



ACTIVATE



### **Further investigation is required**

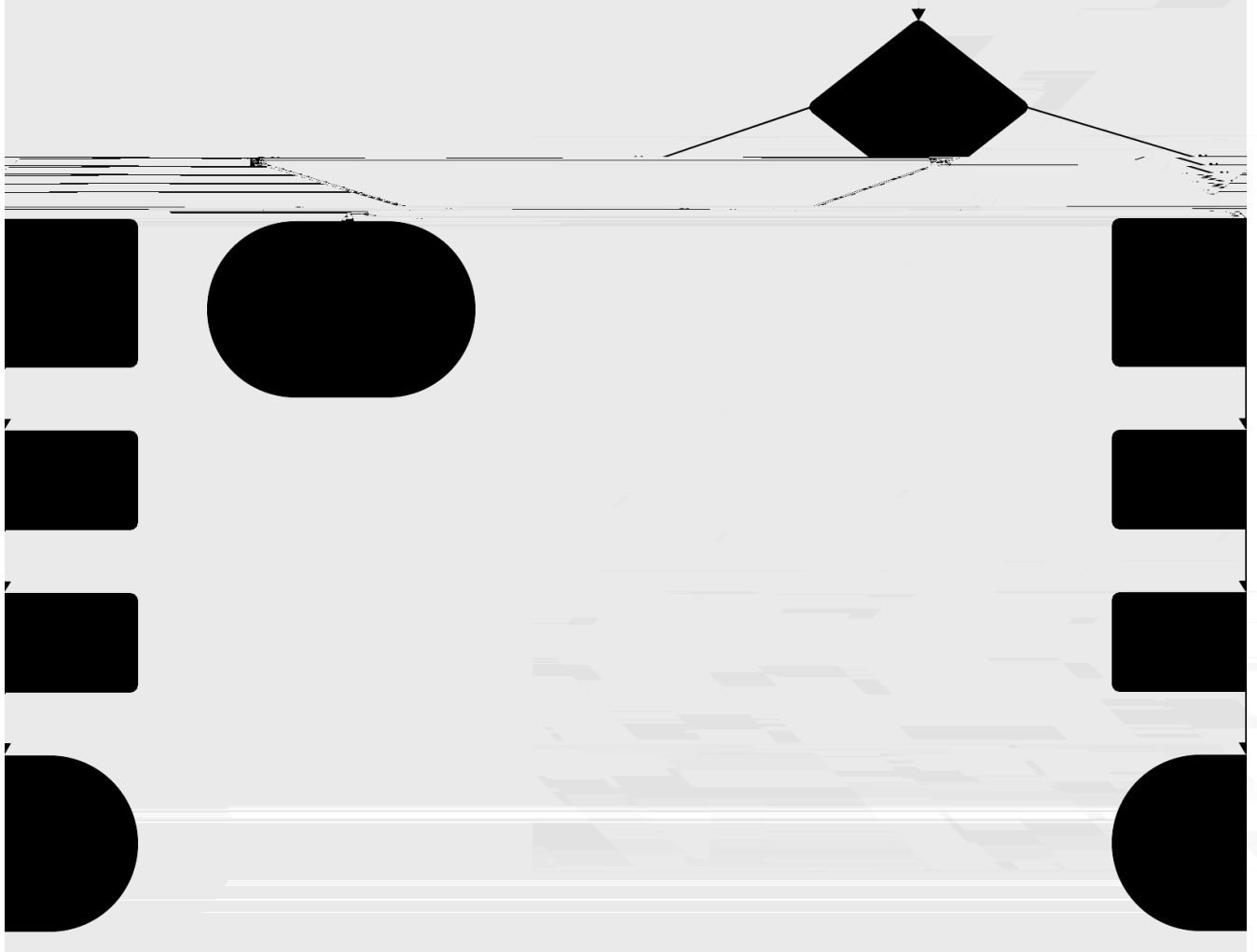
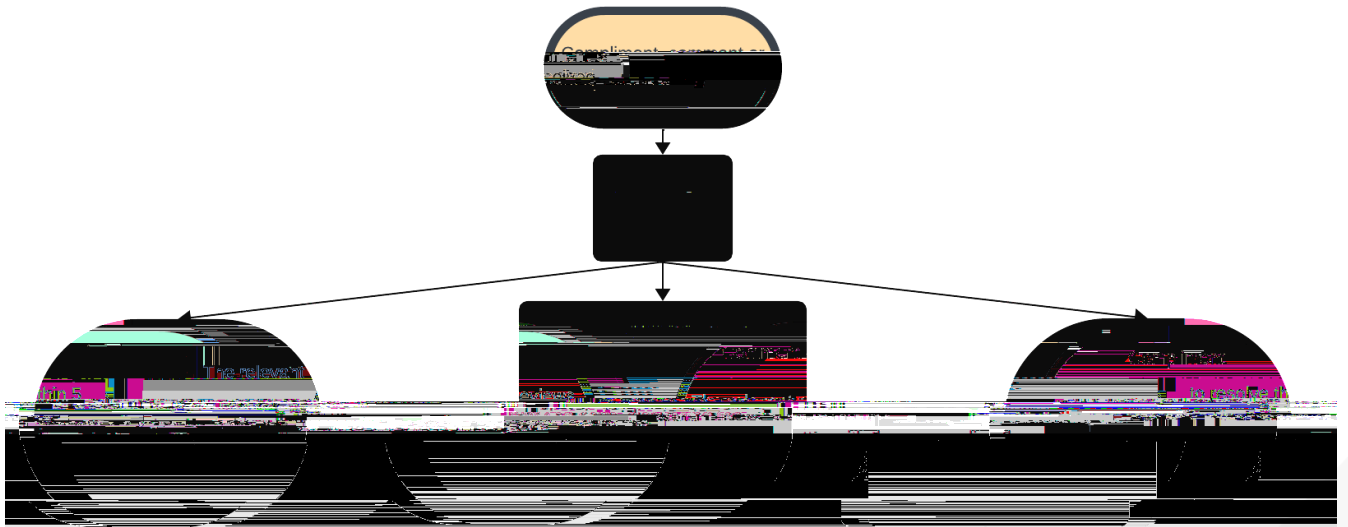
If a quick resolution is not possible due to the nature of the complaint, it will be subject to further investigation.

