

COMPLAINTS POLICY AND PROCEDURE 2021-2024

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This Policy applies to University Centre Weston (UCW) and meets the requirements of the Office for Students (OfS), the Quality Assurance Agency (QAA), and the Revised UK Quality Code. Where required guidance from the Competition and Markets Authority (CMA) and the Office of the Independent Adjudicator (OIA) will be observed.

1 PURPOSE

1.1 The Quality Assurance Agency (QAA) UK Quality Code sets out the expectations that all higher education (HE) providers are required to meet. The expectation with regards to academic appeals and student complaints is that:

"Higher education providers have procedures for handling academic appeals and student complaints about the quality of learning opportunities; these procedures are fair, accessible and timely, and enable enhancement". - QAA Quality Code for Higher Education, Chapter B9

- 1.2 The University Centre Weston (UCW) Complaints Policy and Procedure has addressed this expectation along with best practice guidance from the Office of the Independent Adjudicator for Higher Education (OIA) and with consideration of recent advice from the Competition and Markets Authority (CMA).
- 1.3 UCW seeks to continually improve the quality of its HE provision and services and strives to meet customer expectations. UCW's mission statement is "To deliver an outstanding higher education experience, enabling success and inspiring ambition" and is committed to providing HE students with a high-quality educational experience, supported by excellent academic, administrative, and pastoral support services.
- 1.4 University Centre Weston welcomes feedback regarding perceived problems so that they can be addressed, and improvements made to improve services and enhance the student experience. UCW actively encourages HE students to evaluate their course and overall experience, providing feedback through a variety of methods. UCW seeks to minimise formal student complaints through these means as feedback is addressed and suggestions for improvement implemented.
- 1.5 Whilst much of the feedback received is positive, it is recognised that there may be occasions when problems arise. Any person encountering UCW who is dissatisfied with their experience, can express concern, or raise a complaint, (but only current and former students have recourse to the OIA).
- 1.6 Applicants may complain if they are dissatisfied with the way their application has been handled, the service they have received regarding an application or any other aspect of the admission procedure, without risk of disadvantage.
- 1.7 UCW regards the monitoring of complaints as an important aspect of its Quality Assurance procedures.
- 1.8 There is an expectation from our partner universities that complaints are dealt with by UCW in the first instance. However, if the complaint is not resolved at Stage 2 a student may be able to pursue a complaint through the appropriate university using their complaints policy.

2 SCOPE

- 2.1 A complaint is defined as an expression of dissatisfaction requiring a response. This could include a complaint raised by a student against a member of staff, programme, service, or facility where UCW fails to match either what is promised, or what it would be reasonable to expect.
- 2.2 For the purpose of this procedure a student is defined as a person who has applied to study on a HE programme, is currently enrolled on a programme of study, or a former student who has left the institution within the last three calendar months.
- 2.3 This procedure does not cover:
 - Complaints about student behaviour including harassment, sexual misconduct, or bullying (this would be covered by the UCW Student Code of Conduct).
 - Employers wishing to complain about the apprenticeship delivery. This would be covered by the Weston College Group FE Complaints Policy due to the ESFA/Levy Funding.
 - Academic appeals including decisions of examining / exam boards, for which specific procedures exist. Refer to the Student Course / Programme Handbook, or to the Academic Regulations that apply to your programme of study, for further details regarding the grounds for an appeal.
 - Assessment and matters of academic judgement.

2.4 What is academic judgement?

Section 12 of the Higher Education Act 2004 says that a complaint is not a 'qualifying complaint to the extent that it relates to matters of academic judgment'. The OIA state that:

Academic judgment is not any judgment made by an academic; it is a judgment that is made about a matter where the opinion of an academic expert is essential. So, for example, a judgment about marks awarded, degree classification, research methodology, whether feedback is correct or adequate, and the content or outcomes of a course will normally involve academic judgment.

We consider that the following areas do not involve academic judgment: decisions about the fairness of procedures and whether they have been correctly interpreted and applied, how a higher education provider has communicated with the student, whether an academic has expressed an opinion outside the areas of their academic competence, what the facts of a complaint are and the way evidence has been considered, and whether there is evidence of bias or maladministration.

Decisions about whether a student's work contains plagiarism and the extent of that plagiarism will normally involve academic judgment, but that judgment must be evidence based.

