

HEFCW Complaints Policy

If you require this document in an alternative accessible format, please email info@hefcw.ac.uk.



Noddir gan
Lywodraeth Cymru
Sponsored by
Welsh Government

Higher Education Funding Council for Wales (HEFCW): Complaints Policy

HEFCW is committed to dealing effectively with any concerns or complaints you may have about our service. We aim to clarify any issues about which you are not sure. If possible, we'll put right any mistakes we may have made. We will provide any service you're entitled to which we have failed to deliver. If we got something wrong we'll apologise and where possible we'll try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.

1 When to use this policy

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal so, rather than investigate your concern we will explain to you how you can appeal. Sometimes, you might be concerned about matters that are not decided by us (e.g. legal framework, student support, loans, Higher Education Institutions (HEIs) bursaries etc.) and we will then advise you about how to make your concerns known.

This policy does not apply if the matter relates to a Freedom of Information, Environmental Information Regulations or Data Protection issue. In these circumstances, you should contact: info@hefcw.ac.uk clarifying the nature of your request.

HEFCW has separate procedures for dealing with allegations of financial irregularity or impropriety, mismanagement, waste or fraud in the institutions which it funds. These are set out in a separate document (please see Annex A for further information).

Complaints by students or staff about their institution. It is not in the remit of HEFCW to become involved in disputes between students or staff and the institutions that we fund (please see Annex A for further information).

2 Have you asked us yet?

You should first give us a chance to respond to your request. If you make a request and then are not happy with our response, you will be able to make your concern known as we describe below.

3 Informal resolution

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're dealing with. He or she will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will

draw them to our attention. If the member of staff can't help, they will explain why and you can then ask for a formal investigation.

4 How to express concern or complain formally

You can express your concern in any of the ways below:

- You can ask for a copy of our form (Annex B) from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally.
- You can get in touch with us on 029 2085 9696 if you want to make your complaint over the phone.
- You can use the form on our website at: www.hefcw.ac.uk.
- You can email us at info@hefcw.ac.uk.
- You can write a letter to us at the following address:

Higher Education Funding Council for Wales
Tŷ Afon
Bedwas Road
Bedwas
Caerphilly
CF83 8WT

Tel: 029 2085 9696

Web: www.hefcw.ac.uk

Email: info@hefcw.ac.uk

Copies of this policy and the complaint form are also available in the Welsh language and on request as audio, large print etc.

5 Dealing with your concern

- We will formally acknowledge your concern within 5 working days and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, if you have a disability or require communication in alternative formats.
- We will deal with your concern in an open and honest way.
- We will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.

Normally, we will only be able to look at your concerns if you tell us about them within six months. This is because it's better to look into your concerns while the issues are still fresh in everyone's mind.

We may exceptionally be able to look at concerns which are brought to our attention later than this. However, you will have to give us strong reasons why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. We will not consider any concerns about matters that took place more than three years ago, regardless of the circumstances.

If you're expressing a concern on behalf of somebody else, we'll need their agreement to you acting on their behalf.

6 What if there is more than one body involved?

If your complaint covers more than one body (e.g. HEFCW and the Welsh Government regarding an HE funding administration matter), we will usually work with them to decide who should take a lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we consider your complaint.

If the complaint is about a body working on our behalf (e.g. contractors, consultants etc.) you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will look into this ourselves and respond to you.

7 Investigation

7.1 Stage one – initial consideration

We will tell you who we have asked to look into your concern or complaint. If your concern is straightforward, we'll usually ask somebody from the relevant team to look into it and get back to you. If it is more serious, we may use someone from elsewhere in HEFCW, or in certain cases we may appoint an independent investigator.

We will set out to you our understanding of your concerns and ask you to confirm that we've got it right. We'll also ask you to tell us what outcome you're hoping for.

The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.

If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight

away that you should have had it, we will offer to provide the service rather than investigate and produce a report.

If your complaint concerns the Chief Executive, this will be investigated by the Chair of the Council.

We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 working days. If your complaint is more complex, we will:

- let you know within this time why we think it may take longer to investigate
- tell you how long we expect it to take.
- let you know where we have reached with the investigation, and
- give you regular updates, including telling you whether any developments might change our original estimate.

