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Student Complaints Procedure

1.1 Introduction

The Student Complaints Procedure aims to ensure that student complaints are taken seriously, investigated fully and objectively in a fair, timely and effective manner. Any student invoking this procedure is expected to engage positively with the process and behave in a courteous and professional manner towards all staff and students involved.

1.2 Definitions

Not all issues raised by students will be considered under this Procedure.

1.2.1 Feedback

Feedback is information provided by a student to the College relating to:

- i. A service / facility provided by the College as part of its contract with a student or the student body
- ii. A process / procedure used by the College which impacts on the student body
- iii. The performance of a task by a member of staff

which is intended for use as a basis for improvement of the service, facility, process / procedure or performance. The College welcomes such feedback as an opportunity to improve its service to students and the student experience and will implement any changes deemed necessary.

1.2.2 Concern

A concern is an issue which a student wishes the College to remedy but is of a minor nature and can be remedied easily and quickly, usually at local level. The impact on the student is minor or minor at this time (although it could become more serious if the issue is not addressed). Concerns will not be investigated under this Procedure but should be addressed at the local level.

1.2.3 Complaint

A complaint is an expression of dissatisfaction about the standard of service, action or lack of action by the College. Student complaints will be investigated under this Procedure.

In order to constitute a complaint under this Procedure, the issue must have impacted personally on the complainant and the outcome/remedy sought by the complainant must relate directly to them.

1.3 Scope of the procedure

1.3.1 The procedure applies to complaints from any registered student of the College and is restricted to circumstances not already covered by existing regulations or procedures (e.g. academic appeals, admissions, or discipline). The College will also consider complaints

from students up to one month after graduation or receipt of their final results / outcome whichever is sooner.

1.3.2 The procedure can be used for both individual and collective complaints relating to;

- i. Services or facilities provided by the College including teaching and academic facilities and services.
- ii. Alleged misconduct or inappropriate behaviour of staff (see 1.3.4 and 1.3.5).
- iii. Administrative Services.
- iv. An alleged action or inaction by the College.

It cannot be used to challenge academic judgement or any academic matter or procedure, including the outcome of an academic appeal or decision-making process. In complex cases, where more than one procedure may apply, the Head of Academic Administration shall decide which College Procedure shall be followed.

1.3.3 All student complaints about issues where staff are involved shall be investigated initially using the Student Complaints Procedure, unless staff disciplinary proceedings are felt to be more appropriate. In complex cases where more than one procedure applies, the Head of Academic Administration and, if appropriate, the PCI Director of Human Resources (or their nominees) will together decide the nature and sequencing of any procedures.

1.3.4 Allegations of misconduct by another registered student will be dealt with under the Student Discipline Procedures.

1.4 Confidentiality

The College will take all reasonable steps to limit the disclosure of information as is consistent with investigating the issue(s) raised and the provisions of the Human Rights Act 1998, the General Data Protection Regulation 2016, the Data Protection Act 2018, the Freedom of Information Act 2000 and any other relevant legislation. All staff and students who become involved in the Student Complaints Procedure are required to respect the integrity of the process and the confidentiality of information arising from it both during and after the conclusion of the process, unless there is an overriding reason to disclose information. Information will only be released to those who need it for the purpose of investigating or responding to a complaint; no third party will be told any more about the investigation than strictly necessary in order to obtain the information required from them. Where a statement of complaint has been made about a member of staff, that person will normally be provided with a copy of the statement. Any person who makes a statement of complaint will be advised of this accordingly.

1.5 Communication

The College will normally communicate by email with anyone involved in the College process. In the case of registered students or College staff, this will normally be to their College email address. Where correspondence is sent to a registered student by post it will be sent to their current address.

1.6 Notification of Decisions

Unless otherwise stated, notification of a decision will be sent to the student and copied to relevant persons normally within eight working days of the decision being taken. If there is a delay in the decision being made, the student will be advised.

1.7 Frivolous or Vexatious Complaints

The College will not accept complaints by students which are deemed to be frivolous (i.e. a complaint which has no reasonable chance of success) or vexatious (i.e. where there can be no additional remedy in addition to one that the student has already been offered, or where the complaint is found to be mischievous). If a complaint submitted by a student is found to be frivolous or vexatious, the matter may be referred for investigation under the Student Discipline Procedures.

1.8 Defamatory or Derogatory Comments

When submitting a complaint, students should be careful not to make unsubstantiated or defamatory allegations or comments about members of College staff or any other person. If the College considers that an allegation or comment may be deemed to be defamatory, it may require it to be retracted or deleted before accepting the complaint.

1.9 Duty of Candour/Fabricated Evidence

1.9.1 It is expected that any person involved in any College process will treat all others involved with respect and courtesy and will behave honestly and with integrity throughout the process. It is also expected that any evidence (written or oral) provided to the College will be true to the best of that person's knowledge.

