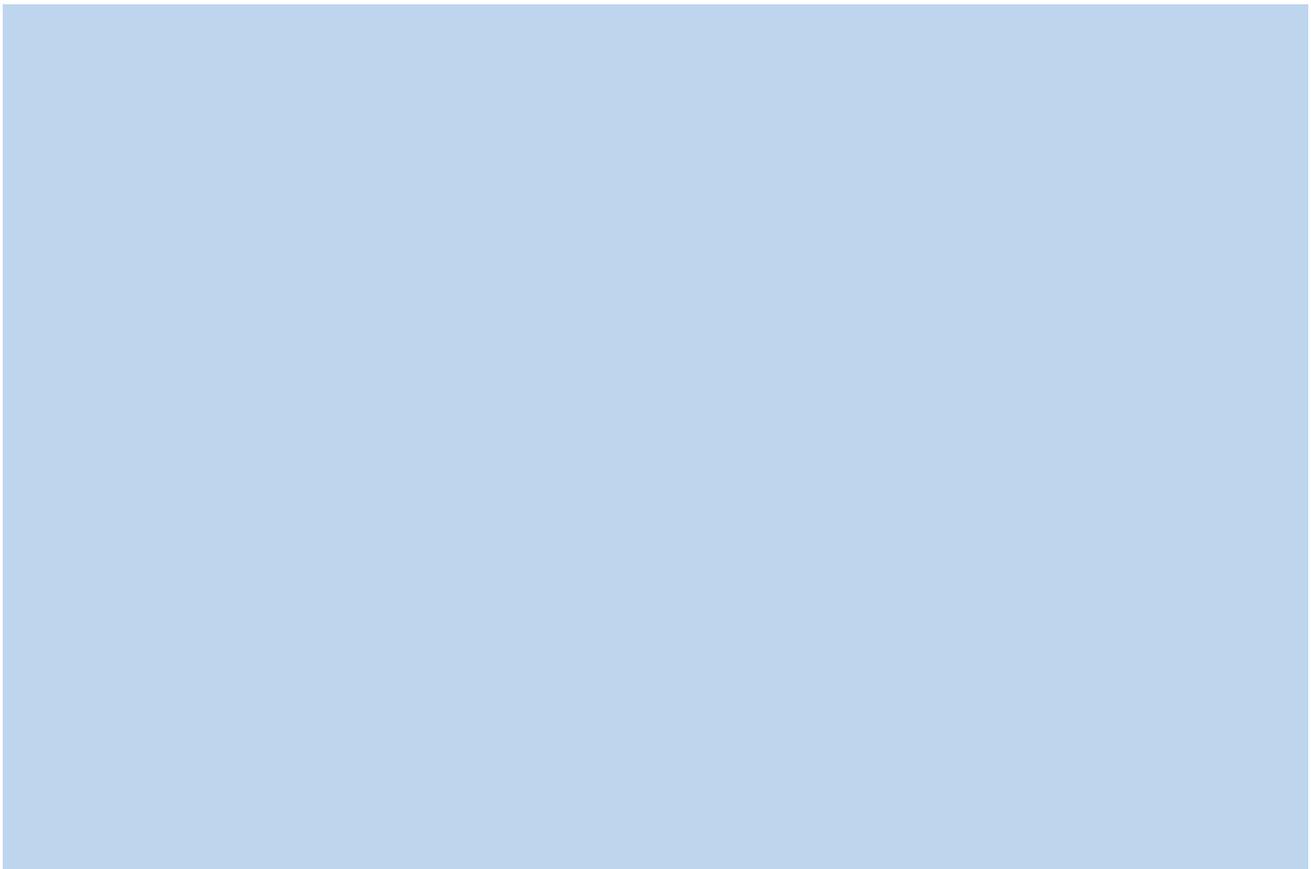




Higher Education Complaints Procedure



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| V1 | New | May 2015 | |
| V2 | Revision | Nov 2015 | Update after joining the OIA scheme |
| V3 | Revision | Jan 2016 | Update of procedures following restructure of College |
| V4 | Revision | Sept 2016 | Removed applicants from these procedures as new separate procedures have been written for applicants. |
| V5 | Revision | Sept 2018 | DSA requirement, Revision due to College restructure and GDPR |
| V6 | Revision | Jan 2020 | Revision due to College restructure. New template. Re numbered for ease of use. |

Monitoring and review

This policy will be reviewed by the Academic Board at least every 2 years.

