

# Academic Policies and Procedures



UNIVERSITY  
CENTRE  
SOUTH DEVON

[ ] South Devon College

HIGHER EDUCATION

## (HEAPP1) Student Service Complaints Procedure v5.0



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# Student Service Complaints Procedure

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## 1. Introduction

The College is committed to ensuring that students have the opportunity to raise complaints without risk of disadvantage or retribution. Each case will be considered on its own merits and in accordance with the College's policies and procedures, with regard to the evidence and circumstances presented. Complaints will be treated constructively and promptly with fairness and consistency. The College will ensure details of your complaint remain confidential to the parties concerned. The Student Complaints Procedure is in keeping with *The good practice framework: handling student complaints and academic appeals* published by the Office of the Independent Adjudicator (OIA) and *UK Quality Code for Higher Education - Advice and Guidance: Concerns, Complaints and Appeals* published by the QAA.

Students can obtain free, independent and confidential advice and support about a complaint from the College Helpzone.

This procedure applies to all students on Level 4 and above programmes, including students on Higher and Degree Apprenticeships

## 2. Should you raise a concern and make a complaint?

Raising a complaint under this procedure may not be the best, most appropriate or quickest way to deal with a problem. Before raising a concern or a complaint under this procedure please consider the questions below and the alternative routes available for raising a complaint.

This Policy should only be used for complaints that relate to services issues provided by South Devon College, for example but not limited to:

- misleading or incorrect information in a prospectuses or promotional material;
- concerns about the administration of programmes;
- poor quality facilities, learning resources or other services provided by the College

For complaints relating to academic matters, such as the college failure to provide obligations including those outlined in the programme specification and the delivery of programmes, students should follow the [Academic Complaints Policy](#).

### Are you dissatisfied with aspects of your course?

- Issues or problems can be raised directly with the module leader, your personal tutor, programme leader or Head of Curriculum or at Programme Committees, and Student Consultative Forum's.
- Consult with the HE Quality Office who can deal with matters directly or signpost and advise on who to raise your complaint with.
- Module evaluation exercises are a way to provide constructive feedback as is the annual Student Perception Questionnaire.

## Is your complaint about alleged misconduct or harassment either by another student or a member of staff?

You should normally follow the Anti-Bullying and Anti-Harassment Policy and Procedure which sets out who you should speak to.

If the complaint relates to bullying and harassment by a student, then the matter will be investigated using the Student Code of Conduct and Disciplinary Procedure, which can be found [here](#) or by emailing [University@southdevon.ac.uk](mailto:University@southdevon.ac.uk).

If the bullying and harassment is in relation to a member of staff then the matter will be investigated using the Anti-Bullying and Anti-Harassment Policy. Further information on the College's approach to Bullying and Harassment can be found [here](#) or by emailing [University@southdevon.ac.uk](mailto:University@southdevon.ac.uk).

### Issues that can be considered under the Complaints Procedure<sup>1</sup>

- Service issues
- Facilities

### Issues that cannot be considered under the Complaints Procedure

- Aspects of your learning and teaching experience
- Any academic decision taken by an assessment board
- Admissions
- Complaints about bullying and harassment (see above)
- Student conduct (see above)

## 3. Who can raise a complaint using this procedure?

- Students who have completed their studies and still wish to make a non-academic complaint to the College should do so within 90 days of the end of the period of registration. The 90 days begins 5 working days after the final appeal deadline. (Please note that, as set out below, complaints should normally be made within three months of the end of the academic year in which the event(s) leading to the complaint occurred).
- Complaints by members of the public against the College should be directed to the Principalship Office.
- You cannot make an anonymous complaint.

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<sup>1</sup> These lists are not exhaustive.

The College will always treat your concern or complaint with appropriate sensitivity; information will be disclosed only to those who need to see it for the purposes of dealing with your complaint. If you are still uncertain about how to raise a concern or whether you can make a complaint, please contact the Higher Education Quality Office for advice; [HEcomplaints@southdevon.ac.uk](mailto:HEcomplaints@southdevon.ac.uk)

#### 4. How to raise a complaint

If you have decided that raising a complaint under this procedure is the most appropriate step to take, there are three stages you should follow:

- The first thing you must do is raise your complaint via the Early Resolution Stage - your complaint can often be dealt with quickly and informally.
- If we cannot resolve your complaint informally, you can submit it as a formal complaint.
- Once you have received the College's response to your formal complaint, in specific circumstances, you can ask for a review.

