3.5 Policy for Learner Complaints

QA Area (s)	• Governance and Management of Quality • Documented Approach to QA • Teaching and Learning • Supports for Learners
Applies to	☐ Staff only ☐ Learners only ☒ Staff and learners
Policy Owner	Director of Academic Affairs and Undergraduate Programmes

3.5.1 Purpose

The purpose of this policy is to provide learners with a process through which they can have complaints regarding the College and its employees, learners or facilities addressed in a meaningful and constructive way. For the purposes of this policy, a 'complaint' is defined as any specific concern about the provision of a programme of study or a related service/facility.

3.5.2 Scope

- The policy applies to all learners who are in receipt of services from the College.
- The policy applies to all College services and programmes.
- The policy is distinct from the College's Policy for Appeals.

The Complaints Procedure deals with complaints that cannot be dealt with under any other structure; therefore, this procedure does **not** cover

- Applicants appealing against an admissions decision.
- Learners appealing against an Examination Board decision.

3.5.3 Policy

The College is committed to ensuring that both the interests of learners and those of staff are safeguarded. Feedback is actively sought throughout the academic year through various channels. This is done to mitigate against a learner issue escalating into a complaint. The channels through which feedback can be given are:

- Discussions with lecturers.
- Discussions with programme leads.
- Class representative meetings.
- Group issues can be communicated through a nominated representative or the class representative.
- Learner feedback questionnaires.

- Learner Support Coordinator.

In the unusual event where the above channels prove insufficient to resolve a specific issue, a learner will be directed to our complaints process. In all matters relating to a complaint only those named in the complaint will be informed of the case and will have a right to reply as part of the investigation.
However, it is important to note that the right to complain does not extend to:

- Complaints that are of a frivolous or vexatious nature;
- Complaints that are made for the purpose of personal gain;
- Complaints that are made anonymously.

Complaints are taken seriously by the College and reviewed by the Executive Management Team, Academic Council and Board of Directors as an important source of information regarding the College's performance and potential for improvement in relevant areas of operation. The College will endeavour to respond to and, where possible, resolve complaints within a two-week period.
Complainants (the persons making the complaint) are encouraged to first seek informal and prompt resolution of any issues of concern though communicating directly with the person(s) responsible for the matter. For example, a learner is encouraged to raise issues related to classroom or online learning directly with their lecturer.
Where this is not possible, informal complaints are handled following the principle of subsidiarity[6]. Complaints are therefore handled as much as possible at the nearest level to the issue of concern. For example, a learner may raise issues with a programme with the Programme Leader, or issues with a lecturer with the Head of Academic Programmes. Informal complaints may be escalated to higher levels only where there is no resolution possible at a lower level.
The *subject of a complaint* (the person who is being complained about OR is responsible for the matter being complained about) has the right to be notified of the nature of the complaint, and provided with a copy of the complaint and the complainant's details. The subject of a complaint has the right to respond.
The Complaints process comprises up to three stages:

1. Stage 1 – Informal
2. Stage 2 – Formal Investigation of Complaint
3. Stage 3 - Appeal

3.5.4 Responsibility

The Registrar has responsibility for ensuring learners and staff are aware of the College's complaints policy and procedure.
All staff and learners at the College have responsibility for adhering to the policy and procedure for complaints, whether they are the complainant, the subject of a complaint or the person to which the complaint is escalated for potential resolution.

3.5.5 Related Legislation, Regulation or Guidelines

[6] The principle of subsidiarity dictates that functions that can be carried out efficiently by smaller or lesser bodies within the College will not be exercised by larger or greater bodies.

1. Core Statutory Quality Assurance Guidelines 2016 (QQI).
2. Sector Specific (Independent/Private) Statutory Quality Assurance Guidelines 2016 (QQI).
3. Policies and criteria for the validation of programmes of education and training 2017 (QQI)
4. Policy and Criteria for Making Awards 2014 (QQI)
5. Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG, 2015).
6. Assessment and Standards, Revised 2013 (QQI).
7. Policy for Determining Awards Standards – QQI, 2014
8. NFQ Awards Standards
9. European Credit Transfer and Accumulation System (ECTS) User Guide –2015
10. International Standard Classification of Education (ISCED) – UNESCO, 2011.

3.6 Procedure for Learner Complaints

Having regard to the rights and responsibilities outlined in the Learner Charter, and in the context of a learner seeking to make a complaint, the College is committed to:

- Handling complaints from learners in all instances, in so far as is possible, in a co-operative rather than an adversarial way. Towards this end, every effort will be made in each instance to arrive at a solution by consensus among the relevant parties.
- Handling complaints in a sensitive and confidential manner, with due recognition of the personal implications for both learners and members of staff involved.
- Ensuring students will not be disadvantaged because they make a complaint.
- Ensuring the reputations and professional integrity of members of staff of the College are protected from unsubstantiated complaints.
- Avoiding prejudiced responses to complaints, by way of comment or otherwise, particularly by those to whom formal complaints are made in the first instance.
- Ensuring academic standards are always safeguarded from being undermined by any misuse or mishandling of the complaints procedure.
- Applying the principles of natural justice when dealing with complaints i.e. all parties to a complaint have the right to be heard; all relevant submissions and evidence will be considered; matters that are not relevant shall not be considered; and the decision-maker(s) will not be biased.
- Ensuring there will be full disclosure of any records maintained within the College of complaints involving staff members to the staff member concerned.

