complaints process
- Complaints that are manifestly unfounded, speculative, or unsupported by evidence
- Complaints generated in bulk or through automated means without meaningful personalisation
- Requests for outcomes that are clearly disproportionate, unrealistic, or outside the College's control

Where a complaint is deemed vexatious, the College may:

- Limit the frequency or type of contact
- Require communication through a single point of contact
- Decline to investigate further complaints on the same matter
- Implement proportionate restrictions on engagement

Where reasonably practicable, the College will warn the complainant before imposing a restriction. The warning will identify the behaviour causing concern and explain how the complainant is expected to communicate in future. All such decisions will be:

- Proportionate
- Clearly documented
- Approved by a senior member of staff

A complaint will not be regarded as unreasonable merely because:

- it is lengthy or complex;
- the complainant is persistent in seeking an outcome;
- the complainant does not have independent evidence;
- the complainant seeks an outcome which the College cannot provide;
- the complaint was prepared using assistance, a template or digital tool; or

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- the complainant communicates in a way which arises from disability or another protected characteristic.

The decision as to whether a complaint is considered vexatious or unreasonable will rest with the Vice Principal Quality and Data.

Evidence and Information Requirements

Complainants are expected to provide all relevant information and evidence at the earliest opportunity.

The College may ask the complainant to clarify the issues or provide further information within a reasonable period. Any deadline will take account of the nature of the information requested, the complainant's circumstances and any reasonable adjustment.

If requested information is not provided, the College may determine the complaint on the information available, provided that it is fair to do so.

The College will not reject or refuse to uphold a complaint merely because the complainant cannot provide information which is held by the College or because there is no independent documentary evidence.

Outcome Expectations

The College will aim to resolve complaints fairly, proportionately, and based on available evidence.

Outcomes will reflect:

- Compliance with College policies and procedures
- What is reasonable and achievable in the circumstances

Any remedy will be proportionate to the findings and will be limited to action which is lawful and within the College's reasonable control. The College is not obliged to:

- Deliver outcomes that are disproportionate
- Meet demands that are unreasonable or outside its control

Data protection and confidentiality

The College will handle complaint information sensitively and in accordance with applicable data protection legislation.

Information will be shared only with those who reasonably need it to consider the complaint, respond to allegations, provide support or enable the College to comply with its legal obligations.

The College cannot promise absolute confidentiality. A fair investigation may require the substance of an allegation and relevant supporting information to be disclosed to the person concerned. The College will explain this to the complainant where appropriate.

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Anonymous complaints

The College may consider an anonymous complaint where sufficient information is available to make appropriate enquiries. Particular consideration will be given to complaints raising safeguarding, serious misconduct, fraud or regulatory concerns.

Anonymity however may limit the College's ability to investigate, test information or provide an outcome. The College will not normally be able to provide updates or a response where it cannot identify or contact the complainant.

Collective complaints

Where two or more complainants raise substantially the same issues, the College may manage the complaints together where it is fair and efficient to do so.

The complainants may be asked to nominate a representative or single point of contact. The College will obtain any necessary consent before sharing personal information between members of the group.

External Review

The Stage 3 outcome will explain whether any external review route is available. Depending on the nature of the provision and complaint, this may include:

- the Department for Education for complaints concerning eligible DfE-funded post-16 education or training, after the College's internal procedure has been exhausted;
- the Office of the Independent Adjudicator for Higher Education for eligible complaints concerning higher education provision;
- the relevant awarding body or validating institution; or
- another regulator or statutory body with responsibility for the subject matter.

Different external bodies have different remits and time limits. The College's final response will provide the relevant information but cannot guarantee that an external body will accept a complaint.

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Appendix 1

Complaints Resolution Process

Stage 2 – Formal Complaint

Name	
Email address	
Home Address	
Post Code	**Tel Number**

If you are a student, please give the following details:
Course Name
Course Tutor
Student Number

If you are a visitor or member of the public, please give the following details:
Which area were you visiting?
Who were you visiting?

Describe your complaint (maximum 500 words). Please include the key facts, dates and people involved.

[Where possible, please include the following information….

- ***What happened and when?***
- ***Which person, department, service, policy or decision does your complaint concern?***
- ***What are the specific matters you would like the College to investigate?***
- ***What steps have you already taken to resolve the matter, including any Stage 1 outcome?***
- ***What information or documents are you providing in support of your complaint?***
- ***What outcome would you like the College to consider?***
- ***Is the matter urgent or time-sensitive? If so, please explain why.***
- ***Do you require any assistance or reasonable adjustment to participate in the complaints process?]***

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Signed:	**Date:**

Please attach details of your complaint. Be sure to provide as much detail as possible as well as any supporting evidence.

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About You – data monitoring form

Middlesbrough College is committed to ensuring staff, students and visitors should be treated fairly in all the services they access. It would help us to check that we are providing services which are fair and accessible if you would answer the questions below. You can choose not to answer some or all of the questions; this will not affect how we deal with your complaint. The monitoring form will be detached from the complaint on receipt. No personal information which can identify you will be used in our reporting, including name or address. Data Protection Act guidelines will be followed to keep your information secure and confidential.

Please put a cross in the appropriate box:

Gender:

Female ☐ Male ☐ Unspecified ☐ Prefer not to say ☐

Age:

14 – 15 ☐ 16-19 ☐ 20 or older ☐ Prefer not to say ☐

Do you have a disability?

Yes ☐ No ☐ Prefer not to say ☐

Ethnicity

Prefer not to say ☐

Asian/Asian British ☐

Black/African/Caribbean/Black British ☐

Mixed/multiple ethnic groups ☐

White ☐

Other (Please specify) ☐ _____

Thank you for completing this form. The information provided will help us to improve our services to you and others who access the college and its services.

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Stage 3 – Appeal

Name		
Email address		
Home Address		
Post Code		**Tel Number**

Please explain the reasons for your appeal	
Signed:	**Date:**

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