# Student Complaints Procedure

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## 1. Introduction

1.1. This procedure has been prepared in accordance with the QAA's UK Quality Code, Chapter B9: Academic Appeals and Student Complaints[1], and with the Office of Independent Adjudicator for Higher Education's (OIA's) Good Practice Framework: handling student complaints and academic appeals[2].

1.2. 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".

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

   o Informal resolution: Where local resolution is sought, before embarking on the formal complaints procedure.
   o Formal complaint: Where an informal resolution is not achieved or appropriate, a formal procedure is followed.
   o 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. 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 malicious or vexatious, the Complainant may be subject to disciplinary procedures.

2. **Complaint versus appeal**

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. For example, the following are normally considered as appeals and not as complaints:

   2.2.1 concern about a decision made by the ICR regarding student progression, academic assessment or awards

   2.2.2 dissatisfaction about the outcome of an academic misconduct or disciplinary process.

   2.2.3 dissatisfaction about the outcome of a suspension of regulations request.

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

2.4. 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 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 Stage 1 Senior 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. Details of the complaint will be kept confidential to those involved in dealing with it, subject to any subsequent disciplinary action. 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.

6.2. 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. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required.

6.3. 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, and students wishing to pursue the formal complaints procedure will be expected to have attempted informal resolution first.

7.2. Generally, complaints are most easily resolved through discussion with the person(s) involved. 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, phone or face-to-face. Information on the sources of support available to students can be found in the relevant Student Handbooks, available on the intranet (for research degree students) or the virtual learning environment (for taught courses students).

7.3. Alternatively, students may 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
- Back-up Supervisor
- Head of Division
- ADT rep (e.g. Senior Tutor)
- Deputy Dean
- Member of Registry e.g. Registry Officer, Head of Registry Operations

**Taught Course students**
- Course Director
- Senior member of Registry e.g. Head of Registry Operations

7.4. Upon receipt of an informal complaint, every effort to resolve the complaint should be made. Paragraphs 42 to 49 of the OIA's Good Practice Framework provide useful guidance on approaches to resolve complaints informally.

7.5. 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.
7.6. 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.

7.7. Where it is clear that informal resolution is not appropriate or possible, students will be directed promptly to the formal complaints procedure outlined below.

7.8. The actions taken 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 (Stage 1)

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 may wish to seek advice from Registry 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 28 working days of completion of the informal stage (if applicable). If the informal procedure has not been used, complaints should be submitted via the formal procedure as soon as possible after any incident it may concern, and no more than two months afterwards. 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 Stage 1 Senior Officer.

8.4. The Stage 1 Senior Office is responsible for conducting an investigation once a complaint is accepted.

8.5. If the Stage 1 Senior Officer named in Table 1 below was involved in the matter to which the complaint relates, the matter will be referred immediately to their named nominated alternative who will take over these responsibilities. The Stage 1 Senior Officer maintains the right to nominate a different alternative to lead the investigation e.g. in the case where neither named individuals are available.

8.6. In the interest of transparency and fairness, investigations will be conducted through a process of open correspondence, 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 8.10). 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 Stage 1 Senior Officer. This transparent approach should be highlighted to anyone asked for evidence, witness statements or invited to meetings during the investigation.

Table 1: Stage 1 Senior Officers and nominated alternative

<table>
<thead>
<tr>
<th>Formal stage</th>
<th>MPhil/PhD</th>
<th>MD(Res)</th>
<th>Taught</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 Senior Officer</td>
<td>Registrar</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Formal Complaint Procedure:

8.7. Complaints should be submitted, by email, to studentcasework@icr.ac.uk. Alternatively, a complaint may be submitted in writing via internal mail/post to Student Casework, Registry, The Institute of Cancer Research, Sir Richard Doll Building, 15 Cotswold Road, Sutton, SM2 5NG, marked PRIVATE AND CONFIDENTIAL. Upon receipt of the complaint, the Assistant Director of Academic Services (Education Policy and Quality) [ADAS (EPQ)], or other delegated senior member of Academic Services staff, will undertake an initial evaluation, possibly in consultation with the Registrar, 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. The Complainant will be notified of the outcome as soon as possible, and within a maximum of five working days from the date the letter was received.

