



Academic Quality Assurance and Enhancement

Policy Coversheet

Student Complaints Procedure

Policy Owner: Assistant Registrar And Head Of Academic Services

Approved by: Academic Board
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Version control:

DATE	OUTLINE OF ACTIONS
18 August 2024	Version 1 reviewed and amended to be ratified by AB on 21 st August 2024

STUDENT COMPLAINTS PROCEDURE

Purpose

1. This Procedure is designed to ensure that students have a full opportunity to raise, individually or collectively, matters of concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be respected. Complaints will be dealt with promptly and fairly. Where a complaint is justified, an appropriate remedy will be offered, within the bounds of what is reasonable and practicable to provide.
2. UK Management College (UKMC) (hereafter the 'College') welcomes feedback as this can bring to our attention concerns that could be resolved before they become a cause for complaint. Students can give their views on all aspects of their experience directly to the relevant area, via their Module Leader or Course Leader and also via student representatives on a range of committees.
3. The Complaints Procedure operates in accordance with the Quality Assurance Agency (QAA) UK Quality Code for Higher Education Advice and Guidance for Concerns, Complaints and Appeals published in November 2018, and the good practice framework for handling complaints and academic appeals issued by the Office of the Independent Adjudicator for Higher Education (OIA) in December 2016.

Definitions

4. A complaint is defined by the OIA as “an expression of dissatisfaction by one or more students about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider”. For the purposes of this Procedure, the provider is the College.
5. The person bringing the complaint will be referred to within this Procedure as the complainant.

Scope and Principles

6. This Procedure applies to students who are enrolled on all courses offered by the College. It is also available to students for three months after they have left the Institution.

7. There are specific procedures that deal with academic appeals against decisions of Assessment Boards, or appeals in relation to Academic Misconduct, Extenuating Circumstances, Fitness to Study, and Student Discipline. Any appeals or complaints that fall outside these procedures are dealt with under this Complaints Procedure. Advice is available from the Student Academic Office (SAO) - Student Support about the most appropriate procedure to be used.
8. The complainant will not have the right to have the same case heard again through a different complaints route.
9. Complaints will normally be considered individually. Where complaints raised by a number of complainants involve the same issue, the complaints may be considered collectively, subject to any confidentiality requirements. In such circumstances, the individual complainants involved will normally be invited to nominate one of their number as a spokesperson to facilitate the process.
10. In order to enable the full investigation of a complaint and communication of the outcome, the College will not accept anonymous complaints.
11. The College will not investigate complaints made by a third party (for example by a parent, guardian or spouse) acting on behalf of a student under this procedure unless there is evidence to show that the student does not have the capacity to raise the complaint themselves.
12. In considering complaints, the College will apply the Procedure in accordance with its Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning disabilities, or long-term medical conditions.
13. All personal information will be processed in accordance with the General Data Protection Regulation (GDPR).
14. All parties to the complaint and individuals who are involved in any related investigation and/or administration of the complaint must observe the requirement for confidentiality. While confidential information may need to be disclosed in order to consider the complaint, this will only be to those staff involved in consideration of the complaint. Where the complaint is made against another person (the alleged perpetrator), the alleged perpetrator will be provided with all relevant details of the

complaint, including the name of the complainant.

15. The College expects that students will not engage in frivolous, vexatious or malicious complaints. This could include:

- complaints which are harassing, repetitive or pursued in an unreasonable manner; insistence on pursuing non-meritorious complaints and/or unrealistic or unreasonable outcomes;
- complaints designed to cause disruption or annoyance;
- demands for redress which lack any purpose or value.

In such cases, the Head of Academic Services (HAS) or nominee reserves the right to terminate consideration of the complaint. The complainant will be given an explanation, in writing, of why their complaint has been terminated and details of any further right to complain. Where a complaint is found to have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the complainant.

16. Information which comes to light as a result of a complaint may lead to the College or other agencies taking other kinds of action. This includes staff and student disciplinary procedures and civil or police investigations. If this happens the resolution of the complaint may be delayed until that other action has been taken. Complainants will be informed if this is the case and advised of a new date by which it is intended to complete enquiries.

Outline of Procedure

17. The Complaints Procedure comprises three stages: an informal stage for early resolution; a formal stage if a complainant was not able to resolve their complaint informally and wishes to pursue their concerns further; and a review stage which a complainant may follow if they were not satisfied with the outcome of their formal stage complaint. At any time during the formal and review stages, SAO may attempt to resolve the matter in collaboration with other colleagues.

18. A complainant can withdraw their complaint at any point providing SAO is advised in writing, but may not later re-launch the same complaint.

19. While it may not always be necessary to hold face-to-face meetings when a complaint is considered, either party may request a meeting. Throughout the Procedure

the complainant has the right to be accompanied at meetings by a friend. A friend is defined as a member of staff of the College, or a registered student of the College, or a member of staff. The role of the friend is to act as an observer, give moral support and to assist the complainant to make their case. In addition, where reasonable adjustments are required, a complainant may be accompanied by a supporter e.g. a sign language communicator or a notetaker, and a complainant with difficulty in understanding English may be accompanied by an interpreter. If attendance at a meeting is not possible, an alternative may be arranged, for example a telephone or Skype call.

