



Complaints Policy

Policy Area: General Corporate

Policy Lead: Deputy Principal

Approval By: Board

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1. Introduction

- 1.1. East Sussex College wants to provide an outstanding learning experience for its students. In addition it seeks to provide an excellent service for, and develop positive relationships with, students, visitors and all other parties such as parents and carers of young people, employers and stakeholders.
- 1.2. The college values any feedback that is provided as a contribution to its commitment to meeting the needs of each student. The college is also keen to have feedback from stakeholders, employers, visitors and neighbours to add value to its service and as a contribution to its commitment to the communities the college serves.
- 1.3. The college aims to deal with complaints quickly and put things right, or do as much as possible to improve how well it operates. All complaints about any services or facilities are taken very seriously.

2. Scope & purpose

- 2.1. This document provides guidance on procedures for those who may be dissatisfied with any aspect of the college's services or facilities and who wish to raise a concern or make a formal complaint.
- 2.2. This procedure is not for use by college staff, who are asked to refer to the appropriate People Services policy.

3. Coverage

- 3.1. All incoming complaints from students, visitors, and all other parties such as parents and carers of young people, employers, stakeholders, and neighbours (list not exhaustive).

4. Responsibilities

- 4.1. The Executive team is responsible for monitoring complaints made by students and stakeholders and for analysing trends and the actions the college can take to improve.

5. Definition of a complaint

- 5.1. For the purposes of this policy, a complaint is defined as an expression of dissatisfaction by one or more individuals about the standard of service, action, or lack of action by or on behalf of the college.
- 5.2. A complaint may be made about, but is not limited to:
 - The quality or standard of a service provided by the college, including teaching and learning provision, advice, resources and facilities
 - Failure to correctly apply administrative or academic processes
 - Unfair treatment or inappropriate behaviour by a member of staff
 - Failure to follow college policies or procedures

6. Complaints submitted on behalf of a student

- 6.1. Complaints should normally be submitted by the student or stakeholder themselves.
- 6.2. Where a complaint is submitted by a third party acting on behalf of a student, the following applies:
 - **Students under 18:** A parent or legal guardian may submit and pursue a complaint on behalf of a student under the age of 18 without additional authorisation.

- **Students aged 18 and over:** A parent, carer or other third party may only act on behalf of an adult student if the college has received written authorisation from the student confirming that the third party may act on their behalf. This authorisation must be provided before the college can share any information about the student or their complaint with the third party. A signed letter or email from the student is sufficient for this purpose.
- 6.3. Written authorisation should be submitted to the complaints department at complaints@escg.ac.uk alongside, or prior to, the complaint itself.
- 6.4. **Where authorisation has not been provided:** If a third party contacts the complaints department regarding an adult student without prior written authorisation from that student, the college will not be able to confirm or share any details about the student or their complaint. The college will advise the third party to obtain written consent from the student and resubmit.
- 6.5. **Correspondence:** Even where a third party has been authorised to act on a student's behalf, all formal written responses will be addressed to the student unless the student has explicitly requested otherwise in their authorisation.
- 6.6. **Students lacking mental capacity:** Where a student aged 18 or over lacks the mental capacity to act on their own behalf, the college will consider requests from individuals holding relevant legal authority (such as lasting power of attorney) on a case-by-case basis. The college may seek appropriate guidance in such circumstances.

7. What this policy does not cover

- 7.1. This policy does not apply to the following matters, which are governed by separate procedures:
- Academic appeals or challenges to academic judgement
 - Findings of fitness for professional practice hearings
 - Complaints by one student against another student (please refer to the Behaviour Management & Disciplinary Policy)
 - Complaints by college staff (please refer to the Grievance Policy)
 - Admissions decisions, except where a procedural irregularity is alleged
- 7.2. If you are unsure which procedure applies to your situation, please contact the complaints department at complaints@escg.ac.uk.

8. Informal resolution & formal complaints

- 8.1. The college aims to resolve concerns as quickly and simply as possible. Most concerns can be sorted out quickly without the need for a formal process, and the college encourages this wherever possible.
- 8.2. **Raising a concern informally**
- If you have a concern, you can raise it in one of two ways:
- **If you know who to contact:** Raise your concern directly with the relevant member of staff or their line manager. Explain clearly what the issue is and what you would like to happen. Staff who receive a concern should listen carefully, take it seriously, and aim to resolve it within 5 working days. They should let you know the outcome and remind you of your right to escalate to a formal complaint if you are not satisfied.
 - **If you are unsure who to contact:** Email the complaints department at complaints@escg.ac.uk. The complaints department will acknowledge your concern promptly and pass it to the right person to respond to you, normally within 5 working days.

In both cases, if the matter is not resolved to your satisfaction, you have the right to make a formal complaint at any time.