Related Polices/Procedures/Regulations

- Higher Education Complaints Policy

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Section One – Scope of the Procedure

1. Scope of the Procedure

A complaint refers to an act or omission on the part of the College that is considered to be unsatisfactory or deficient by an individual student or by a group of students. The complainants seek redress or more rarely compensation. In the first instance the College would hope to treat the matter as a concern at the informal stage.

2. Who the procedure can/cannot be used by

2.1 Who the Procedure **can** be used by:

- 2.1.1 Any student studying at the College for a College award or for an externally validated award taught by College staff.
- 2.1.2 Former students, providing the complaint is brought within 20 working days of their date of withdrawal from the College or 20 working days from the date on which they completed their course/stage of study.
- 2.1.3 Where a group of students complain, all students must sign the complaint. No student will normally be allowed to join the complainant group after the initial complaint has been submitted and signed.

2.2 Who the Procedure **cannot** be used by:

- 2.2.1 Complaints will not be accepted from parents or third parties (unless expressly authorised by both the student and the College to act on behalf of the complainant).
- 2.2.2 Where the complaint is made anonymously (unless evidence is presented that there is a risk to the public).
- 2.2.3 Any person currently in the stage of applying for a higher education programme with the college. A complaint from an applicant will be dealt with under the Bradford College Admission to Higher Education Appeals and Complaints Procedure.
- 2.2.4 There is no provision for lodging a complaint against academic judgement.

3. Definition of Complaints

3.1 **Complaints are defined as:**

- 3.1.1 A statement that the standards of service by the College and/or its staff are unsatisfactory or unacceptable.
- 3.1.2 A statement from a student that the College and/or its staff have failed to provide a service.

3.2 **This procedure does not apply to:**

- 3.2.1 Academic appeals.
- 3.2.2 Findings of Fitness for Professional Practice hearings.
- 3.2.3 Complaints against other students.
- 3.2.4 College applicants and complaints relating to the admissions procedure.

4. Timescales for making Complaints

- 4.1 Timescales for making complaints are based on the understanding that complaints should be made as soon as possible. Raising a complaint in the first instance as a concern will not prevent a formal complaint being rejected on the basis of time elapsed. There is considerable flexibility for informal concerns. Under the formal process, timescales are strictly defined and consideration of the matter may be refused if they are not adhered to.
- 4.2 Complainants are requested not to contact the College during an ongoing investigation unless new evidence has come to light that could not have reasonably been produced at the point of submission of the complaint and are advised that no additional correspondence either by telephone, email or letter or any other medium will be entered into.

5. Retention of Information and records relating to Appeals and Complaints

- 5.1 By signing a letter of Complaint, the Complainant is agreeing that the College can process the information it contains for all purposes relating to the Higher Education Complaints Procedure. This information and records will be kept in accordance with the General Data Protection Regulation Act (2018) and the College's "Information and Records Management Policy".

6. Monitoring Complaints

- 6.1 The College reviews the number and outcomes of Higher Education Complaints and may report on this to its formal committees.

Section Two – Operating Principles

7. Stage 1: Informal Concern

- 7.1 Concerns should normally be raised within 20 working days of the concern's last occurrence. However, it is recognised that the nature of such concerns can vary widely, and they can be accepted up to one calendar month after the last occurrence, where there are reasons for delay. In such circumstances, it will be at the discretion of the Governance and Regulatory Frameworks Lead (or nominee) whether the complaint will be considered. Please note that all relevant information should be submitted at this time and that it is not possible to consider information which is submitted at a later point in the complaints process unless new evidence has come to light which could not reasonably have been expected to be produced at the submission of the complaint.

