

# Student Complaints Procedure

## Higher Education

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## Purpose and Scope

1.1. The HE Student Complaints Procedure constitutes a source of student feedback on the operation of services/facilities, application of procedures and inappropriate staff conduct. It provides an important contribution to the enhancement of College procedures and services, and the improvement of the student experience. The Procedure has been established in order for students to submit legitimate complaints, which will be considered in a fair, timely and efficient manner. It applies to Higher Education (HE) students registered on programmes with:

- The Open University
- Pearson/Edexcel (Higher Nationals)
- University of Greenwich
- Kingston University
- University of West London
- London South Bank University

Any complainant on programmes validated by one of our university partners (as listed above), whose complaint relates to academic standards and/or quality of your learning opportunity, has the right to request a review of the complaint through the Universities formal channels. This right can only be enacted once all Nescot procedures have been exhausted as outlined below.

1.2. The following areas will be considered under this Procedure:

- Complaints about the delivery of courses and related services, if these are unable to be resolved by the relevant Staff and Student Consultative Committee;
- Complaints regarding service delivery of administrative or support services;
- Failure to meet obligations including those outlined in course/student handbooks and other correspondence from the College;
- Misleading or incorrect information in prospectuses or promotional materials and other College publications;
- Complaints concerning discrimination, victimisation, harassment and bullying;
- Complaints about staff conduct.

1.3. EXCLUSIONS FROM THE STUDENT COMPLAINTS PROCEDURE

- Any matter relating to assessment and examination procedures or academic appeals – please see the Academic Appeals Procedure;
- Any matter relating to the quality of academic feedback on work – such issues should be discussed with the Course team;
- Outcomes of the Student Disciplinary Procedure – see the Student Disciplinary Process and Procedures Guide;
- Any matter relating to intellectual property rights – see the Intellectual

- Property Rights Procedure;
- Any matter relating to admissions (including complaints regarding application to the College as part of the admissions process) – see the Admissions Policy;
  - Appeals regarding fee status decisions – contact Advice and Guidance Team;
  - Appeals regarding decisions on applications for student funds, such as the Access to Learning Fund– contact the Advice and Guidance Team;
  - Complaints about staff employed by other organisations, including staff employed at partner institutions and by placement organisations – such matters should be raised directly with the institution or organisation;
  - Complaints or appeals against matters which have already or are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court, or a tribunal
- 1.4. The Student Complaints Procedure shall apply to any Nescot HE student enrolled on a programme of study and studying at the College. As many of the HE students are on programmes awarded by partner universities, these institutions will have different processes on the consideration of formal complaints, however all require that all internal stages of the complaints procedure be exhausted before considering these.
- 1.5. Complaints should normally be made within 15 days of the event which has given rise to the complaint or, if a series of events has given rise to a complaint, within 15 days of the final event in the series. Complaints will only be considered outside of this timeframe in exceptional circumstances.
- 1.6. The Student Complaints Procedure will be followed in accordance with the College's Equality and Diversity Policy.
- 1.7. Students are expected to conduct themselves in a courteous and respectful manner when communicating with staff about their complaint. Students who do not conduct themselves appropriately may face disciplinary action in accordance with the Student Disciplinary Procedure
- 1.8. Student expenses for making a complaint or attending a meeting to discuss a complaint will not be reimbursed by the College regardless of the subsequent outcome.

#### Malicious and Fabricated Complaints

- 1.9. If, during the course of investigating a complaint, a staff member has reason to suspect that the student's complaint may have been fabricated or submitted maliciously, the student's misconduct will be subject to an investigation under the Student Disciplinary Procedure.

#### Multi-Issue Complaints

- 1.10. Students should ensure that the issues being raised are pursued in accordance with the relevant College procedures, and should seek advice from the Head of Academic Standards (Academic Registrar) or Quality Office if there is any uncertainty.
- 1.11. If a complaint includes issues that fall within the remit of other procedures, such as the Academic Appeals Procedure, students will be informed of this and directed to the relevant procedure, normally within 5 days of receipt.
- 1.12. Where a student has submitted both a complaint and appeal, the Deputy Principal will liaise with Head of Academic Standards (Academic Registrar) on behalf of the Quality Office and other relevant departments, as appropriate, to determine the best way forward for the issues raised. This will normally be done within the 20 days provided for the consideration of the case from receipt.

### Collective Complaints

- 1.13. Students submitting a collective complaint are expected to show how they personally have been affected by the situation. In certain instances, the case investigator may require a nominated individual to act as spokesperson for those students complaining.
- 1.14. Any complaints affecting a course and its delivery as a whole should be raised with a member of the Course Team as soon as they arise, or if the issues are not satisfactorily resolved in this way, through the Staff-Student Consultative Committee or its equivalent.