Decisions about whether a student has reached the necessary professional standards and is fit to practise involve professional judgment. When reviewing a complaint involving matters of professional judgment we will look at whether the higher education provider has followed correct and fair procedures and reached a reasonable decision, but we will give great weight to the decision of the panel or individuals who have made an assessment based on professional judgment.

OIA (2021) OIA Guidance on the Rules. Available at <u>www.oiahe.org.uk.</u> Accessed April 2021.

UCW will therefore only consider complaints against the elements that are permissible for investigation as part of the institutions Complaints Policy.

3 POLICY STATEMENT

3.1 GENERAL PRINCIPLES:

- 3.1.1 Students or other relevant parties are encouraged to raise a concern or complaint as soon as possible after the event has taken place, in order that the matter can be investigated thoroughly and addressed in a timely manner. However, it should be noted that complaints would not normally be considered if submitted more than three months after the issue or event occurred, unless there was good reason why the issue could not have been raised sooner.
- 3.1.2 Anyone wishing to make a complaint is encouraged to do so themselves. A complaint received from a third party (including a parent) will be considered only with the express written permission of the complainant (see Appendix 4).
- 3.1.3 To ensure that a thorough investigation of a complaint is made, UCW expects to be able to collect appropriate information from all the parties involved.
- 3.1.4 Where a complaint is made anonymously it cannot be actioned or investigated thoroughly. Therefore, no action will normally be taken in the event of ananonymous complaint being raised, although it would be sent to the relevant manager for noting.
- 3.1.5 UCW adopts a clear and transparent approach to complaints and will treat all complaints in a confidential and sensitive way. All information received because of a complaint investigation will remain confidential to those involved in the process. However, it should be noted that all parties involved in the complaint have the right to know the full details of the complaint, including its source. When evidence is obtained regarding a complaint, it will be shared with all involved parties. This will be made clear to the complainant as part of the investigation process. A complainant may indicate

that they wish their complaint (or elements within it) to remain confidential; this is usually not possible as it will often be necessary to ask staff involved in the complaint to comment or respond to the statements made. The only occasion when confidentiality will be considered is where a student provides a corroborating statement in support of a complaint about a member of staff and wishes their name to be removed from their statement when it is shown to that staff member. Their name would not be kept confidential from the investigating officer.

- 3.1.6 A complainant may be invited to discuss the complaint or attend a meeting to establish further details regarding the cause of dissatisfaction or explore the solution being sought. At any meetings held as part of the investigation or procedures the complainant will have the right to be accompanied by one person (for example a friend or relative), who also has the right to speak on behalf of the complainant. However, this person is in addition to the complainant, not a substitute. The complainant must also be present, unless there is a good reason why this is not possible. Other parties involved in the complaint, including a member of staff who has been the subject of a complaint, will similarly have the right to be accompanied in any meetings, normally by a trade union representative or nominated colleague.
- 3.1.7 A group of students may use this procedure to make a collective complaint, but the group must nominate one person to be the main contact for purposes of communication and the spokesperson for the group, representing the group in all matters relating to the complaint.
- 3.1.8 Appropriate staff will be appointed to investigate complaints raised; this would usually be a Manager within the HE Directorate at UCW as deemed appropriate by the Director of Higher Education. Anyone with a direct involvement in the matter being investigated will neither investigate nor adjudicate.
- 3.1.9 Students will not be disadvantaged because of raising a matter of concern or of making a complaint. However, if a complaint is shown to be malicious or vexatious, the complaint shall be discounted, and disciplinary / legal action may be taken against the individual who submitted the initial complaint. This could also apply to unreasonably persistent complaints.
- 3.1.10 If a complainant brings court or tribunal proceedings against UCW which maybe relevant to the complaint, it will normally suspend consideration of the complaint until the outcome of legal proceedings is known.
- 3.1.11 UCW is mindful of its obligations under the Equality Act 2010 and will consider the Equality Act 2010 throughout the Complaints process. Reasonable Adjustments will be made as appropriate (particularly with regards to meeting the time limits) and support will be offered to the complainant by the HE Specialist Support Manager at UCW, or the student will be offered support from a different member of staff within the wider Weston College Group should this not be deemed appropriate (e.g. if the complaint relates to the UCW Specialist Support Manager).

