

Issue Date:	July 2018
Approved by:	Approved by Executive on 6 September 2018
Review Date:	July 2019



POLICY STATEMENT NO. 11b

TITLE: HIGHER EDUCATION COMPLAINTS POLICY

1. Scope and Purpose

- 1.1. The College seeks to maintain high standards both in the quality of the education which it offers to students and in the administrative and other services which support its academic provision. These procedures set out the steps that should be followed should a student consider that there has been a failure to maintain those standards of a kind which would make it appropriate to make a complaint. They also set out the steps that will be followed in order to investigate complaints and, where they are found to be justified, to identify the action that should be taken.
- 1.2. The Complaints Procedure may be followed by students enrolled on any part-time or full- time HE programme of study offered by the College, those accepted to study with the College or registered for its awards and those who have recently left. Complaints by former students at the College will not be considered if submitted more than six months following the completion of their studies. Complaints received from people who are not registered students, including applicants to College HE programmes are outside the scope of this procedure.

2. Definition of a complaint

- 2.1. A complaint is defined as an expression of dissatisfaction by one or more students about an action or lack of action, or about the standard of service provided by or on behalf of New College Stamford

3. Relationship to other procedures and codes of practice

- 3.1. A complaint is to be distinguished from an appeal against a decision by the College. In particular, it should be noted that the Complaints Procedure does not cover appeals against decisions made by a Board of Examiners on student progress, assessment and awards or by a panel investigating academic misconduct, extenuating circumstances, or a disciplinary offence. The procedures to be followed in such cases fall under the scope of the following Procedure:
 - Procedure on Academic Appeals
 - Procedure for Extenuating Circumstances
 - Procedures Relating to Student Disciplinary Offences and Academic Misconduct
- 3.2. Where a student raises a number of issues which do not fall within the scope of just one procedure, e.g. a complaint and an academic appeal, the College will inform the student of which specific issues will be considered under which procedure and will direct the student to all appropriate procedures. The College will also explain to the student the possible implications, if any, of following more than one procedure,

particularly where one procedure may be suspended pending the completion of the other. In such circumstances, it may be possible, upon written agreement of the parties, to consider all matters together.

4. Principles and Protocols

4.1. In dealing with complaints, the following principles and protocols will be followed:

- i. The College will seek to ensure that the investigation of complaints under the terms of these procedures is conducted transparently and promptly and in a way which is fair to all parties concerned.
- ii. Every effort should be made to seek a resolution of matters which might potentially give rise to a complaint with those most directly involved before the more formal processes are invoked and it should be noted that such an informal resolution may be sought at any stage of the process after a formal complaint has been made.
- iii. Privacy and confidentiality will be maintained insofar as that is compatible with the effective investigation of a complaint. The complainant will be informed in advance if any disclosure to a third party is required in order to progress the investigation of a complaint. Complainants should be aware that any person named as the subject of a complaint will be informed of the substance of the complaint and will be offered the right to reply.
- iv. Anonymous complaints will not be investigated unless the College decides that there are compelling reasons to do so.
- v. Complaints may only be made by students. Complaints made on behalf of a student by a third party (for example, a parent or partner of the student) will not be investigated.
- vi. Where the issues raised affect a number of students, those students can submit a complaint as a 'group complaint' and in such circumstances, the College can ask the group to nominate one student to act as the group representative.
- vii. The College will pay due regard to the interests of those against whom complaints are made. If, on investigation, a complaint is judged to be frivolous, vexatious or malicious, the complainant may be liable to penalties under the Procedures Relating to Student Disciplinary Offences and the College may terminate consideration of the complaint. A vexatious or malicious complaint is defined as a complaint which patently cannot be substantiated or which has been made to defame the name and character of another person. Examples of a frivolous and vexatious complaints include:
 - Complaints or academic appeals which are obsessive, harassing or repetitive
 - Insistence on pursuing non-meritorious complaints or academic appeals and/or unreasonable outcomes
 - Insistence on pursuing meritorious complaints in an unreasonable manner
 - Complaints which are designed to cause disruption or annoyance
 - Demands for redress which lack any serious purpose or value

- viii. No student bringing a complaint under this procedure, regardless of the outcome, will be treated less favourably than if he or she had not brought the complaint. If any evidence is found to the contrary, the member of staff concerned will be liable to disciplinary procedures.
- ix. Complaints should be pursued in a timely way. The College may refuse to investigate a complaint if the informal stage has not been initiated within two calendar months of the incident which is the subject of the complaint.

