



Student Complaints Policy and Procedures

STUDENT COMPLAINTS POLICY AND DISCIPLINARY PROCEDURES DURING COVID-19

Panel meetings will be conducted virtually.

SCOPE OF THE POLICY

1. New College of the Humanities (the College) is committed to ensuring a high-quality educational experience for its students, supported by appropriate academic, administrative and welfare support services and facilities. However, there will be instances when students may feel dissatisfied with the teaching and learning, facilities or services provided by the College or with the way the College or its staff have acted or omitted to act in its delivery of its services.
2. This policy concerns exclusively complaints regarding the educational or facilities provisions of the College (see #12 and #13.). It does not concern allegations of staff misconduct (which should be reported directly to the Registrar and may be processed under the Staff Disciplinary Procedure (Staff Handbook)), or complaints concerning students (please refer to the Student Code of Conduct and Disciplinary Procedures and/or the Bullying and Harassment Policy).
3. In all instances where a student is unsure as to how or where to raise their complaint, they should seek advice from Student Support and Development (SSD).
4. For the purposes of this policy, the term 'student' means any individual registered with the College to study. This includes full-time and part-time students, undergraduates and postgraduates, and apprenticeship learners.
5. If it is necessary to pursue a complaint formally, this policy sets out how students may seek to have complaints addressed. The aim of this policy is to deal with student complaints as expeditiously and fairly as possible.¹
6. All complaints made by students are kept confidential. Only staff who are involved will be contacted, and they will be reminded of the strict levels of confidentiality. Students will not be penalised in any way if they make a

¹ For more information on which policy and procedures to use, please refer to paragraph 22

complaint. The documentation created from the complaint will be kept in accordance with the General Data Protection Regulation (GDPR).

DEFINITIONS

7. A complaint is defined, by the UK Quality Code,² as
"A specific query about an aspect of experience of the provider."
8. The Office of the Independent Adjudicator³ defines a student complaint as:
"an expression of dissatisfaction by one or more students about a University's action or lack of action, or about the standard of service provided by or on behalf of the University".
9. The procedures set out below can be used by students to complain about any service the College provides.

IS IT A COMPLAINT OR FEEDBACK?

10. There are several ways in which students may put across views about their learning experience and the services provided by the College. This is referred to as 'feedback'. Feedback can be provided through a number of channels, such as:
 - 10.1. Direct communication with members of staff.
 - 10.2. Through Student Representatives who can raise it at the Student-Staff Liaison Committee or Faculty Meeting.
 - 10.3. Surveys, e.g. Programme Satisfaction Surveys.
11. Complaints may relate to (though not be limited to):
 - 11.1. The teaching and learning experience of the student, e.g. quality of teaching, teaching facilities, personal tutor support.
 - 11.2. Services, e.g. computing and library service.
 - 11.3. Administrative services, e.g. Student and Academic Services (SAS), finance office, etc.
12. Examples of complaints include:
 - 12.1. Failure by the College to meet obligations including those outlined in programme or student handbooks.
 - 12.2. Misleading or incorrect information in prospectuses or promotional material and other information provided by the College.
 - 12.3. Concerns about the delivery of a programme, teaching or administration including, where applicable, that is provided by a partner.
 - 12.4. Poor quality of facilities, learning resources or services provided directly by the College.

² UK Quality Code Complaints Concerns and Appeals

³ Office of the Independent Adjudicator and The Good Practice Framework

- 12.5. Complaints involving other organisations or contractors providing a service on behalf of the College.
13. Apprentices with complaints about their apprenticeship in the workplace must refer to their own organisation's complaints and grievance policies.

WHO CAN MAKE A COMPLAINT?

14. The following people or groups can complain:
 - 14.1. Registered students.
 - 14.2. Students taking a break in their studies, or on a temporary withdrawal or on a temporary exclusion or suspension.
 - 14.3. College alumni.
 - 14.4. Groups of registered students.
 - 14.5. Former students only if the complaint could not reasonably have been brought while they were a registered student.
15. The College will not consider unsubstantiated complaints that it regards as vexatious or malicious. Complaints of this nature may result in disciplinary action under the [Student Code of Conduct and Disciplinary Procedures](#).
16. Where complaints are received anonymously or from third parties, it will be at the discretion of the Registrar to determine whether the complaint will be considered and, if so, how.