1.9.2 Any registered student considered to have acted dishonestly or to have provided false evidence may be referred for investigation under the Student Discipline Procedures.

1.10 Agreements About Facts and Future Behaviour

The College recognises that it has a duty of care to any person involved in this Procedure.

Where a student has made a complaint against a member of staff, the College will seek to provide an environment in which both parties and any witnesses involved feel safe and can continue to study or to work; therefore, it may be necessary to put in place certain measures regarding the future conduct of the parties, including a future conduct agreement. In doing so, the College makes no judgment on what may or may not have occurred or on the guilt or innocence of either party.

1.11 Future Conduct Agreement

A Future Conduct Agreement will set out any agreement by the student and the member of staff regarding their future behaviour towards each other and any other person involved in the process, including witnesses. The Agreement may include consensus about:

- i. No contact with each other, verbal or written, direct or indirect

- ii. Reporting unintended and unforeseen contact.

1.12 Evidence

The College reserves the right to request and consider further evidence, including medical evidence, as it deems appropriate. Where considered necessary, a panel or a committee may adjourn a meeting in order to allow time for such further evidence to be obtained.

1.13 Postponement of Investigation

1.13.1 The College reserves the right to postpone any investigation into a complaint if the student behaves inappropriately. In such cases the Head of Academic Administration will postpone the procedures and will advise the student accordingly, including the consequences of this decision on the complaint and any conditions which must be met in order to reinstate the complaint.

1.13.2 The College reserves the right to postpone action under this Procedure where it becomes aware of legal proceedings against it or against a member of staff in relation to the issues raised in the complaint. In such cases, the Head of Academic Administration will postpone the procedure and will advise the student accordingly.

1.14 Support and Representation

1.14.1 A student making a complaint shall have the right to be accompanied by one person. The role is one of support and accompaniment, not representation. Any student making a complaint shall normally be expected to present their own case.

1.14.2 A member of staff against whom the complaint has been made and who has been called to an interview or to an Appeal Panel meeting in relation to the complaint, shall also have the right to be accompanied and represented by one person. This is not legal representation.

1.14.3 No party can be represented by another person in their absence.

1.15 Collective/Representative Complaints

1.15.1 The College will accept complaints from one student (the Lead Student) as representative of a group of named students where the issue(s) raised is the same or substantially the same in each case. Complaints by un-named students will not be accepted. The Lead Student must provide evidence that they are acting on behalf of, and with the consent of, the other named students. The Head of Academic Administration must certify that it is appropriate, expedient and fair that the complaint may proceed as a collective/representative complaint.

1.15.2 If the Head of Academic Administration certifies that the complaint may be accepted as a collective/representative complaint, then the College Office will deal with the complaint under the Student Complaint Procedure in the normal way. In the absence of certification by the Head of Academic Administration, each student may submit a separate complaint.

1.16 Anonymous Complaints and Complaints from Third Parties

1.16.1 Complaints made anonymously shall not normally be investigated. However, if the complaint gives rise to serious concern regarding the wellbeing of other students, staff or visitors to the College, or regarding damage or potential damage to the College's reputation, the College may carry out an investigation and take any further steps deemed necessary.

1.16.2 Complaints from third parties shall, exceptionally, be considered for investigation but only if the student confirms in writing that the third party is acting on their behalf, that they wish the complaint to be investigated and the member of staff dealing with the complaint accepts that there is good reason for the student not to deal with the complaint on their own behalf.

1.17 Equality, Diversity and Fair Treatment

The College has a legal, as well as a moral duty, to treat all students fairly. The College values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect.

1.18 Less Favourable Treatment

Any student who raises a concern or complaint under this procedure will not be treated any less favourably as a result, whether the complaint is upheld or not. Victimisation shall be grounds for a further, separate complaint.

1.19 Standard of Proof

At all times, the principles of natural justice shall be observed and the standard of proof shall be on the balance of probabilities.

1.20 Reasonable Adjustments

Students will be invited to notify the College Office if they require any reasonable adjustments in order to make the process accessible. This may include consultation with the College Disability Officer.

1.21 Deadlines/Timescales

The College will endeavour to meet all timescales set out in this Procedure. However, it may prove impossible to meet these timescales when key staff are on leave, or otherwise indisposed, or where the complexities of the case warrant extended scrutiny. Where it is not possible for the College to meet the deadlines, for whatever reason, the student will be informed.

2. Submission and Investigation of Complaints

2.1 Stage 1

2.1.1 The majority of complaints can and should be resolved satisfactorily at Stage 1. Where a student has a complaint relating to any of the areas outlined in 1.3.3, they should raise it within ten working days of the incident occurring with the person involved or Head of Department or Head of Academic Administration, who shall attempt to resolve the matter and respond within five working days.

2.1.2 The member of staff dealing with the complaint should advise the student that the complaint is being dealt with as a Stage 1 complaint and should record details of the complaint.

2.1.3 Where the student is unable to discuss the matter with the individual, it should be raised with the individual's line manager. Where appropriate, informal resolution will be encouraged.

2.1.4 At the conclusion of Stage 1, the member of staff dealing with the complaint shall write to them informing the student that Stage 1 has concluded, setting out the terms of any resolution or agreement reached and advising the student of their right to make a Stage 2 complaint if they remain dissatisfied.

2.1.5 Where the complaint was against an individual member of staff, the member of staff dealing with the complaint shall also write to the member of staff against whom the complaint has been made advising that Stage 1 of the procedure had concluded and setting out any resolution or agreement reached.

2.2 Stage 2

If, having pursued the matter through Stage 1, the student remains dissatisfied with the response, they should put their complaint in writing to the Head of Academic Administration. All complaints must be submitted using the College Student Complaint form and should provide sufficient details to afford a reasonable understanding of the complaint, the impact upon the student and the remedy sought. Copies of any correspondence exchanged during the previous stage and any other relevant documentation should also be attached. The written complaint must normally be submitted within ten working days of the outcome of the previous stage (and normally not later than 25 working days after first becoming aware of the incident or issues giving rise to the complaint).

2.2.1 The student shall normally receive an acknowledgement from the College Office within five working days of receipt.

2.2.2 Where, in the opinion of the Head of Academic Administration, it appears that the student has not attempted to resolve the issues using Stage 1 of this procedure or has made insufficient attempts or has given insufficient time to resolve the issues before submitting a Stage 2 complaint, the student will be required to attempt to resolve the issues at Stage 1. Informal resolution will also be encouraged where it would, in the opinion of the Head of Academic Administration, be a more efficient and effective way of addressing the student's issues.

2.2.3 Subject to the Head of Academic Administration being satisfied that the student has taken all reasonable steps to resolve the matter at Stage 1 and that no other College procedure or policy is appropriate, the written complaint shall be referred to the Principal. The Principal shall appoint an Investigating Officer, independent of the complaint, who shall normally be a member of Faculty or an adjunct member with no prior knowledge of the matter.

2.2.4 The Investigating Officer will decide the scope of the investigation, they shall investigate the complaint and may:

- i. Seek to resolve the complaint on the basis only of the written documentation submitted by the student and any evidence gathered at Stage 1 of the process; or
- ii. Meet with the student and/or any other members of staff or witnesses deemed appropriate by the Investigating Officer.

At any such meetings, the student and any member of staff against whom the complaint has been made may be accompanied and represented (see 1.14 above).

2.2.5 Subject to 2.2.4, the Investigating Officer shall prepare a report of all the evidence presented, normally within 15 working days of receiving the complaint, and may make recommendation(s) to the Principal as appropriate.

2.2.6 The Investigating Officer shall forward a copy of this report to the College Office and to the student, who will be permitted to make a written response within five working days of receipt and before a decision is made by the Principal. Where a complaint is against a member of staff, the member of staff shall also receive a copy of the report. The purpose of permitting the student/member of staff to see the report before a decision is made is to ensure that

- i. The report is factually accurate
- ii. All the issues raised in the complaint have been addressed.

It is not an opportunity for the student to question the findings or recommendations of the report, at this stage.

2.2.7 Following receipt of the student's response, the Investigating Officer may make further enquiries and may amend or make additions to the report, where necessary. The Investigating Officer's report, with any further comments from the student, or any other parties shall be forwarded to the Principal who shall make a decision.

2.2.8 The Principal shall:

- i. uphold the complaint in full or in part; or
- ii. dismiss the complaint; or
- iii. make any such recommendation/s or proposed resolution as they deem fit.

2.2.9 Where a complaint has been made about the Principal, the complaint should be referred to the Chair of the Management Committee, who shall exercise the powers of the Principal as set out under 2.2.3.

2.2.10 The student shall be informed by the Principal of the decision in writing, normally within eight working days of the decision being made. The response shall set out any

proposed resolution or the reasons for not upholding the complaint. The Principal will also inform the person against whom a complaint has been made (or any other person, as deemed appropriate) of their decision.

2.2.11 Where issues of a confidential nature come to light as part of an investigation, for example, personal information relating to a member of staff, these may not be documented in full in the report and may limit how much detail can be given on any proposed action following the outcome of an investigation.

2.2.12 There is no further appeal.

3. Central Monitoring of Student Complaints

The College sees complaints, if substantiated, as opportunities to put things right for the complainant(s), and to learn lessons which might ultimately lead to improved standards. Accordingly, the Head of Academic Administration will prepare a summary report of any student complaints or appeals, preserving anonymity, for the Faculty and Management Committee each year.

4. Further Information

Advice on these procedures may be obtained from the Head of Academic Administration. Student Complaint Forms may be obtained from the Head of Academic Administration.