5. Complaints Procedure for Students

- 5.1. The procedure for dealing with complaints is divided into three stages. The first is the Informal Resolution in which an attempt is made to resolve the matter with the member of staff or academic programme or service department of the College in which the grounds for complaint arose. The second is the Formal Resolution which involves an investigation by an authorised senior member of staff. The third is the Review Stage.
- 5.2. When the College receives a complaint then the complainant will be directed towards the student's union, which can provide independent advice.

6. Representation and attendance at meetings and hearings

- 6.1. Though this is not an expectation, the student is entitled to be accompanied by one other person, such as a peer, family member or friend; but not a legal representative, at a meeting or hearing from the formal stage onwards (see paragraph 7.5 regarding the informal stage). If a student does decide to be accompanied then they must make the College aware no less than 2 days beforehand.

The person accompanying may advise the student but is not permitted to speak on their behalf. It is important to hear one voice in order to maintain clarity.

7. Informal Resolution

- 7.1. The Informal Resolution Stage seeks to resolve straightforward concerns swiftly and effectively at the point at which a complaint is made, or as close to that point as possible, at Programme level. It is expected that the majority of complaints can be resolved through informal means.
- 7.2. Where it is clear that a concern will need to be considered at the formal stage, rather than the informal stage, the student should be directed promptly to the formal stage of the Complaints Procedure using the form provided.
- 7.3. A student who is dissatisfied on an academic matter or with another service provided by the College should initially raise the matter with the member of staff most directly concerned. If this is inappropriate or undesirable, or if their concerns still remain, then the complaint should be raised with the Head of HE. Students are reminded that many matters relating to academic provision can be raised and resolved through student representatives on the relevant committee.

- 7.4. Concerns raised at this stage may be handled by a face-to-face discussion with the student or by asking an appropriate member of staff to deal with the matter.
- 7.5. The main aim of the informal stage however is to resolve complaints in a friendly and informal manner. Therefore, it is generally not expected that a student will be accompanied in any meetings with staff. The student will have the opportunity to be accompanied in discussions should the complaint progress to the next stage. If the student feels that they cannot meet with a member of staff without being accompanied by a third party then they should communicate this to the staff member. At this point, the complaint will either be progressed to the formal stage; a meeting will take place with one third party present selected by the student (member of the Students' Union, family member or friend) who may advise the student but is not permitted to speak on their behalf, as outlined in Section 6 of these procedures; or the informal stage will be conducted without a meeting.
- 7.6. The informal stage will be concluded in writing to the student. The Student will be informed of their right to appeal and time limit for doing so under the Formal stage if they remain dissatisfied.
- 7.7. The informal stage will normally be completed within one calendar month. If, because of the nature of the investigations required, this timescale needs to be extended then consideration should be given to progressing the complaint to the formal stage for a more thorough consideration. In such circumstances, the staff member will assist the student in doing so. If the delay is due to staff absence then consideration should be given to another member of staff handling the issue, if this is not an option then the staff member conducting the informal stage should advise the student of the reason for the delay and the revised timescales.