GENERAL PRINCIPLES

17. This policy has been established with the aim, where possible and appropriate, of resolving complaints informally through negotiation between those individuals who are immediately concerned with the matter and their immediate line manager. The College recognises, however, that some issues cannot be resolved by informal means and may require the intervention of outside parties. The formal stages of the policy are, therefore, available in these instances.
18. The general principles of this policy are that:
 - 18.1. Complaints will be treated seriously, as expeditiously as possible, and in a consistent fashion.
 - 18.2. Complaints will be treated in a rigorous and fair manner with sensitivity and with minimum stress to all parties concerned.
 - 18.3. Submission of a complaint will be treated with transparency and impartiality, and not lead to recrimination or adversely affect academic progression.
 - 18.4. Privacy and confidentiality will be maintained except where disclosure is necessary to progress the complaint.

- 18.5. Complaints will be dealt with having due regard to UK legislation.⁴
- 18.6. Students who are unsatisfied with the outcome, after exhausting the College's procedures, can contact the Office of the Independent Adjudicator (OIA).
- 18.7. The complaints procedure will normally be completed within 90 calendar days of the start of Stage 2 procedures.
- 18.8. Apprentices may also raise their apprenticeship concerns, complaints and enquired with the Education & Skills Funding Agency (ESFA), by contact the apprenticeship helpline. The ESFA Guide to making a complaint can be found [here](#). The Helpdesk can be contacted by phone on 0800 150600 or via email [here](#)

WHAT TO DO IN THE CASE OF A COMPLAINT

19. A complaint will not normally be investigated if a period of three months has elapsed since the alleged action, which is the basis of the complaint, although the Registrar may exceptionally allow such a complaint to proceed.
 - 19.1. The policy contains the following stages.
 - 19.1.1. Stage 1: Informal discussion(s) of the complaint with the individual(s) directly involved.
 - 19.1.2. Stage 2: Formal Complaints Procedure.
20. For the purposes of this policy:
 - 20.1. The person(s) making the complaint will be known as the complainant(s).
 - 20.2. The person who is being complained about or the College will be known as the complainee.
21. At any point, a request for mediation made by the complainant or complainee can be instigated. Mediation will only occur with the agreement of all parties involved, and the formal complaints procedure will be suspended while mediation takes place.

PROCEDURES⁵

STAGE 1 INFORMAL PROCEDURE

22. It is recommended that, where possible and appropriate, a complainant should attempt to resolve the situation informally in the first instance. An informal approach can often resolve the complaint quickly. Advice on how to approach and resolve the matter informally and directly can be obtained by reading '**Guidance for Resolving an Incident**' (available on the College's VLE). The College recognises that an informal approach may not be appropriate for the resolution of all matters.

⁴ GDPR 2018; The Consumer Rights Act 2015; Consumer and Marketing Authority

⁵ ANNEX A

23. A complainant may wish to contact the SSD or another member of staff to seek advice and/or support.
24. When taking individual action, the complainant should try to:
 - 24.1. Contact the member of staff concerned at the earliest opportunity.
 - 24.2. Pick a time and a place where the issue(s) can be discussed privately and without interruption.
 - 24.3. Clearly identify the issue(s) they want to discuss.
25. Complainants who do not wish to speak directly to those involved may wish to write their complaint in a letter addressed to those involved or seek third-party intervention from an appropriate person. The SSD or the Personal Tutor (PT) can advise on who is an appropriate person.
26. The third party will seek to resolve the situation by:
 - 26.1. Meeting with the parties separately to discuss the matter.
 - 26.2. Facilitating a meeting between the parties to jointly reach agreement on the way forward.
27. The complainant may be accompanied by a friend or a Student Union representative to any meetings at this stage.⁶
28. The complainant is advised to keep a written record of the meeting.

