

SMB COLLEGE GROUP POLICY / PROCEDURE FOR:

Handling and Resolving Complaints

Review Cycle	Annual	
Policy / Procedure Owner <small>*Owner has overall responsibility for this document</small>	George Caplan	
Responsible Department	Quality	
Responsible Person <small>(if different to Policy / Procedure Owner) *This person has responsibility for maintaining document, communicating changes and staff training where appropriate</small>	George Caplan	
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Equality, Diversity and Inclusion Statement

This Handling and Resolving Complaints policy has been developed and reviewed in line with the Equality Act (2010) which recognised the following categories of individual as protected characteristics:

Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual Orientation and Disability.

This document will be continuously monitored to ensure that it allows equal access and does not discriminate against any individual or groups of people.

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1. Purpose

The SMB Group will have a fair, non-biased and robust process for dealing with complaints. Where the complaint relates to Higher Education, the SMB Group have a transparent approach to signposting students to the Office of the Independent Adjudicator (OIA) at the appropriate time.

This document outlines the process to be followed where there has been a failure to maintain the high standards set at SMB Group Colleges, of a nature which has prompted a person (or people) to make a complaint. It details how that complaint will be investigated and the actions to be undertaken where a complaint is found justified or non-justified.

For complaints related to Higher Education, it also identifies the action to be taken where the complainant remains unsatisfied with the outcome of this process.

This approach covers all college activities, provision (including Higher Education and Apprenticeships) and services.

2. Scope

To be eligible for consideration under this process the complaint must be raised in a timely manner (within 20 working days of becoming aware of the issue). For final year Higher Education students, complaints must be raised by the date of the Graduation event, regardless of attendance, or within 3 calendar months of the identification of the issue, depending on which is the longest. Complaints received outside of this deadline will be considered under this procedure at the college's discretion. Any student or member of staff who is the subject of action under any other college process (e.g. the Grievance, Disciplinary Policy/Code or Student Code of Conduct) cannot in addition invoke the complaints procedure, other than about the process itself. This process will also be made accessible to members of the public where appropriate.

The SMB Group would not typically accept a complaint from a third party such as a friend or family member. Complainant's are expected to raise the complaints directly themselves, but we appreciate that in some circumstances this is not always possible. Anonymous complaints will not normally be accepted, complainants should be assured that the SMB Group will deal with the complaint appropriately, and therefore a complaint of this nature should not be needed, unless there are extraordinary circumstances*.

A complaint relating to an employment matter by a student who is also an employee would be dealt with under the relevant Human Resources Policy and Procedure (Dispute Resolution and Grievance Procedure). Complaints against students will be dealt with via the Student Disciplinary Code by the relevant Section Manager. Concerns about a member of staff or student relating to bullying or harassment can be considered under the College's Harassment Procedure. Some issues may more appropriately be considered under alternative processes. For example, but not exclusively:

- Academic Appeals - for concerns about a decision in relation to academic progress, assessment, judgement or award
- Disciplinary (Student or staff) processes – for concerns relating to conduct along with other HR processes

***Note:** For those under 18, where a complaint has been raised on their behalf, we may not be able to respond without the direct positive consent from the young person concerned, unless they are deemed to be unable to raise the complaint themselves for a clearly defined reason. The college will always act reasonably.

Higher education degree programmes undertaken through the University of East Anglia, De Montford University or The University of Derby as a validating partner operate as follows:

University of East Anglia: UEA Partner Institution Academic Appeals and Academic Complaints Regulations

De Montford University: SMB Group Complaints Policy

The University of Derby: SMB Group Complaints Policy

3. Dealing with Complaints – Actions and Responsibilities

The effectiveness of this procedure will be enhanced by incorporating the following principles:

- the right of an employee to know the allegation(s) being made against them
- the right of all parties to be heard
- the right of all parties to be treated fairly
- the right of all parties to have access to an investigator and decision maker who
- acts fairly and in good faith
- the right that a decision is based on sound evidence or the balance of probabilities

Issues raised may not fall neatly into the category of a complaint. Where this happens, the matter will be considered by the quality unit to determine how the issues will be dealt with. The SMB Group may, in discussion with the individual(s), investigate the item further under the following complaints process.

Occasionally the quality unit could identify that two procedures may be followed at the same time. This may in turn see one procedure suspended pending the completion of another.

All persons involved in a complaint must observe confidentiality, unless otherwise authorised, by the complainant or Quality Unit, or required to disclose information.