8. Formal Stage

- 8.1. Where this initial attempt at resolution fails or where the matter is judged to be sufficiently serious and complex, the student should write to the Head of HE within 21 days, using the form attached to outline the grounds for their complaint and refer to any supporting evidence. It should give an account of attempts at resolution made under the informal procedures and explain why the outcome has been judged unsatisfactory. Complainants are invited to indicate what form of redress they are seeking, without prejudice to any final remedy which may be determined. The complaint will usually be acknowledged within five working days of receipt of the form and the student will be informed that their complaint has been assigned to a designated manager who will look into the matters raised and report directly back to the student.
- 8.2. The designated manager will consider the most appropriate way of dealing with the complaint.

Normally, one of the following approaches may be adopted, depending on the nature of the complaint:

- Directing the student to attempt a resolution informally where that has not already taken place. The complaint may be dismissed if the student refuses to do so without providing good reason.
- Dismissing the case out of hand if it appears vexatious or malicious.
- Directing the matter to be pursued under another set of procedures (e.g. Code

of Practice on Appeals or Procedures Relating to Student Disciplinary Offences) where that is appropriate.

- Further investigating the grounds of the complaint.
- 8.3. If the Designated Manager chooses to investigate the complaint further, the Head of Human Resources must be advised where it appears to the Case Officer that the complaint is of a kind which, if substantiated, might lead to disciplinary action against a member of staff. The Designated Manager will gather evidence, but it is expected that the student will provide all evidence that it is reasonable for them to have gathered and provide.
- 8.4. The Designated Manager may wish to meet with the student in order to gain a deeper understanding of the case. Though this is not expected, the student is entitled to be accompanied by one other person. If a student wishes to be accompanied then they must make the Designated Manager aware as soon as possible in advance of the meeting – this should be no less than two days in advance.
- 8.5. Minutes of the meeting will be taken either by the Designated Manager or a third party. Following the meeting, the record of discussions will be sent to the student to agree them as an accurate record or suggest amendments.
- 8.6. If the Designated Manager is able to resolve the issue with the student, then he or she will write confirming the resolution and informing the student that the complaint is now closed.
- 8.7. If on further investigation, the Designated Manager decides that the complaint is without substance, the Designated Manager will write to the student informing them that the complaint has been dismissed. The student will be issued with a Completion of Procedures Letter and informed of their right to appeal under the Review Stage of the Complaints Procedure and the time limit for doing so. If it is concluded that the complaint is trivial, vexatious or malicious, he or she may recommend that disciplinary action should be taken against the complainant.
- 8.8. In other cases, the Designated Manager will write a report to the student notifying them that the complaint has been upheld in whole or in part. The Designated Manager will inform the student of the remedy and timescales for this which have been agreed and also whether this includes an apology. The student will be issued with a Completion of Procedures Letter and informed of their right to appeal under the Review Stage of the Complaints Procedure and the time limit for doing so. If the student does not take the complaint to the Review stage within the given time scale then the College will close the case.
- 8.9. The formal stage will normally be completed within one calendar month. If, because of the nature of the investigations required, this timescale needs to be extended; the Designated Manager will inform and advise the student of the reason for the delay and the revised timescales.

9 Review Stage

- 9.1 Where the complaint has been dismissed and the student is dissatisfied with this outcome or where the student considers that the action taken in response to a

complaint which has been upheld to be insufficient, he or she may be entitled to appeal to the Deputy Principal Quality & Curriculum in writing within one month of the notification of the outcome of the Formal Stage. The student must explain the grounds for his or her appeal and where necessary, provide evidence. A template is provided to assist the student in structuring their appeal and is attached. An appeal submitted outside the appeal deadline may be considered at the discretion of the Vice Principal.

9.2 The grounds for which a student may appeal against a decision at the formal stage are:

- There was a procedural irregularity in the conduct of the complaint procedures
- Clear reasons why the complaint was rejected at the formal stage have not been effectively communicated to the student
- New evidence is now available which was not available upon reasonable enquiry or application at the time of the investigation during the formal stage
- The decision reached was so perverse that it was one which no reasonable person could have reached on the available evidence

The Review Stage will not normally consider issues afresh or involve further investigation. A complaint must have been considered at the formal stage before it can be escalated to the review stage.

