



POLICIES & PROCEDURES

Section 75 of the Northern Ireland Act 1998 Non-Compliance Complaints Policy

Policy Owner:	Head of People and Culture
Date Approved:	11/04/2024
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Location:	Gateway

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1. Introduction

- 1.1 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.
- 1.2 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

- 2.1 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 i.e. those of different:
 - Religious belief;
 - Political opinion;
 - Racial group;
 - Age;
 - Marital status, or
 - Sexual orientation;
 - Men and women generally;
 - Persons with a disability and persons without
 - Persons with dependants and persons without.
- 2.2 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).
- 2.3 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

- 3.1 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

- 4.1 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.
- 4.2 The Equality Commission will normally only consider a complaint after it has been dealt with according to the College's 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

- 5.1 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. Communication

- 6.1 This policy is available at swc.ac.uk/discover/public-information/policies-procedures and is accessible in house via Gateway. It can also be made available, upon request, in alternative formats including large print, braille, audio and in minority languages.

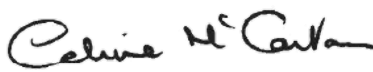
7. Monitoring and Review


7.1 The following processes must be followed to monitor and review this document:

- It will be monitored on an ongoing basis and subject to a full review at least every three years; and
- It may also be updated if changes or improvements in processes or procedures are identified.

7.2 In monitoring and reviewing the document, the following will be taken into consideration:

- feedback regarding the content and format of the document;
- uptake and usage;
- comments or complaints regarding the document; and
- Equality information and monitoring data.

Signed Principal and Chief Executive: 
 Date: 15.04.24

Signed Chair of the Governing Body: 
 Date: 11/04/2024

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 siobhan.gorman@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 siobhan.gorman@swc.ac.uk

SECTION 1A – Complainant Details

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

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:

Related Documentation

Title	Location	Owner
Data Protection Policy (UK GDPR) Gateway	Gateway	Risk & Compliance Officer
Recruitment & Selection Policy	Gateway	Head of People and Culture
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	
Appendix A	Redesign of complaints form	
V5 Whole Document	Convert to standardised policy template	New SWC Policy Template
2 Policy Scope	Deletion – marital status ‘of’	
	Bullet Points 8 & 9 deletion of ‘People’	Changed to ‘Persons’
Point 8	Amended first and third paragraph contact details ‘Catherine.mccrory@swc.ac.uk’	Changed to ‘siobhan.gorman@swc.ac.uk’
Point 8 Section A	Complainant Details – Removed ‘Course and Student ID’	
Point 8 Section B	Removed ‘Course and Student ID’	

Communication

Who needs to know (for action)	All new staff and staff completing internal recruitment exercises
Who needs to be aware	All new staff and staff completing internal recruitment exercises

Communication Plan

Action	By Whom	By When
Upload to Gateway		
Circulation to all staff		

Document Development

Details of staff who were involved in the development of this policy:

Name	Role
HR Team	
Management Team	

Details of staff, external groups or external organisations who were consulted in the development of this policy:

Name	Organisation	Date
Staffing Committee		
Governing Body		

Approval Dates

Approved by	Date

Document History

Issue no. under review	Date of review:	Persons involved in review	Changes made after review? Yes/No If Yes refer to change log	New Issue No.	If changes made was consultation required?	If changes made was Equality Screening required?
May 2018	March 2021	Catherine McCrory Eimear Rushe Joanne Lucas Lindsey Johnston	Yes	V4	No	Yes
V4	January 2024	Camilla James Siobhan Gorman	Yes	V5	No	Yes