

## Complaints Policy

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<b>Published on website</b>	Yes	<b>Related policies and/or procedures</b>	Student Handbook Academic Offences Academic Appeals Malpractice Policy Student Disciplinary Policy Grievance Procedures
<b>Relation to QAA requirements (parts of code covered)</b>			
Informed by UK Quality Code – Core Practices for Quality			

## 1 COMPLAINTS PROCEDURE

### 1. THE COLLEGE COMPLAINTS PROCEDURE AIMS TO:

- 1.1. Support students with a straightforward, appropriate and effective process for resolving complaints;
- 1.2. Take complaints seriously, but also to deal with them in a way that is appropriate to the issue complained about;
- 1.3. Guarantee that complaints are dealt with on the basis of evidence and proper investigation;
- 1.4. Ensure that every issue raised in a complaint receives an appropriate explanation;
- 1.5. Ensure that all people directly involved in a complaint have the opportunity for a fair hearing and understand each step of the process;
- 1.6. Be operated in a respectful and sensitive way, value people's point of view, having due respect for confidentiality;
- 1.7. Provide appropriate remedies when a complaint is upheld;
- 1.8. Help us to keep on improving the quality of what we do.

## **2. STUDENT RESPONSIBILITIES**

2.1. In order that College can deal with a complaint properly and in a timely manner, we ask that students engage with the complaints process and undertake the following responsibilities:

- I. Raise concerns at the earliest opportunity;
- II. Observe the Student **Code of Conduct** and the **Entitlement and Responsibilities Statements** in the conduct of communications regarding a complaint;
- III. Engage with the investigator;
- IV. Consider seeking support from the sources listed in section 6;
- V. When submitting a complaint provide full detail in a concise manner and provide documentary support for points made;
- VI. Make considered and reasonable suggestions for remedy should the complaint be upheld and include this in your complaint submission;
- VII. Be aware of sensitivities where issues involve other students or staff;
- VIII. Raise complaint only where a genuine issue has arisen, since repeated unfounded complaints may cause distress and could amount to harassment.

## **3. HOW WILL COMPLAINTS BE DEALT WITH?**

- 3.1. Whenever possible a complaint will be dealt with swiftly and informally;
- 3.2. When formal investigation is needed, the approach will still aim to avoid confrontation and blame, but it will nonetheless be rigorous and impartial;
- 3.3. When a complaint requires speedy investigation or the complaint needs to be handled confidentially, an opportunity will be made available to do so;
- 3.4. People involved in operating the complaints procedure will make known anything that would prevent them from acting impartially and step aside if that is agreed to be the right course of action;
- 3.5. Complaints need to be decided in accordance with academic standards, the College's legal obligations and our published policies and procedures. However, if a complaint highlights an inconsistency between College practices, policies and procedures and our obligations to a student, then exceptionally it may be appropriate not to apply that policy of procedure in the case of that complaint;
- 3.6. The College will make appropriate adjustments in the context of individual circumstances where those circumstances are evidenced, for example, in relation to a disability or third party carer arrangement;

3.7. Anonymised complaint summaries will be reported to the appropriate Programme Leader after the investigation and findings so that they can be acted upon as part of our Continual Monitoring for quality enhancement purposes;

3.8. The College will need to keep records of complaints and their investigation and will monitor the information relating to complaints to allow us to improve our services. Complaints will be logged and monitored by the Student Support Unit, the process will be overseen by the Quality Office;

3.9. Sometimes staff or the College will wish to give an apology in recognition of disappointment or hurt feelings, but that will not, in itself, constitute an acceptance legal or moral responsibility.

#### **4. WHAT IS A COMPLAINT?**

4.1. A complaint arises when it is felt that an aspect of a course/programme, College service, facility or site is unsatisfactory and should be investigated.

4.2. The Complaints Procedure is not intended for appeals against the decision of an Assessment Board (refer to Academic Appeals Section) or matters related to unacceptable social behaviour by a student (refer to the Grievance Procedure).

4.3. Complaints relating to the alleged misconduct of a member of staff may be submitted initially as a complaint but may later be referred to the appropriate Grievance or Disciplinary Procedure.

4.4. The College will be responsible for ensuring that the Complaints Procedure operates without fear of recrimination or retribution against the complainant.

4.5. If a formal complaint is submitted that would more appropriately be dealt with through other College procedures, for example academic appeals, the College will pass it on to be considered by the relevant part of the College. The College will write to the person who makes the complaint and any other parties involved if this needs to be done.