The complainant may request that their concerns are dealt with confidentially. In these situations we will act reasonably, there may be some situations where confidentiality is not possible depending on the nature of the concerns, where this is the case it will always be discussed with the complainant initially.

Group complaints will normally be allowed where the issue has affected several people. In this situation to effectively manage this the group will be asked to nominate one member as a representative. SMB Group staff will normally deal with the nominated representative of the group and in turn it is expected that they will liaise with the group members. Where this happens, then the outcomes of any investigation may differ depending on the experience and impact on the individuals concerned.

The process for dealing with complaints is typically divided into three stages:

Stage 1 – Early Resolution, in which an attempt is made to quickly resolve the matter by a representative of the faculty or support department in which the grounds for complaint arose. All complaints typically should have Stage 1 attempted unless otherwise directed by the quality unit. Stage 1 is normally led by relevant Section Manager or Director of Curriculum

Stage 2 – Formal Investigation and Resolution, which involves an investigation by an authorised senior member of staff. This stage is led by an appointed Investigating Manager (IM), normally the senior faculty or department manager aligned to the provision or service department. Once the IM has concluded their investigation the quality unit will appoint an independent reviewer, typically a member of senior management team, who will review and approve the outcome, based on whether it is reasonable and proportionate to the initial concerns raised.

Stage 3 – Appeal/Review – Where the complainant remains unsatisfied with the outcome of Stage 2 and has requested a review, this will be initially considered by the Principal. The outcome of this will be progression to either Part 1 or Part 2, where a further Case Manager will be appointed.

Note: Complaints may be prioritised or fast-tracked through the stages outlined above. This decision may be influenced by the following factors;

- Professional, regulatory body requirements or time frames for a decision
- The potential that an existing condition (physical or mental) may be exacerbated by protracting the process any longer than necessary

The SMB Group will always seek to act reasonably and in the best interest of the complainant. Where deviation from the standard process occurs, the rationale must be clearly documented.

Where a complaint relates to a member of college staff then the Vice Principal Human Resources will be informed. In such situations this may result in other college approaches being used in place of this instruction. e.g. Staff disciplinary. If the complaint is not deemed to require other processes, then the individual member of staff will be informed by their line manager of the substance of the complaint. When a completion of procedures letter is issued to the complainant, the staff member will also be informed that the matter has been closed. The appropriate manager will communicate the basis of the outcome and ensure any recommendations/ remedial actions required are undertaken.

As a 'public authority' the SMB Group will ensure we are compliant with the expectations of the General Data Protection Regulation (GDPR). Confidentiality is an important issue in any investigation concerning employees, students or third parties. Confidentiality assists the investigative process by encouraging witnesses to be forthcoming in their evidence. It reduces the likelihood or opportunity for evidence to become compromised and reduces the risk of untested or unsubstantiated allegations being circulated outside of the complaint process. Confidentiality also helps develop and maintain employee confidence in the process.

Stage 1: Early Resolution

Critically in this stage the complainant should be able to discuss their concerns and feel they have been listened to. It should be followed by an attempt to resolve the concern at this stage. Stage 1 seeks to resolve straightforward concerns swiftly and effectively, at the point at which a complaint is made, or as close to that point as possible, at Programme Area or Support Department level. These are issues that are typically resolved by a face-to-face meeting or a telephone conversation with the complainant. Matters that require more than this may be escalated to Stage 2.

The Early Resolution stage should be resolved in a timely manner (typically no longer than 10 working days from the point that the complaint is logged by the Quality unit).

In a situation where a conclusion has not been reached within 10 working days then the matter will be automatically escalated, by the Quality Unit, to an authorised senior member of staff and progress the complaint to Stage 2 for investigation and resolution.

Complainants should be encouraged to consider whether a facilitated meeting with an independent member of the College, not related to the curriculum area concerned would be an appropriate and alternative method of resolution. Further information on Facilitation can be found under "Stage 2: Formal Stage" in this procedure.

In this stage, the complainant is not expected to be accompanied in any meetings with staff, unless they require support for recognised reasons. If the complainant feels that they cannot meet with a member of staff without being accompanied by a third party (family member or friend) then the complainant should communicate this to the Quality Co-ordinator or the Deputy Principal Curriculum & Quality. If allowed to attend, the third party may advise the complainant, but they are not permitted to speak on their behalf.

Mediation and conciliation during this early stage can be particularly helpful in understanding what is driving the concern, particularly in disputes between students or students with staff. If used effectively it can also lead to a swift and mutual satisfaction between parties.