Possible outcomes are:

8.7.1 The student is referred to a different, more appropriate procedure

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

8.7.3 The complaint is accepted.

8.8. If the complaint is accepted, the ADAS (EPQ) or other senior member of staff, will send a copy of the complaint to the Stage 1 Senior Officer (see Table 1) or named nominated alternative; this marks the start of the formal stage of the complaint.

8.9. If a complaint is rejected as per 8.7.1 or 8.7.2, a Completion of Procedures letter will be issued (Annex 1)

8.10. Upon receipt of the complaint, the Stage 1 Senior Officer will conduct the investigation by:

8.10.1 writing, 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;

8.10.2 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.

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

8.11. The Stage 1 Senior 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 Stage 1 Senior 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, if they would like a second opinion.

8.12. If the Stage 1 Senior 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 8.15 - 8.19.

8.13. If a panel hearing is required, this will be chaired by the Stage 1 Senior Officer. The Panel Hearing Procedure can be found in Annex 2.

8.14. Having fully investigated the complaint, the Stage 1 Senior 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.

8.15. The Stage 1 Senior 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, Back-up Supervisor and, if appropriate, the Onsite Supervisor.

8.16. 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

8.17. A copy of this correspondence shall normally be kept in the student's file in a sealed envelope.

8.18. Where the complaint is upheld, the Stage 1 Senior 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.

8.19. If the student is not satisfied with the outcome they will be offered mediation before moving to the review stage (Stage 2) of the formal complaints procedure.
9. Review of a formal complaint (Stage 2)

9.1. Where the student is not satisfied with the outcome the formal complaint (Stage 1), they may write to the Stage 2 Senior Officer (see Table 2) within 10 working days of receipt of written notification of the outcome of the formal complaint (Stage 1) procedure. The student should explain why they feel dissatisfied with the outcome and what remedy they seek. A request for a review may be made only on one or more of the following grounds:

9.1.1 there were procedural irregularities during the formal stage (Stage 1) which materially disadvantaged the Complainant

9.1.2 new evidence has become available which was not reasonably available during the formal stage (Stage 1).

9.1.3 the decision reached in the formal stage was unreasonable, or the compensating action agreed at that stage is inadequate in relation to the complaint.

Table 2: Stage 2 Senior Officers and nominated alternatives

<table>
<thead>
<tr>
<th>Review stage</th>
<th>MPhil/PhD</th>
<th>MD(Res)</th>
<th>Taught</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 2 Senior Officer</td>
<td>Deputy Dean (Biomedical Sciences)</td>
<td>Deputy Dean (Clinical Sciences)</td>
<td>Academic Dean</td>
</tr>
<tr>
<td>Stage 2 Senior Officer – nominated alternative</td>
<td>Academic Dean</td>
<td>Academic Dean</td>
<td>Deputy Chair of Exam Board</td>
</tr>
</tbody>
</table>

9.2. If the Stage 2 Senior Officer handled/was involved in Stage 1 of the formal complaint, request for review of the complaint should be addressed to the Stage 2 Senior Officer- nominated alternative. The Stage 2 Senior Officer maintains the right to nominate a different alternative to lead the review e.g. in the case where neither named individuals are available.

9.3. The Stage 2 Senior Officer, in consultation with the Academic Dean, will not investigate the matter afresh, but will consider the investigation report (8.10), and the following:

1. Whether the relevant procedures were followed during the formal stage
2. Whether the outcome was reasonable in all the circumstances
3. Whether the Complainant received clear reasons why the complaint was rejected at the formal stage.
4. Whether, in cases where new evidence has been provided, whether the Complainant has given valid reasons for not supplying it earlier.