STAGE 2: FORMAL PROCEDURE

29. If the informal procedure does not resolve the matter, or is inappropriate, the complainant can initiate formal procedures.
30. All formal complaints are made in writing by completing the '**Reporting an Incident Form**' (available on the College's VLE).⁷ Guidance on **How to Complete an Incident Form** is also available on the College's VLE. The completed form and accompanying documentation should be emailed to the Registrar who will log and acknowledge receipt.
31. Within 10 working days of the receipt of the complaints form, the Registrar will appoint a Preliminary Investigator (PI). The PI will inform the complainant whether the matter falls within the remit of this policy, and if it does not, they will advise of the correct policy and procedures to follow.
32. The PI will carry out a preliminary investigation of the case and assess whether a potential *prima facie* case exists.
33. The PI will contact the complainant to:
 - 33.1. Provide a summary of the complaint to confirm that the PI has understood the matter correctly.
 - 33.2. Request further information and documents if necessary.
 - 33.3. Answer any questions.

⁶ Members of staff may be accompanied by a colleague and the complainant may be accompanied by a friend or a member of the Student Union.

⁷ Usually within three months of the alleged action see #19.

- 33.4. Inform them that witnesses, where relevant, will be contacted and requested to submit a full statement to the PI within five working days.
 - 33.5. The PI will consider the submitted documents and decide on a balance of probabilities whether a potential *prima facie* case exists.
 - 33.6. Where no *prima facie* case has been found to exist, the Registrar will contact the complainant, informing them that no *prima facie* case has been found to exist and therefore the case is not proceeding. In this case, the complainant has the right to have the evidence reviewed by the Student's Complaints Panel (SCP). The complainant must make this request in writing to the Registrar within three working days.
34. Where a potential *prima facie* case has been found to exist, the PI will:
- 34.1. Contact the complainant informing them that:
 - 34.1.1. A potential *prima facie* case exists (this does not mean the complaint has been justified) and informing them of the next steps.
 - 34.1.2. They may request support from either a friend or a member of the NCHSU to any meetings at this stage or at the discretion of the Chair of the SCP another appropriate person.
 - 34.1.3. The complainant will be advised about confidentiality, as appropriate.
 - 34.1.4. Contact the complainee informing them of the status of the complaint.
35. As part of the further investigation, the PI may conduct meetings with the complainant, the complainee (if applicable), and/or others involved with the complaint. The procedure will be explained to the parties involved including their right to be accompanied.⁸ Notes of these meetings will be taken.
36. The PI will produce a final report of their findings within 20 working days of receipt of the complaint, except where good reason can be demonstrated for requiring a longer period, in which case the appropriate person(s) will be notified of the delay and of an expected response date.
37. The PI and the Registrar shall have the discretion to apply one or more of the following:
- 37.1. Stay the case pending the outcome of another procedure. On completion of the other procedure, the PI and the Registrar shall have the discretion to apply an outcome listed below.
 - 37.2. The complaint is not justified (not upheld). In this case the complainant has the right to have the case heard by the SCP (see #39).

⁸ Members of staff may be accompanied by a colleague and the complainant may be accompanied by a friend or a member of the Student Union.

- 37.3. The complaint is justified or partially justified (upheld) and therefore:
 - 37.3.1. The complainant will be offered an apology, and the College will explain what measure(s) will be put in place to ensure that the situation is not repeated.
 - 37.3.2. Refer the case to be considered by the SCP.
 - 37.3.3. Any other outcome that is appropriate or proportionate.

38. The PI will:

- 38.1. Contact the complainant and inform them of the outcome. If the outcome falls under #37.3.1 or #37.3.3, they will also be informed about their right of appeal.
 - 38.2. Contact the complainee and inform them of the outcome.

STUDENT COMPLAINTS PANEL

39. The complainant may request that the SCP reviews the evidence submitted by them, that informed the decision of the PI, where the PI found no *prima facie* case exists during the preliminary investigation. In this case the procedure is as follows:
 - 39.1. The SCP will consist of three members of staff, the PI and two others selected by the Registrar. The Registrar shall appoint the Chair of the SCP. The Registrar will consider the composition of the SCP with the information available at the time.
 - 39.2. The SCP will review the submitted evidence.
 - 39.3. On completion of the review the SCP will:
 - 39.3.1. Uphold the decision of the PI. In this case the matter is closed.
 - 39.3.2. Overturn the decision and instruct the PI to continue with the preliminary investigation.
 - 39.3.3. Should participate in the whole process for the final decision to be valid.

