

13.1

Higher Education Student Concerns, Complaints & Compliments Procedure

INTRODUCTION

Colchester Institute is a large Further and Higher Education college based in North Essex. The college has been delivering degree level awards for over 50 years serving a diverse mixed-economy region.

In 2016 Colchester Institute was given authority by HEFCE and BIS to rebrand its higher education provision as University Centre Colchester (UCC). In the case of this policy, Colchester Institute's Higher Education provision will be described as University Centre Colchester (UCC). Reference to Colchester Institute will however be used when specific reference to the larger organisation of Colchester Institute is required.

University Centre Colchester (UCC) is committed to excellent service and endeavours to ensure its students' requirements are met. In order for us to improve our services we welcome compliments, comments or complaints.

We are happy to receive feedback in a number of ways which are outlined in this document however; if there are concerns we would want to ensure a swift resolution.

Initial concerns should be raised at source to allow opportunities for any issues to be quickly resolved; if matters cannot be resolved at source, the concern can be reported using the formal process.

All issues will be dealt with constructively and quickly 'without risk of disadvantage or recrimination'; each case will be considered on its own merit and in accordance with the evidence and circumstances presented. All complaints will be handled in a professional and non-confrontational manner.

Please note that, where this procedure refers to 'in writing'; electronic communication is used where possible, this supports swift communication and is in line with the organisational sustainability policy.

Principles

1. This procedure will:
 - Be fair and impartial
 - Be transparent and easy to access
 - Be flexible and timely, ensuring that concerns and complaints are dealt with as quickly as possible
 - Clearly communicate processes, decisions and the reasons behind decisions
 - Ensure that decisions are taken without actual or perceived conflicts of interest
 - Ensure an appropriate level of confidentiality
 - Include support for students
 - Use the information gathered to improve services for students and the student experience
 - Expect all involved to behave appropriately and not allow the procedures to be misused.

Confidentiality

2. Complainants may expect concerns and complaints to be dealt with confidentially and that their privacy will be respected. However it is likely that any person who is the subject of a complaint will be given the opportunity to respond as part of the investigation process. It may also be necessary to disclose information to others in order to deal with the concern or complaint however all involved in the investigation will treat all information as confidential. Information will be shared only a 'need to know' basis.
3. Where a concern or complaint has been raised against a member of staff this will be recorded and investigated, the outcome however will not be shared with the student. All complaints against staff will be held as part of the complaints file.

Advice, Support and Guidance

4. The Student Union can provide independent advice, support and guidance and representatives are permitted to accompany students to meetings at any stage of the procedure. The procedure is an internal process and does not have the same degree of formality as a court of law. It is not normally permitted for students to be legally represented at investigative meetings that may form part of the procedure.
5. If a complainant appears unable to engage effectively with the procedure, it may be necessary to suspend consideration of their concern or complaint until they have accessed appropriate support.

Timeliness

6. All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them. Formal complaints are received by the Quality Department; a nominated member of staff will provide a single point of contact. The organisation will not normally consider concerns or complaints which are made more than three months after the event/s complained about unless there is good reason for the delay. The Dean of Higher Education has absolute discretion to extend this deadline, providing that the complainant is able to demonstrate to the satisfaction of the Dean, that circumstances beyond his/her control prevented the standard time limit being adhered to.

The Quality Department will acknowledge receipt of a formal complaint within 3 working days and aim to provide a response within 10 working days. There will occasionally be circumstances when, for good reason, there will be a need to extend the timeframe. Where this is the case the student will be regularly informed of progress.

Who can complain using this procedure?

7. This procedure is available to students registered on a programme of study at UCC, wishing to raise a concern or complaint. The term 'student' includes those registered to study, registered for its awards and those who have recently left the aforementioned organisation. Those students who have recently left a programme of study may only raise issues of concern or complaint within three months after the conferral of an award or withdrawal from their programme. The Dean of Higher Education has discretion to extend this three month period where he/she considers that there are compelling reasons to do so.

Concerns and Complaints by third parties

8. Concerns and complaints submitted via a third party will not normally be accepted. However, it is recognised that some individuals may be unable to raise a concern or make a complaint on their own. In these circumstances, concerns or complaints brought by permitted third parties (for example, a Students' Union representative or family member) will only be accepted when the individual affected has confirmed that they are happy for the organisation to communicate with a third party on their behalf.