8.3. Making a formal complaint

- If your concern has not been resolved informally, or if you wish to make a formal complaint from the outset, you should complete the college's online complaints form, available on the college website. Using the form helps ensure your complaint is directed to the right person quickly and that all the information needed to investigate it is captured from the start.
- Formal complaints will be acknowledged within 3 working days of receipt and a full written response will normally be provided within 15 working days.
- If you are unable to access the online form or require assistance completing it, please contact the complaints department at complaints@escg.ac.uk for assistance.

8.4. Where someone emails the complaints inbox requesting a formal process

- If a complainant emails the complaints department and their correspondence clearly indicates they are seeking a formal investigation — even if they do not use the word "formal" — the complaints department will treat the matter as a formal complaint and direct the complainant to the online form, or process it formally on their behalf if the complainant is unable to use the form.

9. Timescale for a complaint to be considered

- 9.1. Complaints will only be considered under this policy if the complaint is made within 3 months of:
- The incident occurring
 - The student having left the course
 - The student completing the course
- 9.2. For complaints older than 3 months the college will take into consideration any extenuating circumstances that it considers appropriate.

10. Anonymous complaints

- 10.1. The college values all feedback and will treat anonymous complaints seriously where it is possible to do so.
- 10.2. An anonymous complaint will be considered if it provides sufficient information to enable enquiry. Where an anonymous complaint contains serious allegations - including those relating to safeguarding, health and safety, or significant misconduct - it will be referred immediately to the Assistant Principal Safeguarding & Inclusion or the Deputy Principal, as appropriate.
- 10.3. Please note that, whilst issues raised in an anonymous complaint can be brought to the attention of appropriate staff, it will not normally be possible to conduct a full formal investigation or provide a written response to the complainant in the usual manner. Complainants are therefore encouraged to identify themselves where they feel able to do so, as this will allow a more thorough investigation to take place.

11. Complaints following an unsatisfactory DSAR response or data breach

- 11.1. If you are dissatisfied with the college's response to a Data Subject Access Request (DSAR) or the handling of a personal data breach, you may raise a formal complaint. The college will investigate your complaint thoroughly and provide a written response within the permitted timeframe under UK GDPR and the Data Protection Act 2018.

- 11.2. If, after receiving the response, you remain unsatisfied, you have the right to escalate your complaint to the Information Commissioner's Office (ICO). The ICO is the UK's independent authority set up to uphold information rights. You can contact them using the details below:
- **Website:** <https://ico.org.uk>
 - **Telephone:** 0303 123 1113
 - **Address:** Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

12. Vexatious, frivolous & unreasonable complaints

- 12.1. The college is committed to investigating all genuine complaints fairly and thoroughly. However, the college reserves the right not to progress a complaint where it considers the complaint to be frivolous, vexatious or malicious. Indicators of this may include complaints that are:
- Obsessive, persistent, harassing, prolific, or repetitious in nature
 - Pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - Designed primarily to cause disruption or annoyance
 - Submitted in bad faith or without a serious purpose or value
 - Accompanied by abusive, threatening or discriminatory language towards staff
- 12.2. Where the college determines that a complaint meets these criteria, the complainant will be informed in writing. The college will retain a record of the decision. Where a student engages in such behaviour, the matter may also be referred to the Behaviour Management & Disciplinary Policy.
- 12.3. This provision applies to the subject matter and conduct of a complaint, not simply to the frequency of contact from an individual complainant. The college will ensure that any genuinely new complaint is always considered, and that complainants are treated with respect throughout.

13. Unacceptable behaviour

- 13.1. The college is committed to dealing with all complaints fairly, thoroughly and courteously. In return, the college asks that complainants treat its staff with respect throughout the complaints process.
- 13.2. The college will not tolerate behaviour towards staff that is abusive, threatening, discriminatory, or unreasonably aggressive, whether in person, by telephone, in writing, or via email or other electronic communication. Examples of unacceptable behaviour include, but are not limited to:
- Threats of violence or physical intimidation towards staff
 - Verbal abuse, including shouting, swearing, or use of discriminatory language
 - Sending repeated, excessive, or hostile correspondence designed to intimidate or overwhelm staff
 - Deliberately making false allegations against named members of staff
 - Recording meetings or telephone calls without the consent of all parties
- 13.3. Where a complainant behaves in an unacceptable manner, the college reserves the right to take one or more of the following actions:
- Require that future contact is made in writing only
 - Require that contact is channelled through a single named point of contact
 - Terminate a telephone call or meeting where the behaviour is unacceptable
 - Where the complainant is a student, refer the matter to the Student Behaviour Policy
 - In serious cases, involve the police or take other appropriate legal action

- 13.4. The use of any of these measures will be authorised by the Deputy Principal and the complainant will be informed in writing of any restrictions placed on their contact with the college.
- 13.5. These measures will not affect the complainant's underlying right to have their complaint considered under this policy. The college will continue to progress the complaint through the appropriate process regardless of any restrictions placed on the manner of contact.