If the complaint includes more than one student, this will be dealt with as a group complaint. The elected spokesperson of the group will be given a reference number to pass across to the other complainants. They will then be required to give their consent, within three working days, via an online form quoting the reference number to be considered to be a part of the complaint. All communication, including the outcome, will be done via the spokesperson who has the responsibility to communicate forward to the rest of the group.

If the complaint is about a staff member it may be dealt with under our HR procedures if this is deemed more appropriate. If this is the case, the complainant will be informed that this is being dealt with in line with our internal staff disciplinary policy and that there will be no further information provided to the complainant after that point.

### **Information gathering**

The investigating manager will attempt to discuss the content of the complaint raised with the complainant, if not already done so, to fully understand the matter before moving forward. The investigating manager will then gather information relating to the complaint to get a full picture.



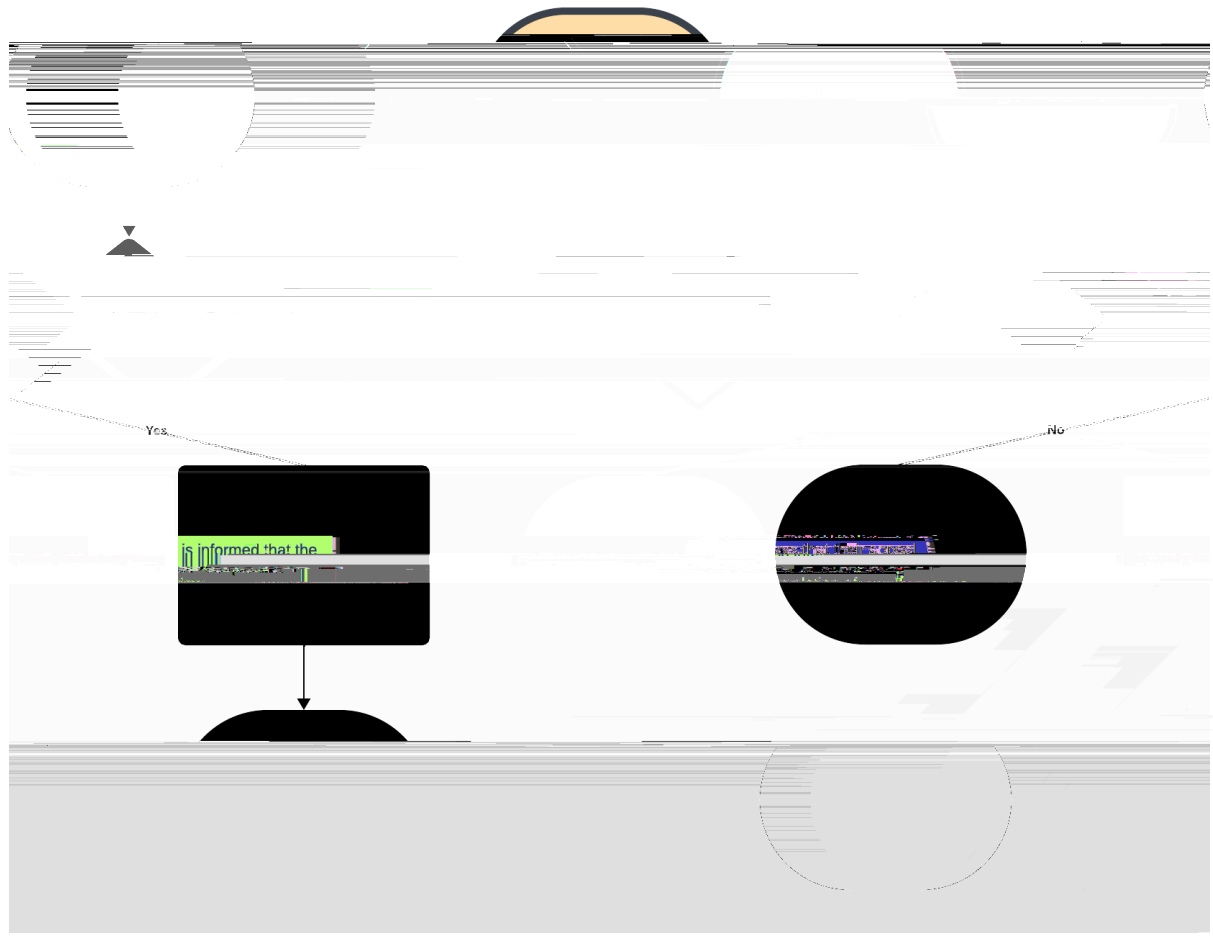
## Complaints Appeals Procedure

### Stage 1 Appeal

#### Appeal is received

If the complainant is not satisfied with the response from the manager, the complainant can appeal. Appeals must be made within **10 days** of the response to the complaint via our online appeal form that can be requested via [feedback@activatelearning.ac.uk](mailto:feedback@activatelearning.ac.uk). An appeal will only be considered on the following grounds:

- The investigation did not address all the complaint points raised.
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### **Stage 2 appeal – Further Education, Apprenticeships, Higher Education students registered with Pearson, including those studying a Higher National award as part of a Higher Apprenticeship.**

If the complainant is not satisfied that the appeal has followed our procedure as set out above, the complainant can raise a stage 2 appeal via our online appeal form that can be requested via [feedback@activatelearning.ac.uk](mailto:feedback@activatelearning.ac.uk). A stage 2 appeal must be made within **10 days** of the response to the complaint. An appeal will only be considered on the following grounds:

- The Stage 1 Appeal was not conducted in line with the procedure.

The appeal is escalated to either the Group Chief Executive or the Deputy Group Chief Executive. The appeal will be acknowledged within **five working days**. This will detail if the appeal has been accepted for review or rejected as it has not met one or more of the above criteria.

If the appeal is rejected for review the complainant will be issued with a completion of procedure letter.

#### **Conduct review**

The Group Chief Executive or the Deputy Group Chief Executive will conduct a review of the first appeal procedure that was undertaken.

#### **Formalise outcome**

Following the conclusion of the appeal process, the appellant will be issued with a Completions of Procedure letter within **15 working days** of the appeal acknowledgement. If the review is complex and likely to exceed this timescale, the complainant will be kept informed of progress. The possible outcomes are that the appeal will either be upheld, partially upheld, or rejected.