STUDENT COMPLAINTS PANEL PROCEDURE

40. The SCP will hear cases that have been referred by the PI following a full preliminary investigation. In this case the procedure is as follows:
 - 40.1. As soon as possible after the preliminary investigation, the complainant will be invited to attend a meeting with the SCP.
 - 40.2. The SCP will consist of the Head of Quality Assurance (HQA) (or nominee) and two others, from a group of staff, approved by the Registrar. The Registrar will consider the composition of the SCP with the information available at the time. The HQA will chair the SCP and appoint a Secretary. The SCP members must participate in the whole process for the final decision to be valid.
 - 40.3. At the discretion of the Chair, the members of the SCP can attend via video link.

40.4. The SCP members:

40.4.1. Should be free of any bias or any reasonable perception of bias.

40.4.2. Should participate in the whole process for the final decision to be valid.

40.5. If, due to unforeseen circumstances, a member of the SCP is not in attendance at the planned meeting, the meeting can continue in their absence. The Chair of the SCP will explain to the parties that the meeting will continue and if the two SCP members, in attendance, reach an agreed decision, there will be no need to consult the absent member. If, however, the two SCP members do not agree, the absent member will be consulted before a decision is reached.

40.6. The parties will be requested to acknowledge receipt of the letter and their intention to attend the meeting within five working days of the Secretary's communication. If the parties do not respond within this period, the complaint may be considered in their absence.

40.6.1. Invite the complainant and, if applicable at the discretion of the Chair, the complainee, to the meeting. The parties will be advised of the date and time of the meeting.

40.6.2. The Secretary will provide the parties with:

- The membership of the SCP, and the parties reserve the right to object to the Secretary about the participation of one or more of those members provided the objection and the reason(s) for it are presented to the Secretary in writing by no later than five working days of the date of the Secretary's communication. The Registrar will either uphold or reject the objection and inform the objecting party within three working days.
- A copy of the preliminary investigation report and the evidence submitted.
- The procedural and logistical arrangements of the SCP.
- The identity of the other attendee(s) at the SCP meeting.
- The parties' right to be accompanied to the meeting by a friend or a member of the NCHSU, who will be expected to silently observe the process.

40.7. The Secretary will provide the SCP with:

40.7.1. An invitation to be a SCP member, in writing, giving a minimum notice period of 10 working days.

- 40.7.2. The procedural and logistical arrangements of the SCP meeting.
- 40.7.3. A copy of the preliminary investigation report.
- 40.7.4. Copies of the evidence submitted by both parties.
- 40.8.1 A list of witnesses who have been asked to attend the SCP meeting.
- 40.9 If either of the parties are unable to attend the SCP meeting for good reason, the meeting can be rearranged. The rescheduling of the SCP meeting requires approval from the Chair of the SCP. The request will need to be made in writing outlining the reason for the rearrangement of the SCP meeting along with supporting evidence if available.
- 40.10 It is preferable that those participating in the SCP meeting (the participants), whether as a member of the Panel, the parties or witnesses attend in person. At the discretion of the Chair, the participants can attend via video link. The Chair may accept written statements in evidence from parties, where it is impracticable for the participants to attend.
- 40.11 The SCP may deal with the case in the absence of the complainant if the complainant fails to appear without reasonable excuse or notifies the Secretary that they do not wish to appear.
- 40.12 The order of proceedings:
 - 40.12.1 Introduction of those present.
 - 40.12.2 The **complainant** shall present their case to the SCP first.
 - 40.12.3 The SCP shall have the opportunity to question the **complainant**.
 - 40.12.4 The complainant may call witnesses who shall attend only to present their evidence and to answer any questions that the SCP may put to them through the Chair. Once their evidence has been heard and there are no more questions, the Chair will have the discretion to dismiss the complainant and witnesses, in which case they are no longer required to be available for the rest of the proceedings; or request they leave the room and inform them that they may be required to return, or they remain in the room.
 - 40.12.5 The **complainee** (if in attendance) shall present their case to the SCP.
 - 40.12.6 The SCP shall have the opportunity to question the **complainee**.
- 40.13 The **complainee** may call witnesses who shall attend only to present their evidence and to answer any questions that the SCP may put to them through the Chair. Once the evidence has been

heard and there are no more questions, the Chair will have the discretion to dismiss the complainant and witnesses, in which case they are no longer required to be available for the rest of the proceedings; or request they leave the room and inform them that they may be required to return. The SCP may impose time limits on oral addresses and submissions.