The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.

In some instances, we may ask to meet you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.

We'll look at relevant evidence. This could include files, notes of conversations, letters, emails or whatever may be relevant to your particular concern. If necessary, we'll talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

7.2 Stage two – request for review

If you are not satisfied with the response, and your complaint is not about the Chief Executive, you can write to the Chief Executive and ask for your complaint and our response to be reviewed.

- The Chief Executive will acknowledge your request for a review within five working days and respond in detail within 15 working days, or as soon as possible thereafter.
- The Chief Executive will always give you reasons for upholding or revising the original response. After the Chief Executive's decision has been taken, it will be communicated to you in writing and you may make a response or comment.

- Individuals who remain dissatisfied with HEFCW's decision may refer their complaint to the Public Services Ombudsman for Wales (see point 10 below).

If your complaint is about the Chief Executive, and you are not satisfied with the response provided by the Chair you can write to the Council Secretary to ask for your complaint and the response to be reviewed by the Complaints Panel.

- The Panel is the final HEFCW process for dealing with complaints against the Chief Executive.
- The Panel will not consider a complaint that is the subject of legal proceedings or is judged to be trivial or vexatious. The Panel will consist of three members: two external members drawn from a pool of experienced figures independent of the Council, and one Council member who will chair the Panel.
- The Complaints Panel may, at the discretion of its Chair, hold a preliminary meeting at which clarification of paperwork, consideration of whether the complaint is vexatious etc. can take place prior to a meeting at which the complaint is considered by the Panel.
- The Council Secretary will be the Clerk to the Panel.
- You will be informed of the membership of the Panel and will have the right to challenge the membership, but only if there is good cause.
- The Clerk to the Panel will forward papers relating to your complaint to members of the Panel, the Chief Executive and yourself at least two weeks before your complaint is considered. These papers will include your own detailed submission of complaint.
- There will be an opportunity for yourself and the Chief Executive to comment on each other's submission before the Panel considers them. These secondary comments, if any, must be received no later than five working days before the Panel meeting to allow time for them to be circulated to the Panel, the Chief Executive and yourself. The Panel will meet in private to discuss your complaint and may ask to meet you if there are issues of fact to be resolved.
- The Panel may also approach you or HEFCW staff members if it requires further information. You will be able to reply to any new information provided by HEFCW staff. Your name, the nature of the complaint and the evidence which you have provided will be treated in confidence by the Panel and by HEFCW staff complained against, unless you instruct us otherwise.

- The Clerk to the Panel will keep a record of the Panel meeting. The Panel's decision and reasons will be given to you and to the Chief Executive in writing within 10 working days of the meeting.
- The Panel may recommend reforms and remedies to the Chief Executive/Chair; it may also suggest the basis of a settlement between you and HEFCW.

No further appeal can be made to HEFCW against the Panel's decision. However, if you provide additional, new information to the Clerk to the Panel within 20 working days, this will be put to the Panel and they will review their decision if appropriate. Normally, additional information will only be accepted on one occasion after a decision is taken, and then only if it was not available to you at the time of the original hearing.

Individuals who remain dissatisfied with HEFCW's decision may refer their complaint to the Public Services Ombudsman for Wales (see point 10 below).

7.3 Costs

You will be expected to pay your own costs.

8 Outcome

If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. If necessary, we will produce a longer report. We'll explain how and why we came to our conclusions.

If we find that we got it wrong, we'll tell you what and why it happened. We'll show how the mistake affected you.

If we find there is a fault in our systems or the way we do things, we'll tell you what it is and how we plan to change things to stop it happening again.

If we got it wrong, we will always apologise.

9 Putting Things Right

If we didn't provide a service you should have had, we'll aim to provide it now if that's possible. If we didn't do something well, we'll aim to put it right. If you have lost out as a result of a mistake on our part we'll try to put you back in the position you would have been in if we'd got it right.

If you had to pay for a service yourself, when you should have had one from us, or if you were entitled to funding you did not receive, we will usually aim to make good what you have lost.