9.3 The Deputy Principal may dismiss an appeal in writing to the student within five working days if they consider the appeal to be outside the scope outlined in the paragraph above. In such cases, a Completion of Procedures letter will be issued by the Head of HE.

9.4 If the Deputy Principal considers the appeal to be well founded, he/she will allocate a request for review to a member of the Senior Leadership Team (SLT) who has had no previous involvement with the case. The Deputy Principal will normally respond to the student within five working days, detailing the process for the review stage and confirming the identity and contact details of the member of the Senior Leadership Team who will be conducting the review.

9.5 The SLT member will review the information provided by both the student and the Designated Manager from the formal stage and if they find that there may be a case for review, will conduct any necessary further investigation. If needed and where this is proportionate, the SLT member may overturn a decision at the formal stage or suggest alternate remedies.

9.6 In normal circumstances, where the SLT member considers the Appeal, the student will be issued with a letter/ report from the SLT member detailing the final decision. Where a complaint is upheld, information will be provided on how and when the College will implement any remedies where appropriate and whether this includes an apology.

9.7 The outcome of the Review Stage represents the final stage of the College's internal procedures. Students will be issued with a Completion of Procedures letter within 28 days of the conclusion of the review, which will outline that if the student remains dissatisfied, he or she may pursue the matter through the procedures of the Office of the Independent Adjudicator. Details may be found on the OIA website <http://www.oiahe.org.uk> or from:

OIA
Third Floor
Kings Reach
38-50 Kings Road
READING
RG1 3AA

In the case of any complaints being brought before the Office of Independent Adjudicators, The Head of HE will report to the Governing body outlining the details of the complaint.

If the student is enrolled on a programme validated by a university, they will be entitled to appeal to the University. The Head of HE will provide details of this process.

10. **Supplementary Provisions**

10.1 Audio Recording

10.1.1 The audio recording of meetings or hearings under this procedure is prohibited, subject to such a reasonable adjustment as may be agreed by the College under the Equality Act 2010.

10.2 Remedy

10.2.1 Where a complaint is upheld following a formal investigation, the Designated Manager will take steps to ensure that their recommendations are implemented.

10.3 Monitoring of Procedures

10.3.1 The effectiveness of these procedures will be kept under regular review by the Higher Education Academic Board.

10.3.2 The Head of HE will prepare an annual report to the HE Academic board on the number and nature of complaints which have been considered under the formal procedures and the proportion which have been upheld. The Board will receive anonymised information on the gender and ethnicity of complainants and the number of complaints which have been upheld or dismissed in each group.

10.3.3 All complaints will be recorded in the College Annual Monitoring Report and, where possible, enhancements to processes and procedures identified to mitigate similar complaints occurring in the future.

11. This Procedure has been produced in line with Expectation B9 of the QAA Quality Code and guidance provided by OIA.

IMPACT ASSESSMENT:

This policy has been assessed and considered for impact upon people who share the following protected characteristics and factors: race, gender and gender identity, disability (including learning difficulty), religion and belief, sexual orientation, age, pregnancy, maternity and marital status.

EQUALITY IMPACT ASSESSMENT SUMMARY:

This policy has been impact assessed and has identified the following:

- Negative impacts (N)
- Appropriate actions/mitigations to address the negative impacts have been put in place (N/A)
- Positive impacts (Y)

For further detail of the impacts and associated actions, please see the EIA which is attached to the filed copy of this document.

LINKED POLICIES:

Procedure for Academic Appeals

MONITORING PROCEDURE:**RESPONSIBILITY:**

Head of HE

ENDORSED BY EXECUTIVE:

Janet Meenaghan

Principal

7 September 2018

Date

Request for Formal Investigation – Student Appeal

Guidance

If you are a student at New College Stamford and you wish to make a complaint under Stage 2 of the College Complaints Procedure then you should have discussed this with a member of staff under Stage 1: Informal Resolution.