4.6. Complaints should be raised within 3 months of an issue occurring. Complaints submitted outside of this time period will only be considered in exceptional circumstances.

#### **5. WHO MAY COMPLAIN?**

5.1 A complaint may be made by a student, a previously registered student, a recent graduate or an applicant for a programme of study.

5.2. Complaints submitted by a third party or representative will not normally be formally investigated. A complaint made by a third party will however be passed to the appropriate department as informal feedback.

5.3 Throughout the Complaints Procedure students are entitled to bring someone with them to any meetings held to discuss the complaint. This person, referred to as a “friend”, should be a student of the College or a class Representative

## **6. WHO CAN HELP YOU MAKE A COMPLAINT?**

6.1. Students should refer to the following as sources of impartial help, advice, guidance and support in making a complaint.

- Student engagement officer
- Programme leader
- Module leader
- Student support unit staff

6.2. Informed guidance may be sought on the applicability and operation of the procedures from the Student Support Unit.

## **7. THE COMPLAINTS PROCEDURE**

### **7.1. INFORMAL INVESTIGATION BY COLLEGE MANAGEMENT**

i. If an issue is not resolved at the point of it arising, the person making the complaint should inform a senior manager immediately responsible for the relevant academic or service area. The complaint form may be used for this purpose. The Manager will deal with the issue at source if at all possible.

**Guidance:** For advice on who to contact as a Senior Manager, the student may seek help from Student Support unit.

ii A form is available for logging complaints. This is available at the end of this document and a copy available at Student Support unit.

iii Possible outcomes for the person complaining:

- The matter is resolved or explained to the satisfaction of the person making the complaint;
- The person making the complaint decides they do not wish to pursue it;
- The complaint raises a valid issue that requires an appropriate remedy (see 9, below);

- The matter is not resolved (or the manager feels that a formal investigation is required) and the complainant moves on to a Formal Investigation by College Management;

- In addition to any of the above, the appropriate member of staff or Department may wish to issue an apology.

iv Possible outcomes for the institution:

- If not already done, an anonymised summary of the complaint (whether or not pursued by the complainant) is reported to the line manager or Departmental officer responsible for monitoring service, together with the outcome;
- The complaint is reviewed alongside other complaints in preparation for annual monitoring and generic or specific action is followed through in the Quality Enhancement Plan;
- Other staff/Departments may be briefed to prevent recurrence of the problem;
- If the complaint raises an issue that needs to be addressed urgently, the relevant manager shall take appropriate steps, which may include staff development, review of procedures or alerting senior management.

V. A response with appropriate explanations in relation to all matters to which the student has requested a response, will be made within 20 working days of the complaint being lodged. If it is not possible to make a full response at this time, an update will be sent detailing the revised timescales for response.

## **7.2. FORMAL INVESTIGATION BY COLLEGE MANAGEMENT**

i. If the complaint is still not resolved, the person complaining must complete a Complaint Form.

- i. Complaints must be escalated within 20 working days of date of the response made at the informal stage. The College reserves the right to reject any complaint outside of this timescale.
- ii. The student should ensure that the form is completed fully and correctly, providing all relevant information. Particular thought should be given to the nature of the complaint and the proposed remedy.
- iii. If the form is not fully completed or the case to be considered is unclear, the complainant will be asked to submit further information. If a

clear case is then not evident, the College reserves the right to dismiss the complaint without investigation.

- iv. If help is needed for completing the form the student may request this from any of the sources listed in paragraph 5 above.
- v. Receipt of the form will be acknowledged and it will be sent to Quality Assurance Department for investigation.
- vi. The Head of Quality will nominate an investigator not previously involved in the circumstances of the complaint. This will be a Programme Leader or suitable person outside of the College or Department, or a member of the senior management team for support areas.
- vii. Once nominated, the investigator will offer to meet with the person making the complaint. This meeting could be face to face, virtually or as a telephone conversation.
- viii. The investigator will conduct an investigation as follows:

#### **Fact-finding stage**

The aim of a formal investigation is first to arrive at as true and fair a picture of the factual circumstances surrounding the complaint as is possible, bearing in mind:

- the available evidence and timeline of events;
- the time and resources that can be reasonably afforded to investigating the matter;
- the impact of the complaint on the person complaining and others who may be affected if it is found to be valid;
- the relevance of the circumstances to the issue complained of;
- information provided by the person making the complaint.

