

## Student Complaints Procedure

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Related Documentation:

- Academic Misconduct Policy
- Behaviour Policy
- Code of Conduct
- College Charter
- College Expectations
- Data Protection Policy and Procedure
- Fitness to Study Policy
- Mental Health Policy
- Privacy Statement

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## 1. Statement

North Kent College (“the College”), aims to provide all its students with a high-quality service. The College also values its strong reputation with the local community. However, from time-to-time problems do occur. You have the right to pursue the resolution of any difficulties, and the College will undertake to respond to your complaint fairly and impartially, with care and concern. The College will also seek to learn from complaints which are upheld and make changes as necessary.

## 2. Application and Scope

The College will thoroughly investigate any complaint, whether informal or formal, relating to the day-to-day operation of the College and the standards of service it provides.

2.1. Areas excluded from the procedure are:

- 2.1.1. curriculum content, or examination results where other forms of redress are more appropriate, such as the examining body or the Qualifications and Curriculum Authority and, in these cases, complainants should be referred to the appropriate body;
- 2.1.2. non-progression of students to a higher level of academic study
- 2.1.3. withdrawal of student(s) following the 42-day probation period;
- 2.1.4. any matter which is the subject of legal action;
- 2.1.5. anonymous complaints as they cannot be investigated, and/or
- 2.1.6. any complaint which has been deemed to be vexatious or malicious following investigation.

2.2. Higher Education (“HE”) students are to refer to the College’s HE Complaints Procedure, which is available from the College’s website:

[Complaints Procedure Advice -HE Students](#)

## 3. Data Protection

In line with the Data Protection Act 2018, the College’s obligations as a Data controller is to its students and to their personal data. In view of this the College must satisfy itself that it is acting in the student’s best interests and is compliant with legislation.

Further information on Data Protection can be found in the College’s [Privacy Notice](#) and [NKC Data Protection Policy and Procedures](#).

### 3.1. Communication with complainants

- 3.1.1. When a complaint is raised by a current student, the College will respond to the complaint via the student’s College email address.

3.1.2. Where a complaint is raised on behalf of a current student who was 18 or under at enrolment by their recorded Emergency Contact, as long as the email address matches that which is recorded on the College's Management Information System, the College will respond directly to the Emergency Contact without contacting the student, in line with the College's published Privacy Statement.

3.1.3. Students with an Educational Health and Care Plan ("EHCP")

For students holding an EHCP to the age of 24, the following will apply:

3.1.3.1. If the student was aged under 24 at enrolment and the person raising the complaint on their behalf is recorded on the College's Management Information System, then the College will respond directly to the complainant.

3.1.3.2. If the student was over 24 at the time of enrolment, the College and the the person raising the complaint is recorded on the College's Management Information System as the student's Emergency Contact, then the College will take a professional view of the situation, responding on an individual basis and with due regard to the level of disability of the student, always ensuring the best interests of the data subject are maintained.

3.1.4. Where a complaint is raised on behalf of a current student, who was over the age of 18 at enrolment, the College contact the student via their College email address and copy in the Emergency Contact to enquire whether the student gives their express permission for the College to communicate with the complainant.

It remains with the student to ensure that their recorded Emergency Contact details are up to date. If a student wishes to amend/add to their emergency contact details, then they must complete the amendment to the Contact form, located at the main College Receptions or Learning Technology Centres in person, showing their student ID badge.

If the email address of the Emergency Contact differs from the complaint submission to that held on the College's system, the College will not copy in the complainant.

3.1.5. Where a complaint is raised by an individual who is not recorded on the College's systems as the student's Emergency Contact, irrespective of the age of the student, the College will email the student using their College's email account, advising that a complaint has been raised by a third party. The College will not name the third party but will outline

the area of the complaint. The student must grant their express permission to sharing their data by naming the individual and confirming that individual's contact details.

Until express permission is granted by the student and subsequently verified to be genuine, no communication will be made by the College to the third party, including but not limited to, acknowledging safe receipt of their complaint.

If a response is not received within five working days from the student, the College will re-send the email. If the student has not replied within five working days from the date of the second email, the complaint will be lapsed.

3.1.6. If a complaint is raised by a former student and is within the three-month timeframe, as detailed under 6.2.3 of this procedure the College will respond to the complainant via the email address it holds in its files. If the email address differs from that held on file, the College will not communicate with the former student by email. It will write to the student at their last recorded address held on file. If this is not the former student's current address, then the complainant must submit their complaint in person, bringing with them some form of identification (passport/driving licence/recent utility bill) which will be copied for the College's files.

3.1.7. Where a complaint is raised on behalf of a student on an anonymous basis, only if the matter relates to safeguarding, it will be investigated as the College takes the welfare and safeguarding of all its students seriously, notwithstanding that the findings of the investigation cannot be shared.

