



Student Complaints & Grievance Policy and Procedures

Complaints & Grievance Policy

1. Introduction

The College is committed to providing a high-quality experience for each student and encourages students to highlight any causes for concern. These Student Complaints and Grievance Procedures therefore exist to enable students to raise and make complaints about such matters. They seek to ensure that complaints made by students are treated seriously and, if found to be valid, are acted upon to ensure that the interests of students are protected as far as it is possible for the College to do so.

2. Definition and Scope

These procedures cover all students enrolled on programmes delivered by the College, including those studying modules solely for credit (e.g. 'Creditors'), those on placement and those during approved periods of interruption of studies. Former students may raise issues of complaint within the timescales stated below.

They are intended for use in the case of any complaint or grievance concerning a person or persons attached to Oak Hill College, in the course of College activity.

These procedures **do not** cover:

- Appeals against Assessment Board decisions (which are covered by the Academic Appeals Procedure);
- Complaints relating to a case of alleged student misconduct by the complainant (which are covered by the Student Conduct and Discipline Procedure), or
- Complaints or grievances of a safeguarding nature (which shall be dealt with in accordance with the College's Safeguarding Policy).

However, the College reserves the right to reclassify a complaint as an academic appeal or vice versa if it is felt that the incorrect procedure has been applied or if the remit of another procedure more properly applies. Queries regarding which procedure to use should be directed to the Senior Registrar.

In all Stages of these procedures the student may, if they wish, be accompanied by a person of his/her choosing. The accompanying person may be legally qualified but may not act as the student's legal representative. If the student wishes to be accompanied, they shall inform the Academic Registrar in writing in advance of the meeting. They shall also inform the Academic Registrar if the person attending is legally qualified.

The final decision under this Complaints Procedure shall be considered the final decision of the College, and further consideration of the same matter may not be made under a different College procedure.

Each complaint will be considered on its own merits.

A student will not be treated less favourably by the College if s/he makes a complaint in good faith, regardless of whether the complaint is successful.

Anonymous or vexatious complaints will not normally be considered and the latter may lead to action under the Student Conduct and Discipline Procedure.¹

Any member of staff mentioned in a complaint will not be treated less favourably by the College simply because a complaint has been made. If, however, the complaint against a member of staff is upheld, that member of staff may be subject to proceedings under the disciplinary, capability or grievance procedures contained in the Kingham Hill Trust staff handbook.

Complaints will be handled with an appropriate level of confidentiality and the College expects that students and staff will treat both the complaints processes and each other with respect.

3. Timeframe for Making a Complaint

A student who is, or was recently an enrolled student, or a group of students wishing to complain, should normally do so within **three months** of the latest event which has given rise to the complaint. In exceptional circumstances, complaints received outside of this time frame will be dealt with sympathetically.

4. Group Complaints

Where the issues raised affect a number of students, those students will be encouraged to submit a complaint as a 'group complaint'. The principles and timescales outlined in these regulations will also apply to a group of students making a complaint. The group shall nominate a spokesperson with whom the College shall liaise and correspond and who shall ensure that all members of the group are in agreement regarding the nature of the complaint. The final outcome(s) of the complaint will be communicated by the College to all members of the group.

Complaints & Grievance Procedure

1. Stage 1: Informal Early Resolution

Wherever possible, every effort should be made to resolve complaints or grievances informally, personally and amicably and as early as possible.

A student should, if at all possible and in the first instance, address his/her complaint to the member of staff (or student) most directly involved in the event leading to the complaint, in order to give that person the opportunity to address the concerns.

If the student feels that this is not possible and has a complaint or grievance about their **academic programme**, then this should be raised in the first instance with the Student Academic Representative. If the complaint relates to a more general, **non-academic** matter, then it should be raised with the Senior Student or the Secretary of the SCR Committee.

If a student is unsure to whom their concern or complaint should be addressed in the first instance, then they should raise it with the Senior Registrar, who will either provide advice or will pass on the concern or complaint as appropriate.

¹ Vexatious complaints may include: complaints which are (a) unreasonable e.g. obsessive, harassing or repetitive; (b) without merit which are unreasonably pursued and/or for unrealistic outcomes; (c) meritorious but pursued unreasonably; (d) designed to cause disruption or annoyance; and (e) demands for redress which lack any serious purpose or value.

In both cases, these student representatives will take up the concern or complaint with the relevant member of staff within the College in order to attempt to resolve the complaint simply and quickly. The Student Representative may invite the student to a meeting to discuss the matter in an attempt to reach an early resolution.

Stage 1 complaints will be dealt with in as timely a manner as possible and those involved will agree a timescale for the complaint's investigation. The student will be informed of these timescales. Wherever possible, the investigation shall be concluded within **28 calendar days**.

The student will receive a written response (either from the member of staff concerned or the Student Representative, where appropriate) which will either detail the proposed solution or, if no resolution has been found, explain the circumstances for this.

2. Stage 2: Formal Complaint

If the student is not satisfied with the outcome of Stage 1, they may then choose to proceed to Stage 2. At this stage the procedure becomes **formal**. A Stage 2 complaint will normally only be considered following the completion of Stage 1.