20. At any time during or after an informal, formal or review stage complaint, the College may offer to facilitate a voluntary meeting between the relevant parties to help resolve the issue. The use of mediation or conciliation can help both parties to understand the concern and reach a mutually satisfactory conclusion, and may be particularly helpful in resolving disputes between individuals. Where both parties to the complaint agree to mediation or conciliation, an impartial third party (i.e. with no conflict of interest or prior involvement in the case) will be appointed by the Dean to facilitate the meeting and agree the purpose and scope.

EARLY RESOLUTION (INFORMAL STAGE)

21. In the first instance a complainant should, whenever possible, seek to resolve the matter in an informal manner by taking it up as quickly as possible with the person(s) most directly involved, if at all practicable. This may involve contacting their personal tutor, another member of academic staff or other appropriate person, such as the manager of the service they are concerned about if it is a non-academic matter. At the early resolution stage, the complainant should be able to air their concerns and feel that they have been listened to. This is often best done verbally and informally, although a complainant may present their complaint in writing if they wish. It may be possible to resolve the concern by providing an on-the-spot explanation of why the issue occurred and/or an explanation of what will be done to stop a similar situation happening in the future.

22. Where one or more students have a concern but, for legitimate reasons related to maintaining anonymity, are unwilling to raise an informal complaint, a member of the Student Support Team may act as a proxy to raise an informal complaint on behalf of the student(s). The proxy complainant will be responsible for providing the appropriate

evidence to allow the complaint to be investigated as fully as possible, and will report the outcome to the student(s) who raised the concern.

23. The member of staff contacted regarding an informal complaint will investigate and attempt to resolve the problem as appropriate, and report back to the complainant in a timely fashion. It is good practice for the member of staff to record the actions taken to consider and resolve the concern, the outcome, and minimum details of what was communicated to the student and when. This can then be made available to SAO should the complaint progress to the formal stage.

24. Most complaints will not need to progress beyond this initial stage. However, where it is clear that informal resolution is not appropriate or possible, if the complainant did not feel able to seek informal resolution, or if the informal approach did not resolve the matter to the complainant's satisfaction, the complainant may make a formal complaint under the Formal Stage of the procedure.

FORMAL STAGE

Submitting a Formal Stage Complaint

25. To make a formal complaint, the complainant must submit the completed Complaint (Formal Stage) form (available on MyMaC and UKMC website) to SAO within three months of the matter occurring. The complainant will need to clearly define the resolution they are seeking and provide any supporting evidence. Appropriate evidence may include published materials, correspondence, or other written evidence to demonstrate the matter being complained about. Covert recordings will not normally be accepted.

26. Complaints about matters that occurred more than three months ago will not normally be considered without good reason for the delay. The Head of Academic Services (HAS) or nominee will determine whether a late complaint can be accepted. This decision will be final. If the late complaint is not accepted, the complainant will be issued with a Completion of Procedures letter.

Consideration of Formal Stage Complaints

27. All formal stage complaints submitted will be screened by SAO confirm that the complaint has been submitted under the correct procedure (see paragraph 7) and that

the form is fully completed with necessary supporting documentation, including evidence of any attempt at early resolution where applicable. The HAS or nominee may ask the complainant for further clarification and/or additional evidence.

28. Where additional evidence and/or clarification is requested from the complainant, this should be submitted to SAO by the given deadline. Should it not be received by this date, the complaint will be considered on the evidence provided with the original submission.

29. Where a complaint has met the requirements as detailed in paragraph 27 above, SAO will acknowledge the complaint and inform the complainant who will be dealing with the complaint (the Investigating Officer), normally within five working days of receipt. The Investigating Officer will have been trained for the role and will normally be the appropriate manager, or a member of the Executive Board, providing they are sufficiently removed from any earlier process. Where there is the potential for a conflict of interest or perception of bias, the HAS will appoint a senior academic or an appropriate manager who has had no previous involvement in the matter to act as the Investigating Officer.

30. The Investigating Officer will consider the complaint and may talk to key staff and other students, as well as considering relevant documents and other written evidence. A meeting may also be arranged with the complainant (see paragraph 19) to discuss the purpose and scope of the complaint and consider options for a mutually acceptable resolution.

31. If the complaint is against another student (the alleged perpetrator), the Investigating Officer will normally discuss the complaint with the alleged perpetrator and give them the opportunity to respond. The alleged perpetrator may bring a friend (as defined in paragraph 19 above) to the meeting. On conclusion of the investigation, the alleged perpetrator will be informed of the outcome. If the Investigating Officer decides that there is a case to answer, the alleged perpetrator will be subject to disciplinary action under the Student Discipline Procedure.

32. If the complaint is against a member of staff, SAO will inform the Director of HR on receipt of the complaint. HR will arrange to meet with SAO and the Investigating Officer to discuss the scope and purpose of the investigation and any potential link to other procedures should further action be taken (for example under staff disciplinary or

capability) before the Investigating Officer meets with the member of staff to discuss the complaint and give them the opportunity to respond. The member of staff may be accompanied at the meeting by a colleague or trade union representative. On conclusion of the investigation, the Investigating Officer will submit their investigation report (see paragraph 33 below) to the Director of HR who will determine if any further action should be taken under the appropriate staff procedure. The member of staff will be informed of the outcome.

