

Strategy

Higher Education Complaints Policy & Procedure

2015 - 18

Higher Education Directorate



| Document approved by: | | | | | |
|-------------------------|--------------------|-----------|-----------|------|-----|
| HEBS | Student Engagement | Governors | HE CPD | HEMT | CMT |
| 2/6/2015 | MAY 2015 | JUNE 2015 | JULY 2015 | | |
| REVIEW DATE: 01/05/2018 | | | | | |

1. Purpose and Scope

The Quality Assurance Agency (QAA) UK Quality Code sets out the expectations that all higher education (HE) providers are required to meet, the expectation in 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”.

The policy 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 Competition and Markets Authority (CMA).

Weston College seeks to continually improve the quality of its higher education (HE) provision and services and strives to meet customer expectations. The College’s HE 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.

The College welcomes feedback regarding perceived problems so that they can be addressed and improvements made to improve services and enhance the student experience. The College actively encourages higher education students to evaluate their course and overall experience, providing feedback through a variety of methods. The College seeks to minimise formal student complaints through these means as feedback is addressed and suggestions for improvement implemented.

Whilst much of the feedback received is positive, it is recognised that there may be occasions when problems arise. Any person coming into contact with the College who is dissatisfied with their experience, can express concern or raise a complaint, (but only current and former students have recourse to the OIA).

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.

The College regards the monitoring of complaints as an important aspect of its quality assurance procedures.

There is an expectation from our partner universities that complaints are dealt with by Weston College 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.

Definitions

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 of study, service or facility where the College fails to match either what is promised, or what it would be reasonable to expect.

For the purpose of this procedure a student is defined as a person who has been accepted to study on a higher education programme, is currently enrolled on a programme of study, or a former student who has left the institution within the last three calendar months.

This procedure does not cover:

- Complaints about student behaviour including harassment or bullying (this would be covered by the Student Code of Conduct and Disciplinary Policy and Procedure).
- 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.

What is academic judgement?

The Office of the Independent Adjudicator for Higher Education (OIA) defines academic judgement as follows:

"In our view academic judgement is not any judgement made by an academic. It is a judgement that is made about a matter where only the opinion of an academic expert will suffice.

For example, a judgement about assessment, a degree classification, fitness to practise, research methodology or course content/outcomes will normally be academic judgement. But the fairness of procedures, the facts of the case, misrepresentation, the manner of communication, bias, an opinion expressed outside the area of competence, the way evidence is considered and maladministration in relation to these matters are all issues where we have advised universities that academic judgement is not involved.

So, we cannot put ourselves in the position of examiners in order to re-mark work or pass comment on the marks given. However, we can look at whether the university has correctly followed its own assessment, marking and moderation procedures, and whether there was any unfairness or bias in the decision-making process.”

The College will therefore only consider complaints against the elements that are permissible for investigation as part of the College’s Complaints Policy.

2. General Principles

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.

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).

In order to ensure that a thorough investigation of a complaint is made, the College expects to be able to collect appropriate information from all the parties involved. Where a complaint is made anonymously this is not possible and therefore, no action will normally be taken in the event of an anonymous complaint being raised, although it would be sent to the relevant manager for noting.

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 procedure the complainant will have the right to be accompanied by one person (for example a friend, relative or Students’ Union representative), 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.

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.

All information received as a result 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.

Appropriate staff will be appointed to investigate complaints raised; this would usually be the Assistant Director HE: Academic Registry, but could be another appropriate college manager as deemed appropriate by the Assistant Principal HE. Anyone with a direct involvement in the matter being investigated will neither investigate nor adjudicate.

Students will not be disadvantaged as a result of raising a matter of concern or of making a complaint, provided it is made in good faith. However, if a complaint is shown to be malicious or vexatious, the complaint shall be disregarded and disciplinary / legal action may be taken against the individual who submitted the initial complaint. This could also apply to unreasonably persistent complaints.

If a complainant brings court or tribunal proceedings against the College which may be relevant to the complaint, it will normally suspend consideration of the complaint until the outcome of legal proceedings is known.

3. Guidance for Complainants

All formal complaints should be made in writing and addressed to the Assistant Director HE: Academic Registry. Informal complaints do not need to be written, please refer to the process below. Ideally anyone wishing to make a formal complaint would complete the complaint proforma (see Appendix 1).

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.

Potential complainants may want to obtain advice regarding the procedure prior to submitting a complaint. Informal advice can be sought from the HE Student Officer, the Higher Education Academic Registry Team (HEART), Personal Tutors, Curriculum/Programme Coordinators, the Students' Union or the Assistant Director HE: Academic Registry. Advice may be obtained in person, by telephone or email.