If a complaint addresses several areas of the institution, this must be passed on to the Quality Co-ordinator or the Deputy Principal Curriculum & Quality for initial investigation.

The Early Resolution stage will normally be concluded in writing to the complainant by the member of staff who managed Stage 1, or the Quality Co-ordinator/Deputy Principal Curriculum and Quality. The complainant will be informed of their right to request that their complaint is progressed to Stage 2, should they be dissatisfied with the outcome of Stage 1, and the deadline for doing so (typically within 15 working days).

Stage 2: Formal Stage (Investigation)

Where a complainant is dissatisfied with the Stage 1 outcome and wishes to request a formal investigation the complainant should write to the Quality Co-ordinator or Deputy Principal Curriculum & Quality within 15 working days from the date the outcome of Stage 1 was communicated to them. This must be via the on-line form available on the SMB Group website (Complaint Form). The request should outline the grounds for their complaint and refer to any supporting evidence. It should give an account of attempts at resolution made under Stage 1 and explain why they believe the outcome of Stage 1 is unsatisfactory. Complainants are invited to indicate what form of redress they are seeking, without prejudice to any final remedy which may be determined. On some occasions stage 2 will be the starting point. In situations where the complaint is automatically escalated by the college to Stage 2 then the complainant is informed of this by email or letter from a representative of the Quality Unit.

The request will be acknowledged within five working days and the complainant will be informed that their complaint has been assigned to an Investigating Manager (IM) (normally the Director of Curriculum or Section Manager) who will review the matters raised and ultimately report directly back to the complainant and quality unit within 20 working days from receipt of the stage 2 request. Where there is a need to extend this deadline, within reason, then it is the responsibility of the IM to communicate this to the complainant.

The IM will consider the most appropriate way of dealing with the matter. Normally, one of the following approaches may be adopted, depending on its nature:

- Dismissing the case out of hand if it appears vexatious or malicious.
- Directing the matter to be pursued under another set of procedures (e.g. Academic Appeals or Procedures Relating to Student Disciplinary Offences) where that is appropriate.
- Attempting to resolve the issue by correspondence between the parties or negotiation between the complainant and relevant Manager (e.g. Section Manager or Director of Curriculum).
- Offering a facilitated meeting between the complainant and relevant individual/Manager.
- Investigating the grounds of the complaint to identify further or new evidence.

Note: At this stage the identity of the person making the complaint may remain anonymous (where a complainant has named a member of staff as the subject of their complaint, then the Investigating Manager must ascertain whether the name of the complainant may be released to the member of staff. The complainant should be made aware that where a member of staff is named and the complaint is not founded then the member of staff may have recourse to pursue other college processes, or external processes [where legal action may be taken])

The IM may wish to meet with the complainant to gain a deeper understanding of the case. The complainant is entitled to be accompanied by one other person typically (this must not be a legal representative). In some case's there may be a need for two persons/supporters to accompany the complainant where medical or personal care requirements dictate. In these situation's only one representative/supporter should be permitted to speak on the complainant's behalf, and this should be clearly articulated by both parties. If a complainant wishes to be accompanied, then they must make the IM aware as far in advance of the meeting – this should be no less than two working days in advance of the meeting.

The representative/supporter must operate within the spirit of their accompanying role. They must not exploit circumstances for any other reason than in the interest of the complainant and the constraints of the complaint. Representatives should not typically answer questions on the behalf of the complainant. In some situation's a family member or close relation could be in attendance for clearly defined reasons and act in such a role.

Minutes/notes of any meeting will be taken either by the IM or a third party arranged by the IM. If the IM has arranged for a third party to take notes, the complainant will be informed by the IM ahead of the meeting of their presence outlining that they will not be permitted to speak at the meeting unless this is to gain clarity for the notes. The IM may determine the need to speak to other parties, staff members or review further materials.

The IM will need to determine whether the complaint is:

1. Trivial, vexatious or malicious
2. Without substance and requires dismissing.
3. With substance and requiring remedy, mediation, procedural change or potential financial redress (this may require Principal approval). A combination of these is likely.

Prior to conclusion, the matter at this stage should be subjected to an Independent Reviewer to determine that the outcome is proportional and reasonable determined by the information provided by the IM. The Independent Reviewer will be assigned by the Quality Co-ordinator. The conclusions of this element should be within 5 working days of the IM concluding their investigation.