8. Stage 2: Formal Stage

- 8.1 Students wishing to invoke the formal procedure are required to lodge their complaint within 20 working days of the end of the last occurrence or 20 working days from the end of

the attempt to resolve the concern informally stating the grounds on which they believe their complaint has not been dealt with in a fair and reasonable manner. Formal Stage complaints will only be considered at the discretion of the Governance and Regulatory Frameworks Lead (or nominee) where it is deemed that the grounds for invoking the Formal Stage are not frivolous, vexatious or malicious. Please note that all relevant information should be submitted at this time and that it is not possible to consider information which is submitted at a later point in the complaints process unless new evidence has come to light which could not reasonably have been expected to be produced at the submission of the complaint.

9. Stage 3: Appeal Stage

- 9.1 Students requesting consideration at the Appeal Stage are required to submit their request within 10 working days of receiving the outcome letter from the Formal Stage.
- 9.2 Stage 3 Appeal can only be invoked where the preceding Stage 2 has been completed. No new complaints can be introduced at Stage 3.
- 9.3 At stage 3 complainants wishing to proceed must complete a stage 3 complaint form stating clearly the outcome they are seeking and why they are dissatisfied with the outcome at stage 2.

The grounds for the appeal are:

- 9.4 The emergence of new and relevant evidence which was not available to the original process of consideration for good or reasonable cause.
- 9.5 That there was an irregularity in the original process which has materially disadvantaged the student.
- 9.6 That evidence is available to show that the outcome reached at an earlier stage was manifestly unreasonable. In this context, unreasonable shall be taken to mean perverse, i.e. that the outcome was not a possible conclusion which a similar process of consideration might have reached

10. Former Students

- 10.1 Former students are eligible under this procedure providing the complaint is brought within 20 working days of their date of withdrawal from the University or 20 working days from the date on which they completed their course/stage of study.

11. External Review

- 11.1 Students who are studying on courses validated by one of our partner institutions may appeal to the validating authority once they have exhausted the College complaints process. Students studying on courses validated by one of our partner institutions are also eligible to appeal to the Office of the Independent Adjudicator (OIA) once they have exhausted the College complaints process.

- 11.2 If the qualification that a student is studying for is awarded by an Awarding Organisation which is not a member of the OIA Scheme, i.e. Pearson, the OIA may need to exchange information with that Awarding Organisation and or/its regulator, Ofqual. The OIA may determine that the complaint should more appropriately be dealt with by that Awarding Organisation in which case, the OIA will send a copy of this Complaint Form, and supporting documentation, to the relevant Awarding Organisation and/or to Ofqual. The details of how to appeal are found on <http://www.oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>

OIA

Second Floor

Abbey Gate

57 – 75 Kings Road

READING

RG1 3AB

Tel: 0118 959 9813

E-form: <http://www.oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>

Email enquiries@oiahe.org.uk

12. Confidentiality

- 12.1 All complaints will give due regard to confidentiality, restricting access to them on a “need to know” basis. A copy of the complaint will be circulated to the individual(s) who are the subject of the complaint as soon as possible after the student has agreed to disclose to them the complaint details. N.B. This applies to the Formal stage onwards and not at the informal attempt to resolve the concern. Students/complainants who object to disclosure will be reminded of the need for fair treatment of all individuals concerned to understand what the subject of concern is in sufficient detail to enable them to respond fully.

13. Fair Treatment

- 13.1 Complaints will be handled in a professional and non-confrontational manner. No student bringing a complaint under this procedure whether successfully or otherwise will be treated less favourably than if a complaint had not been brought.

14. Disciplinary Matters

- 14.1 If at any time during the investigation of a complaint allegations/evidence of possible misconduct emerges, the complaint may be suspended until the disciplinary matter is dealt with under the appropriate student Disciplinary Procedures.