#### 5. Early Resolution Stage

##### What you need to do

- Consider whether it would be better to raise your complaint with your module leader, personal tutor, programme leader, Head of Curriculum, Assistant Principal, or designated substitutes or alternatively,
  - Raise your concern, preferably in writing to [HEComplaints@southdevon.ac.uk](mailto:HEComplaints@southdevon.ac.uk)
- The complaint will then be referred to the appropriate member of staff  
Please note that you will be required to provide evidence of completing the Early Resolution Stage if you want to make a formal complaint.*
- Raise the complaint as soon as your concern arises (and no later than 90 days of the concern arising).
  - When raising your complaint make clear your preferred outcome.
  - You may be asked to attend a face-to-face meeting with the person considering your complaint, where the circumstances make this appropriate. You are entitled to bring a member of the College community to the meeting for support. You will not be entitled to bring a legal representative to the meeting. Normally, consideration of your

complaint will be by correspondence and written evidence only.

- You can take advice from the [Helpzone](#)

### What you can expect

- If you raise your complaint via email you will receive an acknowledgment normally within 10 working days with details of who will be dealing with your complaint.
- The member of staff dealing with your complaint will either provide a written response to your email or offer to meet you to discuss your complaint normally within 15 working days of your receipt of the acknowledgment. You can request a meeting to discuss the complaint further following a written response.
- If the response is likely to be delayed, you will be told why.
- Where you attend a meeting to discuss your complaint, the member of staff dealing with your complaint will send you a brief summary of the discussion, including the proposed resolution, normally within 5 working days of the meeting. If you don't agree with the summary, you can submit your own summary of the meeting, within 5 working days of receiving the summary, to be included in the case file.

## 6. The Formal Complaint Stage

If you are not satisfied with the proposed resolution after raising your concern, you can raise a formal complaint by completing a formal complaint form. Your complaint will only be considered once you have completed this form. This is an electronic form which will be automatically sent to the HE Quality Office once you have completed and submitted it.

### What you need to do

- You *must* complete the formal complaint form and submit it, and any supporting evidence, within 10 working days of receiving the response following the Early Resolution Stage.
- You must explain how you have attempted to resolve your concern at the Early Resolution Stage and why you remain dissatisfied.
- You must provide evidence to the formal complaint form confirming that the matter has been raised via the Early Resolution stage. Only in exceptional circumstances, that you are able to demonstrate, will a formal complaint be accepted without evidence of the completion of the Early Resolution Stage.

- You must raise all matters of complaint and put forward all supporting evidence at this stage, as you will not be able to raise new matters at the Review Stage. Additional evidence will not be permitted at the Review Stage unless you can show good reason why the evidence/information was not available at the Formal Complaint Stage.
- You may be asked to attend a face-to-face meeting with the member of staff investigating your complaint, where the circumstances make this appropriate. You are entitled to bring a member of the College community to the meeting for support. You will not be entitled to bring a legal representative to the meeting. Normally, consideration of your complaint will be by correspondence and written evidence only.
  - a. You can take advice from the [Helpzone](#) at any stage of the process.
  - b. You can seek support for your wellbeing during the complaint process for the HE Wellbeing and Support team

### **What you can expect**

- You will receive an acknowledgement of your complaint from the HE Quality Office within 5 working days.
- Your complaint will be directed to the Head of Higher Education and Academic Registrar, or designated substitute at South Devon College.
- You will receive an acknowledgement from the member of staff investigating your complaint normally within 5 working days of it being sent to them. Where relevant, this will include the name of any nominee appointed to investigate your complaint.
- The person investigating your complaint will consider your form, any supporting information you have included with it and gather any further information they require. The investigator will discuss your complaint with any individual directly concerned with the complaint you have raised.
- Where you attend a meeting to discuss your complaint you will receive a summary of the meeting normally within 5 working days. If you don't agree with the summary you can submit your own summary of the meeting within 5 working days of receiving the summary, to be included in the case file.
- You will receive a written account of the College's response to your complaint, normally within 20 working days from the acknowledgement from the member of staff investigating your complaint, which will include the outcome of the investigation and what, if any, action will be taken.



