

# Student Complaints Procedure

<b>Approving committee:</b>	Academic Board
<b>Minute reference:</b>	A/1/19/3 (following approval by Chair's Action in Aug 2018)
<b>Document owner:</b>	Academic Services - Education Policy and Quality
<b>Key Contact(s):</b>	Stuart Bell; Hilary Glover
<b>Date of Equality Impact Assessment:</b>	29/08/2018
<b>Equality Impact Assessment Outcome:</b>	Positive impact
<b>Latest review date:</b>	19/07/2021
<b>Next review date:</b>	31/07/2024

## 1. Introduction

1.1. For the purpose of this procedure, a complaint is defined as "an expression of dissatisfaction by one or more students about the ICR's action or lack of action, or about the standard of service provided by or on behalf of the ICR".

1.2. The ICR aims to balance the rights of the student Complainant and those of any person complained against; all parties will be treated with dignity and respect. The Complainant should not expect to suffer any reprisals for making a complaint in good faith, and any evidence of recrimination should be brought immediately to the attention of the Registrar. If, however, a complaint is judged to be discriminatory, malicious or vexatious, the Complainant may be subject to disciplinary procedures.

1.3. This procedure includes information on three possible stages of dealing with complaints:

- Informal resolution: Where local resolution is sought, before embarking on the formal complaints procedure.
- Formal complaint: Where an informal resolution is not achieved or appropriate, a formal procedure is followed.
- Review stage: Where a student is unsatisfied with the outcome of the formal complaint stage, the issue can be escalated to a higher body within the ICR to review whether the appropriate procedure was followed and the outcome is reasonable.

1.4. Alternative trained and experienced members of staff may be nominated by the Registrar to take on any of the roles detailed in this procedure, in the event that those named have had any previous involvement in the matter, or could be reasonably perceived by the student to be biased, or are unavailable at the time of the investigation. Consideration of the individuals who will undertake roles at each stage should be considered at the start of the process, so as to ensure appropriate members of staff will be available to cover later stages.

1.5. Reasonable adjustments will be made to this procedure to enable students with disabilities to engage with equal opportunity.

## 2. Complaint vs appeal and related procedures

2.1. The Student Complaints Procedure should be used by students who have concerns regarding academic issues such as teaching or supervision; a service or facility provided by the ICR; information provided about courses; or other deficiencies in the student learning experience.

2.2. Other issues may be more appropriately dealt with under alternative procedures, such as those for bullying and harassment or relevant appeals procedures.

2.3. For cases of dissatisfaction or concern about the decision or outcome of an examination that forms a part of a programme at the ICR leading to award, the Academic Appeals Procedure should be followed. 2.4. For cases of dissatisfaction or concern about a non-academic decision, such as decisions not to grant suspension of regulations, interruption of studies or special examination arrangements, the Review Procedure should be used.

2.4. For cases involving bullying or harassment where allegations are made to a member of staff at the ICR, the Challenging Bullying and Harassment Policy must be followed. For allegations made against a student, the Student Disciplinary Policy should be used.

2.5. Available policies can be found in the [Nexus policy library](#).

2.6. The complaints procedure may not be used to pursue any matter under investigation via other procedures.

2.7. If issues are raised that would require consideration under multiple procedures, students will be notified as to which issues will be considered under which procedure, and the implications of this e.g. if one procedure will be suspended pending the completion of another.

### **3. Who can make a complaint?**

3.1. Current ICR-registered students and students whose registration has ended within two months of the incident to which it relates are covered by the complaints procedure. Meetings may be held by video-link/Skype as appropriate.

3.2. A complaint may be submitted by an individual or by a group. Where a complaint is submitted by a group of students, all Complainants must sign to confirm that the complaint reflects their concerns and that they agree that a nominated spokesperson will deal with the complaint on their behalf, including receiving correspondence and attending any meetings or mediations. The spokesperson may not be accompanied at meetings or mediations by more than one other member of the group.

3.3. Anonymous complaints are not covered by this procedure, but will be dealt with in accordance with the ICR's Whistleblowing (Public Interest Disclosure) Policy and Procedure, or the ICR's Challenging Bullying and Harassment Policy and Procedure, as appropriate.

3.4. Where a student is also a member of staff at an external organisation e.g. an NHS Trust, complaints regarding the employer should be pursued via the employer's policies and procedures, unless they are directly related to the student's studies.