### **Stage 2 appeal – Higher Education students registered with a partner University.**

If the complainant is not satisfied with the outcome of the appeal at stage 1, and/or that the appeal has followed the procedure as set out above, the complainant can progress their complaint through

the relevant partner University procedures, details of which are provided in the relevant programme handbook and appropriate University website. Following the outcome of the appeal, the University will issue a Completion of Procedure letter. If the complainant remains unsatisfied with the outcome of their appeal, they can progress their complaint to the Office of the Independent Adjudicator who will also require a copy of the Completion of Procedure letter.

## Complaints against the Corporation Board Members and Clerk Procedure

### Step 1 – Complaint is received

When a student or customer expresses dissatisfaction with a member of the Corporation Board or the Clerk through via email at [clerk@activatelearning.ac.uk](mailto:clerk@activatelearning.ac.uk), this is regarded as a complaint.

The complaint will be acknowledged within **seven working days** and will be referred to one or more of the following

- the Activate Learning Audit and Risk Committee;
- one or more Board Members;
- a person (nominated by an external sector body) who has substantial experience of college governance;

provided in each case that they have not been involved in matters relevant to the complaint.

### Step 2 – Information gathering

The investigating person will consider the complaint and if necessary, in order to determine disputed issues of fact, interview the complainant and the subject(s) of the complaint. They may refer issues to the relevant auditors (external and/or internal) or other independent advisers as appropriate.

### Step 3 – Formalise outcome

The investigating person will produce a written report of their findings in relation to the complaint and provide the complainant and the Corporation (or subsidiary Board, where relevant) with a copy of such report as soon as possible. In any event, they shall produce an interim report **within 28 days** of the complaint being referred to them.

The Board shall, at its next scheduled Board meeting following receipt of the investigation report, consider the findings and determine whether to uphold the complaint in whole or part. In the event that a complaint is upheld, the Board shall agree a suitable and proportionate response or remedy. Where the complaint relates to one or more specified Board Members or the Clerk, they shall withdraw and take no part in the discussion of the investigation.

The Clerk to the Corporation shall write to the complainant and the subject(s) of the complaint **within seven working days** [ -Á@ÁÓ[ æâq Á^&ã ] Ê~ dâ ã \* Á@ÁÓ[ æâq Á^&ã ] Ê@Á^æ [ } • Á[ Á@Á^&ã ] Ê@áÁe ^

## Data Protection Complaints Procedure

### Step 1 – Complaint is received

Data subjects are encouraged to direct any data protection related complaints to the Data Protection Officer at [dpo@activatelearning.ac.uk](mailto:dpo@activatelearning.ac.uk). However, a complaint may be made to any member of staff, in which case the staff member should immediately forward the complaint to the DPO, providing any and all information which may be relevant to the request.

Data subjects of Activate Learning may register a formal complaint concerning the way that Activate Learning processes, or has processed, their personal data in the following circumstances:

- Activate Learning has not kept their personal data secure.
- Activate Learning has processed their personal data in a way that is contrary to Data Protection Legislation.
- Activate Learning holds inaccurate personal data which has not been fully rectified.
- x Activate Learning has disclosed their personal data in a manner which not

The complaint will be acknowledged within **seven working days**.