### Accompaniment and Representation

- 1.15. A student may wish to seek advice from others when making a complaint however, this is an internal procedure, and it is appropriate for students to represent themselves with any necessary support which is permitted as follows:

#### *Accompaniment*

#### *Non Legal Representation*

- 1.17. Non legal representation by any third party will only be permitted where there is a compelling reason, such as ill health and/or disability. In such circumstances, representation must be agreed with the staff member responsible for that stage of the process, and the student must provide signed written consent for the representation.

#### *Legal Representation*

- 1.18. Legal representation will not be permitted at meetings that might be conveyed to discuss the complaint. Legal representation at any other stage of the procedure

may only be permitted in exceptional circumstances and if considered necessary by the College (whose decision is final). If the College determines that legal representation is not necessary, the student will be given the opportunity to continue the internal procedure without legal representation. If the student does not want to proceed on this basis, the College will treat the matter as closed and issue a Completion of Procedures letter.

## **2. INFORMAL STAGE: LOCAL LEVEL RESOLUTION**

- 2.1. In the first instance, complaints should normally be raised locally in writing with the staff member directly responsible for the delivery of the service, or the line manager if the complaint relates to the conduct of a staff member. A copy of this complaint should be copied to the College Quality Office ([quality@nescot.ac.uk](mailto:quality@nescot.ac.uk)) who will log the complaint and coordinate proceedings.
- 2.2. Complaints which are submitted outside the 15-day period may not be considered, and the student will be notified accordingly. This decision is considered final, and as such the student will be issued with a Completion of Procedures letter.
- 2.3. Staff will acknowledge receipt of the complaint within 5 days and initiate the investigation, a full response should be provided within 20 days of receipt, copied to the Quality Office.
- 2.4. Following the completion of the investigation, the staff member may uphold the complaint in full or part (and suggest any action to resolve the complaint), or dismiss it. If complex or serious issues have been raised, the staff member may advise the student to submit a Stage 1 complaint within 20 days.

## **3. STAGE 1 FORMAL COMPLAINT: COLLEGE QUALITY OFFICE RESOLUTION**

### Submission

- 3.1. If a complaint has not been resolved to the student's satisfaction at the informal stage, or they have been advised to escalate their complaint by the investigating staff member, a Stage 1 complaint should be made. This is a formal complaint. A letter of complaint, in addition to any supporting documentation and relevant documents from the informal stage, must be submitted by the student within 20 days. The submission should include a statement from the student about the desired outcome from the complaint.
- 3.2. Complaints concerning either service delivery or relating to staff conduct

should be submitted to the College Quality Office. The complaint will be assigned to an independent member of College staff who is not a deployed in the department where the student is enrolled, a member of the teaching team on that course or a member of the Quality Office.

- 3.3. Complaints which are submitted outside the 20-day period will not be considered, and the student will be notified accordingly. This decision is considered final, and as such the student will be issued with a Completion of Procedures letter.

### Conduct of Investigation

- 3.4. The Quality Office or nominee will acknowledge receipt of the complaint within 5 days and initiate the investigation, a full response should be provided within 20 days of receipt.
- 3.5. Throughout the investigation of a Stage 1 complaint, the case investigator will liaise with the Head of Academic Standards (Academic Registrar) and the Quality Office. They will seek clarification from the student and staff as required.

### Outcome

- 3.6. Following the completion of the investigation, the case investigator may uphold the complaint in full, in part, or dismiss it. In addition to any appropriate means of resolution, one or more of the following courses of action may be recommended: -
- An apology to the student;
  - The payment/refund of any costs incurred by the student;
  - An ex-gratia payment to take account of any inconvenience; and/or
  - A request that the relevant policy/procedure is revised.
- 3.7. The College will implement such recommendations (including payments/refunds). Any payments due to the student will normally be paid within 20 days of their acceptance of the offer.
- 3.8. At the end of the investigation the student will be issued with a Completion of Procedures letter.
- 3.10. The Quality Office will maintain a record of the investigation and the outcome, to be included in the Annual Report on Student Complaints.