4. Stages of the Complaints Procedure

The College 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 Higher Education Directorate to appoint an appropriate member of staff to investigate and action.

5. Stage 1 – Informal Complaint

The College expects that the majority of 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.

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 the Higher Education Directorate office.

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. If an immediate solution cannot be found and further investigation is required, the recipient will let the student know within seven working days of receiving the initial complaint what steps (if any) will be taken to address the complaint and the expected timescale. If a resolution cannot be achieved formal procedures will then apply.

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.

6. Stage 2 – Formal Complaint

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 Assistant Director HE: Academic Registry.

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 the complainant was notified of the outcome of the informal complaint, unless there was good reason why a formal complaint could not have been submitted sooner.

A complainant should submit their complaint by means of a Complaint Form (Appendix 1) and submit it to the Assistant Director HE: Academic Registry 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.

The Assistant Director HE: Academic Registry 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.

An Investigating Officer (IO) will be appointed, normally this would be the Assistant Director HE: Academic Registry, or another manager deemed appropriate by the Assistant Principal: HE. The IO may telephone or 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 (as set out in section 2), who may participate in the proceedings. The IO will then investigate the complaint, speaking to concerned parties.

The complainant will receive a full written response to their complaint within 6 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 4 weeks to update 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.

The College and our 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 progress.

7. Stage 3 – Complaints Panel / Refer to University

If following the outcome of the formal stage 2 complaint the complainant is still not satisfied, it may be possible to move to stage 3.

A stage 3 complaint can only be made if the complainant can demonstrate significant grounds for dissatisfaction with the response, specifically on the basis that there is new evidence for consideration, or that there has been a procedural irregularity in the investigation of the complaint.

In this situation, where a student wishes to pursue the complaint to stage 3, they should use the Higher Education Complaints Panel 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.

A stage 3 complaint should be submitted as soon as possible after receiving the response to the stage 2 complaint; if it extends beyond 3 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.

If the complaint refers to an aspect over which the partner university has jurisdiction and power to deliver a solution, the College and the University will confirm which institution is considering the complaint as part of stage 3 of the complaints procedure.

If the complaint is passed to the University, this would be communicated to the complainant and the College 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 Weston College matter it would be dealt with by the College. If the criteria for escalation applies a complaints panel would be convened and the following procedure will be followed: The Assistant Principal HE will acknowledge receipt of the complaint within 7 working days and confirm the institution that will be dealing with the stage 3 complaint. If this is the College a review panel of three senior members of staff, chaired by the Assistant Principal: HE, will be arranged to conduct an impartial review of the complaint. The complainant must attend this panel, the other parties will also be present, and all may be accompanied by another person (as detailed in section 2). The Assistant Principal: HE will inform the complainant of the outcome within 4-6 weeks.

It should be noted that non-attendance at the Panel meeting constitutes acceptance of stage 2 findings.

The institution dealing with the complaint at stage 3, would issue the Completion of Procedures letter if the complainant is not satisfied with the outcome or response at stage 3.

8. Stage 4 - OIA

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.

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 the College's and 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.

After a complaint has been referred to the OIA, the OIA will request additional information. The College / University will respond to such enquiries in accordance with OIA timeframes.

The OIA will investigate the complaint, and if the complaint is found to be justified may ultimately make recommendations to the College / University, which are actioned via relevant departments and reported on in an annual report.

Complainants who are not current or former students are not able to pursue a complaint through the OIA.

Further information regarding the OIA can be found on the OIA website www.OIAhe.org.uk

9. Recording, Monitoring, Analysis and reporting of Complaints

In order to continually review and enhance the student experience, complaints received are reviewed and monitored. In order 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. In addition these details are also summarised and presented at the Higher Education Board of Study meeting on an annual basis to ensure any common themes can be addressed or changes to policy can be implemented.

10. Review

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 3 years with the next formal review in 2018.