*N.B. If you submit your complaint directly to the Principal or Vice Principal, or other senior manager without having followed this procedure, it will be referred automatically (via the HE Quality Office) to the appropriate member of staff. This will inevitably lead to a delay in your concern or complaint being considered by the appropriate member of staff. The HE Quality Office will advise you that this has happened and outline the next steps you need to take.*

## **7. Review Stage**

- If you are not satisfied with the outcome of the Formal Complaint Stage, you may make a request for review to the HE Quality Office, within 10 working days of the date of the response from the College. Complaints submitted will be reviewed only if the complainant is able to demonstrate at least one of the following;
- That the College's response to your formal complaint failed to address all of the issues raised.
- That the College's response to your formal complaint failed to consider all of the evidence submitted.
- That there is evidence of bias and/or prejudice in the consideration of the complaint.
- That a procedural irregularity occurred in the consideration of your formal complaint.
- That any remedy offered is unreasonable in all the circumstances.

Being unhappy with the College's response at the Formal Complaint Stage is not sufficient grounds for the matter to be considered for review.

### **What you need to do**

- Consider whether your request meets the criteria for review as detailed above.
- Complete a Request for Review Form within 10 working days of the date of the College's response to your complaint.

### **What you can expect**

- The Head of Further Education Quality & Learning Resources, or designated substitute, will assess your request for review using the criteria detailed above. The decision of the Head of Further Education Quality & Learning Resources, or designated substitute as to whether or not to accept your request for review is the College's final decision.

- You will receive a response to your request for review normally within 10 working days of submitting your form to the HE Quality Office.
- If your request for review meets the criteria, your complaint will return to the formal complaint stage and be considered by a Complaints Review Panel, comprised of the Vice Principal Curriculum and Quality, and two further managers (or designated substitutes) not involved in the first investigation of your formal complaint. You may not request a second review of the same complaint.
- If your request for review is rejected for failing to meet one of the criteria for review, you will receive a Completion of Procedures letter. This means that the University's internal procedures for dealing with your concern have been exhausted.

## **8. What are the timeframes for making complaints?**

- Students should raise a complaint under the Early Resolution Stage as soon as the concern arises, and normally within 90 days.
- Complaints submitted more than 90 days after the issue(s) occurred will be considered only in exceptional circumstances. Exceptional circumstances are those in which the student is able to demonstrate good reason for not submitting the complaint earlier. The decision on whether or not to accept a late complaint is taken by the HE Quality Office and is the final decision of the College. A series of issues may compound themselves resulting in a complaint, the first of which may have taken place more than 90 days before the complaint is submitted. In instances such as these, the investigating manager will consider all matters which are relevant to the complaint being made.
- Students should submit a formal complaint within 10 working days of receiving a response under the Early Resolution Stage.

## **How long does the complaint process take?**

The College endeavours to answer all complaints as soon as possible. Normally the Formal Complaint process, as detailed earlier in this procedure, will be completed within 90 days, in accordance with guidance from the Office of the Independent Adjudicator, from the date that a student submits a complaint. If a complaint is complex it may take longer than 90 days and in these circumstances the student will be advised accordingly and provided with updates on the progress of the complaint.

## **9. External Review - Office of the Independent Adjudicator for Higher Education**

Once you have completed the University internal procedures, we will produce a Completion of Procedures letter which may advise you on any next steps available to you, depending on your qualification. This might include the Office of the Independent Adjudicator (OIA) who are the Complaints ombudsman for Higher Education

This must be done within 12 months of the date of the Completion of Procedures letter you will receive once you have completed the University internal procedures.

Further information is available via [the OIA](#).

## **10. Vexatious Complaints**

[The College's Vexatious Complaint Policy](#) outlines how the College will deal with complaints it considers to be persistent, harassing or disruptive.

## **11. Appendix 1 - Stage 3 Complaints Panels**

### **Preliminaries**

A Complaint Panel will consider a formal complaint only after a substantive written response has been provided by the Head of Higher Education and Academic Registrar, or designated substitute, and the complainant remains dissatisfied.