#### **4. STAGE 2 FORMAL COMPLAINT: COLLEGE DEPUTY PRINCIPAL RESOLUTION**

- 4.1 This stage applies to HE students, irrespective of the awarding body.
- 4.2 If a complaint has not been resolved to the student's satisfaction at formal stage 1, they may escalate their complaint to the Deputy Principal.
- 4.3 A Stage 2 complaint may be made if the student has reason to believe that the Stage 1 response was unreasonable or that there was a failure in the investigation. Stage 2 is a review by the Deputy Principal and not a re-investigation of the original complaint. A letter of complaint, with supporting documentation – including the Stage 1 complaint, evidence, the student's desired outcome for resolution and outcome letter – should be submitted by the student within 20 days of the date of the Stage 1 outcome letter.
- 4.4 Complaints which are submitted outside the 20-day period will not be considered, and the student will be notified accordingly. This decision is considered final, and as such the student will be provided with a Completion of Procedures letter.
- 4.5 The Deputy Principal will acknowledge receipt of the complaint within 5 days and provide an anticipated time frame for a response (this will normally be no more than 20 days from receipt).
- 4.6 If a Stage 2 complaint reveals that the previous stage may have been unreasonable or that there was a failure in the investigation, and there is evidence to support this, further investigation may be necessary.
- 4.7 Following the completion of the investigation, the Deputy Principal may uphold the complaint in full, in part, or dismiss it. In addition to any appropriate means of resolution, one or more of the following courses of action may be recommended: -
  - An apology to the student;
  - The payment/refund of any costs incurred by the student;
  - An ex-gratia payment to take account of any inconvenience; and/or
  - A request that the relevant policy/procedure is revised.
- 4.8 If a student rejects an offer made or does not respond within the stipulated time frame, a Completion of Procedures letter will be issued, stating whether or not the College is willing to keep the offer open in the event that the complaint is referred to the Office of the Independent Adjudicator for consideration.
- 4.9 The Quality Office will maintain a record of the investigation and the outcome, to be included in the Annual Report on Student Complaints.

#### **5. OFFICE OF THE INDEPENDENT ADJUDICATOR ('OIA')**

- 5.1. The OIA provides a free and independent scheme for the review of student complaints, which includes the right to appeal against a final decision by a College. Where a student has completed all of the available processes under the Student Complaints Procedure, the College will issue the student



with a Completion of Procedures letter. Any application to the OIA will need to be made within 12 months of the date of this letter. Further information about submitting a complaint to the OIA can be found on their website – [www.oiahe.org.uk](http://www.oiahe.org.uk).

Students studying on higher education courses validated by a partner University may also have the right to submit a formal complaint directly to the validating University once all procedures as outlined above have been exhausted. Please note that only complaints relating to academic standards and/or quality of your learning opportunity will be considered through validating partners.

**Please note that neither the OIA or validating University partners will consider complaints that have not followed ALL stages of the Nescot complaints procedure.**

## 6. GLOSSARY OF TERMS

<u>Expression</u>	<u>Meaning</u>
Bullying	Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient; may happen in public or private
Days	College working days (Monday-Friday) excluding Bank and Public Holidays
Fabricated Complaints	Complaints (or elements thereof) which have been invented or concocted
Harassment	Unwanted conduct (intentional or unintentional) which has the effect of violating a person's dignity; the actions or comments are viewed as humiliating, degrading and unacceptable to the recipient and can create a hostile and intimidating environment; it may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident
In writing	Anything submitted in writing should take the form of either a written/typed letter, or an email from a College email account
Malicious Complaints	Complaints which have the intention to cause harm or distress to those named in the matter

	effective and professional relationships; involves trained impartial individuals bringing the conflicting parties together and facilitating a constructive dialogue between the two; requires the agreement of all parties
Office of the Independent Adjudicator (OIA)	The Office of the Independent Adjudicator is the ombudsman for universities and colleges in England and Wales, it conducts free reviews of student complaints
Staff	Members of College staff.
Deputy Principal	The Deputy Principal, or such other person nominated to act on his/her behalf
Victimisation	Occurs when a person is treated less favourably because they have made a complaint, have supported someone who has made a complaint, or are believed to have done either of the above; it also applies when the relationship between the student and the College has ended

## Student Complaints Procedure for HE Students

<b>VERSION</b>	<b>4.0</b>
<b>Policy Originator</b>	Director of Higher Education / Academic Registrar
<b>Equality Impact Assessed:</b>	No
<b>Approved by:</b>	Director of Higher Education (N Adams) / HE Board
<b>Date Approved:</b>	27 June 2019
<b>Review Interval:</b>	1 Year
<b>Last Review Date:</b>	January 2023
<b>Reviewed by:</b>	N Williams
<b>Next Review Date:</b>	January 2024
<b>Audience:</b>	Staff / Governors