3.2 GUIDANCE FOR COMPLAINTS

- 3.2.1 All formal complaints should be made in writing and addressed to the HE Quality Officer. Informal complaints do not need to be written (see Appendix 3). Ideally anyone wishing to make a formal complaint would complete the complaint proforma (see Appendix 1).
- 3.2.2 When submitting a complaint, be brief and to the point, and avoid vague allegations. Where possible, substantiate the complaint by referring to specific events, and provide documentary evidence. Be clear and realistic about what desired outcomes or actions you are expecting.
- 3.2.3 Potential complainants may want to obtain advice regarding the procedure prior to submitting a complaint. Informal advice can be sought from the HE Student Experience Manager or Higher Education Academic Registry Team (HEART). Advice may be obtained in person, by telephone or email. Students with disabilities or learning differences may wish to seek advice from the HE Specialist Support Manager or the HE Specialist Support Team.
- 3.2.4 If the complaint is regarding the conduct of an employee of UCW or the Weston College Group, then the complaint may need to be considered under either the Safeguarding Policy and Procedure or the HR Disciplinary Policy and Procedure. Students will be encouraged to seek support from HEART with

this process. If a different policy is going to be invoked, it may result in a delay in timescales, however the complainant will be informed of this and be introduced to the other colleagues within UCW or the wider Weston College Group that would then be dealing with the complaint. In this instance, the complainant may not have access to the full evidence, however every effort will be made to adhere to the clear and transparent ethos of this Complaints Policy.

4 PROCEDURE

4.1 UCW has developed a staged approach to making a complaint which can be escalated if the complainant does not feel the matter is resolved after the previous stage. These stages must generally be followed in order, and a complaint cannot be taken to a higher level until the previous level is exhausted. If a complaint is sent directly to the Principal's Office, it will be re-directed to the HE Quality Officer and an appropriate member of staff will then be appointed to investigate and action.

4.2 Stage 1 – Informal Complaint

- 4.2.1 UCW expects that most complaints can be resolved at an early stage through informal discussion without needing to instigate formal procedures. Therefore, if an issue arises, the first step is to bring the matter to the attention of the relevant staff, either by email or verbally, and discuss it with them.
- 4.2.2 If the matter relates to an academic issue, a student may wish to approach a tutor or Curriculum/Programme Coordinator. Where the complaint is about a support area or service, a complainant should contact an appropriate member of staff or the Head of Department. For advice regarding who to approach please contact HEART.
- 4.2.3 If a complainant does not feel able to raise complaint directly with the appropriate member of staff, then support can be given by the HE Student Experience Manager or members of HEART. Informal complaints can also be raised in the Student and Staff Liaison Committees (SSLCs) by the students directly, or by their Student Representatives.
- 4.2.4 Recipients of informal student complaints are responsible for addressing them promptly and fairly. In all these cases the person receiving the issue or complaint should seek to discover the nature of the problem. This person should, however, be wary of giving information which might be incorrect or exacerbate the complaint and if in any doubt, should seek assistance from an appropriate colleague. Staff should report all informal complaints and resolutions to the HE Quality Officer.
- 4.2.5 It should be noted that this stage is an informal process and a written record will not normally be made. Staff will be encouraged to share the experience where the effectiveness of their Faculty/Department or Service could benefit.

4.3 Stage 2 – Formal Complaint

- 4.3.1 If after receiving a response to a Stage 1 complaint, a complainant is not satisfied and wishes to take the complaint further they should submit a complaint in writing to the HE Quality Officer.
- 4.3.2 A Formal Stage 2 complaint should be submitted as soon as possible after receiving a response to the informal complaint. The greater the time delay, the more difficult it will be for the complaint to be thoroughly investigated. A formal complaint will not normally be accepted if submitted more than three months after raising the informal complaint, unless there was good reason why a formal complaint could not have been submitted sooner.
- 4.3.3 A complainant should submit their complaint by means of a Complaint Form (Appendix 1) and submit it to the HE Quality Officer, outlining the nature of the complaint, what has been done to try and resolve the situation and what their desired outcome is. Complaints submitted by letter or email (i.e. not on the Complaints Form) will be accepted provided they include all the elements covered within the form.
- 4.3.4 The HE Quality Officer will acknowledge receipt of the complaint within seven working days, giving an indication of the likely timescale for a full response to be given. At the same time the Principal's Office will be notified that the complaint has been received in order that it can be logged and reported.