Appendix 1



Higher Education Complaints 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):

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

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If you have written a formal letter of complaint to anyone else in the College please indicate names, and/or let us know whether you intend to copy this to anyone else:

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Please complete & return to the Assistant Director HE: Academic Registry
room 615 at Knightstone Campus or email he.unit@weston.ac.uk

Appendix 2



Higher Education Complaints Panel 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):

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Please explain the reasons why your complaint is eligible for further consideration (i.e. what new evidence or procedural irregularity has come to light):

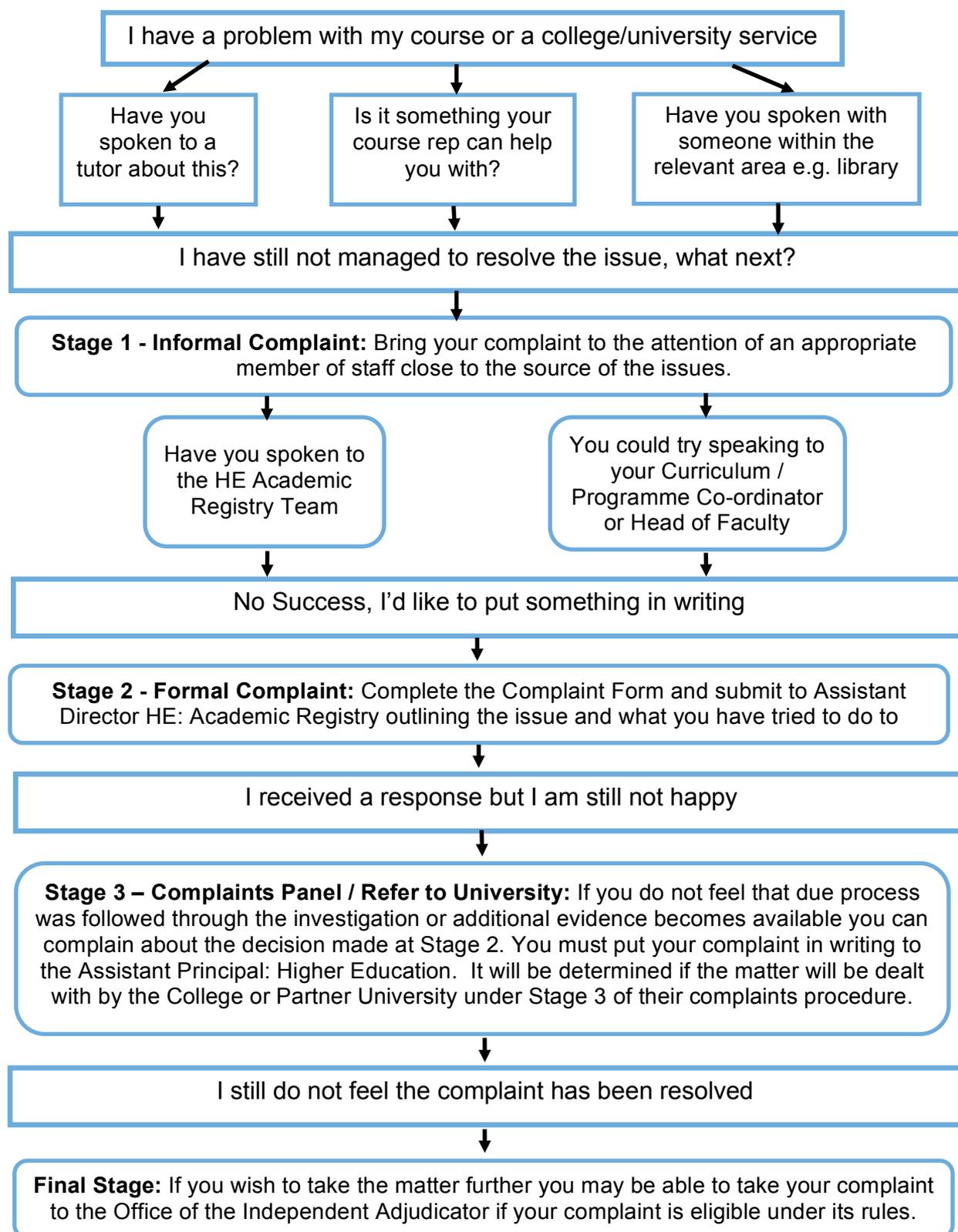
| |
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Please indicate, without prejudice, what outcome or further action you are expecting:

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Please complete & return to the HE Directorate
room 606 at Knightstone Campus or email he.unit@weston.ac.uk

Appendix 3 – Complaint Flow Chart



Appendix 4



Higher Education Consent for Third Party Representation

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|-----------------------|--|
| 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 Weston College to disclose any personal data in relation to the above situation.

Signed: _____

Please complete & return to the Assistant Director HE: Academic Registry
room 615 at Knightstone Campus or email he.unit@weston.ac.uk

Useful Documents

The UK Quality Code for Higher Education Chapter B9

Weston College Academic Regulations: Assessment

Weston College Student Code of Conduct

Weston College Disciplinary Policy and Procedure

Bath Spa University Academic Regulations

Bath Spa University Complaints Policy

UWE Academic Regulations & Procedures

UWE Complaints Procedure