10 Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- have been treated unfairly or received a bad service through some failure on the part of the body providing it
- have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- phone: 0300 790 0203
- the website: www.ombudsman-wales.org.uk
- writing to: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, Cardiff CF35 5LJ

11 Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our senior management considers a summary of all complaints annually, as well as details of any serious complaints.

Our Council also considers our responses to complaints annually.

Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will let you know when changes we've promised have been made.

Updated April 2017

Other sources of redress

HEFCW is a Welsh Government Sponsored Body.
Its sponsor department is The Department for Education and Skills:
Welsh Government, Cathays Park, Cardiff, CF10 3NQ
Email: CustomerHelp@wales.gsi.gov.uk
Tel: English: 0300 0603300
Tel: Welsh: 0300 0604400

Allegations concerning higher education institutions funded by HEFCW

This policy can be obtained from our website at:
www.hefcw.ac.uk/working_with_he_providers/institutional_assurance/allegations_concerning_institutions.aspx

Complaints by students or staff about their institution

It is not in the remit of HEFCW to become involved in disputes between students or staff and the institutions that we fund. HEFCW's powers of intervention are limited so as not to encroach on the proper autonomy of institutions, which are legally independent bodies.

All institutions have their own complaints and appeals procedures, including on matters of academic performance. Individuals should pursue their complaints directly with the institution concerned in accordance with the institution's own internal procedures. These will be available in printed form from the institution and/or on the institution's website.

HEI Staff Complaints

HEI staff wishing to make a complaint should seek advice through their union representative. All institutions have grievance and public interest disclosure ('whistleblowing') procedures.

Student Complaints

If, having exhausted an institution's internal complaints procedures, and been issued with a 'Completion of Procedures' letter, a student does not consider their complaint to have been dealt with satisfactorily he/she may refer the matter to the Office of the Independent Adjudicator for Higher Education (OIA). Further details on the OIA's independent scheme for the review of student complaints and appeals can be obtained from:

The Office of the Independent Adjudicator for Higher Education
Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB
Tel: 0118 959 9813
Web: www.oiahe.org.uk

Concerns about quality processes

Inadequate Quality Processes Prior to Intervention – This document clarifies actions we will take to deal with quality which is, or is likely to become, inadequate prior to the initiation of statutory intervention. It replaces the former Unsatisfactory Quality Procedures for regulated institutions and links to our Transitional Statement of Intervention. It aims to ensure that the interests of students, the provider and the wider higher education sector are protected (see Annex C to circular W16/15HE:

www.hefcw.ac.uk/documents/publications/circulars/circulars_2016/W16%2005HE%20Annex%20C%20Inadequate%20Quality%20Processes%20Prior%20to%20Intervention.pdf).

The website of the Quality Assurance Agency for Higher Education (QAA) includes details of its processes for investigating concerns about academic standards, quality and information made available by higher education providers in the UK (www.qaa.ac.uk).

Annex B

Higher Education Funding Council for Wales Complaints Form

A: Your details

Surname:	Forename(s):	Title: Mr/Mrs/Miss/Ms/ if other please state:
Address and postcode:		
Your email address:		
Daytime contact phone number:		
Mobile number:		

Please state by which of the above methods you would prefer us to contact you.

Your requirements: if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

B: Making a complaint on behalf of someone else:

Their details

Their name in full:	
Address and postcode:	
What is your relationship to them?	
Why are you making a complaint on their behalf?	

C: About your concern/complaint (Please continue your answers to the following questions on separate sheets if necessary)

1. Name of the department/section/service you are complaining about:

2. What do you think they did wrong, or failed to do?

3. Describe how you personally have suffered or have been affected.

4. What do you think should be done to put things right?

5. When did you first become aware of the problem?

6. Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so.

7. If it is more than 6 months since you became first aware of the problem, please give the reason why you have not complained before now.

If you have any documents to support your concern/complaint, please attach them with this form.

Signature:

Date:

When you have completed this form, please send it to:

The Council Secretary, Higher Education Funding Council for Wales, Tŷ Afon,
Bedwas Road, Bedwas, Caerphilly, CF83 8WT

or email info@hefcw.ac.uk.