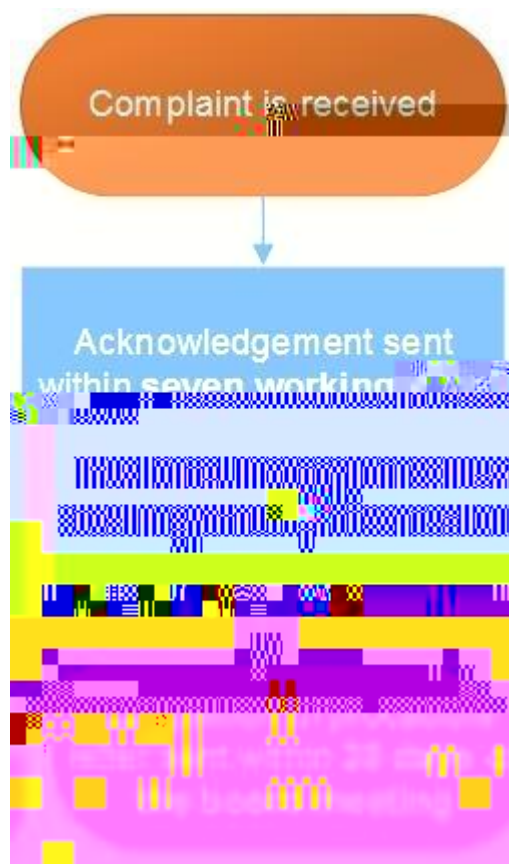
## **Step 2**

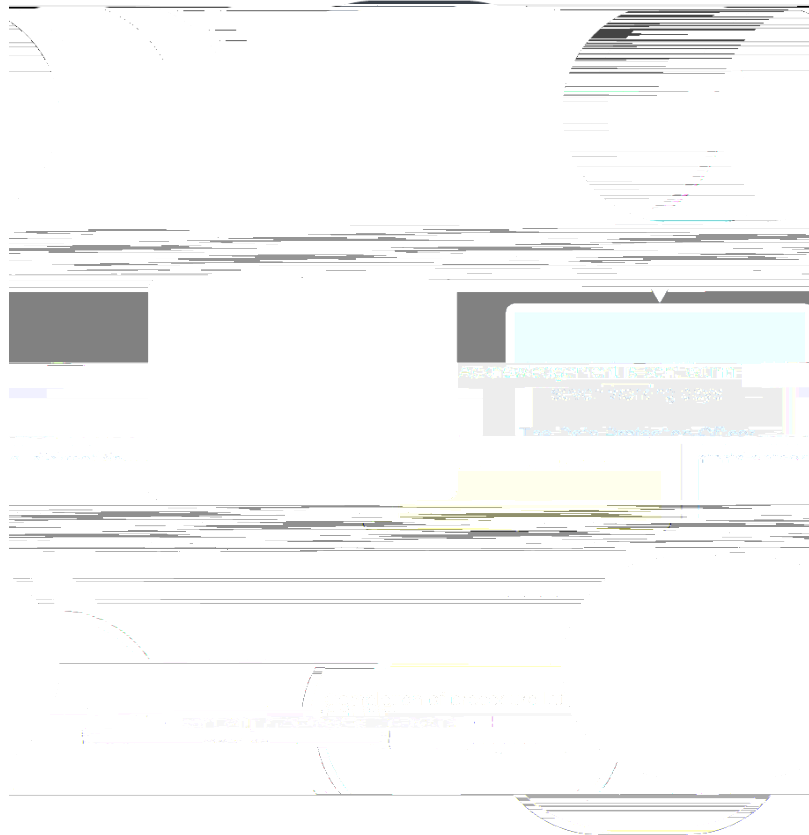


data protection obligations has occurred, whether any risk or damage to the subject has arisen as a result and, where relevant, what mitigations have been enacted in order to prevent further damage or distress to the data subject.

### Step 3 – Formalise outcome

Once the investigation has been concluded, the investigator will make a written report of the findings to the complainant **within 28 days**. This will outline the investigation process and conclusions and, where relevant, any resulting action that has or will be taken. Where appropriate, the complainant may be offered the opportunity to discuss the matter with the investigator; any appeal shall be referred to the Information Commissioner's Office.





## External Appeal

In the rare cases where the internal complaints procedure has not resolved the matter, and depending on its nature, the following external organisations may review unresolved issues:

Contact	Area	Contact Details
Ofsted Complaints University partners	Nurseries Only University awarding bodies provide an opportunity for students to avail themselves of the university complaints procedure.	<a href="mailto:enquiries@ofsted.gov.uk">enquiries@ofsted.gov.uk</a>
Office of the independent adjudicator (OIA . Higher Education)	The OIA for Higher Education provides an independent scheme for the review of student complaints or appeals. Students wishing to avail	<a href="http://www.oia.org.uk">www.oia.org.uk</a>

themselves of the opportunity for an independent review by the OIA must submit their application within 3 months of the issue of the Completion of Procedures letter.



## References

Student Behaviour and Disciplinary Policy and procedures  
Education Act 1996  
Article 8 of the European Convention on Human Rights  
Search procedure  
Health and Wellbeing policy  
Bullying and harassment procedure  
Admissions Policy  
Criminal convictions procedure  
Use of force and restraint procedure  
Incident and Investigation procedure  
Safeguarding and Child Protection Policy  
Accommodation Policy  
Residential accommodation student code of conduct