Collective concerns and complaints

9. Where the issues raised affect a number of students, those students can submit a concern or complaint as a 'group concern/complaint'. In such circumstances, in order to manage the progression of the concern or complaint, the organisation will normally ask the group to nominate one student to act as group representative. The organisation will deal with the nominated representative only and will expect him/her to liaise with the other students.

Anonymous concerns and complaints

10. Concerns and complaints received anonymously will not normally be accepted, except where there are compelling reasons, supported by evidence, for the matter to be investigated. The details of anonymous complaints received will however be held on the central file and may be referred to and/or investigated if further complaints of a similar nature are received.

Partner Institutions

11. For students studying under collaborative arrangements, concerns and complaints should be made through the partner institution's complaints procedure.
12. If a complainant does not consider that their complaint has been satisfactorily dealt with, s/he may be able to take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA), within twelve months of the issue of the Completion of Procedures letter. Full details of the scheme are available at www.oiahe.org.uk
13. Partner institutions will share a copy of their complaints procedure with UCC and will report formally to the UCC on an annual basis in relation to student complaints in order to identify emerging issues and trends and for action to be identified as appropriate.

Concerns and Complaints involving other organisations or contractors who provide a service on behalf of the UCC

14. Concerns and complaints regarding the facilities or services of Colchester Institute Campus or any other wholly owned subsidiary are covered by this procedure and begin at stage 1 (see below).
15. If a student wishes to raise a concern or complain about the service or facilities provided on behalf of the UCC by a company not owned by the UCC, they should contact the organisation directly and follow their complaints procedure in the first instance.
16. If the complainant remains dissatisfied with the outcome of their complaint they may apply to the UCC for an internal review of their complaint in line with stage 3 of this procedure (see below).

What is a complaint?

17. In line with the QAA Quality Code, a complaint is defined 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'
18. Examples of concerns and complaints include:
 - Failure by the organisation to meet its obligations including those outlined in the module/course/student handbooks (as applicable) or the Student Charter
 - Misleading or incorrect information provided by the organisation in prospectuses or promotional material
 - Concerns about the delivery of a programme, teaching or administration
 - Poor quality facilities, learning resources or services provided directly by the organisation
19. Students must be prepared to provide evidence to support their allegation/s.
20. The definition of a complaint is very broad and the list above is not exhaustive. However, some issues may be more appropriately considered under processes other than this procedure. This procedure will not normally cover:
 - Appeals relating to examinations or assessments or to academic progress or against a finding of guilt in relation to an academic offence (see the *Academic Appeals Procedure*)
 - Complaints involving an allegation that a student has failed to meet his/her academic commitments (see the *Academic Progress Procedure*)
 - Complaints involving an allegation of misconduct by a student or dissatisfaction about an outcome of the Student Disciplinary Process
 - Complaints involving an allegation of harassment (see the *Guidelines for dealing with Harassment and Bullying Policy*)
 - A concern about a decision made under other specific regulations such as Fitness to Study or DBS (see the *Fitness to Study Procedure /DBS*)

Concerns and complaints involving more than one Department/Schools/Centre or Service

21. If a concern or complaint relates to the actions of two or more schools, departments or services, the Quality Department will confer with the areas concerned and agree who will take the lead on investigating and responding to the concern or complaint. The designated member of the Quality Team will provide a single point of contact for the student.

Concerns and complaints made directly to the Principal and/or the Dean of Higher Education

22. All formal complaints are processed via the Complaints Procedure. If a concern or formal complaint is made directly to the Principal, the Dean of Higher Education or any other member of staff, it will be passed to the Quality Team who will ensure that it is referred to the most appropriate person, in line with the published procedure.

Reclassification and Suspension of Proceedings

23. Some situations can involve a combination of issues, some of which are complaints and others not and each case will be assessed on a case by case basis. Where this happens, students will be informed which specific issues will be considered under which specific procedure and directed to the appropriate procedure for the remaining issues. Where there is an overlap, complaints may be reclassified in consultation with the student and dealt with under an alternative, more appropriate procedure.
24. Students will be informed of the implications, if any, of following two procedures at once, particularly where one procedure may be suspended pending completion of the other. Alternatively, with the agreement of the student, both procedures may be considered at the same time / in parallel and investigations carried out collaboratively by the respective departments where possible. The party with overall responsibility for the conduct of the matter and the final decision will be communicated to the student.
25. In the event of any complaint being referred to a court, tribunal or other external organisation, the procedure will normally be suspended until the outcome of the external process is known.