15. Frivolous, Vexatious or Malicious Complaints

- 15.1 The Governance and Regulatory Frameworks Lead should initially determine whether a complaint is deemed to be frivolous, vexatious or malicious and can dismiss the complaint if it is deemed that this is the case.

- 15.2 Where a complaint is dismissed for being frivolous, vexatious or malicious, The Governance and Regulatory Frameworks Lead will issue the complainant with a Completion of Procedures letter. If during the investigation the investigating officer determines that the complaint could be vexatious, malicious or frivolous, then the investigating officer should refer the complaint to the Governance and Regulatory Frameworks Lead to take action as set out in Appendix D of this paper.
- 15.3 A frivolous or vexatious complaint can be characterised in a number of ways:
- 15.3.1 Complaints which are obsessive and/or persistent and/or harassing and/or prolific and/or repetitious;
 - 15.3.2 Insistence upon pursuing complaints without merit and/or unrealistic outcomes beyond all reason;
 - 15.3.3 Insistence upon pursuing complaints without merit in an unreasonable manner;
 - 15.3.4 Complaints which are designed to cause disruption or annoyance;
 - 15.3.5 Demands for redress which lack any serious purpose or value.

16. Advice and Guidance

- 16.1 Students who wish to pursue a complaint through this procedure are advised to seek support from the Students' Union.

17. Attendance at Meetings or Hearings

- 17.1 Students must ensure that they attend all meetings convened under this procedure.
- 17.2 If the student fails to attend without providing good reason in advance of the meeting, the Chair may decide to proceed with the meeting in the absence of the student and the complaint will be considered on the basis of the evidence available at the time.
- 17.3 If the student gives apologies for non-attendance at the investigative meetings in advance with good reason, then the student may request a deferral of the meeting or apply for a representative to attend the meeting on their behalf. A deferral may only be granted once and a representative in place of the student may not normally be permitted in the case of a stage 3 meeting (Appeal).

18. Right to Accompaniment /Representation

- 18.1 The student may be accompanied at any meeting under this procedure by a representative who may speak on the student's behalf. The representative may not be someone who has been excluded or suspended from the College.
- 18.2 It is the responsibility of the student (not the College) to relay all relevant notices and other communications under the procedure to the representative.
- 18.3 The student must provide the name of the representative to the College 5 days before the hearing.

- 18.4 Where a representative is attending the meeting on the student's behalf, the meeting will only be required to consider the representations which are made by the representative on the student's behalf and not any written or oral representations which the student may make after the meeting.
- 18.5 All costs for the representative must be paid by the student.
- 18.6 Employees against whom complaints are made may seek advice from a recognised trades union. They have a right to be represented / accompanied at all stages of the complaints procedure by a lay or full time officer of a recognised trades union or a work colleague, friend or family member.

19. Legal Proceedings

- 19.1 If a student brings court or tribunal proceedings against the College which may be relevant to the student's complaint, the College will normally suspend consideration of that complaint until the outcome of the proceedings is known.

20. Communication

- 20.1 Acknowledgments, updates, invites and outcomes will be in a written format and emailed and or posted to you. During the investigation you may be contacted either as above or via telephone and may be invited in to an informal meeting. If your request for an appeal is accepted you will be invited in to attend a formal hearing and the outcome may be communicated to you in person and followed up in writing. Requests for communication in an alternative format should be made to Disability Services and Additional Learning Support (ALS) by calling 01274 088344 or emailing l2@bradfordcollege.ac.uk

Section Three – The Complaints Process

21. The Complaints Process

The section below explains the process for dealing with Complaints

22. Informal Stage (Stage 1)

- 22.1 It is anticipated that the majority of concerns will be resolved satisfactorily in the daily interaction between students and the academic and professional staff with whom they interact. Submitting an informal stage complaint provides a bridge for those issues which can usually be resolved quite quickly but where the student is encountering some difficulty and needs the support of the procedure to affect a speedy resolution.
- 22.2 If it is apparent that the concern is of a general nature, it may be more appropriate for the matter to be taken up through the appropriate staff / student committee representative or Students' Union Officer and issues arising from that concern can be raised with the appropriate College staff.

