



SECTION 75 OF THE NORTHERN IRELAND ACT 1998 NON-COMPLIANCE COMPLAINTS POLICY

Policy Owner:	Head of HR
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Location:	Gateway

Related Documentation

Title	Location	Owner
Procedure for making a Section 75 Non-Compliance complaint	Gateway & Website	Head of HR
Equal opportunities Policy	Gateway	Head of HR
College Equality Scheme	Gateway	Head of HR
Anti-Bullying Policy & Procedure for Students	Gateway	Head of Services
Customer Complaints & Compliments Policy	Gateway	Risk & Compliance Officer
Good Relations & Cultural Diversity for Staff	Gateway	Head of HR
Dignity At Work Policy	Gateway	Head of HR
Policy for the Promotion of Positive student behaviour	Gateway	Head of Services
Freedom to Speak Up/Raising A Concern	Gateway	Risk & Compliance Officer
Staff Disability Policy	Gateway	Head of HR
Student Disability Policy	Gateway	Head of Services

Change Log

Location	Change from deletion/addition	Change to
Whole Document	Convert to standardised policy template	
	Removal of procedural elements to a separate procedure document	
	Allocated version number V4.0	

Communication

Who needs to know (for action)	Senior Management Team HR Team Line Managers
Who needs to be aware	All staff

Communication Plan

Action	By Whom	By When
Upload to Gateway	J Lucas	On approval
Circulation to key staff	E Rushe	On approval

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1. POLICY PURPOSE

South West College (SWC) is committed to the full implementation of Section 75 of the Northern Ireland Act (1998) and in carrying out its functions, powers and duties relating to this Act. The purpose of this policy is to offer the opportunity for people who perceive that SWC has not complied with our Section 75 commitments, as outlined in our Equality Scheme, to raise a complaint.

The raising of complaints and the provision of feedback provides the College with an opportunity to improve its services. This policy aims to ensure that issues of non-compliance with Section 75 of the Northern Ireland Act 1998 are considered and resolved in a timely, fair and equitable manner.

2. POLICY SCOPE

This policy relates specifically to complaints in relation to a SWC failure to comply with its commitments as outlined in its Equality Scheme. The policy relates to those groups identified in [Section 75 of the Northern Ireland Act 1998](#) ie those of different:

- religious belief;
- political opinion;
- racial group;
- age;
- marital status, of
- sexual orientation; and
- men and women generally;
- people with a disability and those without;
- people with dependants and those without.

The policy covers internal stakeholders (including students, prospective students & employees), a third-party representative where an individual is unable to bring the complaint themselves and external stakeholders (including consultee organisations).

Exemptions to this policy include:

- Anonymous complaints, which will not usually be investigated, but will be recorded.
- Matters where another policy or procedure applies; for example, academic appeals.
- The right of the College not to investigate unreasonable or vexatious complaints.

3. MAKING A COMPLAINT AND APPEAL

Anyone believing that they have been directly affected by the College's failure to comply with its approved Equality Scheme, then has the right to bring a complaint under this policy as detailed in the associated Procedure "Making a Section 75 Non-Compliance Complaint". Complaints under this Policy will be dealt with as follows:

Stage 1 – Informal Resolution

If there is an occasion where someone feels they have been directly affected by a failure of SWC to comply with its Equality Scheme, they have a right to complain. SWC encourages anyone, to raise any issues informally with our Equality Officer in the first instance, e.g. face-to-face discussion telephone call etc who will work with you to resolve the matter informally

Stage 2 – Formal Complaints

Where a resolution cannot be found, or if the complaint is sufficiently serious, a formal complaint should be submitted in writing by completing the "Section 75 Non-Compliance Complaint form" (Appendix 1)

Stage 3 – Appeal –

If a customer is dissatisfied with the College response to their complaint, they have the right to appeal. Appeals should be submitted in writing, with full details of the grounds for appeal, to the Chief Executive. Following receipt of an appeal the College will endeavour to adhere to the timeframes detailed in the associated procedure.

4. IF YOU REMAIN DISSATISFIED

It is hoped that we will be able to resolve any complaint through the complaint's procedure. If you remain dissatisfied with the outcome you have the right to raise the matter with the Equality Commission.