3.5. A Complainant (or the spokesperson of the group) has the right to be accompanied and supported at any meeting by another ICR-registered student (such as a member of the ICR Student Committee) or a member of ICR staff.

### **4. Timescales**

4.1. The ICR expects a complaint to be made within two months of the incident to which it relates.

4.2. Complaints submitted outside of this timeline will not be considered unless there is a valid reason for delay, which will be judged on a case-by-case basis by the Investigating Officer.

4.3. The ICR aims to process any formal complaint through the formal complaint and review stages within 90 calendar days. The 90 calendar day timeframe requires Complainants to comply with any timescales set down in this Procedure. There will occasionally be circumstances when, for good reasons, the ICR will need to extend the timeframe for this process, or for part of the process, and in these circumstances the Complainant will be notified and kept updated as to the progress of their complaint.

## **5. Complaints involving other academic partners/providers**

5.1. Where other providers or organisations are involved in the delivery of learning on specific degree programmes (e.g. collaborative PhD programmes), a student's Collaborative Educational Agreement will outline obligations and responsibilities of each party, including arrangements for handling of student complaints.

5.2. If it is unclear which party should handle the complaint, it should be made initially to the institution at which the student is registered for their degree.

## **6. Confidentiality and monitoring**

6.1. Appropriate and proportionate written records will be kept by the relevant supporting member of the Registry team (the 'Case Handler') throughout the process and stored confidentially in accordance with the ICR's policies on record retention and data protection legislation. 6.2. Details of the complaint will be kept confidential to those involved in dealing with it, subject to any subsequent disciplinary action.

6.2. Anonymised data will be recorded and reported for monitoring purposes. To this end Registry maintains a log of all appeals and complaints, recording the nature and outcome of each incident; the programme it concerned; the relevant part of the course concerned; the gender and ethnicity of the Complainant (where known). Changes following successful complaints that affect the student body as a whole, or a significant section of it, will be publicised in an anonymised way to all students.

6.3. Where a Complainant's personal data requires processing in the context of an investigation and resolution of a student complaint, personal data will only be disclosed to those persons who need such data for the purposes of conducting the investigation.

6.4. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required and to enable the administration, investigation, decision-making process to take place.

6.5. Documentation generated in the course of an investigation under the procedure will be disclosed in full to the student Complainant except where information relates to an individual who has not consented to the disclosure of personal data. 6.4. The ICR's Academic Board is responsible for monitoring student complaints.

## **7. Informal resolution**

7.1. Many complaints can be resolved at an informal and/or local level. The ICR strongly encourages informal resolution. Students wishing to pursue the formal complaints procedure will be expected to have engaged in attempts for an informal resolution first where appropriate.

7.2. Students who wish to raise an issue informally should do so as soon as possible after the event to which the complaint relates. They may do so via email by phone or face-to-face.

7.3. Generally, complaints are most easily resolved through discussion with the person(s) involved. [The OIA's Good Practice Framework](#) provides useful guidance on approaches to resolve complaints informally.

7.4. The sources of support available to students can be found in the relevant Student Handbooks, available on [Nexus](#) (for research degree students) or the virtual learning environment (for taught courses students).

7.5. Students may also wish to raise the issue with relevant academic and/or administrative staff members, who can advise on the best means for the resolution of the complaint. The list below suggests appropriate members of staff that students might consult to identify a means to resolve the complaint informally:

#### **Research Degrees students**

Primary Supervisor

Secondary Supervisor

Head of Division

ADT rep (e.g. Senior Tutor)

Deputy Dean

Member of Registry e.g. Research Degrees Manager, Head of Registry Operations

#### **Taught Course students**

Course Director

Senior member of Registry e.g. Head of Registry Operations

Course Manager

7.6. During the informal resolution stage, students may be offered the option of mediation. Mediation is a voluntary process where an impartial third party helps to resolve issues confidentially. Mediation is usually provided by the ICR's Head of Organisational Development.

7.7. Mediation remains an option at all stages of the complaints procedure, and if it is utilised during the formal stage of the complaints procedure, timescales may need to be adjusted.

7.8. If the student has not found a satisfactory resolution informally or the informal route is not appropriate, they should submit a formal complaint.

7.9. Any actions taken centrally to consider and resolve the complaint and the outcome of the informal stage will, when proportionate and appropriate, be documented and communicated to the student. A copy will be recorded in the student's personal file, with their permission, and will be accessible to those dealing with any formal complaint at a later stage.