- 22.3 The concern will be submitted on a Stage 1 Informal Concern Form to The Quality Department by email at complaints@bradfordcollege.ac.uk in line with the detailed process for this stage outlined in Appendix A.
- 22.4 A concern raised under this stage of the procedure should be dealt with by an investigating officer who is appointed by the Governance and Regulatory Frameworks Lead. An outcome report should be lodged with The Quality Department and the complainant should normally receive a written response within 20 working days of the appointment of an investigating officer.

23. Formal Stage (Stage 2)

- 23.1 A student wishing a complaint to be considered at the formal stage should send the Stage 2 Formal Concern Form and any detailed evidence to The Quality Department as outlined in the process for this stage (Appendix B). The complaint should be submitted within 20 working days of the last occurrence or within 20 working days of the outcome of the informal stage. Before submitting a formal complaint, students are advised to contact the Students' Union for advice.
- 23.2 The Quality Department will acknowledge the receipt of the complaint within 3 working days of receiving the complaint and confirm that the complaint is proceeding to the formal stage.
- 23.3 Where a complaint is not eligible for treatment under this procedure, the complaints officer will write to the student within 3 working days, setting out the reasons for the decision and if appropriate signpost the student to the correct route of action e.g. Academic Appeal.
- 23.4 Once the Governance and Regulatory Frameworks Lead has received confirmation that the complaint can proceed to formal stage, he/she will appoint an investigating officer within 5 working days of receiving the complaint.
- 23.5 A concern raised under this stage of the procedure should be dealt with by an appointed investigating officer and the outcome report lodged with The Quality Department. The complainant should receive a response within 20 working days of the investigating officer dealing with the complaint receiving the appropriate documentation.
- 23.6 A complaint submitted outside the timescale should include an explanation of why it is late. It is at the discretion of the Governance and Regulatory Frameworks Lead whether complaints submitted late will be accepted.

24. Appeal Against Formal Stage Outcome (Stage 3)

- 24.1 A student wishing to appeal against a formal stage decision should send the Stage 3 Appeal Form to The Quality Department outlining the reason for the appeal, as summarised in the process for this stage (Appendix C). The complaint should be submitted within 10 working days of receiving the Stage 2 decision letter. Before submitting an appeal against a formal stage outcome, students are advised to contact the Students' Union for advice.

- 24.2 The Quality Department will acknowledge the receipt of the complaint within 3 working days of receiving the complaint and confirm whether the complaint is proceeding to the appeal stage.
- 24.3 Where a complaint is not eligible for appeal, the complaints officer will write to the student within 3 working days, setting out the reasons for the decision.
- 24.4 Once the Governance and Regulatory Frameworks Lead has received confirmation that the complaint can proceed to appeal he/she will appoint an appeals panel within 5 working days of receiving the confirmation that the case may proceed to appeal. For composition of the panel refer to Appendix C.
- 24.5 Where a complaint is handled as an appeal against a formal stage outcome, the process should normally be completed within 30 working days of The Quality Department receiving written notification that the complainant wishes to Appeal the Formal Stage outcome. Written correspondence of the Appeal Panel's decision will be sent to the complainant within 5 working days of the Appeal Panel Hearing.
- 24.6 A request for appeal made outside of the permitted 10 working day timescale will not normally be accepted.