For all other matters raised on an anonymous basis, the complaint will not be investigated.

3.1.8. If a complaint is raised by a member of the community which the College serves and does not relate to any named student, the College will communicate directly with the complainant.

### **3.2. Express Permission**

The College is obligated to satisfy itself that any communications with other people are in the student's best interest and with their express consent. In order to do that, in the circumstances detailed above, the College must obtain the student's express permission to share their data with a person who acts on their behalf.

### **3.3. Data Retention and Use**

When the College receives a complaint from a person, a file is created containing the details of the complaint. This normally contains the identity of the complainant, and any other individuals involved in the complaint.

The College will only use the personal information collected to process the complaint and to check on the level of service it provides. The College does compile an annual report detailing the number of complaints and compliments received for overview by the Board of Governors; however, all data contained within this report is submitted in an anonymised basis.

The College will disclose the complainant's identity only if it is absolutely necessary in order to conduct a robust investigation of the complaint raised.

The College will keep personal information contained in complaint files. This means that information relating to a complaint will be retained for five years from closure. It will be retained in a secure environment and access to it will be restricted according to the "need to know" principle.

## **4. Resolving a Complaint**

Subject to the Data Protection requirements as detailed in Section three of this procedure being met, complainants must endeavour to resolve a complaint informally before commencing with the Formal Complaints Procedure. Please see point 6 - "Stage One".

The complainant should attempt to resolve the matter informally, as soon as possible and no later than three calendar months after the event or problem has occurred.

Where no informal resolution can be achieved within fifteen working days of the initial complaint being raised, the complainant may choose to escalate their concerns – please refer to "Stage Two" detailed below.

## **5. Unreasonable Complaints**

Unreasonable actions are those which, because of the nature or frequency of contact with the College, hinder its delivery of education or consideration of complaints.

Please see Appendix A for further information.

## **6. The Procedures**

### **6.1. Informal Complaints (Stage One)**

These complaints are dealt with by the College's Tutors/middle managers. The process for this is as follows:

- 6.1.1. for those individuals who are unsure as to whom to contact in the first instance, they should contact the Reception of the

Campus/College and it will be directed to the relevant Head of Curriculum or Support Area Manager;

- 6.1.2. concerns should be discussed initially with a member of the teaching/administrative staff, such as a Course Tutor/Head of Curriculum/Finance Officer;
- 6.1.3. the matter should be raised within two working weeks of the issue so that any concerns are addressed promptly.
- 6.1.4. if this discussion does not resolve the matter, or if it is not appropriate to discuss a situation with a member of the staff with whom the complaint is directed, then the complaint should be made to the person responsible for the area or service;
- 6.1.5. in most instances, informal complaints will not receive a formal written response but nevertheless will be dealt with promptly; and
- 6.1.6. responsibility for the prompt follow-up of informal complaints will lie with the relevant manager. The manager should endeavour to resolve the complaint but may refer it to the Senior Leader responsible for their area if it is evident that a resolution is not likely to be met. This then escalates the complaint to Stage Two.

If you wish the complaint to be escalated, please advise the tutor/manager who will forward the complaint to a member of the College's Senior Leadership Team. At this point, the complaint will become a formal complaint and be centrally logged as part of Stage Two.

## **6.2. Formal Complaints (Stage Two)**

At this stage the complaint is dealt with by a member of the Senior Leadership Team.

- 6.2.1. Formal complaints must be made in writing, either by letter to:

Complaints  
North Kent College  
Oakfield Lane  
Dartford  
Kent DA1 2JT

Or, alternatively, a formal complaint can be submitted on-line, via the College's website:

[North Kent College - Complaints](#)

- 6.2.2. All correspondence submitted should clearly set out the circumstances of the complaint, any individuals or witnesses involved and all relevant dates and/or times.