## **8. Formal Complaint**

8.1. Formal complaints are normally made only if informal approaches fail to resolve the matter satisfactorily. If issues raised are complex and require detailed investigation, an informal approach may not be suitable.

8.2. Students should seek advice from Registry – via phone or [researchdegrees@icr.ac.uk](mailto:researchdegrees@icr.ac.uk) – as to whether the formal complaints procedure is appropriate, or whether an alternative procedure is more suitable e.g. appeals, bullying and harassment.

8.3. The formal complaint should normally be lodged within as soon as possible and no more than two months of the incident it concerns. Complaints submitted later than this will be considered on a case-by-

case basis and only accepted if the reason for the delay is considered acceptable by the Investigating Officer.

8.4. Formal complaints should be submitted, by email, to [studentcasework@icr.ac.uk](mailto:studentcasework@icr.ac.uk). Once the issue is raised formally, the relevant member of Registry staff should begin to keep a confidential record of the case as above.

8.5. Upon receipt of the complaint, the Case Handler (a senior member of Academic Services staff) will undertake an initial evaluation, to check that the complaints procedure is appropriate, that it has been submitted within the deadline, and in the required format. Further clarification, and a request for the relevant evidence, may be raised with the student Complainant if necessary.

8.6. The Complainant will be notified of the outcome as soon as possible, and usually within a maximum of five working days from the date the letter was received.

**Possible outcomes are:**

8.6.1. The student is referred to a different, more appropriate procedure

8.6.2. The complaint is rejected as it has been submitted too late (without acceptable justification for the delay)

8.6.3. The complaint is accepted.

8.7. If the complaint is accepted, Case Handler, will send a copy of the complaint to the Investigating Officer, normally the Registrar or Deputy Registrar or named nominated alternative; this marks the start of the formal stage of the complaint.

8.8. If a complaint is rejected as per 8.6.2, a Completion of Procedures letter will be issued.

8.9. The Investigating Officer is responsible for conducting an investigation once a complaint is accepted.

8.10. In the interest of transparency and fairness, investigations will be conducted through a process of open correspondence, subject to data protection legislation and unless there are specific reasons for any information or communications to remain confidential. The Complainant (and anyone accompanying them to meetings) will be entitled to receive copies of all evidence gathered, such as witness statements and notes from meetings (see 8.11). Similarly, if the complaint is against a member of staff, they will be entitled to see all the relevant documentation including notes of the meeting between the Complainant, or other appropriate persons, and the Investigating Officer. This transparent approach should be highlighted to anyone asked for evidence, witness statements or invited to meetings during the investigation.

8.11. Upon receipt of the complaint, the Investigating Officer will conduct the investigation by:

8.11.1. writing, usually within ten working days from the date the complaint was received, to any members of staff involved, informing them that a complaint has been received, providing a copy of this procedure and asking for a written response within ten working days;

8.11.2. considering the evidence, written or otherwise, and if necessary holding meetings with the Complainant and other appropriate persons in order to fully investigate the complaint. Types of evidence may include independent medical evidence, reports by professionals, financial

information or witness statements. Complainants have the right to be accompanied to any meetings by another individual as described in section 3.5.

8.11.3. writing a report based on their investigation which outlines the process followed, the information gathered, the conclusions drawn and any recommendations.

8.12. The Investigating Officer will consider whether a panel should be convened to consider the investigation report, and a panel hearing held. In determining whether to call a panel hearing, the Investigating Officer will consider the complexity of the complaint, and whether such action is proportionate to the matter with which the complaint is regarding. They are entitled to consult on whether a panel hearing is required with a senior member of staff not involved in the complaint or investigation.

8.13. If the Investigating Officer determines that a panel is not needed, the investigation report will be shared with the Complainant and all those involved, and the outcome of the formal procedure will be communicated as in 8.16 - 8.20.

8.14. If a panel hearing is required, this will be chaired by the Investigating Officer. The Panel Hearing Procedure can be found in Annex 1.

8.15. Having fully investigated the complaint, the Investigating Officer and/or the panel shall decide whether:

(a) there is reasonable justification for upholding the complaint;

or

(b) there is no reasonable justification for upholding the complaint.

8.16. The Investigating Officer shall make the decision known in writing, with reasons, to:

(a) the student;

(b) any staff members involved in the investigation, including Registry;

(c) (for research degree students) the Primary Supervisor, Secondary Supervisor and any other appropriate members of the supervisory team.