- 40.14 The SCP reaches its decision in private.
- 40.15 The SCP may adjourn proceedings for a period not exceeding 20 working days in the first instance, and its findings or decision deferred accordingly.

STUDENTS COMPLAINTS PANEL DELIBERATION

- 41 The SCP has the power to dismiss the complaint, in which case the matter is closed.
- 42 The SCP will find the complaint justified or partially justified if it is considered that the evidence presented identifies, on the balance of probabilities, that the complainant has proved their case. The outcome of the SCP shall be that of the majority of its members.
- 43 The decision of the SCP, including the reason(s) for the decision, shall be communicated to the parties in writing by the Secretary, normally within five working days.
- 44 The SCP may refer the case to the Staff Disciplinary Procedures if appropriate.
- 45 The Secretary of the SCP will securely store a record of the meeting and the decision of the SCP, in accordance with the requirements of the GDPR.
- 46 If no appeal against the decision is received within ten working days, the College will issue a Completion of Procedures Letter (COP) advising that the complaints procedure has been completed and of their right to refer the case to the Office of the Independent Adjudicator.

POWERS OF THE STUDENT COMPLAINTS PANEL

- 47 In applying a remedy, the College aspires to return the student to the position that they would have been in had the circumstances not occurred.⁹ The College shall be able to propose any resolution to the complainant that it considers reasonable and is within its powers to resolve a complaint which is upheld in whole or part.

APPEALS PROCEDURE

- 48 Either party has the right of appeal. The appeal must be made, using the '**Student Appeal Form**' (available on the College's VLE), to the Dean of Faculties within 10 working days.

⁹ Putting Things Right

- 49 If no appeal against the decision is received within the time scale set out in the decision letter, the parties will be notified that the complaints procedure has been concluded and no appeal has been made.
- 50 The parties may only appeal on one or more of the following grounds, which must be specified on the Student Appeal Form:
 - 50.1 There has been a significant procedural flaw or irregularity that compromised the fairness of the process. (It shall be for the Complaints Appeal Board (CoAB) to determine whether any such irregularity or failure to observe the provision of the policy brings into question the decision of the hearing of the SCP.)
 - 50.2 New material evidence, which must be supported by explanation of why it is being submitted at this late stage.
 - 50.3 That there is a bias or reasonable perception of bias during the procedure.
 - 50.4 An outcome, decision, being unreasonable or disproportionate.
- 51 Following submission of an appeal, the Dean of Faculties (or nominee) will undertake a preliminary review of the appeal.
- 52 Where the preliminary review identifies that the appeal does not have substance within the accepted grounds for appeal stipulated in #50 the parties shall be informed of the decision in writing and the College will issue a COP advising that the procedure has been completed.
- 53 Where the preliminary review identifies that the grounds for appeal are accepted as valid, the appeal will be submitted to the CoAB.
- 54 The CoAB will consist of three persons approved by the Dean of Faculties (or nominee). No person shall sit on the CoAB if they are directly associated with the parties against which the appeal is made.
- 55 The CoAB's considerations will be limited to the grounds stated in the appeal and should not take the form of a rehearing. The CoAB will be provided with a report from the Registrar (or nominee) and/or the report from the SCP but will not, at this time, interview the appellant or witnesses.
- 56 If the CoAB is satisfied that there is sufficient evidence of substantive defect in procedures, or new material evidence, or bias, which might have resulted in wrong finding, the parties may be invited to a further hearing by a new constituted SCP.
- 57 The proceedings will be determined by the CoAB and will take such form as the CoAB determines appropriate to investigate the grounds for appeal as stated in writing by the appellant.
- 58 The CoAB may:
 - 58.1 Review the decision made by the PI and/or the SCP and either:
 - 58.1.1 Substitute such other remedy as it considers appropriate.
 - 58.1.2 Reject the appeal, in which case the original decision will stand.