There are two ways in which you may be referred to Stage 2 of the Complaints Procedure:

1. You have attempted a resolution under the informal stage but are dissatisfied with the outcome
2. You have attempted a resolution under the informal stage but a staff member has referred you directly to the formal stage of the procedure due to the nature or complexity of your concerns

Any Stage 2 request submitted without discussion with staff at the College is likely to be referred back to Stage 1 in the first instance to attempt an informal resolution.

Once you have been referred to Stage 2 of the procedures by a staff member at the College, you will have 21 days in which to submit your form in order for your complaint to be considered. Should you submit a request for investigation after 21 days then the Designated Manager will exercise their own discretion on whether or not to conduct an investigation?

You should address your request for investigation to the Head of HE.

Please use the appeal template on the following page to help structure your request. Please also attach any additional evidence you would like to be considered during the investigation.

NEW COLLEGE STAMFORD

Request for Formal Investigation – Student Appeal

Student's name: _____

Programme: _____

Term time address: _____

Home address: _____

Telephone number: _____

Email address: _____

Preferred method of contact:

email post

Have you attempted to resolve your complaint under Stage 1 of the College's Complaint Procedure?

Yes

No

Were you referred to Stage 2 without an attempt at informal resolution?

Yes

No

Member of staff previously involved during Stage 1: the informal stage:

Initial concern raised with: _____

Outline of complaint:

Attempt at resolution under Stage 1 of the College's Complaint Procedure:

If a resolution was offered under Stage 1, why was this unsatisfactory?

Desired outcome of formal investigation:

Additional Information:

Please list any evidence which you have submitted along with this form in order to support your complaint:

Signed: _____ Date: _____

Witness statement

Name:

Date:

Present:

Statement:

(Please include details such as the date, time and location where possible and try to keep the statement succinct. Where the events cover more than one period of time, please try to report in order of occurrence – use bullet points to structure your statement if this helps. Please provide names of other persons present at the time of any specified events)

Signature.....

College's Complaints Procedure by Higher Education Students – Request for Review

If you are a HE student at New College Stamford and you wish to appeal against a decision taken by the College at Stage 2 of the College Complaint Procedure then you should do so within one calendar month of receiving the decision. Any appeal which is received by the College after this point will be for the discretion of the Vice Principal whether or not to consider the appeal.

You should address your request to the Deputy Principal Curriculum and Quality at the College by post or email.

You should use the appeal template on the following page to help structure your appeal. Please attach any additional evidence with your review form if this has not been considered at Stage 2.

You may only request a review of a decision by the College in relation to the complaint procedures on the following grounds:

- Procedural irregularity
- Clear reasons why the complaint was rejected at the formal stage have not been effectively communicated
- New evidence is now available which was not available upon reasonable enquiry or application at the time of investigation during the formal stage
- The decision reached was so perverse that it was one which no reasonable person could have reached on the available evidence

It will be for the Deputy Principal to decide whether or not, on the face of it, there is a case for review.

Once the review has been completed and you have been informed of the final outcome, you will have exhausted all of the College's procedures for handling complaints. At this stage, you will be issued with a Completion of Procedures letter, directing you towards the OIA (the University's external ombudsmen) or the validating university should you remain dissatisfied.

College HE student Complaint Procedure - Request for Review

Student's name: _____

Student Number: _____

Term time address: _____

Home address: _____

Telephone number: _____

Email address: _____

Preferred method of contact: email post

Grounds for appeal:

- Procedural Irregularity
- Bias or Prejudice
- New Evidence
- Perverse and Unreasonable Decision

Designated Manager _____

Date decision communicated to student: _____

Brief outline of Complaint:

Outcome of investigation:

Why the outcome is unsatisfactory:

Detail of grounds to request a review:

Desired outcome:

Additional Evidence:

Please list any additional evidence attached to this form which was not considered during the investigation and outline the reason why this was not considered:

Signed: _____ Date: _____