14. Accessibility & support for complainants

- 14.1. The college is committed to ensuring that the complaints process is accessible to all, regardless of a complainant's background, disability, learning difficulty or first language. Support available includes:
- Assistance with completing complaint documentation for those who need it
 - The option to bring a friend, family member, carer or Student Union representative to any meetings held as part of the complaints or appeals process
 - Where English is not the complainant's first language, or where a complainant has a learning difficulty or disability, a second support person may accompany them to any meeting
 - Information about the complaints process provided in alternative formats on request
- 14.2. Complainants who require adjustments to participate in the process should advise the complaints department at complaints@escg.ac.uk at the earliest opportunity.
- 14.3. Complainants will not be treated adversely because they have made a complaint. Complaints will be dealt with positively and constructively in all cases.

15. Appeals

- 15.1. **Stage 1**
- If the complainant is not satisfied with the response to their complaint, they can appeal to the complaints department.
 - Appeals must be received within 7 working days from the date of the email sent informing the complainant of the original decision on their complaint.
 - An acknowledgement of receipt of the appeal will normally be sent within 3 working days.
 - In order for an appeal to be considered it must:
 - Provide new information or information/evidence not considered during the investigation of the original complaint and/or
 - Identify where the written response to the complaint is inaccurate or incorrect and/or
 - Identify concerns about the conduct of the investigation.
 - The appeal will be reviewed by a member of the senior leadership team who, after reviewing the case, will normally aim to provide a response within 15 working days of receipt of appeal. Appeals may require a meeting with the complainant.

15.2. **Stage 2 – external escalation (DfE)**

- There exists a right to complain to the Department for Education (DfE) or other appropriate statutory bodies. The DfE will check that published procedures are adequate and have been followed. Complainants are encouraged to exhaust the college's internal complaints process before escalating to the DfE.
- Complaints should be submitted via the DfE Customer Help Portal: www.gov.uk/contact-dfe. Alternatively, complaints may be sent by post to:
Complaints Team
Department for Education
Cheylesmore House
Quinton Road
Coventry, CV1 2WT

15.3. **Stage 3 (higher education only)**

- On 1 September 2015 the college joined the Office of the Independent Adjudicator for Higher Education (OIA) Scheme.
- The OIA looks at complaints about the acts and omissions of its members. This includes complaints about service quality, course provision, academic appeals, disciplinary and fitness to practice procedures. In reviewing a complaint, the OIA will consider whether the provider has followed its own regulations and procedures, and whether it has acted in all the circumstances. The OIA cannot review complaints about academic judgement, admissions, or student employment matters.
- As a classic ombudsman scheme, the OIA is a complaints handler of last resort. Normally, students must exhaust a provider's own internal processes before complaining to the OIA.

15.4. **University of Brighton (UoB)**

- Students at the colleges studying for University of Brighton validated awards who wish to make a complaint should use the procedures of the college in the first instance. Thereafter the college will issue a Completion of Procedures letter enabling the student, if still dissatisfied, to take their complaint to the OIA without the involvement of the university. Full details are available from the OIA website.
- Where the complaint relates to provision by the university, links to the decision of an examination board, or concerns academic standards, the student must, use the procedures of the college in the first instance. If the college's complaints procedure has been exhausted and a student remains dissatisfied with the outcome, they may proceed to submit a Stage 3 Request for Review to the university. (Please note that Stages 1 & 2 are not applicable to students at college). This is the final stage of review and thereafter a Completion of Procedures letter will be issued within 28 days enabling the student, if still dissatisfied, to bring their complaint to OIA. Further details of the University of Brighton's complaints policy & procedures are available on request at complaints@escg.ac.uk.

15.5. **University of East Anglia (UEA)**

- Students at the college studying for University of East Anglia validated awards who wish to make a non-academic complaint should use college procedures in the first instance.
- Complaints regarding recruitment, selection, and admissions should be made in accordance with the UEA Partner Institution Recruitment, Selection and Admissions Appeals and Complaints Policy. The procedure exists in order that applicants rejected by the partner institution can challenge an admissions decision if they have reason to

believe that the decision was subject to procedural irregularity, prejudice or bias, or that extenuating circumstances should be, and have not already been, taken into account.