- 4.3.5 An Investigating Officer (IO) will be appointed by the Director of Higher Education. The IO will offer to meet with the complainant to discuss the complaint and/or seek more details. This provides the complainant with the opportunity to present their case and express their concerns. Where a meeting is held, students may be accompanied by one other person (a friend or relative for example), who may participate in the proceedings. The IO will then investigate the complaint, speaking to concerned parties.
- 4.3.6 The IO will summarise the key points of the complaint and what is being investigated; this will need to be sent to the complainant and ideally confirmed by them before proceeding.
- 4.3.7 The complainant will receive a full written response to their complaint within six weeks of the complaint being received, providing there are no undue delays, for example in obtaining further evidence from the complainant or others involved in the complaint. On very rare occasions where this is not possible, for example because a complaint is particularly complex, the IO will contact the complainant at least every four weeks to update on progress. The response will detail the findings of any investigation carried out, indicate the outcome, and whether the complaint is upheld, reasons for the outcome, and explain the proceedings under which the complainant can, if desired, take the complaint further through Stage 3 of the Complaints Procedure.
- 4.3.8 UCW and its partner universities will endeavour to complete the processing of a formal complaint (Stages 2 and 3 where appropriate) within 90 calendar days. This timeframe requires students to meet any deadlines for the submission of requested material. There will occasionally be circumstances when the timeframe would need to be extended. Where this is the case the complainant would be informed and kept updated on the progress.

4.4 Stage 3 – Review / Referral to University

- 4.4.1 If following the outcome of the formal Stage 2 complaint the complainant is still not satisfied, they can progress to Stage 3 and make an appeal for the complaint to be reviewed by an independent member of staff who has not be involved in the complaint previously.
- 4.4.2 If there is new evidence for consideration or if there has been a procedural irregularity in the investigation of the complaint; this should be explained at the outset of the Stage 3 review.
- 4.4.3 In this situation, where a student wishes to escalate the complaint to Stage 3, they should use the Higher Education Review Form (Appendix 3). Complaints submitted by letter or email (i.e. not on the complaints form) will be accepted provided they include all the elements covered within the form.
- 4.4.4 A Stage 3 complaint should be submitted as soon as possible after receiving the response to the Stage 2 complaint; if it extends beyond three months from the date of the written response it will generally not be accepted, unless there is good reason why it could not have been submitted sooner.
- 4.4.5 If the complaint refers to an aspect over which the partner University has jurisdiction and power to deliver a solution, UCW and the University will confirm which institution is considering the complaint as part of Stage 3 of the Complaints Procedure.
- 4.4.6 If the complaint is passed to the University, this would be communicated to the complainant and UCW will provide the University with all necessary evidence and details pertaining to the complaint. The University will then write to the complainant to confirm what happens next and to provide details of the University's complaints policy. If the nature of the complaint is solely a UCW matter it would be dealt with by UCW.
- 4.4.7 The Director of Higher Education will acknowledge receipt of the complaint within seven working days and confirm which institution will be dealing with the Stage 3 complaint. The paperwork will be forwarded for review to a senior member of staff, either the Director of Higher Education or their appointed nominee. The Director of Higher Education will provide the complainant with a full written response of the outcome within 4-6 weeks, providing there are no undue delays. On very rare occasions where it is not possible to respond within the time limit the complainant will be contacted every four weeks with an update on progress

4.4.8 The institution dealing with the complaint at Stage 3 would issue the Completion of Procedures letter with the outcome and response of Stage 3.

4.5 Stage 4 – The Office of the Independent Adjudicator for Higher Education (OIA)

- 4.5.1 If a complainant is still dissatisfied with the outcome of this decision the matter can be referred to the Office of the Independent Adjudicator for Higher Education (OIA), provided that the complaint is eligible under its rules and a Completion of Procedures of letter has been issued.
- 4.5.2 The OIA has been set up to provide an independent scheme for the review of student complaints. A complaint by a current or former student may be taken to the OIA once UCW's and the partner university's internal complaints procedures have been exhausted and a 'Completion of Procedures' letter has been issued. Students will need to refer their complaint to the OIA along with appropriate documentation within three months of the final decision.
- 4.5.3 After a complaint has been referred to the OIA, the OIA will request additional information. UCW / the University will respond to such enquiries in accordance with OIA timeframes.
- 4.5.4 The OIA will investigate the complaint and if the complaint is found to be justified, may ultimately make recommendations to UCW / the University, which are actioned via relevant departments and reported on in an annual report.
- 4.5.5 Complainants who are not current or former students are not able to pursue a complaint through the OIA.
- 4.5.6 Further information regarding the OIA can be found on the OIA website <u>www.OIAhe.org.uk</u>

5 **RESPONSIBILITIES**

Compliance, monitoring and review

5.1 This Policy and the effectiveness of these procedures will be reviewed on a regular basis and updated if necessary. It will be formally reviewed every three years with the next formal review in 2024.