33. Following their investigation, the Investigating Officer will produce a report which outlines the process followed, the information gathered, the conclusions drawn and any recommendations. Where appropriate, the Investigating Officer may refer their report to another senior member of staff for a second opinion or for the recommendations to be agreed before it is submitted to SAO. On receipt of the final agreed report, SAO will provide a written response to the complainant, along with a copy of the investigation report, normally within twenty working days of the date of the acknowledgement letter. The written response will include the decision with regard to the complaint (justified, partly justified or not justified), the reasons for the decision, and, if the complaint is justified, in part or in full, notice of any specific action to be taken by way of remedy and for the prevention of a recurrence of the original cause of the complaint if relevant.

34. Where the complexity of the case or the sourcing of additional information prevents the complaint from being fully responded to within twenty working days, SAO will inform the complainant of the delay and an expected date by which a full response will be issued.

REVIEW STAGE

Submitting a Review Stage Complaint

35. If the complainant is not satisfied with the outcome of the formal stage, they may proceed to the review stage. The complainant must submit a completed Complaints (Review Stage) form and any supporting evidence to SAO within ten working days of the receipt of the written outcome of the formal stage of the Complaints Procedure. The complainant should contact SAO immediately if they are unable to meet this deadline. The HAS or nominee will determine whether a late form can be accepted. This decision will be final. If the late form is not accepted, the complainant will be issued with a Completion of Procedures letter.

36. The Complaints (Review Stage) form is available on MyMaC and the College website. The complainant must state the grounds on which they wish to proceed to review stage and must include all necessary supporting evidence and documentation. The complainant must also clearly define the resolution they are seeking.

Grounds for Review Stage Complaints

37. The grounds on which a review stage complaint can be considered are:
- a) There is new information put forward by the complainant that was not known to the Investigating Officer dealing with the original complaint and which could not have reasonably been made known to the Investigating Officer before they made their decision.
 - b) Evidence put forward at the formal stage was not fully and properly considered and/or the outcome was not reasonable in the circumstances.
 - c) There was procedural irregularity, prejudice and/or bias, or the appearance of prejudice and/or bias in the conduct of the formal stage.

Consideration of Review Stage Complaints

38. SAO will acknowledge receipt of the review stage complaint form and undertake an initial assessment of the form in consultation with the HAS or nominee. The HAS or nominee will take into account all documentary evidence supplied by the complainant, including the original Complaints (Formal Stage) form, investigation report and outcome letter, the Complaints (Review Stage) form and any other written response(s) by the relevant manager, and determine whether there are grounds for the complaint to be considered further at review stage.

39. If the HAS or nominee determines that there is no basis for the complaint to be considered further, they will consult with a senior representative of the awarding institution. If the decision is made that no further consideration should be given to the case then the complainant will have exhausted the internal procedures. The complainant will be informed of this decision in writing by SAO through the issue of a Completion of Procedures letter, normally within twenty working days of receipt of the review stage complaint form. In such cases, the complainant may be able to seek a further review of their complaint by the OIA.

40. If the HAS or nominee considers that there is a basis for further consideration, or if

the senior representative of the awarding institution requests further consideration, then the complaint will be referred to the Dean or nominee. The complainant will be informed that the review is proceeding, normally within five working days the receipt of their review stage complaint.

41. The Dean or nominee will conduct the review and assemble the evidence relevant to the complaint. In assembling such evidence, the Investigating Officer or nominee may interview those involved and will consider any relevant records or other written information. The review should be concluded within fifteen working days of referral to the HAS or nominee. If the review is going to extend beyond this time, the complainant will be informed and given a likely timescale for completion of the review.

42. On conclusion of the review, the Investigating Officer or nominee will produce a report setting out the purpose and scope of the review, the process followed, their findings and any recommendations, which will be considered by the Dean in consultation with a senior representative of the awarding institution. The complainant will receive a written response from the HAS, via SAO, within five working days of the completion of the review. The response will be a Completion of Procedures letter and will include the decision with regard to the complaint, the reasons for the decision, and, if the complaint is justified, notice of any specific action to be taken by way of remedy and for the prevention of a recurrence of the original cause of the complaint if relevant. The issue of a Completion of Procedures letter concludes the internal procedures.

Office of the Independent Adjudicator for Higher Education (OIA)

43. If having exhausted the above Complaints Procedure the complainant considers that their complaint has not been satisfactorily dealt with, they may be able to take their complaint to the OIA. If the complainant is, or was, a registered student, details of the OIA scheme will be sent with the Completion of Procedures letter. Details are also available from the OIA website (www.oiahe.org.uk). The OIA will normally only consider complaints where a Completion of Procedures letter has been issued.

Monitoring and Evaluation

44. The College will monitor and evaluate the effectiveness of the Complaints Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to the Equality and Diversity Committee, Quality and Standards

Committee and the Governing Body. The report will include equality monitoring data.