If the IM decides that the complaint is without substance, the complainant will be written to informing them that the complaint has been dismissed and outline the grounds of dismissal. If it is concluded that the complaint is trivial, vexatious or malicious, the IM may recommend that disciplinary action should be taken against the complainant. If the complaint is upheld then this will be communicated to

the complainant, outlining the proposed course of action and remedy and informing them that the complaint has been closed at Stage 2.

With any outcome the letter/email will inform the complainant of their right to appeal/request review (under Stage 3 of this Procedure), the grounds on which they may do so and the time limit for doing so (15 working days from the Stage 2 outcome being communicated to them).

Stage 2 will normally be completed within 25 working days, including the independent review element. If, because of the nature of the investigation required, this timescale needs to be extended the IM will inform the Quality Co-ordinator and the Deputy Principal Curriculum & Quality and advise the complainant of the reason for the delay and the revised timescales. These must be reasonable and be in line with the prioritisation comments on page 3.

Stage 3 (Final Review and Closure of Procedures)

Stage 3 will not normally consider issues afresh or involve further investigation. A complaint must have been considered at the Stage 2 before it can be escalated to Stage 3.

The grounds for which a complainant may appeal/request a further review are:

- There was a procedural irregularity at this or the previous stage
- Outcome reasons have not been effectively communicated or are perceived by the complainant to be unreasonable.
- New evidence is now available which was not available upon reasonable enquiry or application at the time of the investigation during the formal stage

To appeal to stage 3 the complainant will need to complete the appeals form and return to the Quality Co-ordinator or Deputy Principal Curriculum & Quality within 10 working days of the outcome of stage 2 being communicated to them. The complainant must clearly explain the grounds for their appeal and where necessary, provide evidence. A request submitted outside the appeal deadline may be considered at the discretion of the Principal.

Stage 3, Part 1, Principal's Review.

The Principal may dismiss an Appeal by writing to the complainant within five working days, if it is deemed to be outside of the grounds identified above or timeframe (within 10 working days of the stage 2 outcome being communicated to them). In such cases, a Completion of Procedures (CoP) letter will be issued by the Quality Co-ordinator or the Deputy Principal Curriculum & Quality, along with the response from the Principal.

If the Principal considers the complainants' Appeal to be well founded, this will then progress to Part 2 (Stage 3).

Stage 3, Part 2.

The Principal will allocate a Case Manager (CM) (usually a member of the Senior Management Team (SMT) or a suitably experienced senior member of staff). Critically the CM will have had no previous direct involvement with the case. The Principal will normally respond to the complainant within five working days, detailing the process for the Review Stage and confirming the identity and contact details of the CM. It is expected at this point that the CM will determine whether a panel is required based on the information received.

The CM will review the information provided and may conduct a further investigation to conclude within 15 working days of the Principal's decision being communicated to the complainant. This may lead to an outcome that overturns the decision made at Stage 2 or suggest alternate remedies. In normal circumstances, where the CM considers the Appeal without forming a Review Panel, the complainant will be issued with a letter/ report from the CM detailing the final decision. Where a complaint is upheld, information will be provided on how and when the College will implement any remedies where appropriate and whether this includes an apology.

This outcome of the Review stage represents the final stage of the College's internal procedures. The complainant will be issued with a Completion of Procedures letter by the Quality Co-ordinator or the Deputy Principal Curriculum & Quality, within 15 working days of the conclusion of the Review.

If the complainant relates to Higher Education and the complainant remains dissatisfied, they can pursue the matter through the procedures of the Office of the Independent Adjudicator. Details may be found on the OIA website <http://www.oiahe.org.uk> or later in this document.

Though it is highly unusual to consider the case afresh, the CM may convene a Review Panel in the rare circumstances that a case is so complex, or the issues are so contentious that further consideration is necessary to reach a fair and reasonable conclusion. This decision will need to be communicated to the complainant within 10 working days of the notification from the Principal of the Case Manager. In such circumstances, the Case Manager will appoint a Case Officer to convene matters and to communicate with the complainant, detailing, in writing the panel process, details of representatives on the panel and the date and venue of the meeting. The complainant will have the right to object to any member of the panel and this should be communicated quickly to the CM within 5 days of receipt of the information. The Panel will be chaired by the CM conducting the review and will include two other senior members of staff from Faculties or Programme Areas unrelated to the complaint and an invited independent member, typically representing either students or the community.