Reporting

- 5.2 To continually review and enhance the student experience, complaints received are reviewed and monitored. To achieve this, details of all complaints are sent to the Principal's Office who collate the information and prepare reports presented regularly at Governing Body meetings.
- 5.3 In addition, these details are also summarised and presented at the HE Academic Quality and Standards Committee (AQSC) meeting on an annual basis to ensure any common themes can be addressed or changes to policy can be implemented.

Records management

5.4 Staff must maintain all records relevant to administering this policy and procedure using the Weston College (ISO) recordkeeping system.

6 RELATED LEGISLATION AND DOCUMENTS

Bath Spa University Academic Regulations Bath Spa University Complaints Policy UWE Bristol Academic Regulations UWE Bristol Complaints Policy Hartpury University Academic Regulations Hartpury University Complaints Policy UCW Academic Regulations UCW Student Code of Conduct UCW Student Engagement Strategy

7 **APPENDICES**

- Appendix 1 HE Complaints Review Form (Stage 2) Appendix 2 HE Complaints Review Form (Stage 3) Appendix 3 Complaints Flow Chart (for students) Appendix 4 HE Consent for Third Party Representation form Appendix 5 Guidance for Complaints Handling (for staff)



Higher Education Complaints Review Form (Stage 2)

Full Name:	
Student Number:	
Course:	
Address:	
Contact Number:	
Email Address:	
Outline of Complaint:	

Please explain what steps you have already taken to resolve your complaint. (Please include dates
and any members of staff you have spoken to):
Please indicate, without prejudice, what outcome or further action you are expecting:
If you have written a formal letter of complaint to anyone else in the institution please indicate
names, and/or let us know whether you intend to copy this to anyone else:
Please indicate if you would like any support with this Complaints Process:
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Please complete and return to complaints@weston.ac.uk



Higher Education Complaints Review Form (Stage 3)

Full Name:	
Student Number:	
Course:	
Address:	
Contact Number:	
Email Address:	
Outline of Complaint:	

Please explain what steps you have already taken to resolve your complaint. (Please include dates and any members of staff you have spoken to / outcome of previous communications etc):

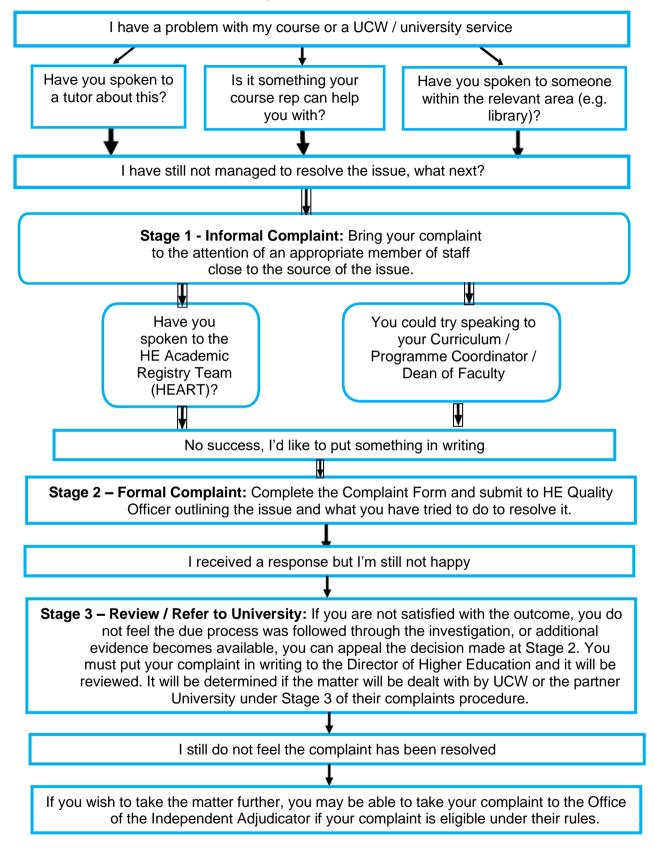
Please explain the reasons why you are not satisfied and would like your complaint to be reviewed:

Please indicate, without prejudice, what outcome or further action you are expecting:

Please indicate if you would like any support with this Complaints Process:

Please complete and return to complaints@weston.ac.uk

Complaints Flow Chart





Higher Education Consent for Third Party Representation

Full name of student:	
Student Number:	
Course:	
Address:	
Contact Number:	
Email Address:	

I hereby give my consent for the following named person (name of third party):
to act on my behalf in relation to (detail nature of the complaint):
I authorise University Centre Weston to disclose any personal data in relation to the above situation.
Signed:

Please complete and return to complaints@weston.ac.uk



Guidance for Complaints Handling

The role of an Investigating Officer is to conduct a fair, clear, and impartial investigation. Remember that complaint investigation is not only important in ensuring student feedback is listened to, but also in identifying opportunities for improvement.

Please see the attached flow diagram for general guidance on handling complaints at each stage of the UCW Complaints Process. If you have any queries or would like further guidance, please contact the HE Quality Officer.

Be mindful

The process of submitting a complaint can sometimes be stressful for a student. If you are concerned about their wellbeing, remind them that they can access support from HEART or the HE Specialist Support Manager.

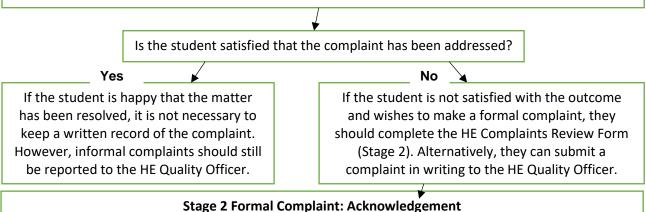
Useful Preparation

- Make sure you fully familiarise yourself with the UCW Complaints Policy and Procedure.
- Visit the website of the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is the independent body that runs the student complaint system for England and Wales. If a student complaint cannot be resolved through the UCW Complaints Procedure, students can escalate their complaint to the OIA, so it is useful to familiarise yourself with their practices.
 - Read the OIA Good Practice Framework, which can be accessed <u>here</u>.
 - Engage in training offered by the OIA. Details on current opportunities can be accessed <u>here</u>.

Complaints Handling Process

Stage 1 Informal Complaint:

- If a student approaches you with an informal complaint, you should address them promptly and fairly.
- Clarify the nature of the problem and what solution the student is looking for.
- Be careful not to give any information which may be inaccurate or may aggravate the situation. If in doubt, seek advice from an appropriate colleague.



- The HE Quality Officer will acknowledge receipt of the complaint within 7 working days of receiving it. They will contact the complainant, indicating the likely timescale for a full response. They will also clarify if any additional support is required through HEART or the HE Specialist Support Manager.
- The principal's office will be notified.
- An Investigating Officer (IO) will be appointed by the Director of Higher Education.

Stage 2 Formal Complaint: Investigation

- If you have been appointed as an IO, you should carefully read the complaint and summarise the key points of what is being investigated. Once you have the key points, email them to the complainant for confirmation, before proceeding with the investigation.
- In this initial email, you should also offer to meet the complainant to discuss the complaint and/or seek more details. Where a meeting is held, students may be accompanied by one other person (a friend or relative for example), who may participate in the proceedings.
- As part of the investigation, you should speak to any concerned parties and consider documentary evidence.
- Remember that you should send the formal response to the complainant 6 weeks from the date the complaint was received.

Do you have all the information you need to write a fair and impartial response?

Yes Stage 2 Formal Complaint: Formal Response Once you have completed your investigation, you can write the formal response.

- The response should address each key point, refer to evidence considered, and use concise language that is easily understood.
- If you believe any actions should be implemented as a result of the complaint, make sure to discuss this with the relevant staff to ensure it can be carried out.

- No
- If you are unclear on any information, you should speak to the relevant individual for clarity.
- If there are delays in obtaining evidence outside of your control, it may be necessary to adjust the formal response date. Make sure this is clearly communicated to the complainant and to the HE Quality Officer/Director of HE.
- Once you have clarified the information, you can progress to writing the formal response.

- 1

Stage 2 Formal Complaint: Responding to the Complainant

• Re-read your response carefully, prior to sending it to the complainant. Make sure to send the response to the complainant prior to or by the agreed deadline.

• When sending the response, you should make the complainant aware that if they are not satisfied with your response, they can request to escalate to Stage 3 of the Complaints Procedure. Make sure to attach a copy of the UCW Complaints Policy to the email.