A student should submit a written completed Student Complaint Form - within **21 days** of receiving the written response to Stage 1 - to the Acting Academic Dean (for all complaints relating to **academic** matters) or to the Director of Operations & Finance² (for **non-academic** complaints). The written complaint should outline succinctly the issue and actions taken at Stage 1, along with the reasons for proceeding to Stage 2, and the student should attach a copy of the Stage 1 written response and any documentary evidence relevant to the case.

If either the Acting Academic Dean or the Director of Operations & Finance were involved in the case at Stage 1, they will nominate an appropriate individual of authority within the College (e.g. Leadership Team member, Programme Director or Support Staff Manager) to consider the case and carry out the Stage 2 process.

The Stage 2 complaint shall normally be acknowledged by the Acting Academic Dean/Director of Operations & Finance (or nominee) within **7 working days**.

The Acting Academic Dean/Director of Operations & Finance (or nominee) shall consider the case appropriately, reviewing the written complaint and meeting with all parties concerned with the aim of settling the issue. In addition, the case may be discussed confidentially by the Leadership Team.

Stage 2 complaints will be dealt with in as timely a manner as possible and those involved will agree a timescale for the complaint's investigation. The student will be informed of these timescales. Wherever possible, the investigation shall be concluded within **21 calendar days** from the date of the sent acknowledgement.

The Acting Academic Dean/Director of Operations & Finance (or nominee) shall inform the complainant and any subjects of the complaint, in writing, of the outcome of the investigation. Additionally, at the Acting Dean's/Director's discretion another relevant person (e.g. a student's Fellowship Group tutor) may be informed of the situation and the student shall be informed where this is the case.

² Or to the College Director until such time as a new Director of Operations & Finance is appointed.

Note: in the event that the complainant is a Placement Supervisor or a student on placement and the grievance has not been resolved informally under Stage 1, the complainant should approach the College President who will advise on the procedure from Stage 2. The President may be interviewed by the Acting Academic Dean/Director of Operations & Finance as part of the Stage 2 investigation. Complaints relating to events occurring whilst a student is on placement may need to be referred to the placement church's own complaints procedures.

3. Stage 3: College-Level Review (Formal)

If, and only if, the student considers that:

- there has been a procedural irregularity in the conduct of the Stage 2 investigation;
- new material information has come to light which they were demonstrably and for the most exceptional reasons unable to disclose previously, or
- the decision reached was unreasonable based on the information that had been available to the College when the case was considered

they may then choose to proceed to Stage 3 to request a College-level review of the Stage 2 investigation. **This is not a reopening of the original complaint.** Dissatisfaction with the outcome of the Stage 2 investigation is not a valid reason for requesting a review.

The student should submit a written request for review within **21 days** of receipt of the written response to Stage 2. The review request should be submitted to the College Director and should include all paperwork and communications from the earlier Stages of the complaint/ grievance's consideration under this procedure, together with details of any procedural irregularities in the earlier Stages or information which has **newly** come to light.

Where the College Director is the subject of the complaint,³ the student should address the request to the College President. If both the College Director and the College President are subjects of the complaint, the student should address the request to the Chair of the College Council (via the Senior Registrar).

If the College Director and the College President were both involved in the case at Stage 1 or Stage 2, the College Director will appoint an appropriate alternative member of staff to undertake the Review.

The Stage 3 review request shall normally be acknowledged by the College Director/College President/College Council Chair within **7 working days**.

The College Director/College President/College Council Chair shall review the case to consider whether the outcome of Stage 2 was reasonable rather than reconsidering the original case and its evidence. The review shall include an investigation which may include further discussions with the student and/or the subject of the complaint and with members of staff involved at Stages 1 and/or 2.

Stage 3 reviews of complaints will be dealt with in as timely a manner as possible and those involved will agree a timescale for the complaint's investigation. The student will be informed of these timescales and kept informed of any changes. Wherever possible, the investigation shall be concluded within **21 calendar days** from the date of the sent acknowledgement.

³ Or has previously been involved in the proceedings in lieu of the Director of Operations & Finance.

The College Director's/College President's/College Council Chair's decision (which may involve disciplinary action) is final, and the outcome of the review shall be confirmed to the complainant and the subject of the complaint in writing.

The outcome of the review will result in one of three decisions:

1. To **uphold** the previous decision, with any action points or recommendations involved;
2. To **dismiss** the case, giving reasons in writing;
3. To seek an **alternative solution**, with any action points or recommendations.

The College Director/College President/College Council Chair may make the decision to notify a person outside the College, for example the Chair of the College Council or Chair of the Kingham Hill Trust.

At this point, the College shall issue a Completion of Procedures letter to the student confirming that all internal procedures have been exhausted. The letter shall be issued within **28 days** of this conclusion. The letter shall include a summary of the appeal, the title of the applicable regulations/procedures, a summary of the issues, the final decision taken by the College and the reason for that decision and information about the available external reviews.

Notes

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.