- 59 The CoAB shall consider its decision and shall notify the appellant of the decision within five working days. If the decision falls under 58.1.1, the other party will be notified as appropriate.
- 60 The decision of the CoAB shall be final and no further appeal to the College may be permitted. The College will notify the parties that the internal complaints procedures have been completed.

OFFICE OF THE INDEPENDENT ADJUDICATOR

- 61 At the end of the complaints procedures, the student will receive a Completion of Procedures letter. At this point if the student remains dissatisfied, they have the right to refer the decision to the OIA, within 12 months of the date of the Completion of Procedures letter. Details are available [here](#).
- 62 The Office of the Independent Adjudicator (OIA) is an independent body set up as a result of the Higher Education Act 2004 to run a student complaints scheme. Membership of the OIA is a requirement of The Higher Education and Research Act 2017 and the Office for Students.

REPORTING , MONITORING, AND REVIEWING

- 63 The Registrar will report to Academic Board statistical information relating to student complaints and outcomes on an annual basis.
- 64 Academic Board will monitor the data and make recommendations as appropriate.
- 65 Academic Board will review the policy and procedures for their effectiveness.

DESIGNATED CONTACT REFERENCES

- 66 For advice as to how or where to raise a complaint the student should seek advice from the SSD.
- 67 For complaints regarding the SSD, the student should contact the Registrar.
- 68 For complaints regarding the Registrar, the student should contact the Dean of Faculties of the College.
- 69 For complaints regarding the Dean of Faculties of the College, the student should contact the Chief Executive Officer.

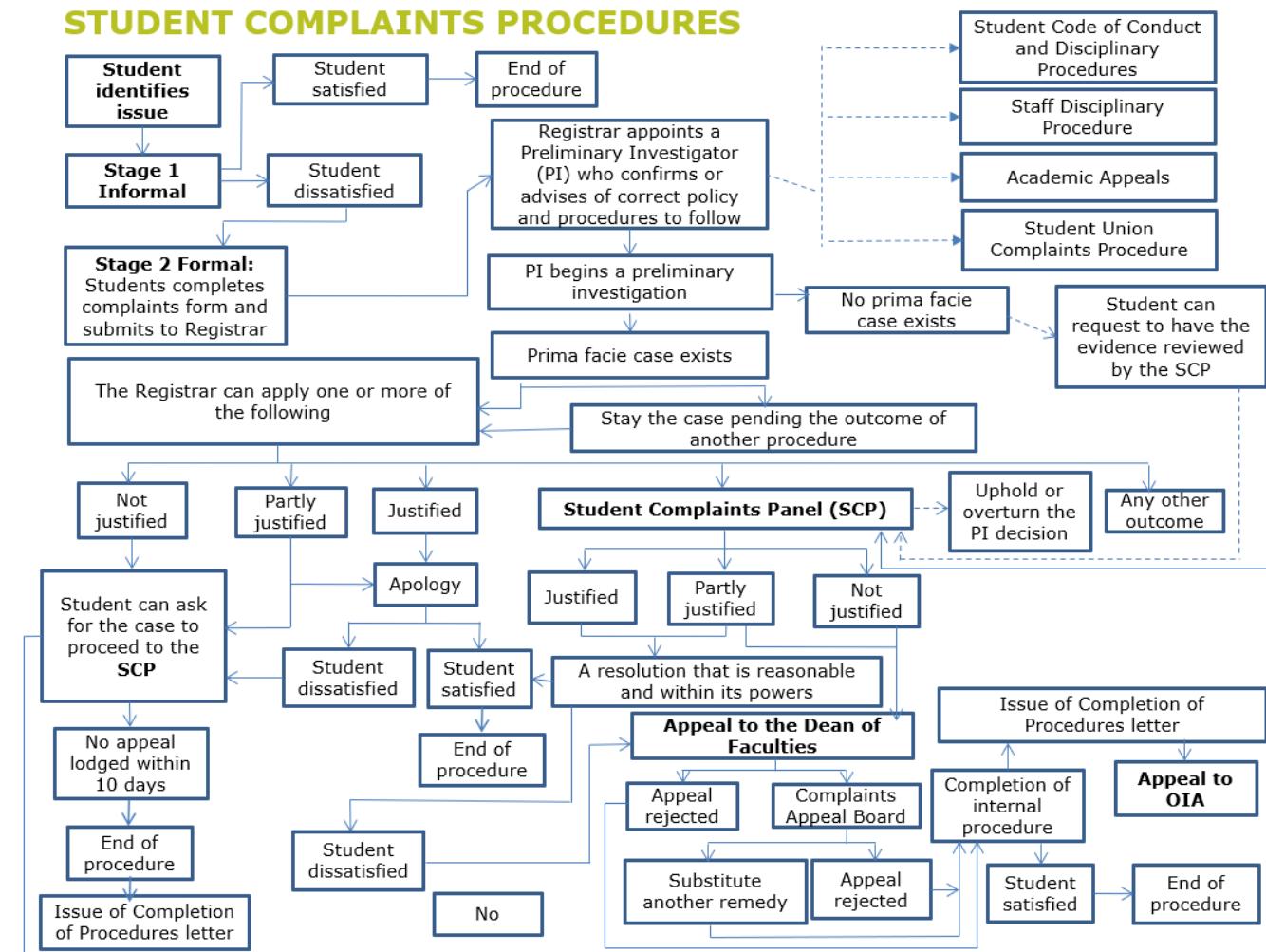
AREAS OF COMPLAINT NOT COVERED BY THIS POLICY