The Complaints Procedure – An overview

26. The procedure is intended to provide a timely, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.
27. The procedure involves the following four stages:
 1. **Early Resolution (stage 1)** – seeks to resolve straightforward concerns swiftly and effectively at the point at which the concern is raised, or as close to that point as possible, for example at departmental level. In all cases, students will be directed to the next stage of the procedure if they remain dissatisfied at the conclusion of the early resolution stage.
 2. **Formal Complaint (stage 2)** – is appropriate where a student is dissatisfied with the outcome of early resolution, or where early resolution is not possible or appropriate due to the complexity or seriousness of the case. The student should raise a formal complaint either by submitting a feedback form or contacting the Quality Team by other means such as email or telephone.
 3. **Internal Appeal (stage 3)** – provides an opportunity for the Dean of HE or the Vice Principal to carry out a formal internal review, of the process of the formal complaint stage to ensure that appropriate procedures were followed; and/or that the outcome was reasonable.
 4. **Final Appeal (stage 4)** – provides an opportunity for a student to make a final appeal to the Principal & Chief Executive who will review all of the evidence relating to the case. At the conclusion of this stage, a Completion of Procedures letter will be issued to the complainant to enable them to request an external review if they remain dissatisfied.
 5. **External Review** – where the complainant remains dissatisfied, they can submit a request for a review by the Office of the Independent Adjudicator (OIA) within twelve months of the date of the Completion of Procedures letter provided.

Stage 1: Early Resolution

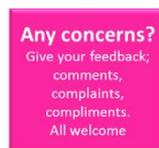
32. Anyone who has a concern is encouraged to raise it at the point of becoming aware of it and to raise it with the department or section in which the issue arose. Concerns at this stage may be made face-to-face, by phone, in writing or by email.
33. The purpose of the early resolution stage is to attempt to resolve as quickly as possible, concerns which are straightforward and require little or no formal investigation (see clause 36 below). Staff investigating concerns at this stage should, if possible, have a face-to-face discussion with the student concerned, to come to an understanding of the exact nature of the student's dissatisfaction and to explore what outcome the student seeks.
34. The following members of staff should be approached by the student to seek an early resolution of their concern:
 - Concerns relating to the programme should be discussed with the Programme Leader or Head of School.
 - Concerns about administrative or support services should be raised with the appropriate manager or head of service

Closing the concern at the early resolution stage

35. Wherever possible, if responsibility for the issue raised lies in the staff member's area of work, attempts should be made to resolve the concern at this local level, without the need to resort to formal proceedings. If responsibility lies elsewhere, the staff member receiving the concern should liaise with the appropriate area to facilitate a swift resolution, rather than referring the complainant on to another office. Where this is not possible and the student is directed to liaise with another office, it is good practice to introduce the complainant to the person who will deal with the concern or alternatively make an appointment for the complainant to meet them at the earliest opportunity.
36. Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to prevent this from happening in the future.
37. Students may escalate the matter to the stage 2 of the Student Concerns and Complaints Procedure if they remain dissatisfied.

Stage 2: Formal complaint

38. If the student is not satisfied with the response at the early resolution stage or when the issues raised are complex and require detailed investigation, a formal complaint can be submitted by completing a feedback form which can be found on-site at reception, in the UCC Operations office or in the library. Alternatively students may use the feedback button on the portal to communicate electronically.



39. Students are required to set out their complaint clearly and succinctly and to provide evidence to substantiate the issues raised where it is reasonable to expect them to have gathered and provided it. This may include medical evidence such as letters confirming attendance or treatment at a GP surgery or hospital or counselling service, reports by professionals such as psychologists or disability advisors, police crime numbers in the case of reported incidents, financial information such as evidence of lost income (where relevant to the complaint), bank statements or receipts or statements of witnesses to incidents where it is safe and helpful to provide these.
40. Complainants should take care to raise all elements of the complaint and put forward all supporting evidence at Stage 2, as they will not be able to raise new matters at Stage 3 and additional evidence will not be permitted unless they can show good reason why this evidence/information was not put forward at Stage 2 and it is essential to the complaint.

The Process regarding a complaint for investigation

41. A member of the Quality Team will acknowledge the receipt of a complaint within 3 working days and will be the single point of contact for the student during the period of investigation. All submitted complaint forms will be reviewed initially to establish whether they are eligible for consideration under this procedure.

Investigative meetings

42. Details of complaints will be forwarded to the appropriate manager; the student will be advised who will be leading the investigation when the complaint is acknowledged. The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response.
43. In any interview involving the complainant, s/he has the right to be accompanied by a fellow student, a friend or relative or an advisor from the Student Union.