The College will hear and consider a complaint only if lodged by a student or group of students themselves and will not deal with third parties, even with the permission of the student(s), except in exceptional circumstances which prevent a student representing him/herself.

4. External Reviews of a Complaint or Grievance

a) Stage 4: University Review

Where students are enrolled on a Middlesex University-validated academic programme, grievances/complaints may be made to the University on matters relating to:

- Either the quality of their **academic** programme (refer to the University's 'Student Complaints and Grievance' Procedures located at: www.mdx.ac.uk/about-us/policies/university-regulations) or
- A student's **use of the University's services** (refer to the University's 'Student Complaints and Grievance Procedures' as above).

Students should note, however, that the College's procedures must be followed first and must have been fully exhausted before they may refer their complaint or grievance to the University.

Complaints relating to **non-academic** matters may not be taken to Middlesex University but must be pursued through this Complaints and Grievance Procedure and may then be referred to the OIA for External Review if necessary (see Stage 5).

For advice on whether or not the complaint or grievance can be referred to Middlesex, please refer to the Senior Registrar who shall be guided by the Partnership Agreement between the College and the University.

If, upon exhaustion of the College's Complaints & Grievance Procedures, a student considers that:

- there has been a procedural irregularity in the final outcome of the investigation of a complaint;
- new information has come to light, which the student was demonstrably and for the most exceptional reasons unable to disclose previously and which would have had a material impact upon the investigation previously undertaken, or
- the decision reached was unreasonable based on the information that had been available to the College when the case was considered

they may request a review of the College's outcome by Middlesex University and should follow the procedures outlined in the University's 'Student Complaints and Grievance Procedures', Appendix A (University-level Review): www.mdx.ac.uk/about-us/policies/university-regulations.

b) Stage 5: The Office of the Independent Adjudicator

When the College's internal procedures and, where appropriate, the University's review procedures have been concluded, the student will be issued with a Completion of Procedures (CoP) letter, either from the College Director or the University. On receipt of this, a student who is dissatisfied with the final decision on his/her case may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. The OIA is the independent ombudsman service of last resort. The complaint should normally be submitted to the OIA within **three months** of the date of the Completion of Procedures letter. Information and eligibility rules are available at www.oiahe.org.uk.

5. Monitoring & Enhancement

These procedures shall be reviewed annually by the College's Academic Board, assisted by the Academic Administration Team, to ensure that they remain fit for purpose.

Should a complaint be upheld, the matter shall be referred to the Academic Board for the purposes of (a) identifying any learning points, and (b) agreeing any necessary changes to College procedures. The Acting Academic Dean or Director of Operations & Finance (as appropriate) shall then ensure that any changes are put in place in to prevent similar appeals being made in the future.

6. Summary of the Stages and Timescales of the Complaints & Grievance Procedures

Stage	Formal/ Informal	Recipient of Complaint's Submission	Timescales
1	Informal	1. Member of staff/another student (i.e. subject of the complaint). 2. Student Academic Rep (for academic issues) OR Senior Student/SCR Secretary (for non-academic issues) for their intervention with the member of	In normal circumstances, the investigation will be concluded within 28 calendar days from receipt of a formal written complaint. <ul style="list-style-type: none"> • Complaint to be submitted within 3 months of the last event relating to the complaint (Student). • Investigation to be concluded within 28 days (SAR/SCR Secretary).

Stage	Formal/ Informal	Recipient of Complaint's Submission	Timescales
		staff	In normal circumstances, the investigation will be concluded within 28 calendar days from receipt of a formal written complaint.
2	Formal	Submission of Student Complaint Form to AAD/DOF to investigate and meet with all parties. May also take it to Leadership Team for discussion	<ul style="list-style-type: none"> • 21 days after receipt of written response to Stage 1 (Student). • AAD/DOF to acknowledge within 7 working days (College). • Investigation to be concluded within 21 days from date of sent acknowledgement (College).
3	Review	<u>College-level Review</u> Submission of written request for review to College Director/ College President/Chair of College Council (<i>Final College Outcome</i>); Chair of College Council/Kingham Hill Trust may be informed	<ul style="list-style-type: none"> • 21 days after receipt of written response to Stage 2 (Student). • College Director/College President to acknowledge within 7 working days (College). • Investigation to be concluded within 21 days from date of sent acknowledgement (College). • A Completion of Procedures letter will be issued by the College when all internal procedures have been exhausted and within 28 days of this date.
4	Formal Review	<u>(1) Middlesex University-level Review:</u> For reviews of College investigations of academic programme or University services complaints <u>(2) OIA Review:</u> For review of College investigations of non-academic complaints (<i>Final Outcome</i>)	Timescales will depend on those of the University and the OIA: students should consult the University's Complaints & Grievance Procedures and/or the OIA website for further details
5	Formal Review	<u>The Office of the Independent Adjudicator-level Review</u> For review of Middlesex University-level reviews of academic programme or University services complaints (<i>Final Outcome</i>)	Timescales will depend on those of the OIA: students should consult the OIA website for further details

Approved at Academic Board: 1 November 2018 (by Chair's Action)
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