- The appeals and complaints procedure cannot be used where the college's decision resulted from:
 - A failure on the student's part to fulfil academic requirements.
 - A failure on the student's part to fulfil non-academic requirements, e.g. an unsatisfactory DBS Enhanced Disclosure or an unsatisfactory health check
 - A reference from a third party, such as a provider of a work or training placement which forms an integral part of the course to which the student has applied
- For academic complaints, the complaint must follow the UEA Partner Institution Academic Appeals and Academic Complaints Regulations. A Stage 2 academic appeal or complaint can only be considered where the student claims that:
 - The correct procedure was not followed in the conduct of the Stage 1 appeal or complaint and this is sufficient to undermine the validity of the decision
 - That there was prejudice and/or bias or the appearance of prejudice and/or bias on the part of the appeal/complaint reviewer and/or any person helping the appeal/ complaint reviewer to investigate.
 - That evidence (including any mitigation) put forward at Stage 1 was not fully considered.
- Once the process has been concluded a Completion of Procedures letter will be sent to the student enabling the student, if still dissatisfied, to take their complaint to the OIA without the involvement of the university. Full details are available from the OIA website. Further details of the University of East Anglia's complaints policy & procedures are available on request at complaints@escg.ac.uk.

16. Additional matters

- 16.1. Only those directly involved in the complaint would normally be aware of the details of a complaint. Complainants will not be treated adversely because they have complained; on the contrary, complaints will be dealt with positively to seek a remedy. However, all complaints are logged, and general information is provided to relevant managers in order to monitor complaints and improve the college's performance. In some instances, the college may be required to provide information about complaints when required to do so by law and/or to protect the complainant or others from harm.
- 16.2. If a student who is subject to disciplinary procedures makes a complaint which relates in any way to the allegation against them, then this matter may be taken into account as part of the disciplinary process and not as part of the complaints procedure.
- 16.3. Complaints about a member of staff will be investigated by their line manager. The line manager will normally be expected to share the complaint with the individual member of staff concerned.
- 16.4. If a complaint investigation identifies justifiable concerns about staff performance/conduct, the line manager will notify the Director of People Services to agree the appropriate actions to be followed.
- 16.5. All correspondence from legal representatives, or that which indicates the complainant is seeking legal advice, including compensation claims, will be forwarded for the attention of the college's legal team. An acknowledgement of receipt and notification of forwarding will normally be sent within 3 working days. Further, the college's normal action times will no longer apply to this process.
- 16.6. Complaints that raise serious concerns about safeguarding will be brought to the attention

of the Assistant Principal Safeguarding & Inclusion and/or the relevant safeguarding contact at each campus immediately.

16.7. Ofqual

- FE students that remain unhappy after following the college's internal complaints procedure have the right to contact awarding organisations directly.
- Should you address your complaint to the awarding body and remain unhappy with the outcome you may then raise this with the qualification regulator Ofqual.
- Ofqual deals with complaints:
 - When an organisation it regulates does not comply with its regulations
 - Regarding the award of qualifications by organisations it regulates
 - Regarding issues that could undermine public confidence in qualifications it regulates
- Before you complain to Ofqual, you should first use the appeal process of the organisation you wish to complain about. Ofqual will not normally follow up on a complaint unless you have first been through the awarding body's full appeals process.
- Complaints can be made to Ofqual by phone, letter or email:
 Complaints
 Ofqual
 Earlsdon Park
 53-55 Butts Road Coventry
 CV1 3BH
 Email: public.enquiries@ofqual.gov.uk
 Telephone: 0300 303 3344

17. Equality, diversity & inclusion

- 17.1. The college is committed to operating this complaints procedure in a manner that complies with its obligations under the Equality Act 2010, the Data Protection Act 2018 and UK GDPR, and the Safeguarding Vulnerable Groups Act 2006.
- 17.2. The college will ensure that no complainant is disadvantaged on the basis of any protected characteristic, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
- 17.3. This policy has been assessed for equality impact. Any concerns about discriminatory treatment within the complaints process itself should be raised with the Deputy Principal via execadmin@escg.ac.uk.

18. Complaint monitoring & reporting

- 18.1. The college records and reviews all complaints. Monitoring data is reported termly to the Executive team. Reports will include:
- The number of complaints received by department and category
 - Timescales for resolution and any breaches of target timescales
 - An analysis of outcomes and trends to identify systemic issues and prevent recurrence
 - A breakdown of complaints by demographic characteristics (where data is available) to identify any equality and diversity concerns
- 18.2. The Deputy Principal is responsible for producing these monitoring reports. Data will be handled in accordance with the college's GDPR obligations (see Section 19).

19. GDPR

- 19.1. Information related to a complaint will be electronically retained for a period of 7 years. For complaints involving a student who was under 18 at the time, information will be retained until the student's 25th birthday or 7 years from closure, whichever is later. This information is subject to freedom of information requests. All complaint data will be handled in accordance with the Data Protection Act 2018 and UK GDPR.
- 19.2. The college will not share information about a student's complaint with a third party, including a parent or carer, without the written authorisation of the student concerned, except where the student is under 18 or where a legal basis exists under the Data Protection Act 2018 and UK GDPR.