If the circumstances are significantly different from those alleged in the complaint the investigator may require an additional meeting with the person making the complaint to clarify the facts before being in a position to proceed with the investigation.

It is at this point that the investigator may wish to consider whether a formal complaint hearing would be beneficial. A hearing is appropriate in the following circumstances:

- If it is determined by the person investigating to be the most effective means of resolving a dispute over facts
- If, by reason of disability or other circumstance, it is in the interests of fairness to do so.

Further details of the hearing are available in point 7.2.xiii below

If there are factors, which would cause the complainant to withdraw their complaint, had they been known, the investigator should meet with the complainant to advise them.

Where such instances occur, following discussion with the complainant, the investigator may then advise the Dean/Director that the investigation need not continue and of any action or remedies that should be taken where necessary.

### **Process review stage**

On the basis of an appreciation of the facts surrounding the complaint, the second aim of the investigation is to determine whether the dispute or considerations should include:

- Whether the College's policies and procedures have been followed;
- Whether the decision complained about was arrived at fairly and in accordance with published procedures and policies, applied in a fair way;
- Whether the decision complained about was logically linked to the circumstances within which it was made;
- Whether the decision taken while permissible within regulation or procedure was disproportionate to the circumstances under which it was made;
- Whether the decision was one that the person or department was entitled to make and could have reasonably come to on the evidence before them.

Due regard will be given to the College's values and legal obligations, particularly in respect of Equality and Diversity and legal rights. These last considerations may be taken to override any other policies and procedures, if they apply to the benefit of the students.

The investigation will proceed on the assumption that the complainant's case is fully contained in the information provided in the form and any accompanying documentation supplied and from any meeting with the investigator.

The person undertaking the investigation will work with the co-operation of staff and management of the College to investigate complaints speedily, fairly and transparently. To the extent that it is practicable and proportionate, the investigation should be tracked by written notes or documentation.

The person responsible for the investigation may meet with the complainant at the fact-finding stage and may choose to feed back their findings in person, as well as in writing.

- ix. A written response with appropriate explanations in relation to all matters to which the student has requested a response, will normally be sent within 20 working days of the complaint being logged. If it is not possible to make a full response in this time, an update will be sent detailing the revised timescales for response.
- x. Other than the initial meeting and the feedback, it is envisaged that most effective investigations can be conducted without further face to face meetings and a formal complaint hearing;
- xi. Responses resulting from a formal investigation will normally be final.
- xii. Further to point ix above if relevant a Formal Complaint Hearing will be arranged:
  - i. The Panel to hear the complaint will comprise:
    - The nominated investigator, as Chair;
    - Two members of staff, normally drawn from the membership of Academic Board, Quality Committee or Programme Leader of the Department but not including any member of staff involved with the student's programme/research supervision;
    - A student representative: another student/student representative from the same programme;
  - ii. The panel will be supported by a secretary, nominated by the Head of Quality.
  - iii. The Head of Quality will notify the student, at least 10 working days in advance, of the time, date and place of the panel hearing. This timescale can be reduced by mutual agreement.
  - iv. It is the student's responsibility to prepare and present her/his case and s/he is entitled to bring a friend (See point 4.3). Details of anyone accompanying the student must be notified to the Complaint Panel seven days in advance of the hearing. The friend may make representations on the student's behalf with permission of the Chair of the Panel.

- v. The student is entitled to call witnesses, but must notify the Registrar or nominee seven days in advance of the panel hearing if s/he intends to do so.
- vi. The student is entitled to see in advance of the hearing all relevant evidence, except provisional assessment marks or grades, but must keep all such information confidential. S/he is entitled to be present throughout the hearing except for the private meetings of the panel.
- vii. The panel may also call witnesses. Members of the panel may question the student and the witnesses. The student may also question the witness. All witnesses will leave the meeting after giving their evidence.
- viii. When all the evidence has been heard, including the student's closing statement, the student and her/his friend or parent/guardian will leave the meeting and the panel will consider its decision in private.
- ix. The panel's decision and explanation will normally be communicated to the student immediately after the meeting and subsequently confirmed in writing by the Chair. The report of the panel hearing, once approved by the Chair of the Panel, will be submitted in confidence to the members of the panel and to the Dean/Director.
- x. Possible outcomes for the person complaining:
  - The matter is resolved or explained to the satisfaction of the person making the complaint;
  - The person making the complaint decides they do not wish to pursue it;
  - The complaint raises a valid issue that requires an appropriate remedy (see 8, below);
  - The complainant challenges the investigation because it has been unfair, did not act in accordance with fair procedures or infringes a legal right;
  - In addition to any of the above, the appropriate member of staff or Department may wish to issue an apology.
- xv. Possible outcomes for the institution
  - An anonymised summary of the complaint is reviewed alongside other complaints in preparation for annual monitoring

and generic or specific action is followed through in the College Enhancement Plan;