The Equality Commission will normally only consider a complaint after it has been dealt with according to the Colleges complaints process and has been received within 12 months starting on the day on which the complainant first knew of the matters alleged.

Contact details for the Equality Commission are:

The Equality Commission for Northern Ireland

Equality House

7-9 Shaftsbury Square

BELFAST

BT2 7DP

Tel 028 90 500 600

Email: InvestigationsTeam@Equalityni.org

Website www.equalityni.org/investigations

5. QUALITY ASSURANCE

The College welcomes and values all feedback from all our stakeholders. The College analyses feedback and areas of complaint in order to improve services. All complaints will be dealt with sensitively and in all cases the documentary evidence gathered and stored remains confidential to those involved. Statistical information will be made available for Quality and Equality monitoring purposes.

6. MONITORING AND REVIEW

This document will be monitored on an ongoing basis and subject to a full review every three years unless changes in the legislative context or good practice guidance dictates earlier review. In monitoring and reviewing the document the following will be taken into consideration:

- Changes or improvements in processes or procedures are identified.
- Feedback regarding the content and format of the document.
- Uptake and usage;
- Comments or complaints regarding the document;
- Equality information and monitoring data.

Signed: W. J. Holder

Date: 05/05/2021

(Chairman)

Signed: [Signature]

Date: 17.05.21

(Chief Executive)

APPENDIX A : SECTION 75 NON-COMPLIANCE COMPLAINTS FORM

This form is for the completion of Section 75 Complaints **ONLY**. If you require assistance with making a complaint, please speak to staff at Reception or Student Services or email catherine.mccrory@swc.ac.uk. Every effort will be made to ensure confidentiality, consistent with a full investigation of the issue.

If you are submitting a complaint on behalf of someone else, please provide their name/contact details in Section 1B. We may contact the individual for permission to discuss the issue with you.

This form should be returned to the Equality Officer SWC, Circular Road, Dungannon, BT71 6BQ or emailed to catherine.mccrory@swc.ac.uk

SECTION 1A – Complainant Details

Title:	Miss / Mr / Mrs / Ms/Other:
Name:	
Contact Address:	Telephone Number:
Email:	
Course (if applicable)	
Student ID (if applicable)	
Status (please tick which of the following applies. You are:	A student Parent or Guardian Member of the Public Employer/ Employee Organisation

SECTION 1B – Details of person on whose behalf you are submitting complaint, if different to above

Title:	Miss / Mr / Mrs / Ms /Other:
Name:	
Contact Address:	Telephone Number:
Email:	
Course (if applicable)	
Student ID (if applicable)	
Do you have their consent to raise this matter?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Status (please tick which of the following applies. You are:	A student Parent or Guardian Member of the Public Employer Organisation

SECTION 2

Details of your Section 75 Non-Compliance Complaint: Please confirm the specific circumstances where you feel there has been a failure to comply with the Equality Scheme. (You may attach additional sheets if necessary).

Have you attempted to resolve this issue informally? Yes / No
If Yes, please summarise any action taken to resolve your issue/s to date.

Section 3

What do you see as a suitable remedy to address the issue or matter raised?

PRIVACY NOTICE: Information gathered on this form will be processed within the provisions of the General Data Protection Regulations and used for the purpose of investigating your complaint. The College is permitted to process personal data where there is a "lawful basis" to do so. This processing is necessary for the performance of a public task or in the exercise of official authority vested in the College as a Data Controller eg Public Authorities are subject to the Northern Ireland Public Services Ombudsman (NIPSO). Your information may be shared with authorised third parties such as NIPSO, legal professionals where there is lawful basis to do so. For further guidance on how we hold your information please visit the Privacy Notice at [Link to privacy notice at www.swc.ac.uk/discover/public-information/data-protection](http://www.swc.ac.uk/discover/public-information/data-protection)

Please circle your response below:

I agree to be contacted by any method provided on this form in respect of my complaint. Yes/No

I understand that a copy of this form may be shared with relevant College staff if they are the subject of the issue. Yes/No

I realise if I choose not to agree to these terms, the College will not be able to investigate my complaint. Yes/No

Signed: _____ **Date:** _____

Office Use Only

Date Received:
Date Acknowledged:
Received By:
Owner: