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# PD6 – Complaints and Procedures

## Policy Overview

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<b>Summary</b>	This document outlines the regulations for appeals and complaints for enrolled students at the Institute. It covers the grounds for appeal and complaint, the stages of the process, and the responsibilities of different individuals and departments. Appeals can be made for decisions affecting students, such as examination grades or termination of studies, while complaints are expressions of dissatisfaction about services or facilities. The procedure includes informal and formal stages, with the possibility of escalation to a final review. The Office of the Independent Adjudicator is mentioned as an external option if internal resolution is not achieved.		
<b>Policy Owner</b>	Risk & Compliance Department		
<b>Policy Sponsor</b>	Director of Risk and Compliance		
<b>Policy applies to</b>	Enrolled Students		
<b>Relevant Legislation and Policies</b>	PD2 Admissions PD4 Assessment Regulations PD7 Disciplinary Procedures PD6a The Complaints Procedure Explained PD6 Appeals and Complaints Procedure		
<b>Version</b>	1		
<b>Approved by</b>	Board of Directors	<b>Approval date</b>	1 <sup>st</sup> July 2023
<b>Date of implementation</b>	1 <sup>st</sup> July 2023	<b>Date of next formal review</b>	3 years following approval date.

### 1. Context

All enrolled students at the Institute are subject to our Policies and Regulations. This paper sets out the regulations for appeals and complaints whilst students are enrolled.

An **appeal** is where we have made a decision affecting you, which you disagree with. This could be anything from an examination grade to a decision to terminate your studies with us. A **complaint** is an oral or written expression of dissatisfaction about an aspect of a service or facility which is provided to you as a student of the Institution.

Whilst they are enrolled on a stage of study a, students will have recourse to the appeals and complaints procedures outlined in this document for any and all matters relating to the following:

- Academic provision/Learning or Teaching
- Facilities and resources provided
- Other students
- Academic and / or administrative staff

If you are a student in our embedded college, students may also have recourse to the University's Appeals and Complaints procedures directly.

## **2. Appeals**

- 2.1 An appeal is where we have made a decision affecting you, which you disagree with. This could be anything from an examination grade to a decision to terminate your studies with us.
- 2.2 There are 4 internal stages to the appeal process: 1) informal stage; 2) formal complaint; 3) appeal; 4) final review. These are set out below in 3.5.3
- 2.3 The Institute does not place a restriction on the nature of queries, including those which amounts to requests for confirmation, clarification or elaboration of a recommendation or decision but all queries should be noted and passed on to the Board of Studies.
- 2.4 Generally, all appeals are initially made on informal grounds and provide students and staff the opportunity to query a recommendation or decision made by either the Board of Studies or Module Panel. Queries may be made on, for example,:
  - The result of an individual module.
  - Completion of a stage or part of a programme.
  - Progression to the next stage of a programme.
  - Entitlement to an award.
- 2.5 Candidates wishing to lodge a formal appeal must register this in writing using the Appeals form.
- 2.6 The appeals process will follow the procedure outlined in 3.5.3
- 2.7 The grounds on which students are permitted to lodge a formal appeal are:
  - That the assessor(s) and/or examiner(s) has/have been advised **beforehand** of medical or other extenuating circumstances which were likely to have adversely affected the student's performance but failed to appreciate their significance when arriving at their decision or recommendation.
  - That there were medical or other mitigating circumstances which were likely to have adversely affected the candidate's performance, and which the candidate was unable for valid reasons to disclose before the examiners arrived at their decision or recommendation.

- That there was a material administrative error or procedural irregularity at some stage of the assessment process or that the examinations or other assessments were not conducted in accordance with the approved programme regulations, or that some other material irregularity or procedural irregularity relevant to the assessments occurred.
- That there was unfairness or impropriety on the part of one or more of the examiners.

2.8 Candidates are not permitted to appeal against academic judgement.

### 3. Complaints

3.1 A complaint is defined as an oral or written expression of dissatisfaction about an aspect of a service or facility which is provided to enrolled students of the Institute. Students have the right to lodge a complaint and upon receipt of such, this will be given due and equitable consideration.

#### 3.2 Principles and Scope

3.2.1 This complaints procedure is for use by students enrolled with the Institute and is handled by the Institute.

3.2.2 The procedure aims to be simple, clear and fair to all parties involved, with informal resolution an option at any point.

3.2.3 Complaints will be handled sensitively and with due consideration to confidentiality for both students and staff. Any person named in a complaint will be informed of the substance of the complaint and will have the right to reply as part of the investigation. Information contained within the complaint will be made available only to those members of staff involved in its resolution. the Director of Risk and Compliance will be informed of the complaint with immediate effect.

3.2.4 No student bringing a complaint under this procedure, whether successful or otherwise, will be treated less favorably by any member of staff than if the complaint had not been brought. If evidence to the contrary is found in this regard, the member of staff may be subject to disciplinary proceedings under this policy.

3.2.5 It is expected that, except in exceptional and fully documented circumstances, a student who wishes to make a complaint will invoke the Informal Stage (Stage 1) within one calendar month of the incident which is the cause for complaint.

#### 3.3 Separate procedures exist for the following:

- (i) For academic matters relating to examination and assessment performance and outcomes – see: PD4 Assessment Regulations.
- (ii) Academic misconduct, assessment offence and disciplinary issues – see: PD7 Disciplinary Procedures

#### 3.4 Protocols

##### 3.4.1 Anonymous Complaints

Where a complaint is made anonymously, normally no action will be taken. However, there may be exceptional circumstances where the Institute deems it appropriate to take action or investigate a matter on the basis of a complaint that is made anonymously.

##### 3.4.2 Third Party Complaints

No investigation of a complaint made on behalf of a student will be undertaken without that student's written agreement to the concerns raised, and written consent for an investigation to be carried out. This includes complaints made by the parent or spouse of the student concerned.

#### 3.4.3 Vexatious or Malicious Complaints

A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward to abuse the process of the complaints procedure or, for example, to attempt to defame the name or character of another person. The Institute may consider invoking disciplinary procedures in cases where complaints are found to be vexatious or malicious.

#### 3.4.4 Complaints made by students under the age of 18 years

If a complaint is made under the Formal Procedure by a student who is under the age of 18, unless it is the student's express wish that this should not be done, the Board of Studies (BS) will notify the parents or guardians of the student in writing and keep them informed of the progress of the complaint – generally via email or telephone. The BS will permit the parents or legal guardians of the student to act on the student's behalf during the process, provided the student has confirmed agreement in writing beforehand.

#### 3.4.5 Group complaints

Where a complaint is brought by a group of students, one person should be prepared to identify him/herself as spokesperson and correspondent and each member of the group must be able to demonstrate that he/she has been personally affected by the matter which is the subject of the complaint. In addition, all complainants must agree in writing to the spokesperson acting on his/her behalf.

#### 3.4.6 Changes to Policies or Procedures

The complaints procedure may not be appropriate if the complaint concerns the process or content of a previous Institute policy or procedure as the Institute reserves the right to review and change these. Complaints of this nature must be resolved against the policy or procedure applicable at the time. The Institute will ensure that all updated policies and procedures are published to students in good time.

#### 3.4.7 Accompaniment at the complaint hearing

The complainant, if he/she wishes, may be accompanied at the Complaint Hearing by a friend or representative for support or representation as appropriate. The friend or representative may not be a paid member of the legal profession. The friend or representative shall be permitted to put forward the student's case under the direction of the Chair of the Hearing and shall be permitted to ask questions of the Institute representatives. In the event that the complainant is unable to attend, the Hearing will be rescheduled.

#### 3.4.8 Reimbursement of Expenses.

If a complaint is upheld, the Institute will meet any reasonable 'out of pocket' expenses connected with the formal stage of the procedure, on production of receipts; this may include travel and subsistence costs in connection with the student's attendance at a complaint hearing.

#### 3.4.9 Monitoring, evaluation and review.

the Board of Studies will oversee the tracking of complaints progressed through the complaints procedure and will ensure that records show the nature of the complaint, how it was dealt with, the time taken for each part and the outcome.

#### 3.4.10 The complaints procedure for students is one aspect of the Institute's quality assurance procedures. Complaints are therefore considered as useful feedback and, where appropriate, will be used to facilitate improvements to services and facilities.

### 3.5 Procedure

#### 3.5.1 The procedure is divided into three parts: an informal procedure, which emphasises resolution at the 'local' point where the complaint arose; a formal procedure, which involves the Director of Risk and Compliance as facilitator of the procedure; and an external procedure which involves the Office of the Independent Adjudicator. The Director will ensure that the formal procedure is operated according to

due process and with regard to achieving a resolution as quickly as possible and to the satisfaction of the complainant.

### 3.5.2 Stage 1 - Informal Procedure

Students wishing to complain should notify a member of staff at the Institute, ordinarily within student services. Once a complaint has been received by the Institute, resolution should be sought from the area in which the complaint arose, by discussing the complaint with the most appropriate member of staff (e.g. the academic tutor) or the student services officer. Students should normally expect to receive a written or verbal acknowledgement of the complaint and the process to be undertaken within 10 working days and a full response within one calendar month.

### 3.5.3 Formal Procedure for Appeals or Complaints

#### Stage 2 – Formal Complaint

- a) If the response to the appeal/complaint under the informal procedure is considered by the student to be unsatisfactory, (s)he may elect to escalate the matter by completing the Appeal/Complaint Form and returning it to student services. The completed form ought to be forwarded to the Director of Risk and Compliance within 2 business days. (Form PD6a)
- b) The form should detail the issue which the student believes is unsatisfactory and why this is the case, or other serious grounds for appeal/complaint, together with a statement of what has been done by the student to attempt resolution with the person/s involved, and why (s)he considers the response/ resolution to be unsatisfactory. The manager of student services will acknowledge receipt of the Appeal/Complaint Form within 5 working days and notify the Director of Risk and Compliance.
- c) Upon escalation, the appeal or complaint will be added to the Complaint's Register. The Director of Risk and Compliance will review the appeal or complaint and assign it a category and responsible individual:
  - Academic appeal or complaint – Dean Academic or Associate Dean (Academic Quality)
  - Operational appeal or complaint – Head of Operations
  - Admissions, compliance or legal appeal or complaint – Director of Risk and Compliance
- d) A note will be made in the Complaint's Register about which category has been assigned. The Director of Risk and Compliance will forward the appeal or complaint to the individual responsible.
- e) Upon receipt, the responsible individual will investigate and decide to uphold the case or deem it dismissed. An update ought to be sent to the student within 2 business days of referral as to the status of the complaint and which department it has been sent to.
- f) Where the appeal or complaint is upheld, the responsible individual has reviewed the evidence and decided to support the case and will provide a recommended outcome. The responsible individual takes ownership of the recommendation until completion.
- g) Where the appeal of complaint is deemed dismissed, the responsible individual has reviewed the evidence and decided not to support the case any further.
- h) The responsible individual should notify the Director of Risk and Compliance if the appeal or complaint is upheld or dismissed, and the Director of Risk and Compliance will then inform the student. The outcome will be noted in the Complaint's Register. It is anticipated that the Formal Procedure would normally be completed, with a response in writing to the student, within one calendar month of the receipt date of the completed Appeal/Complaint Form.

#### Stage 3 - Appeal

- a) If the If the appeal or complaint has been dismissed, the Director of Risk and Compliance will inform the student of their right to have a Stage 3 appeal of their complaint.

- b) A decision of a student to progress their complaint to a Stage 3 appeal or complaint, should be submitted in writing within 10 business days.
- c) When a student submits a Stage 3 appeal, this will be received by the Director of Risk and Compliance. An email acknowledgement will be sent to the student and a Stage 3 appeal or complaint will be added to the Complaint's Register.
- d) Using best endeavours, within 5 business days, the Director of Risk and Compliance should convene a Board of three senior members of staff who have had no previous involvement in the appeal or complaint.
- e) The Director of Risk and Compliance will nominate a chair and two supporting senior members from the following:
  - Director of Global Engagement
  - Head of Operations
  - Dean, Academic
  - Associate Dean (Academic Quality)
  - Programme Director
- f) The Board will refer to and consider the investigation conducted and the decision made by the responsible individual in Stage 2. The Board will decide to either uphold or overturn the decision of the responsible individual.
- g) Within 2 business days of the Board meeting, the decision of the Board ought to be communicated to the Director of Risk and Compliance who will notify the student of the decision and inform the student of their right to have a Stage 4 final review of the decision.

#### Stage 4 – Final Review

- a) Within ten business days of the student confirming they wish to undertake a Stage 4 final review, the Director of Risk and Compliance will convene a meeting of two of the Directors of the Institute. The Directors will assess all aspects of the complaint and make a final decision as to whether to uphold the complaint (and provide a resolution) or dismiss the complaint.
- b) Within five business days of the decision, the Director of Risk and Compliance will notify the student by issuing a Completion of Procedure (COP) letter. The student will be informed of their right to engage with the OIA, as well as the role of the OIA in dealing with complaints.

#### 3.5.4 Stage 5: The Office of the Independent Adjudicator

If the matter is not resolved through the internal processes outlined above, the student may submit a complaint to the Office of the Independent Adjudicator in line with Condition C2 of the OFS Student Complaints Scheme. This process will be outlined in the Completion of Procedure Letter referenced above. Institute staff commit to operating with transparency and openness in their dealings with the OIA, and the Institute has committed to abiding by any decision imposed by the OIA.

#### 3.5.5 Awareness

The Institute will ensure that activities are put in place at the Institute to raise awareness of the appeals and complaints procedure, and how it is to be used, amongst the student body. The Institute's student services team will also provide support and guidance for departments/areas in handling complaints and resolving them as efficiently and equitably as possible.