- Other staff/Departments may be briefed to prevent recurrence of the problem;
- If the complaint raises an issue that needs to be addressed urgently, the relevant manager shall take appropriate steps, which may include staff development, review of procedures or alerting senior management.

### **7.3. COMPLAINT REVIEW STAGE**

- i. If the student is not satisfied with the final response from the Head of Quality, He/She may write to the Principal, requesting that the conduct of the investigation be reviewed.
- ii. The request for a review must be made in writing within 10 working days of the date on the written notification of the outcome of the formal complaint. Such a request should indicate clearly the reasons for dissatisfaction and should present a case as to why the review is required. These reasons could include for example; procedural error, new evidence or aspects of the complaint not sufficiently covered by the investigation.
- iii. Receipt of the request for review will be acknowledged to the student by the Principal. The Principal will consider whether the case for review is properly made. He/She may also consider whether there is further scope for resolution without recourse to review. The student will be advised within 5 working days whether the request for a review has been accepted.
- iv. Where requests for review are accepted the student will then have 10 working days in which to submit all paperwork for consideration at review.
- v. The Principal will review the complaint and may either:
  - remit the complaint for investigation to the original investigator (or suitable independent person/body) for further investigation or
  - confirm or/and amend the findings and remedies of the formal investigation outcome.
- vi. The outcome of the review will be communicated to the complainant in writing normally within 20 working days of submission of the full review documentation.
- vii. The review will not normally be a formal hearing and there is no expectation that the review will require any further investigation of the facts.

## **8. REMEDIES**

8.1. The College is committed to providing the highest standards of service and maintaining good relationships between staff and students;

8.2. Remedies available in response to complaints therefore reflect our desire for customer satisfaction and to maintain quality;

8.3. An offer of a remedy should not to be taken as admission of legal responsibility, nor should a particular remedy or offer of a remedy be regarded as a legal entitlement;

8.4. Often remedies in response to complaints, such as apologies, will be wholly, or partially, gestures of good will and may be given with or without conditions;

8.5. When deciding what outcome is best to resolve a complaint, the College aims to provide the response it feels is most appropriate to help a person benefit from a quality service from the College;

8.6. When the person complaining can no longer benefit from the College's services, or where a complaint alleges an impact beyond the scope of the College's services, a Head of Quality or member of senior management may wish to consider alternative courses of action to resolve the complaint, which may include remedies not listed below;

8.7. Remedies will need the approval of a Head of Quality and may include the granting of some or all of the following:

i. Reconsideration of a decision within College policies and procedures, as if that decision was being made for the first time;

ii. Remission to an appropriate body with the power to authorise the application of an exception to the College's policies and procedures;

iii Review of a College policy or procedure, with or without suspension of its operation in particular or general cases;

iv Suspension or cancellation of a fine, penalty or limitation of service;

v Proportionate reimbursement of moneys paid, or a waiver of moneys owed;

In addition

vi In all cases, the student is entitled to an explanation; and

vii. In any case an apology may be offered.

## **10. OFFICE FOR THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)**

In the event that the complainant is not reasonably satisfied with the outcome at the Complaint Review Stage, s/he may request an independent review by the Office of the Independent Adjudicator (OIA). In order to do so the complainant must obtain a Completion of Procedures letter from the College. This confirms that the institution has completed consideration of the case through local procedures. In such circumstances, the complainant should forward a completed scheme application form to the OIA, who will review the complaint independently in due course.

Scheme Application Forms are available from Office of the Independent Adjudicator, Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk), Website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

## 11. STUDENT COMPLAINT FORM

### Student Complaint Form

#### Information

For further information visit read the College's Rights, Responsibilities and Regulations (3Rs).

Before submitting the form check that you have considered the following:

1. If your issues require that a change is made to an assessment outcome you need to submit an academic appeal within 21 days of publication of result. Details are available in the 3Rs.
2. If issue is a grievance please consider the College's Grievance Procedure in 3Rs. Please ensure that you submit any evidence you have to support your complaint.