Further:

- In the event that it is determined that a complaint is made which is unfounded and of malicious intent, the complainant may be referred to establish whether the learner is

in breach of College regulations, in which case the learner may be liable to suspension, expulsion or such other penalty as decided.

- Where a learner complaint does not follow the correct process and/or is directed to a senior member of staff, their complaint will be directed to the Head of Academic Programmes who will ensure it enters the procedure at the appropriate point and is directed to the correct person.
- Complaints can provide an important source of feedback on the performance of the College's services and members. As such the College will monitor the registration of complaints and the progress towards resolution.

3.6.1 Stages in the Complaints Process

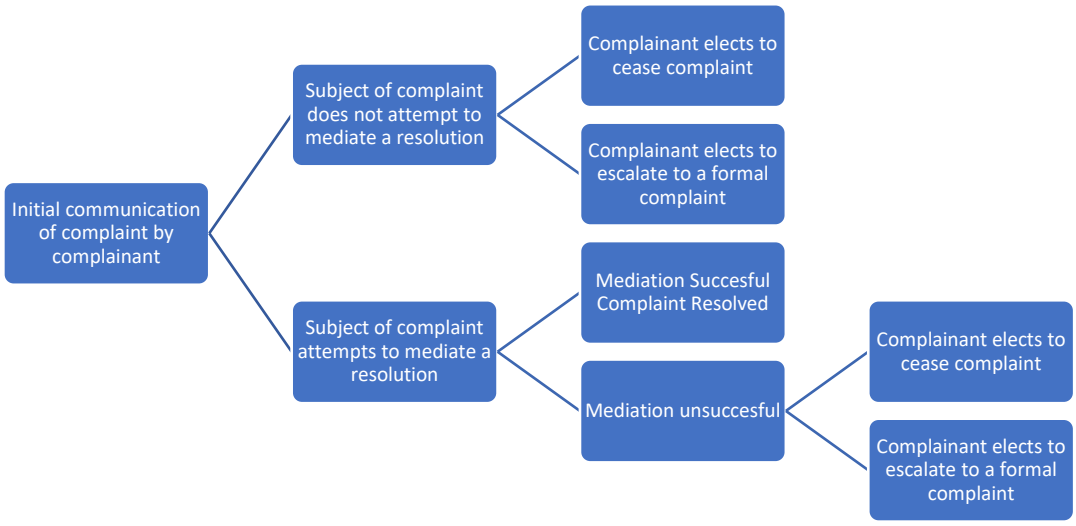
Before making a formal complaint, a learner should first try to resolve the issue informally through the channels listed in the policy statement or directly with the person who is the subject of their complaint or with the immediate manager/supervisor of the service.
Where a learner or group are unable to resolve the matter, they will be entitled to action the complaints process. The complainant is entitled to be accompanied at all stages of the complaints process by a person of their choosing. Legal representation is not permitted.

3.6.2 Stage 1: Informal Process

Note:
Informal complaints should normally be made within three working days of the incident, matter or concern being complained about.

Steps:

1. Initial communication is made orally or in writing by the complainant (the person making the complaint) to the person who is the subject of the complaint (the person who is being complained about OR is responsible for the matter being complained about).
2. The subject of the complaint has three working days to acknowledge the complaint and attempt to mediate a satisfactory resolution. Other persons at the nearest level to the issue of concern (for example, lecturers) may be called upon to assist in this mediation if necessary.
3. If mediation is successful, the complaint is considered resolved.
4. If mediation is unsuccessful, or the complaint is unaddressed, the complainant may choose to:
    a. Escalate to a formal complaint, OR
    b. Cease the complaint.



3.1.1 Informal Process Graphic

3.6.3 Stage 2 Formal Complaints

Note:

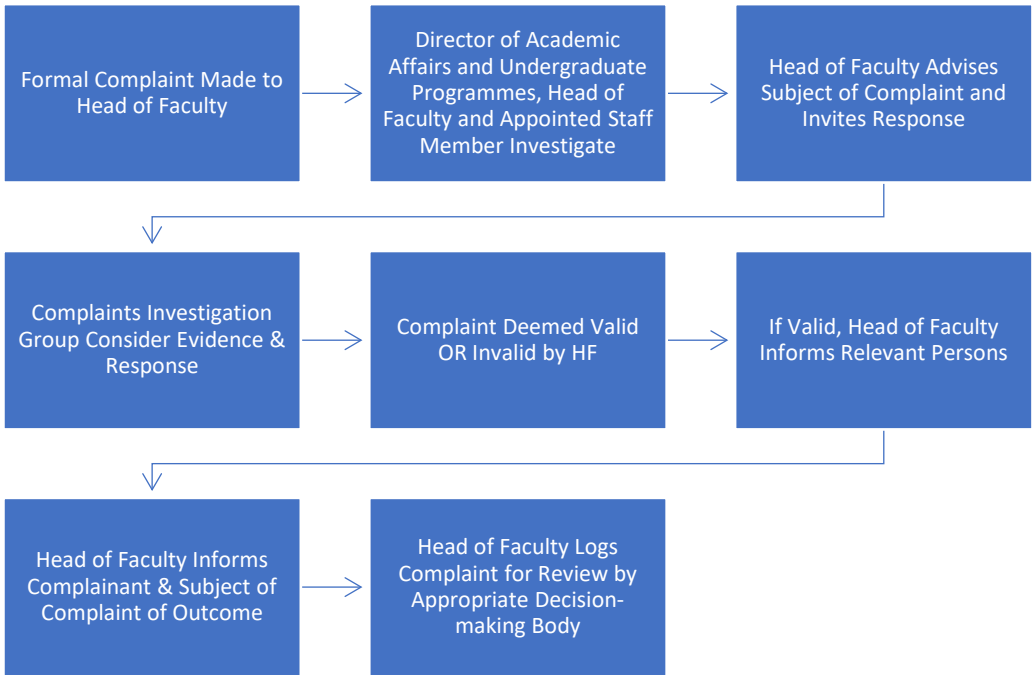
Complaints should normally be submitted within 5 working days of the incident, matter or concern being complained about. If the submission of a complaint is delayed, a rationale for this must be provided (for example, due to an informal complaints procedure being followed but unsatisfactorily resolved). If a complaint is made after a period of 4 weeks or more and no informal complaints procedure was followed in the interim, the complaint will not be accepted.
This process aims to be clear and fair, and a complainant can opt for informal resolution at any point.
Complainants will be made aware in advance of embarking on the formal complaint process of the following:

- The complainant's representative can be a fellow learner / staff member, a relative, a friend, or an adviser. Legal representation is not permitted. Where the complainant insists on having legal representation this stage of the process shall cease and the process shall move to the Appeals stage, 3.8 Policy for Appeals.
- The representative can speak on behalf of the complainant.
- The complainant and relevant staff members have the right of attendance and representation at any hearing.
- Where the complainant decides not to attend a hearing, they must formally write to advise they are not exercising this right.
- Any costs in relation to the complaint or translation costs that occur as a result of the hearing must be borne by the complainant.

Steps:

1. A formal complaint is made in writing by the complainant to the Head of Academic Programmes. Complaints should be specific and where possible supported by appropriate evidence.

2. The Head of Academic Programmes passes details of the complaint on to the Registrar who shall establish a Complaints Investigation Group with the following membership:
    - Chair: Registrar
    - Head of Academic Programmes
    - Member of staff with no previous involvement with the complainant
    - No member of staff will be appointed to the Complaints Investigation Group, if they've had any previous involvement in the investigation of the complaint or if the nature of the complaint is against them
3. The Head of Academic Programmes advises the subject of the complaint of the details and nature of the complaint and invites them to respond.
4. The Complaints Investigation Group considers the complaint, associated evidence and the response from the subject of the complaint. In so doing, it may hear directly from the parties involved.
5. Where the complaint is not considered valid, the process concludes.
6. Where the complaint leads to recommendations or actions taken as a consequence of the complaint, the Head of Academic Programmes informs all relevant persons/bodies within the College.
7. The Head of Academic Programmes informs all parties in writing (complainant, subject of complaint and any other relevant persons) of the outcome of the investigation of the complaint, the findings, any decisions made or actions arising from those decisions. Such actions may include invoking the disciplinary process.
8. The Head of Academic Programmes logs the details of the complaint for review by the appropriate body (Academic Council, Executive Management Team, Board of Directors or any combination of these).
9. The Complainant may seek to appeal the outcome of the stage 2 process, through the Appeals mechanism Section 3.8 Policy for Appeals.
10. Should the subject of the complaint be a member of staff, they may seek to appeal the outcome of the stage 2 process, through the appropriate HR mechanism.


Formal Complaint Made to Head of Faculty
Director of Academic Affairs and Undergraduate Programmes, Head of Faculty and Appointed Staff Member Investigate
Head of Faculty Advises Subject of Complaint and Invites Response
Complaints Investigation Group Consider Evidence & Response
Complaint Deemed Valid OR Invalid by HF
If Valid, Head of Faculty Informs Relevant Persons
Head of Faculty Informs Complainant & Subject of Complaint of Outcome
Head of Faculty Logs Complaint for Review by Appropriate Decision-making Body