Mediation

44. Consideration will be given to whether mediation may be appropriate.
45. Mediation and conciliation are voluntary processes where an impartial independent third party helps parties involved in a dispute to resolve issues confidentially. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a swift and mutually satisfactory conclusion being reached. Mediation and conciliation can be used to 'stop the clock' on the formal process which may be restarted if agreement cannot be reached.
46. Where both the organisation and the student agree to mediation or conciliation, revised timescales will be agreed between the parties and confirmed in writing. All parties should understand how the arrangement fits with more formal procedures, the scope of the mediation or conciliation process and whether its use is subject to the parties agreeing in advance to accept the solution offered and the findings reached.

Timelines

Closing the complaint at the formal stage

47. The outcome of the formal stage will normally be communicated to the student in writing, giving a clear explanation of the investigation and outlining the reasons for each decision. *Please note that 'in writing' is likely to mean an electronic communication which aids a timely response and is in line with the organizational sustainability strategy.*
48. Should the student remain dissatisfied with the outcome of their complaint, they should escalate the matter to the internal appeal stage within one month of communication of the outcome of the formal stage.
If a student is satisfied with the outcome of the formal stage or does not take the complaint to the Internal Appeal Stage within four weeks, the matter will be considered closed.
49. Details of the complaint, including its investigation and the final outcome will be held on file by the Quality Team and reported on annually to the Board of Governors; all records of complaints relating to staff will be made available to the Line Manager and the HR Manager.

Stage 3: Internal Appeal

50. If the student is dissatisfied with the outcome of the formal complaint stage and believes his/her complaint has not been handled properly or fairly according to these procedures, s/he may request an internal review of the complaint within one month of the date of the letter confirming the outcome of the formal stage. This review takes place as part of the appeals process
51. A request for an internal appeal may be made on limited grounds, including but not confined to:
 - A review of the procedures followed at the formal stage
 - Consideration of whether the outcome was reasonable in all the circumstances
 - New material evidence which the student was unable, for valid reasons, to provide earlier in the process
52. The purpose of conducting an internal appeal is to consider whether any procedural irregularities occurred during the formal complaint stage and whether the outcome was reasonable. The appeal will not usually consider the issues afresh or involve a further investigation. The complaint must have been considered at the formal complaint stage before it can be escalated as an appeal.
53. In order to request an appeal, students must advise the single point of contact within the Quality Team that they remain dissatisfied. Students must set out the reason for the appeal clearly and succinctly. The single point of contact will acknowledge the request for an appeal within 3 working days.
54. The appeal will be considered by the Dean of Higher Education however if he/she has had direct involvement in the initial investigation, the matter will be considered by the Executive Vice Principal. The outcome will be communicated to the student, in writing within 2 calendar months, although every effort will be made to ensure a swift response.

Stage 4: Final Internal Appeal

55. If the student remains dissatisfied a final appeal can be made to the Principal and Chief Executive Officer. The Principal & CEO will review the case and will respond in writing within 2 calendar months. At this point a Completion of Procedures letter will be issued to the student providing details of next steps if the student remains dissatisfied.

Stage 5: Independent External Review

56. Once the process has been completed, the student is entitled to ask the Office of the Independent Adjudicator (OIA), the independent ombudsman service of last resort, to look at his/her complaint. All applications to the OIA must be made within twelve months of the date of the Completion of Procedures letter issued to the student.
57. The OIA considers complaints from people who remain dissatisfied at the conclusion of the HE provider's internal Complaints Procedure. The OIA looks at issues such as whether the organisation followed its procedures, whether these procedures were reasonable, and whether the final decision was reasonable in all the circumstances.
58. The OIA **cannot** normally look at complaints:
 - Where the student has not progressed through all stages of the organisation's Student Complaints Procedure
 - Where the complaint refers to matters more than three years old
 - Where the Completion of Procedures letter is received outside the twelve month time limit
 - Where matters have been or are being considered in court.
 - Relating to academic judgement
 - Relating to student admissions
59. The OIA's Scheme Rules and guidelines are available on its website, www.oiahe.org.uk