- 6.2.3. Complaints must be submitted in a timely fashion, no later than three calendar months after the concern/event.
- 6.2.4. Complaints received after this period will not be investigated, as they will be considered to be out of time.
- 6.2.5. If the complaint is being raised by a current student, a letter of acknowledgement will be sent to the student's College email address within five working days of receipt of the complaint, unless the matter can be resolved with within the first five working days, without the need for an acknowledgement letter.
- 6.2.6. If the complaint is raised by the Student's Emergency Contact as detailed on the College's Management Information System and the student was under the age of 18 at enrolment, the College will write to Emergency Contact within five working days of receipt of the complaint. If the matter can be resolved within the first five working days, then a response letter will be sent in place of the acknowledgement letter.
- 6.2.7. If the complaint is being raised by anyone other than the student, subject to Data Protection requirements being met under Section 3 of this procedure, a letter of acknowledgement will be sent to the complainant once express permission to discuss their data has been received from the student involved. The letter of acknowledgement will be sent within five working days of the express permission being received. If the matter can be resolved within five working days a response letter will be sent in place of an acknowledgement letter
- 6.2.8. Complaints raised on an anonymous basis will be investigated if the matter impacts on the welfare or safeguarding of students, however, due to the nature of a complaint made on this basis there can be no written correspondence detailing any outcomes. However, if the anonymous complaint is outside of safeguarding, it will not be investigated.
- 6.2.9. Complaints will be investigated fairly and robustly by a member of the College's Senior Leadership Team.
- 6.2.10. The complainant must refrain from contacting any member of the College about the complaint whilst the investigation is ongoing as this will hamper the process and delay the response;
- 6.2.11. The College will respond in writing within fifteen working days from the date of the letter of acknowledgement, detailing the outcome of their investigation.
- 6.2.12. If the investigation is going to take more than fifteen working days, a further letter to this effect will be sent allowing more time.

- 6.2.13. Where complaints are received within fifteen working days of a holiday period, or during a holiday period, it is expected that the complaint response will take longer than fifteen working days due to the absence of appropriate staff to investigate. This will be confirmed in writing.

### **6.3. Appeals (Stage Three)**

- 6.3.1. If the complainant remains dissatisfied or in disagreement with the decision made; that evidence submitted at the time of the complaint had not been considered in the investigation process and/or the reasons given for the finding were unsound, they may appeal against the decision.

An appeal can only be raised by the person who raised the initial complaint.

The appeal must detail why the complainant feels the decision made was incorrect. It is the complainant's responsibility to provide evidence to support their assertion. The appeal process is purely to review the investigation and decision made on the facts presented at the time. In view of this, new evidence cannot be produced at the appeal stage.

A complainant has ten working days from the date of the response letter in which to submit an appeal. The reason for the appeal should be clearly stated in writing and sent to:

Rhiannon Hughes  
Deputy Executive Principal - Teaching, Learning & Improvement  
North Kent College  
Oakfield Lane  
Dartford  
Kent DA1 2JT

Alternatively, an appeal request, with any accompanying information and/or evidence, can be submitted to:

[principalsoffice@northkent.ac.uk](mailto:principalsoffice@northkent.ac.uk)

- 6.3.2. A letter of acknowledgement will be sent within five working days of receipt of the appeal letter.
- 6.3.3. The appellant must not contact any member of the College regarding the appeal whilst the investigation is ongoing as it will hamper the process.
- 6.3.4. The Deputy Executive Principal – Teaching, Learning and Improvement will consider all the documentation available relating to the issues raised and will respond within fifteen working days from the date of the acknowledgement letter. If the complaint directly

relates to the Deputy Executive Principal – Teach, Learning and Improvement, then another Executive member of the Senior Leadership Team will be assigned the appeal.

- 6.3.5. If the appeal process is going to take more than fifteen working days, a further holding letter will be sent.
- 6.3.6. The decision at the end of this stage is final.
- 6.3.7. If the College cannot settle the complaint to the satisfaction of the appellant, the complainant can refer the matter to The Department for Education. The contact details of which can be found on the following link: [Complaints procedure - Department for Education - GOV.UK](#)

Alternatively, you can write to them at:

Complaints  
Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate Store Street  
Manchester M1 2WD

- 6.3.8. Adult Learners (learners 19+ at commencement of their programme), studying on a Greater London Authority (“GLA”) funded programme can appeal directly to the GLA if:
  - 6.3.8.1. they are residents of a London Borough and
  - 6.3.8.2. the course is funded by the GLA. (Those funding through an adult learner loan should follow steps 3.3.6).

To escalate a complaint to the GLA, please use the following link:

[Guidance for learner complaints | London City Hall](#)

## Appendix A: Unreasonable Complaints

The College takes complaints very seriously and uses them as an opportunity to improve the service it provides.

The College will consider the circumstances of each complaint received. Whilst the majority of complaints are made with good intentions, some complainants become more unreasonably persistent over time.

### 1. Unreasonable Complaints

The list below gives examples of unreasonable complaints. Please note that this list is not exhaustive:

- 1.1. being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language;
- 1.2. putting, or threatening to put information on social media or websites which includes personal information of an organisation's employees without their consent and/or making defamatory statements about employees online;
- 1.3. making excessive demands on the time and resources of staff with lengthy phone calls, emails to individual or numerous College staff, or detailed correspondence every few days or more often, and expecting immediate responses;
- 1.4. submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these "new" complaints;
- 1.5. refusing to specify the grounds of a complaint;
- 1.6. refusing to cooperate with the complaints investigation process. For example, failing to provide information requested that is important for the investigation;
- 1.7. insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or College's internal systems;
- 1.8. making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced/dismissed;
- 1.9. frequently changing the basis of the complaint as the investigation proceeds.
- 1.10. raising many detailed but unimportant questions, and insisting they are all answered;
- 1.11. providing false information and/ or submitting falsified documents from themselves or others; and/or
- 1.12. adopting a "scatter gun" approach: pursuing parallel complaints or contact about the same issue with various organisations.