- 70 For any complaints regarding academic appeals, the student should refer to the Academic Appeals Policy and Procedures.
- 71 For concerns about interactions with (an)other student(s) in residences, the student should contact the residence's manager.

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- 72 For concerns about the NCH Student Union, the student should refer to the President of the Student Union.
- 73 For concerns about the behaviour of (an)other student(s), the student should inform the SSD or their Personal Tutor who will consider whether to refer the matter to the Student Code of Conduct and Disciplinary Procedures.
- 74 For students on degree apprenticeship programmes, details of complaints will not be shared with the employer. If the complaint is about the employer, the company complaints policy should be referred to and used.
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Title: Student Complaints Policy and Procedures					
Approved by: Academic Board					
Version number	Date approved	Date published	Owner	Location	Proposed next review date
6.2	May 2021	May 2021	Head of Quality Assurance	Academic Handbook; Policies and Procedures; General	April 2023
6.1	October 2020	October 2020	Head of Quality Assurance	Academic Handbook; Policies and Procedures; General	April 2023
6.0	September 2020	September 2020	Head of Quality Assurance	Academic Handbook; Policies and Procedures; General	April 2023
5.2	December 2019	December 2019	Head of Quality Assurance	Academic Handbook; Policies and Procedures; General	April 2022
5.1	October 2019	October 2019	Head of Quality Assurance	Academic Handbook; Policies and Procedures; General	April 2022
5.0	May 2019	June 2019	Head of Quality Assurance	Academic Handbook; Policies and Procedures; General	April 2022
4.1	January 2018	January 2018	Head of Quality Assurance	Academic Handbook; Policies and Procedures; General	July 2019
Referenced documents	Student Code of Conduct and Disciplinary Procedures; Academic Appeals Policy; Staff Disciplinary Procedure; Academic Appeals Policy				
External Reference Point(s)	UK Quality Code Theme: Concerns, Complaints and Appeals; General Data Protection Regulation (GDPR); Office of the Independent Adjudicator; The Higher Education and Research Act 2017; Higher Education Act 2004; Office for Students; EFSA				

ANNEX A: STUDENT COMPLAINTS PROCEDURES FLOWCHART¹⁰



¹⁰ Apprentices may also contact the Apprenticeship Helpdesk on 08000 150400 or by email at nationalhelpdesk@apprenticeships.gov.uk