Managing unacceptable behaviour

60. All individuals involved in a complaint need to act reasonably and fairly towards each other and treat the process itself with respect and not abuse it. It is recognised that people may act out of character in times of trouble or distress, however, the organisation also recognises its duty to ensure the safety and welfare of its staff and students. Consequently, the organisation has a zero tolerance towards complainants whose behaviour is deemed to be unacceptable and action will be taken to protect staff. The term 'complainant' also includes anyone appointed as a third party to act on the complainant's behalf.
61. The definition of 'unacceptable behaviour' might include, but is not necessarily restricted to, cases in which there is clear evidence that the complainant has behaved in one or more of the following inappropriate ways or the complaint itself is considered to be frivolous, vexatious or motivated by malice:
 - Complaints which are obsessive, harassing or repetitive
 - Communicating in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner
 - Submitting a complaint containing materially inaccurate or false information or evidence
 - Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
 - Insistence on pursuing meritorious complaints in an unreasonable manner
 - Complaints which are designed to cause disruption or annoyance
 - Demands for redress which lack any serious purpose or value
62. When a complainant's behaviour, or the complaint itself, is considered to be unacceptable, as a first step, the HE provider will normally tell the complainant why their behaviour or complaint is considered to be unacceptable and will ask them to desist. If the unacceptable behaviour continues, action will be taken to restrict contact. This action will require the approval of the Dean of Higher Education.
63. Any decision to restrict a student's access will be communicated to the student in writing by the Dean of Higher Education and will be appropriate and proportionate. The options most likely to consider are:
 - Requesting contact in a particular form
 - Requiring contact to take place with a named member of staff
 - Restricting telephone calls or emails to specified days and times
 - Asking the complainant to appoint a representative to correspond on their behalf; and/or
 - Asking the complainant to enter into an agreement about their conduct

64. In instances where a complaint is considered to be frivolous and/or vexatious, or where a complainant continues to behave in a way that is considered to be unacceptable, the Dean of Higher Education will liaise with the Assistant Principal: Quality and Teaching & Learning improvement to consider whether disciplinary proceedings should be initiated in accordance with the Code of Student Conduct or whether to terminate contact with the complainant. In exceptional circumstances, this may mean that consideration of the complaint is also terminated and a Completion of Procedures letter issued. The decision to terminate a complaint must have the approval of the Principal & Chief Executive; once approved, this decision is final and cannot be appealed.
65. Where a complainant submits multiple complaints on substantially the same issue, the organisation reserves the right to treat the matter as a single complaint and to decline to respond to each separate subsequent complaint.

Governance of the Complaints Handling Procedure

Roles and Responsibilities

66. On behalf of the Dean of Higher Education, the **Quality Team** co-ordinates all aspects of the administration and delivery of this procedure across all campuses. All matters related to student concerns and complaints should be addressed to this office in the first instance.
67. **Complaints Investigators** are managers responsible for the conduct of investigations and the co-ordination of all aspects of the response to complainants.
68. The **Executive Vice Principal or the Dean of Higher Education** conducts stage 3 of this procedure. S/he will review the complaint, at the complainant's request, to consider whether any procedural irregularities occurred during the formal stage, the reasonableness of the outcome and/or whether any further investigation is required.
69. The **Principal & Chief Executive** conducts stage 4 of this procedure. S/he will review the complaint, at the complainant's request, to consider whether any procedural irregularities occurred during the formal stage, the reasonableness of the outcome and/or whether any further investigation is required. If previous decisions are upheld, the she/he will send a response accompanied by a Completion of Procedures letter.

Publicising complaints performance information

The Board of Governors, through the Quality Team, receives an annual report on student complaints in order to identify any trends or areas for improvement:

70. The organisation will record and monitor complaints to identify trends and areas where improvements could be made. The outcomes of this monitoring will be reported to the Board of Governors on an annual basis and used to inform organisational practices, procedures and activities and to enhance the quality of the student experience

Contact Information

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Colchester
Essex
CO3 3LL

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Email: quality.team@colchester.ac.uk

Template **COMPLETION OF PROCEDURES**

(In line with procedure; a copy of this letter may be sent electronically)

This letter is sent out by Secretariat alongside a final response from the Principal and Chief Executive.

Address xxxx

Date xxxx

Dear *student/complainant name*

Re: Completion of Procedures

This letter is issued automatically to advise you that you have now exhausted our internal process relating to the concerns you have raised.

It is hoped that the response from the Principal & Chief Executive has adequately addressed your concerns.

If however you remain dissatisfied you may wish to take your concerns to the Office of the Independent Adjudicator (O.I.A); an independent body set up to review student complaints.

I would advise you that the time limit for bringing a complaint to the attention of the O.I.A is 12 Months.

The OIA can be contacted via the following link: www.oiahe.org.uk

Sent on behalf of the Principal & Chief Executive

Yours sincerely

Insert name/title

HE Complaints procedure