#### Please select one of the following options:

If you have a complaint reference number please include here

A Complaint reference number can be found on your complaint acknowledgment if you have previously submitted a complaint.

#### About you

Name:

ID Number (This is the number on your card):

Status:

- |  |   |
|--|---|
| <input type="checkbox"/> Student                                       | <input type="checkbox"/> Student at partner institution |
| <input type="checkbox"/> Applicant                                     | <input type="checkbox"/> Student with Derby Corporate   |
| <input type="checkbox"/> Former Student <input type="checkbox"/> Other |   |

Programme:

Communication is normally by letter, but we may use email during the course of the investigation. Please ensure that you check your email regularly throughout the duration of the complaint. Please note that if you are a current student we will only use your College mail account.

Address (for contact):

Telephone number:

Mobile number:

Email Address:

## About your complaint

Which Department is the main focus of your complaint:

- Business
- Hospitality & Tourism
- Health & Social Care
- Construction & Built Environment
- Electrical Engineering
- Graphic Design
- Student Support Unit
- IT Services
- Library Services
- Marketing & Admissions
- Finance Department
- Other

Do you feel that you've been subject to discrimination on the basis of:

Please select 1 or more from the following:

- Race       Gender       Disability
- Religion     Age             Not Applicable
- Sexual Orientation

**Your Complaint** - Please read the Guidance Notes (Pg. 6) before completing this section.

Details of your complaint, include as much information as possible. It may be useful to include a timeline of events. (Use further sheet if necessary)

**Is your complaint about:**

- Service (including teaching, tutorial support and assessment) or facilities?
- Unfair treatment by a Faculty or Department
- The outcome of a decision making process
- A breach of your rights as a student
- Something that does not fit into any of the previous categories
- Details of your complaint

Include as much information as possible. It may be useful to include a timeline of events.

If you've already spoken to a College staff member about your complaint please give details below:

Date:

Position:

Name:

Detail of communication and reference to any attachment:

**It is important that you attach any additional pieces of evidence in support of your complaint.**

What could remedy the situation in your view?

Please select 1 or more from the following:

- An apology
- Further explanation of reasons

- Improved services or access to services
- Reconsideration of the decision
- Change to a College policy or procedure
- Reimbursement of moneys paid, or partial fee
- Suspension or cancellation of a waiver/fine/penalty
- Other

**Please tick to confirm:**

- That you've read and understood the complaints procedure as detailed in the 3R's and that you understand that you may be asked to provide additional information to assist with the investigation of the complaint.
- That you're in agreement for the department/faculty subject to complaint to provide information about your situation to the investigator. This will include details relating to use of support services, a disability and use of disability support where relevant.

In submitting this information you're confirming that this is a true and accurate account of circumstances surrounding your complaint.

Signature:

Date:

**Please return to:** Student Support Unit

## Guidance notes:

### Section D Formal Complaint

Section D1 asks you to categorise your complaint, below are examples of what might be included in each category:

1.1 A complaint about services might include:

- Unsatisfactory quality of service or facilities
- Temporary or permanent unavailability of services or facilities
- Denial of service or facilities
- Inequality in access to services or facilities
- Inaccessibility of services or facilities (for example, not sufficiently advertised, physically inaccessible, delayed provision, too costly, inappropriate to your needs)

1.2 A complaint about unfair treatment by a Department might include:

- Not being listened to properly or being given a chance to put your side of an issue
- Conscious or unconscious bias or prejudice on behalf of a decision maker
- Not following published processes
- Being treated differently from others in the same situation
- Delay in reaching a decision or insufficient notice of a decision being taken
- Change in the rules not explained or notified
- Other

1.3 A complaint about the outcome of a decision-making process might include:

- That in your view the decision is unreasonable, because of its effect
- That the reasons given for the decision were inadequate
- That the decision failed to take into account something important
- That the decision took into account something irrelevant or incorrect
- That the decision is too harsh, given the circumstances or fails to adequately address the seriousness of the situation
- Other

1.4 A complaint regarding a breach of your rights as a student might include:

- Discrimination
- Misuse of personal data
- Failure to respect rights outlined in the 3R's
- Other

**Before submitting the form, please check:**

- Have you sought advice on pursuing your complaint?
- Have you completed all the required questions?
  - Have you included all the evidence needed to demonstrate the circumstances of your complaint?

**The End**