

Student Complaint Procedures

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Student Complaint Procedures

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1. Introduction

- 1.1 Christie's Education Ltd. (CE) is committed to providing, maintaining and enhancing a high quality educational experience. CE welcomes the opportunity to correct mistakes, clarify misunderstandings and to respond positively and constructively on any occasion when students feel the need to express dissatisfaction with a particular service or other aspect of CE provision.
- 1.2 This document sets out the procedures for investigating and resolving complaints where students believe they have a legitimate concern. A formal complaint is an expression of dissatisfaction with a service provided or the lack of a service. It must relate to services that students were led to believe would be provided. It requires a response.
- 1.3 Complaints may be academic or non-academic in nature. Academic-related complaints may include alleged inadequacies in the provision of a programme of study, tuition, supervision, learning support materials, etc. Non-academic complaints normally relate to alleged inadequacies in other services provided to students by a professional department.
- 1.4 It should be noted that the Student Complaint Procedures do not cover academic decisions on assessment, progress or award. A concern relating to an academic decision of this nature is considered under the Academic Appeals Procedures.

2. Principles

- 2.1 CE procedures are based on the principles of fairness and transparency. They aim to ensure:
 - a. the timely resolution of complaints, with an emphasis on local resolution at the earliest opportunity;
 - b. that processes, decisions and the reasons behind them are clear and there is opportunity for independent review;
 - c. that students are supported;
 - d. that the procedures take account of the Office of the Independent Adjudicator's (OIA) [Good Practice Framework for complaints](#);
 - e. that the procedures also take account of the Competition and Markets Authority (CMA) [Advice on Consumer Protection Law](#) for higher education providers.
- 2.2 The Student Complaint Procedures align with Core Practices 4 and 6 in the UK Quality Code for Higher Education 2018 – Expectations for Quality. During 2019 CE will also review its approach in the context of the new UK Quality Code Advice and Guidance on Concerns, Complaints and Appeals. In the spirit of the UK Quality Code, it is anticipated that the majority of student complaints will be resolved as early as possible through dialogue between staff and students at a local level and to the satisfaction of all parties.
- 2.3 Complainants should have the opportunity to raise individually or collectively, matters of proper concern to them without fear of disadvantage. Information about complainants and individuals against whom complaints are made will be dealt with sensitively. Where necessary, the identity of a complainant will be protected, but this may not always be possible or desirable. It may be necessary to disclose information to others in order to deal with the complaint and in these circumstances the parties concerned will be informed of such disclosure. Unauthorised electronic recordings of meetings or events is expressly forbidden and will not be admissible as evidence for the complaint.
- 2.4 The Student Complaint Procedures operate in accordance with the Christie's Education Ltd. Equality and Diversity Policy which requires that complainants will be treated fairly and consistently without discrimination. It is also framed by other CE policies and procedures including the Student Disciplinary Procedures.

- 2.5 CE will make reasonable adjustments at any stage of the proceedings to accommodate the needs of students.
- 2.6 Students have the right to be accompanied by or represented at any stage of the procedures by another member of the CE community, (which is a person who is a currently enrolled student of CE, or a member of staff of CE from another department).
- 2.7 CE is not able to accept a complaint from a third party on a student's behalf – for example, from a student's parents or spouse. If CE receives a complaint from a third party, the third party will be advised that the student must raise the issue themselves. Occasionally a student who may be incapacitated, through illness for example, may request that a nominee acts on their behalf with CE.
- 2.8 Students making complaints will not suffer any disadvantage or discrimination as a result of making a complaint in good faith. However, if a complaint is judged to have been made frivolously, vexatiously or with malice, disciplinary action may be taken against the student.
- 2.9 CE expects all parties in a dispute to act professionally, respectfully and within the spirit of its policies and procedures throughout all stages of the Complaint Procedures.
- 2.10 A formal record will be kept at each stage of the Complaint Procedures, set out below, specifying the details of the complaint, the nature of any investigation and the outcome including any actions taken.
- 2.11 CE will monitor the operation of the Student Complaint Procedures in such a way as to assist in the maintenance and continuous improvement of service standards. CE will publish an annual report of complaints received and how they were resolved, and this will be made available to The Open University (the University).

3. Scope of the Procedures

- 3.1 The Student Complaint Procedures may be used by anyone who is, or was, an enrolled student at CE. This includes those who have commenced their studies with CE or registered for one of its programmes; those currently on a placement; and those who have recently left the institution.
- 3.2 Where issues of complaint affect a number of students, those students may submit a complaint as a group complaint. Students submitting a group complaint are individually expected to show how they have been personally affected by the matter which is the subject of the complaint. In order to manage the progression of the complaint in such circumstances, CE may request the group to nominate one student to act as the spokesperson for those students complaining. All complainants must agree in writing to the spokesperson acting on their behalf. Any complaints relating to a programme and its delivery as a whole should be raised with a member of academic staff as soon as they arise, or if the issues are not satisfactorily resolved in this way, through the relevant Programme Director.
- 3.3 Student complaints which are received anonymously are not normally accepted but may be accepted at the discretion of CE. However, students who wish to raise a concern anonymously should be aware that this could impede the investigation and communication of the outcome. If a member of staff receives an anonymous complaint, he/she will be expected to seek advice from the Director of Registry and Student Services as to how the complaint should be dealt with.
- 3.4 The Student Complaint Procedures cannot be used for any of the following matters, for which separate policies and procedures may apply:
 - a. Complaints about other students which are covered in the CE Student Disciplinary Procedures.
 - b. Complaints about admissions which are covered by the Admissions Complaints Procedures;

- c. Matters relating to any request for a review of a decision of an academic body charged with making decisions on assessment, student progression and awards, which are covered by CE's policy and procedures on Academic Appeals Procedures);
- d. Matters relating to fitness to study, which are covered by the Fitness to Study Policy and Procedures ;
- e. CE reserves the right to reclassify a complaint as an academic appeal or vice versa, if the submission has been made to the incorrect procedure, or the submission falls properly within the remit of one procedure rather than the other.

4. Advice and guidance

- 4.1 Independent, non-judgmental advice and guidance on the Student Complaint Procedures is available from:
 - a. The Director of Registry and Student Services;
 - b. Student Representatives;
- 4.2 If the complaint relates to the Director of Registry and Student Services, students may wish to seek advice from another senior member of CE staff such as the Academic Director.

5. Time limits

- 5.1 To enable CE to investigate and resolve complaints in a timely manner, students should raise issues of concern as soon as they occur and make reasonable attempts to resolve them through discussion with those concerned. If an issue cannot be resolved in this way and the student wishes to pursue a formal complaint, this should be raised no later than three months after a student has completed the year of study in which the complaint arose or within three months of the date of withdrawal, or beginning of an approved leave of absence from their programme of study, whichever is earlier. Student complaints received after this period will only be accepted at the discretion of CE and where there is good reason supported by evidence for late submission.
- 5.2 CE is committed to dealing with complaints in a timely manner and it will follow the timeframes set out in the Student Complaint Procedures. However, it is recognised that from time to time there may be valid reason for a delay e.g. a member of staff who is key to a complaint is on annual leave or absent through illness. Where such circumstances arise, the student will be informed of any delay and the reason for it.

6. Stage 1 – Immediate Local Resolution

- 6.1 CE believes that a complaint should be addressed quickly. For this to happen, students are expected to attempt to resolve issues or concerns directly with the appropriate member of staff best able to deal with it as soon as possible. For example, this may be the Programme Director for academic-related complaints or a manager or member of staff in the relevant support service for non-academic complaints. If the complaint is against one of these staff members, the complaint will be considered by the person next in seniority in the management structure.
- 6.2 This approach enables CE to resolve as quickly as possible concerns which are straightforward and require little or no investigation. Concerns raised at this stage can be addressed through face-to-face discussions with the complainant or by asking the relevant CE manager to assist in addressing the matter. If the responsibility for the matter raised lies within the staff member's area of work, every attempt should be made to resolve the concern in consultation with the student where appropriate. If responsibility lies elsewhere, the staff member should liaise with the relevant area to facilitate swift resolution.
- 6.3 Staff should make every effort to resolve complaints in the way described in 6.1 and 6.2. However, in the interests of the student, staff may recommend the immediate use of the formal (Stage 2) complaint procedures. This might happen if, for example, they consider the matter to be complex, and/or that it may require more investigation than would be expected for a complaint that can be resolved at Stage 1, and/or they believe that a solution cannot be reached within the required timeframe for Stage 1 resolution (10 working days) or that only part of the complaint can be resolved at this stage.

- 6.4 Where it is evident to the student or to staff that a concern will need to be considered at the formal stage of the procedures, the student should be directed promptly to Stage 2 of the Student Complaint Procedures.

7. Stage 2 – Formal Complaint Resolution

- 7.1 If a student remains dissatisfied after making a reasonable attempt to resolve the complaint through the Stage 1 process, they will have the right to pursue a formal complaint. Students will be required to provide evidence that they have attempted to resolve the issue at Stage 1 with the appropriate member of staff before moving to the formal stages of the procedures, or to provide an explanation of why this was not possible or was not appropriate.
- 7.2 Stage 2 of the procedures provides for the complaint to be investigated by the CE Appeals and Complaints Officer or by a more senior person if the Director of Registry and Student Services believes that this is warranted. If the complaint is against either the Appeals and Complaints Officer or the Director of Registry and Student Services, it will be investigated by a member of the Senior Management Team. This should not be the Academic Director as he/she may be required to undertake a review of an outcome from the procedures (see sub-section 8). The process is initiated by the student completing a Student Complaint Form.
- 7.3 It is a requirement of Stage 2 that a Complaint Form is completed so that the student may be precise about their concern and the resolution they are seeking and to help ensure that the complaint can be effectively processed and addressed. The Complaint Form can be obtained from Canvas, CE's virtual learning environment. Sources of advice on how to complete the Complaint Form can be found in sub-section 4 above.
- 7.4 Upon concluding the investigation, the Appeals and Complaints Officer will make a recommendation to the Director of Registry and Student Services on what action should be taken, normally within one calendar month of receiving the Student Complaint Form. They may recommend that, in the interests of the student, partially unresolved matters should be considered at a Stage 3 Review.
- 7.5 The student will be provided with a written outcome of the conclusion of Stage 2. If the complaint is upheld, the student will be informed of the action which is to be taken. If the complaint is partially upheld or is dismissed, the student will be informed of reasons for the decision. The written outcome will also provide advice on how they may proceed if they remain dissatisfied following Stage 2.

8. Stage 3 – Formal Complaint Review

- 8.1 If the complaint is not resolved to the satisfaction of the student at Stage 2, the student has the right to request that the complaint is considered by a Student Complaints Review Panel. The membership and terms of reference of the Student Complaints Review Panel are outlined in the Governance Handbook.
- 8.2 A student can request consideration of their complaint by a Student Complaints Review Panel on one or more of the following grounds:
- a. The student believes that there were unresolved matters at the end of Stage 2 which may need to be dealt with at a higher level within CE;
 - b. New material evidence has now become available which the student was unable, for valid reasons, to provide earlier in the process;
 - c. The student believes that there was a procedural irregularity at Stage 2 of the process.
- 8.3 If the student believes that there are grounds for a Stage 3 Review, he/she must present notice of this in writing to the Academic Director within 10 working days of receiving the outcome of Stage 2. The student must include a statement explaining why they remain dissatisfied and on what grounds, including evidence where relevant, and what the desired outcome of the complaint is. The request for a review will be acknowledged in writing within five working days by the Academic Director. If the Academic Director determines that there are grounds for a Stage 3 Review, s/he will convene a meeting of the Student Complaints Review Panel.

- 8.4 No members of the Student Complaints Review Panel will have a connection with, or will have previously advised, the student or be part of the department involved in the complaint.
- 8.5 The Secretary to the Student Complaints Review Panel will make arrangements for the hearing of the Review Panel at the earliest opportunity and provide adequate notice and relevant papers, including a copy of the Stage 2 Complaint Form, to all parties. This will normally be within 21 working days of receipt of the formal request for a Review. CE expects the student requesting the Review to attend the hearing and requires all parties to make reasonable efforts to find a mutually suitable date within the desired timeframe. In the event that the hearing date cannot be found within the desired timeframe or has to be delayed, all parties will be kept informed as to the reasons for this.
- 8.6 All papers presented to the Student Complaints Review Panel will also be provided to the student and the relevant members of staff to which the complaint relates.
- 8.7 The student will be invited to attend a hearing in the course of the review, as will any individual against whom the complaint is made. The student may be accompanied by a member of the CE community, if he or she so wishes. The student must confirm the name and status of the person accompanying them in writing to the Secretary to the Student Complaints Review Panel no less than four working days before the Panel hearing.
- 8.8 On the basis that reasonable steps have been taken to find a mutually suitable date for the hearing, CE will not normally rearrange the date of a hearing due to the absence of the student. If the student is unable to attend they may nominate a representative to attend on their behalf, providing that the representative is also a member of the CE community. The Chair of the Student Complaints Review Panel review will decide how the Panel will proceed with a hearing in the voluntary or unavoidable absence of the student and whether or not it will permit a proxy to be nominated to represent the complainant.
- 8.9 Where the complaint is against a member of staff, the member of staff may be accompanied by their line manager or another representative agreed by the Chair of the Student Complaints Review Panel.
- 8.10 A quorum of the Student Complaints Review Panel will be two voting members including the Chair. A formal record of the meeting shall be kept by the Secretary to the Student Complaints Review Panel.
- 8.11 In the interest of natural justice, both the student requesting review and those responding to the complaint will normally be invited to be present at the hearing at the same time so that both parties will hear all of the evidence presented to the Panel and have the opportunity to comment on it. However, CE recognises that this may not be reasonable in all cases and either party may request to be heard separately by the panel if they have particular grounds for making the request.
- 8.12 The appropriateness of an invitation for both parties to be present at the same time is a matter on which the Chair may exercise discretion depending on the nature of the case.
- 8.13 Both parties should confirm whether they will attend in writing following notification of the Review Panel date.
- 8.14 The Chair will provide the Panel with an initial briefing.
- 8.15 The student will be invited to present their case and to answer any questions of clarification. Representative(s) from the relevant area will be invited to make an initial statement on behalf of department responding to the complaint and will also be asked questions of clarification. If the student is accompanied by a member of the CE community, the representative may speak on behalf of or otherwise represent the interests of the student but may not give evidence except on matters of which he/she has direct knowledge.
- 8.16 The Panel may call any other members of staff or students it considers might assist it in reaching a decision. Any such persons shall be notified in advance of the hearing.
- 8.17 The Panel will review the evidence and reach a decision. The possible decisions arising from the hearing are:
- a. That the complaint is upheld;
 - b. That the complaint is partially upheld;
 - c. That the complaint is dismissed.
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- 8.18 Where the complaint is partially or fully upheld, the Review Panel will recommend a consequent course of action. The International Managing Director of CE is responsible for ensuring that this course of action is completed.
- 8.19 In accordance with 1.4 above, a complaint, even if upheld, will not result in a change to an academic decision(s) concerning assessment, progress or award. Concerns relating to academic decisions of this nature are considered under the Academic Appeals Procedures.
- 8.20 The decision will be communicated to the complainant and all other relevant parties in writing, normally within five working days of the meeting of the Panel. This signals that CE's internal procedures are complete. If this timescale is to be extended for any reason, the student will be advised in writing.
- 8.21 CE will consider a request for a contribution towards the reasonable and proportionate incidental expenses necessarily incurred by a complainant. Such a contribution must be approved by the Chair of the Review Panel, provided that the complainant has submitted her/his request in writing in advance of the Review Panel hearing. Complainants will be required to provide original receipts of expenses incurred. Incidental expenses do not include the cost of obtaining legal advice.
- 8.22 A claim for expenses should be made to the Senior Management Accountant within 20 working days of the date of the letter of outcome.

9. External Review

- 9.1 When a student has been issued with a Completion of Procedures letter confirming that CE's internal procedures of have been completed, the student has the right to submit their complaint for review to the Office of the Independent Adjudicator for Higher Education (OIA).
- 9.2 If a student chooses to do this, they must do so in writing to the OIA within twelve months of the receipt of their Completion of Procedures letter, using the Scheme Application form. The procedures and the form are available from the Director of Registry and Student Services, or they can be accessed from the OIA's website: <http://www.oiahe.org.uk/>.

10. Annual Monitoring of Complaints

- 10.1 The Director of Registry and Student Services will present a report annually to Academic Board containing an anonymised analysis of formal student complaints. It will include:
 - a. the number and nature of the complaints considered and the outcomes;
 - b. an analysis of complaints by minority group, gender and disability based on information supplied at registration;
 - c. recommendations for revisions to CE policy or procedures, including with respect to learning, teaching and assessment arrangements.
- 10.2 Progress in responding to recommendations resulting from complaints will be monitored by Academic Board (for academic matters) or Senior Management Team (for support services matters).
- 10.3 The annual report on complaints will form part of the annual monitoring procedures of CE and will be shared with The Open University.