### 2. Supporting the Complainant

Notwithstanding the above, when assessing whether a complainant becomes unreasonably persistent, the College will look firstly to support the complainant. Below are the steps the College will take to support the complainant:

- 2.1. The College will assess, to the best of its ability, whether the complainant has any difficulties in communicating.
- 2.2. If the College believes that the complainant has any barriers to communication, it will ask whether the complainant requires a representative to assist them. The representative could be another family member, social worker, interpreter etc.
- 2.3. The College will need to ensure that its responsibilities to protecting the student's Data Protection rights must be met in the first instance. Therefore, if the complaint is made on behalf of a student, then the student must grant their express consent to the representative being present/speaking on the complainant's behalf.
- 2.4. Where all Data Protection requirements have been met, the representative will be allowed to assist the complainant.
- 2.5. The College reserves the right to request another representative to support the complainant if the behaviour of the initial representative becomes unacceptable. In the first instance, the College will ask the individual to moderate their language/tone. If the behaviours persist then the College will terminate the meeting/communications with that individual and ask for a new representative to be found.

The representative could be a member of the family or a friend. Again, this is subject to Data Protection requirements being met.

If the complainant cannot identify a suitable representative, the College recommends using an independent Advocacy Service (subject to any Data Protection requirements being met):

[Advocacy - Search Results | Local Kent Directory](#)

[Services \(All\) | The Advocacy People](#)

If no further representative is acceptable to the complainant or the student does not grant their express permission for the third party to act on their behalf, the complaint will be lapsed.

A letter from the College will be sent to the student and/or complainant to this effect.

### 3. Behaviour of the Complainant

If the behaviour of the complainant becomes unreasonable (i.e. using bad language, threats, making unreasonable demands etc.) the College will issue an informal warning, explaining to the Complainant which aspect(s) of their behaviour(s) is unacceptable.

#### 3.1. Informal Warning

This issuance of an informal warning will give the complainant time to reassess their behaviour and act in a reasonable manner going forward.

However, if the behaviours continue, the College has the right to escalate the matter and issue a Formal Warning.

### 3.2. Formal Warning

Based on evidence of continued unreasonable behaviours, the College will issue a Formal Warning. The review of evidence to support this action will be undertaken by the Chief Executive and Executive Principal of the College or their nominated designate.

The formal warning will include:

- 3.2.1. examples of behaviours exhibited which the College considers unreasonable;
- 3.2.2. contact details for an Advocacy Service if the College believes that the complainant may require assistance under the Equality Act 2010;
- 3.2.3. restrictions on who the Complainant can contact at College and/or any other restrictions (i.e. all meetings will be conducted virtually); and
- 3.2.4. consequences of failing to address their behaviours/actions.

### 3.3. Restricting Contact with the Complainant

The College will consider whether restrictions should be imposed on the Complainant.

Restrictions may include but are not limited to:

- 3.3.1. Refusing to take their phone communications;
- 3.3.2. restricting contact to email communication only to an individual named officer or generic inbox;
- 3.3.3. placing correspondence on file without acknowledgement or reply;
- 3.3.4. restricting access to certain Campuses of the College; and/or
- 3.3.5. restricting access to any of the College's Campuses.

Where restrictions are considered to be appropriate, the College will write to the Complainant and set these out clearly.

### 3.4. When a complainant acts outside of restrictions

In the first instance, the complainant will be reminded of the restrictions in place.

If the complainant disregards the restrictions for a second time or attends any campus of the College when not invited, the complaint will be lapsed. No further communication will be made to the Complainant and, where necessary, College security will be called to escort the individual off of the campus. If the individual resists or becomes a nuisance, the College will contact the Police.

## 4. Violence or Threats of Violence

The College takes the welfare and safeguarding of its employees and visitors as seriously as it does that of its students.

Where behaviours of complainants or their representatives threaten or endanger any member of staff, a visitor, or a student, the College reserves its right to call the Police, lapse the complaint and restrict all contact with the complainant.

If a member of a student's contacts does not desist from aggressive and/or violent behaviour despite all the aforementioned attempts to request them modifying their contact with College, it may be deemed necessary, as a last resort, to withdraw the student in order to safeguard the rest of the students and staff.

If the person threatening or committing acts of violence is a student, the College will immediately invoke its Behaviour Policy.

## Appendix 2 – Complaints Flowchart