8.17. This correspondence, will provide information about:

- the student's right to take the complaint to the review stage;
- the grounds on which they can do so;
- the time limit for escalating to the review stage (Stage 2);
- the appropriate procedure;
- where and how to access support and
- the option to request a Completion of Procedure letter. The letter must explain that the student has not completed the ICR's internal processes. (See [OIA guidance on issuing Completion of Procedures letters.](#))

- 8.18. A copy of this correspondence shall normally be kept in the student's file as well as in the case file.
- 8.19. Where the complaint is upheld, the Investigating Officer shall seek to resolve this through recommendations which all parties involved in the complaint shall be invited to accept and which shall be implemented within an agreed time period.
- 8.20. If the student is not satisfied with the outcome they will be offered mediation before moving to the Review Procedure for Non-Academic Appeals.

## 9. Further review and final redress

- 9.1. Where the student is not satisfied with the outcome the formal complaint, they may submit a Review Form within 21 working days of receipt of written notification of the outcome of the formal complaint procedure to request that the decision is referred to the Review Procedure for Non-Academic Appeals. The student should explain why they feel dissatisfied with the outcome and what remedy they seek.
- 9.2. If the conclusion of the Review Procedure is to refer the complaint back to the formal stage for reconsideration, this should be concluded as soon as possible and, where practicable, within the 90 calendar days timeframe.
- 9.3. Once a decision has been reached following the reconsideration of the formal complaint, a Completion of Procedures Letter will be issued, which will include: i) the date of the end of the ICR's internal complaints procedure; a summary of the issues considered under the complaints procedure; advice on the right of the Complainant to submit a complaint to the Office of the Independent Adjudicator (OIA), within 12 months of the date on the letter.

The OIA provides an independent scheme for the review of student complaints about a final decision of a higher education institution's disciplinary or appeal bodies. Full details of the OIA scheme are available from the Registry or on the OIA website: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>.

## 10. Post-investigation follow-up

- 10.1. The ICR does not tolerate victimisation and any such instances will be dealt with as a disciplinary matter. This includes circumstances where a Complainant or any other person supporting a complaint or Complainant is subject to a detriment by any other person because of their involvement in a complaint. The Registry will contact the Complainant six months after the Completion of Procedures letter is issued as post-investigation monitoring and to check no unintended repercussions have affected the student. Any evidence of recrimination should be brought immediately to the attention of the Registrar.

# Annex 1

## Panel Hearing Procedure

- A1.1. A Panel will normally comprise at least three people, including one or more senior members of Faculty and if possible and appropriate a student representative nominated by the student president. No panel member should be involved in any issues relating to the complaint or have any direct links with the student. They will be invited by the Chair (Investigating Officer or nominated alternate).- The Complainant, and anyone accompanying them (see 3.5) will be invited to the hearing. A member of Registry will take notes.
- A1.2. The Panel Hearing will normally be held as soon as possible after the investigation is complete, and no later than 15 working days after.

A1.3. All documentation pertaining to the complaint must be received by all parties, including the Complainant and anyone accompanying them, no later than ten working days before the meeting of the Panel. No further communications of any sort will be accepted for consideration by the Panel after this time except at the sole discretion of the Chair of the Panel.

A1.4. The members of the Panel will be communicated to all parties.

A1.5. The conduct at a Complaints Panel will be determined by the Chair of the Panel so the complaint is heard in such manner as they consider appropriate and fair. The Chair may wish to:

A1.5.1. Invite the Complainant to present their case and/or call on witnesses who have submitted a written statement. The Complainant, and their witnesses, may be questioned by the Panel and the person who is the subject of the complaint.

A1.5.2. Invite the subject of the complaint to present their case, respond to the Complainant's points and call witnesses who have submitted a written statement. They may also be questioned by the committee or the Complainant.

A1.5.3. Give the Complainant and the subject of the complaint the chance to summarise their case.

A1.6. Both the Complainant and member(s) of staff concerned are usually entitled to be present throughout a hearing except when the Panel deliberates on its decision. Only in exceptional circumstances, and with the agreement of all parties, may individuals be heard separately. Each party will be entitled to be accompanied during the Panel hearing by another current ICR student or member of staff.

A1.7. Once the hearing has been held, the Panel will retire to consider its decision. Both the Complainant and subject of the complaint will be asked to leave the room.

A1.8. At the discretion of the Chair, the Complainant may be permitted to attend via video-link or Skype, if they are unable to attend in person. If any party fails to attend the Panel hearing, the Panel may proceed and determine the complaint in the absence of that party.