The complainant will write to the Higher Education Quality Office indicating the nature of their complaint; what remedy or explanation they have sought; why they remain dissatisfied. The Higher Education Quality Office will contact the person responsible for investigating the complaint at Stage 2 and request the pack of all the written evidence used in the original investigation and any subsequent reconsideration, together with a summary of the reasons for the decision.

The documentation will be considered by the Panel, normally at the next monthly meeting. The HE Quality Office will normally send you a full copy of all paperwork to be considered by the Panel, in advance of the Panel meeting. There may be rare occasions on which the paperwork breaches the confidentiality of another student, and on these occasions, that information will be redacted where possible or, if redaction is not possible, exceptionally disclosed to the Panel only (where such disclosure does not put the student at a disadvantage). If a Panel requests additional information during a Panel meeting, the HE Quality Office will send you a copy of this information with your complaint outcome letter.

Where a complaint is against a named member of staff, that individual has a right to provide a written statement in response to the complaint and to have that statement included in the documentation submitted to the Panel.

### **Constitution of the Panel**

A Complaints Board has been formed from staff from Curriculum and Services who are experienced in handling complaints. A Complaint Panel will be formed from members of the Board and supplementary nominees, comprising three members of College staff, one of whom will act as chair (normally the Vice Principal). Members will not be from the Department or service under complaint. The Panel will be constituted taking into account issues of gender, ethnicity and other equal opportunity considerations where possible. This may require augmentation of the membership of the Panel. The complainant will be advised of the constituency of the Panel and of the documentation to be referred to it.

### **Workings of the Panel**

The Panel will be provided with the relevant documentation collated by the HE Quality Office and will meet to consider the complaint. If the complaint deals with complex or specialist matters, access to relevant expertise will be made available.

The Panel may come to conclusions and make recommendations on the basis of the documentation alone: there is no requirement for a hearing to be held.

If, however, after considering the written material the Panel concludes that a face-to-face hearing would provide a better understanding of the issues, this will be arranged by the Higher Education Quality Office. (See section on “Hearings” below).

### **Hearings**

If a hearing is considered necessary the Higher Education Quality Office will inform the Head of Higher Education, or designated substitute, who provided the formal response at Stage 2 that they will be required to attend the hearing to explain the outcome of their original investigation. The Complainant and Manager will be permitted to arrange for appropriate witnesses to attend the hearing to support the presentation of their case. The Complainant, the Head of Higher Education and Academic Registrar, or designated substitute, and any witnesses can be accompanied by a friend or representative. Depending on the requirements for attendance at the hearing the Higher Education Quality Office will make arrangements for a suitable time and venue for all participants, normally giving ten working days’ notice for preparation for the hearing. If having called a hearing the Complainant or witnesses do not attend the Panel can elect to proceed without their presence. The Panel will determine its own procedures at the hearing but this will normally include interviewing the Complainant, the Head of Higher Education and Academic Registrar, or designated substitute, and any witnesses. A record of the proceedings of the hearing will be kept by the Higher Education Quality Office, which will be treated in confidence amongst the participants.

### **Outcomes**

The Complaint Panel will consider its conclusions and recommendations in private. A number of options are available to the Panel, including:

- To endorse the response of the Head of Higher Education and Academic Registrar
- To ask the Higher Education Quality Office to undertake further investigations to assist the Panel in coming to a conclusion.
- To uphold the complaint in whole or in part and make suggestions as to how the situation might be remedied which might include compensation. Compensation may be financial, but must reflect loss (i.e. not punitive damage)

The outcome and the reasons for it will be communicated in writing as soon as possible to the complainant and the Head of Higher Education by, the Higher Education Quality Office.

The complainant will be issued with a “Completion of Procedures” letter by the Higher Education Quality Office once the Colleges complaints procedure has been exhausted, together with information about the Office of the Independent Adjudicator for Higher Education.

The Head of Higher Education and Academic Registrar should advise all members of staff involved in the complaint of the outcome, in an appropriate manner, while recognising that the outcome relates to personal data under the Data Protection Act and is therefore subject to the confidentiality provisions of that legislation.