9.4. The Stage 2 Senior Officer will consider whether a Review Panel should be convened, which they will chair, to consider that described in 9.3 above. Similarly to 8.11, the decision to convene a panel will be based on the complexity of the case and whether it is proportionate to the initial complaint.
9.5. A Review Panel will normally comprise at least three people, including a senior member of
Academic Services, and another senior member of Faculty not involved in any issues relating to the
complaint. The Secretary will be a member of Registry, who has not previously been involved in the
Stage 1 investigation or Panel Hearing.

9.6. If convened, a Panel would consider the information outlined in 9.3. The Panel may ask for written
clarification of evidence, but only in exceptional circumstances would any further interviews be
conducted.

9.7. The Stage 2 Senior Officer and/or the Review Panel have the power to either:

9.7.1 Uphold the complaint in whole or in part and require such remedies as necessary; or

9.7.2 Dismiss the request and confirm the decision made in the formal stage (Stage 1).

9.8. The Stage 2 Senior Officer will write to the student within 5 working days with notification of their/the
Review Panel's decision, stating the reasons. This decision is final.

9.9. At the point where there are no further steps that the student can take internally, a Completion of
Procedures Letter will be issued (Annex 1). This letter:

9.9.1 Fixes the date when the student has reached the end of the ICR's internal complaints procedure

9.9.2 Clarifies the issues considered under the complaints procedure

9.9.3 Advises of the right to submit a complaint to the Office of the Independent Adjudicator, within 12
months of the date on the letter.

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.

11. Final Redress

11.1. Where the student is not satisfied with the outcome of the process followed under the procedures
of the Institute of Cancer Research, there may be recourse to review by the Office of the Independent
Adjudicator for Higher Education (OIA). 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:
http://www.oiahe.org.uk. The postal address is: Office of the Independent Adjudicator for Higher
11.2. The time limit for bringing a complaint to the OIA is 12 months from the date the Completion of Procedures letter is issued.

Annex 1: Completion of procedures letter template

Dear [Name of complainant],

Completion of Procedures Letter

This letter confirms that the internal procedures of the Institute of Cancer Research in relation to your complaint / appeal etc* regarding [please describe] have been completed.

The issues that you raised in your complaint / appeal etc* were [details]

The issue(s) that were considered in relation to your complaint / appeal etc was / were*: [brief summary of the complaint etc]

The final decision of the Institute of Cancer Research is* [detail] because [reasons].

The procedures / regulations applied were*: [details and date as supplied to the OIA's electronic Regulations Bank].

The ICR subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome you may be able to apply for a review of your complaint / appeal etc* to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form must be received by the OIA within 12 months of the date of this letter, that is, it must be received by the OIA on or before [insert date - e.g. if the Completion of Procedures Letter is dated 9 July 2015, this date should be 9 July 2016].

[Include here any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint promptly.]

You can fill in the OIA's complaint form online or download a copy from the OIA website. [http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx]. The OIA also publishes An Introduction to the OIA Scheme for Students, which can be downloaded from [http://oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf]. Alternatively, you can telephone or write to the OIA for a form. You should send a copy of this letter to the OIA with your OIA Complaint Form.

Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website [http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx]. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

Yours sincerely,

12.1. A Panel will normally comprise of at least three people, including senior members of Faculty not involved in any issues relating to the complaint. They will be invited by the Chair (Stage 1 Senior 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.

12.2. The Panel Hearing will normally be held as soon as possible after the investigation is complete, and no later than 15 working days after.

12.3. 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.

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

12.5. 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:

12.5.1 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.

12.5.2 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.

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

12.6. 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.

12.7. 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.

12.8. Minutes will be taken at the hearing by a member of Registry.

12.9. 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.
12.10. Refer to section 8.14 onwards for the possible outcomes of the Panel hearing and next steps.

[1] UK Quality Code for Higher Education, Chapter B9: Academic Appeals and Student Complaints; Published by the QAA, Apr 2013