A panel meeting must be convened within 25 working days of the appointment of the CM. The complainant will be asked in advance to provide a brief synopsis of their case should they wish to and any further evidence / witness statements (including names and contact details for verification) if necessary. If the complainant wishes to be accompanied by a non-legal representative, they should inform the Case Officer of the person accompanying them and provide all other information requested ten working days in advance of the panel hearing. Any accompanying representative is neither a witness nor are they able to answer questions on behalf of the complainant. They are simply there to support

the complainant, request opportunities for breaks and enable transparent processes to be undertaken. The attendance of the complainant and requirement for a synopsis and for any further evidence are at the discretion of the CM. If the complainant declines the offer to attend and/or provide a synopsis for the panel then the panel will proceed based on the evidence available.

The Faculty or Programme Area representatives will be invited to present their case to the panel and/or provide a synopsis by the CM.

The Panel will have access to all previous documentation in connection with the complaint. In addition, both parties' synopsis of their case, and any additional witness statements, will be made available to all parties at least five working days before the hearing. The Panel may wish to request the presence of a witnesses in person at the meeting and be able to question them.

No new evidence may be introduced in the summing up. The Panel may refuse to hear evidence that it deems irrelevant. It has the power to adjourn the hearing to another date and to summon additional witnesses if it thinks it would be appropriate to do so to pursue its investigation and reach a conclusion. If the complainant chooses not to attend the meeting a decision will be made on the evidence available to the panel.

The Panel (including the Case Officer) will reach a decision in private. The CM will consider the feasibility and proportionality of any recommended action as part of the decision making. For higher education complainant's consideration should be given to the 'Distress and Inconvenience bands' issued by the OIA (available from the quality unit). Where necessary the CM may seek approval from the Principal (or another member of the Senior Management Team if the Principal is not available) on the outcome.

If the Panel decides that the appeal should be upheld, it may make any recommendations which it sees fit to the Faculty or Programme Area. It may reject the appeal if it finds that it was unfounded or that the Faculty or Programme Area had responded appropriately at an earlier stage. If the members of the Panel cannot agree, the verdict will be that of a simple majority of its members.

The brief conclusion and verdict from the panel will be communicated in writing by the CM to the complainant and to the Faculty or Programme Area within two working days of the conclusion of the Panel. Following the hearing, the Case Officer will write a short report of the hearing which will be approved by members of the panel. The report will set out the grounds for the complaint, provide a summary of the evidence received, and record the decision of the Panel with any recommendations. The report will be prepared and agreed within five working days of the meeting. The complainant will be sent a copy of the report of the Review Panel, along with a letter from the CM detailing the final decision and any remedy which will be taken if appropriate; this normally takes place within 10 working days of the meeting.

A copy of this correspondence will also be sent to the member of the Senior Management Team responsible for the Faculty or Programme Area concerned. The outcome of the Review stage represents the final stage of the College's internal procedures. The complainant will be issued with a Completion of Procedures (CoP) letter by the Deputy Principal Curriculum & Quality or the Quality Co-ordinator, within 15 working days of the conclusion of the Review.

If the complainant is a higher education student and they remain dissatisfied, they can pursue the matter through the procedures of the Office of the Independent Adjudicator. Details may be found on the OIA website <http://www.oiahe.org.uk> or from:

OIA Second Floor

Abbey Gate

57-75 Kings Road

Reading

RG1 3AB

4. Further information and Guidance

Staff complaints

Where a member of staff (or a group of staff) is the primary subject of a complaint, then the respective line manager shall meet with the identified member of staff indicating that they have been named in a complaint together with the following information:

- date complaint was made
- nature of the complaint (i.e. necessary detail)
- who has been appointed as the Investigating Manager
- when were they appointed
- their role, and likely interaction with the member of staff
- what will happen to the outcomes of the investigation
- the mechanism by which the named member(s) of staff may respond to the complaint (including via interviews with the Investigating Manager)

If you are writing to a staff member regarding a complaint about them or are informing them face to face then the following information is really useful to include: I do appreciate that this may be a difficult time for you. If you are in a trade union I would encourage you to contact them as they have experience of this type of situation and can provide appropriate support, alternatively, you can contact the HR team should this be necessary. For complaints received specifically citing the Clerk to the Corporation, the Principal, a named member of the Corporation, or the Chair of the Corporation, the following actions will overrule the stated action on the flow diagram.

