

# HE Student Complaints and Appeals Procedures

## 1 Introduction

1.1 These procedures seek to ensure that complaints against the College made by students are treated seriously and, if found to be valid, are acted upon to ensure that the students' interests are protected as far as it is possible for the College to do so.

1.2 Specific procedures exist already for dealing with the following matters. These are:

- appeals against Assessment Board decisions (taught programmes);
- alleged harassment;
- alleged inequality of opportunity; and
- matters which fall within the remit of the College's student disciplinary procedures.

1.3 The procedures detailed below are designed for all other forms of student complaints which do not fall within one of the above procedures.

1.4 It should be noted that these complaints procedures are not designed to deal with problems such as: missing course work, unexplained absence of a tutor, late return of work, etc., except in so far that such concerns are not resolved through simpler procedures or are persistent.

1.6 These complaints procedures and any decisions made under them are not intended to give rise to legal rights or obligations on the College to pay compensation either in respect of a decision made pursuant to the procedures or for a breach of these procedures. These procedures are intended to facilitate the resolution of grievances by the College. Anonymous complaints will not normally be considered.

1.7 As we are a small institution, students should note that it may be necessary for staff members involved in complaints in their early stages to be involved at the formal and/or appeal stage of a complaint.

## 2 Principles which underpin the general student complaints procedures

The guiding principles of these procedures are that complaints shall be:

- treated seriously and with fairness;
- dealt with quickly, simply and at the appropriate level of the division of Adult & Higher Education, or Service as far as is possible;
- treated consistently across the higher education provision;
- subject to the principles of natural justice;
- progressed through two stages – an informal stage and, if necessary, a formal stage;
- dealt with and resolved wherever possible, at the informal stage; and shall be
- without prejudice to a student's or group of students' right to pursue legal remedies outside the College having exhausted the College's complaints procedure.
- In order to be considered, any student complaint must be submitted no more than six calendar months after the event or problem relating to the complaint.

## 3 Procedures

### [Students Complaints Procedures table](#)

Informal Stage 1	Informal Stage 2	Formal stage	Appeal
Module tutor	Programme Leader	Director of Adult & Higher Education	College Complaints Panel
Local manager of service	Manager of Service		
Personal tutor			

**3.1 Informal Stage 1:** In the first instance students who wish to make a complaint shall discuss it with their personal tutor or module tutor who will advise whether or not the complaint is best progressed through:

- the Programme Leader or Board of Studies;
- reference to specific persons who can resolve the problem, e.g. local manager, Module tutor or Programme Leader;
- one of the alternative procedures set out in paragraph 1.2;
- these general complaints procedures.

**3.2** Reference to these general complaints procedures should only be necessary in exceptional circumstances since most complaints, other than ones related to persistent problems, should be resolved informally.

**3.3** Assuming it is agreed that the complaint shall be progressed through these general procedures, the member of staff consulted shall discuss the complaint fully with the student and – with the student’s consent – anyone else involved, to see if it can be resolved informally. This may involve referral of the complaint to a third party. The outcome of complaints dealt with informally should be briefly documented. Normally, complaints handled through Informal Stage 1 shall be dealt with within, at most, 10 working days, briefly documented, and a copy of the outcome sent to the student.

**3.4 Informal Stage 2:** If the student is dissatisfied with the result of Informal Stage 1, the complaint shall be sent in writing to the Programme Leader within 10 working days of the completion of Informal Stage 1. They shall investigate the complaint fully and shall seek to achieve an informal resolution of the problem(s), either by correspondence or through discussion with the complainant as soon as possible. If the complaint directly involves the Programme Leader it shall proceed directly to the formal stage.

**3.5 Formal Stage:** If a student is dissatisfied with the result of the two informal stages they shall proceed to the formal stage. They shall put the complaint and the reason why they are dissatisfied with the outcome of the two informal stages in writing to the Director of Adult & Higher Education within 10 working days of the completion of Informal Stage 2.

This person shall:

- acknowledge receipt of the written complaint within three weekdays;
- advise, in writing and within three weekdays, any member(s) of staff or students involved that a formal complaint has been received; and shall
- consider the evidence, written or otherwise, and, if necessary, hold such discussions with the complainant and any other persons they deem appropriate in order to fully investigate the complaint.

**3.6** The Director of Adult & Higher Education, having fully investigated the complaint over a period not normally exceeding 10 working days from its receipt, shall decide whether:

- the complaint should be progressed through other procedures (e.g. disciplinary procedures or other procedures indicated in paragraph 1.2) in which case the complaint shall be terminated at this stage; or whether
- there is reasonable justification for the complaint; or whether
- there is no reasonable justification for the complaint.

**3.7** The Director of Adult & Higher Education shall:

- make their decision known in writing to the student and to members of staff or other students involved;
- seek to resolve any justifiable complaint through recommendations which all parties involved in the complaint shall be invited to accept; and shall,
- if the recommendations are agreed, take steps to ensure that they are implemented in full within the agreed time period.

### **3.8 Appeal**

If the student is not satisfied with the decision at the conclusion of the Formal stage or if the recommendations made at this stage are not implemented, they may appeal to the Principal. The student shall submit the appeal in writing within 10 working days of receiving the outcome of the Formal Stage.

The Principal shall:

- acknowledge its receipt within three working days;
- decide to enforce the implementation of the recommendations made at the end of the Formal stage;
- dismiss the case, giving reasons in writing;
- seek agreement to an alternative set of recommendations;
- determine whether there are sufficient grounds to convene a Complaint Panel and, if so, shall establish a Complaint Panel to hear the appeal.

In such cases the decision shall be final.

The complaint panel will consist of the following people:

- The Principal
- A Governor
- Vice Principal or Assistant Principal, as appropriate

The complainant can present their case in person to the panel and may be accompanied by a friend or relative, but not a legal representative.

A Student Complaints Panel shall hear the complaint within ten weekdays of receipt in accordance with the procedures detailed in Appendix 1.

The Panel will decide how to proceed, depending on the nature of the original complaint and the reason why it has not been resolved at stages 1, 2 and 3. The complainant and any others invited to attend the panel meeting will be informed five working days beforehand how the panel meeting will operate.

Any recommendations or decisions made by the panel shall be final.

**Once the College appeals procedure has been exhausted you can appeal to the awarding university or the Office of the Independent Adjudicator (Office of the Independent Adjudicator (OIA), Fifth Floor, Thames Tower, Station Road, Reading RG1 1LX, United Kingdom). You must do this within 12 months of receiving the Completion of Procedures letter informing you that the internal procedures are complete.**

**Email enquiries can be sent to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk) and the website address is [www.oiahe.org.uk](http://www.oiahe.org.uk).**

**The Completion of Procedures letter will give you these details.**

### **4. Monitoring and Review**

Formal complaints anonymised and logged and form the basis of an annual monitoring report to the Senior Management Team and Governing Body. This policy is reviewed annually.

### **5. Notes**

#### **Appendix 1**

#### **Procedural rules for the conduct of Student Complaints Panel hearings:**

**1** Hearings shall take place in the College at dates and times notified in writing to the student, members of staff and other students concerned at least five working days before the hearing.

**2** The Chair of the hearing shall, at the same time as they notify the date of the meeting, indicate the names of any persons that the Panel intends to call to give evidence together with a copy of any statement obtained from those persons which are to be referred to at the hearing.

**3** Students and staff members involved directly in the complaint may be accompanied by a person of their choosing. If the student or staff member involved intends to be accompanied, the name and address of the accompanying person shall be notified to the Principal's PA not less than 24 hours prior to the meeting of the Panel. Legal representation is not allowed at a hearing other than in exceptional circumstances with the discretion of the Chair of the Panel.

**4** Student and staff members involved directly in the complaint and persons accompanying them shall be permitted to question any persons giving evidence to the meeting and to directly address the Student Complaint Panel.

**5** If a student or member of staff wishes to introduce documents to the Panel they shall supply copies of all such documents to the HE administrator at least three working days before the date of the hearing. The HE administrator shall ensure these papers are circulated as soon as possible to the other party and to all members of the Panel. The Chair of the Panel may decide to give time to examine the documents by adjourning or delaying the meeting of the Panel for a period of up to five working days.

**6** The Panel shall meet in private.

**7** The Panel shall initially decide and then inform all parties concerned how it will conduct the hearing subject to the procedures being consistent with the principles of these general complaints procedures and of these procedural rules.

**8** The Panel shall establish the exact nature of the complaint, establish the facts as far as it is possible to do so, consider the facts, determine its decision and report its decision in writing within five working days to all parties involved in hearing the complaint.