- Complaints against the Clerk - The investigating officer will be the Principal. Any appeal will be heard by the Chair of Governors

- Complaints against a Governor (other than the Principal/Chief Executive) - The investigating officer will be the Clerk to the Corporation. Any appeal will be heard by the Chair of Governors
- Complaints against the Chair of Governors - The investigating officers will be the Principal and the Vice Chair of Governors. Any appeal will be heard by a panel of three Governors selected by the Clerk (excluding the Vice Chair and the Principal and any other governor previously involved in the process)
- Complaints by the Vice Chair against the Chair of Governors - The investigating officer will be the Principal and a member of the board selected by the Clerk (excluding the Chair, Vice Chair, Principal and any other Governors previously involved in the process)
- Complaints against the Principal - The investigating officers will be the Chair and Vice Chair of Governors. Any appeal will be heard by a panel of three Governors selected by the Clerk (excluding the Chair, Vice Chair and any other Governors previously involved in the process) Whistle-blowing

The Clerk to the Corporation shall ensure the Whistle-blowing procedure is reviewed by the Audit Committee at least every two years. The clerk will ensure appropriate action is undertaken when the Whistle-blowing procedure is activated.

Evidence Details

This may include medical evidence, such as letters confirming attendance or treatment at a GP or hospital or counselling service, reports by professionals such as psychologists or disability advisers, police crime numbers in the case of reported incidents, financial information such as evidence of loss of income (where relevant to the complaint) bank statements or receipts or statements of witnesses to incidents where it is safe and helpful to provide these. Such evidence will be managed in a confidential and sensitive manner. Should there be a requirement for such information to be shared with another member of staff within the institution, the complainant will be informed of this requirement and invited to give their consent. Complainants must be aware that all information and evidence will be passed to the Quality Unit and may also be seen by members identified in the investigation.

Order of Proceedings for Review Panel in Stage 3:

The order of proceedings shall normally be as follows:

- Introduction of those present
- Outline of the purpose of the review hearing
- Reference to information provided by complainant and Faculty/Programme Area
- Reference to synopsis summarising the main points of their case by complainant and Faculty or Programme Area
- Presentation of not more than 15 minutes by complainant or representative

- Opportunity to question complainant and witnesses by Panel and Faculty/Programme Area
- Faculty or Programme Area presentation of not more than 15 minutes
- Opportunity to question Faculty or Programme Area representative and witnesses by Panel and complainant
- Complainant's or representative's summing up (maximum 5 minutes)
- Faculty or Programme Area's summing up (maximum 5 minutes).

5. Definitions

Complaint - An expression of dissatisfaction by a person (or people) about the action or lack of action, or standard of service provided by the SMB Group or on behalf of the group

Complainant(s) - A person(s) who has expressed dissatisfaction in relation to an action, or lack of action, relating to a standard of service provided by or on behalf of the SMB Group

Higher Education student - A person who is enrolled on any Higher Education course delivered by The SMB Group (any programme at Level 4 or above, including Apprenticeships. A higher education course is a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 and which also meets the academic standards as they are described in the Framework for Higher Education Qualifications (FHEQ) for England, Wales and Northern Ireland at Level 4 or higher. This will include Higher Technical and Apprenticeships.

Harassment - Harassment is the unreasonable pursuit of actions as in (a) to (d) above in such a way that they;

- appear to be targeted over a significant period on one or more members of college staff and/or b) cause ongoing distress to individual member(s) of staff and/or c) have a significant adverse effect on the whole/parts of the college and/or d) are pursued aggressively

Persistent/Frivolous/ Vexatious/ Malicious Complaints - A persistent complainant is any person who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the college and whose behaviour is unreasonable. A vexatious or malicious complaint is defined as a complaint which patently cannot be substantiated, or which has been made to defame the name and character of another person. Examples of a frivolous and vexatious complaints include:

- Complaints or academic appeals which are obsessive, harassing or repetitive
- Insistence on pursuing non-meritorious complaints or academic appeals and/or unreasonable outcomes
- Insistence on pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose or value

Actions or behaviour that fall into any of the categories defined above, or any other harassing or persistently unreasonable behaviour, may render an individual liable to become subject to this procedure.

Investigating Manager - A member of college senior staff who will investigate the complaint under stage 2 of this procedure.

Representative/supporter - An identified individual(s) who has permission from the supporter complainant to accompany them to meetings. In some cases, these may be entitled to respond on behalf of the complainant or request a brief adjournment.

Independent Reviewer At stage 2 this individual, independent of the complaint, will review the evidence and evaluate the outcome to ensure it is both reasonable and proportionate. This will typically come from a member of the college executive team. The Independent Reviewer will be appointed by the Quality co-ordinator.

Case Manager - A senior member of college staff appointed by the principal to undertake the review at stage 3.

Case Officer - A member of college senior staff who will assist the Investigating Officer and, where necessary the Panel, in managing Stage 3 of this procedure.