Appendix A: Process for dealing with concerns raised under Stage 1 of the College Complaints Procedure (Informal Stage)

1. The student should make their request in writing or complete and return form CP1 on which they give their personal details and briefly outline the nature of their concern or email their complaint to complaints@bradfordcollege.ac.uk The form CP1 is available on request from complaints@bradfordcollege.ac.uk
2. The Governance and Regulatory Frameworks Lead will allocate the concern to the most appropriate person listed as a concerns officer for that area. The Academic Governance and Compliance Officer will forward all relevant paperwork to the appointed investigating officer.
3. The investigating officer will deal with the concern and an outcome issued to the complainant usually within 20 working days of the investigating officer receiving the appropriate documentation. If the case is more complex, then the investigating officer will seek an extension from Governance and Regulatory Frameworks Lead or recommend that the case needs to be referred to be dealt with formally at Stage 2.
4. Once resolved the investigating officer will submit the resolution form to complaints@bradfordcollege.ac.uk with notification of either resolution or referral to formal stage.
5. The Quality Department will write to the complainant with a detailed response of the findings by the investigating officer.

Appendix B: Process for dealing with concerns raised under Stage 2 of the College Complaints Procedure (Formal Stage)

1. The student should fill in form CP2 on which they give their personal details and outline the nature of their concern, attaching any relevant additional documentation. The form is available on request from complaints@bradfordcollege.ac.uk . The student should explain what steps they have taken to date to try to resolve the matter themselves. If they have gone through the informal concern process at Stage 1, they should explain why they are dissatisfied with the outcome. If they have not gone through the Stage 1 procedure they should explain why they have chosen not to do this. The Governance and Regulatory Frameworks Lead reserves the right to refer a complaint to the informal stage procedure should it be deemed appropriate.
2. The Governance and Regulatory Frameworks Lead will decide whether the complaint should proceed to formal stage. If not the Academic Governance and Compliance Officer will write to the student within 3 working days, setting out the reasons for the decision and, if appropriate; signpost the student to the correct route of action e.g. Academic Appeal or recommending they choose to use the informal concern process first.
3. If the student chooses not to take the informal route, the complaints officer will issue the complainant with a Completion of Procedures letter which is required before a complaint can be lodged with the OIA and details of how the student can complain to the awarding HEI, or awarding body, where appropriate. This concludes the process for the College.
4. Where the complaint is accepted at formal stage, the complaints officer will write to the student within 3 working days, informing them of the process and timescales.
5. Academic Governance and Compliance Officer will then contact the investigating officer, appointed by the Governance and Regulatory Frameworks Lead and ensure the investigating officer has all the necessary information to complete the investigation.
6. The investigating officer will deal with the complaint and written response normally issued to the complainant within 20 working days. If the case is more complex, the investigating officer may seek an extension from the Governance and Regulatory Frameworks Lead.
7. Academic Governance and Compliance Officer will write to the student stating the decision given and inform the student of their right to appeal if necessary.

Appendix C: Process for dealing with concerns raised under Stage 3 of the College Complaints Procedure (Appeal Stage)

1. The student should complete form CP3 on which they give their personal details and outline the nature of their concern, attaching any relevant additional documentation. The form is available on request from complaints@bradfordcollege.ac.uk. The student should explain the grounds on which they are submitting an appeal.
2. Governance and Regulatory Frameworks Lead will decide whether the complaint should proceed to an Appeal Panel Hearing. If the complainant is not granted an appeal Panel Hearing, The Academic Governance and Compliance Officer will write to the student within 3 working days, stating the reasons for the decision.
3. If the student chooses not to appeal against the Stage 2 decision, The Academic Governance and Compliance Officer will issue the complainant with a Completion of Procedures letter which is required before a complaint can be lodged with the OIA. This concludes the process for the College.
4. Where the complaint is granted an Appeal Panel Hearing, the Academic Governance and Compliance Officer will write to the student within 3 working days, informing them of the process and timescales. In exceptional circumstances, the date of the meeting may be changed subsequent to a complainant request but the reason must be serious and would not include personal holidays. An Appeal Panel Hearing being rearranged would be at the discretion of the Chair.
5. Witnesses may be called by either the complainant or the investigating officer but Academic Regulations and Compliance must be notified of the names and status of the witnesses 5 working days prior to the Appeal Panel Hearing taking place.
6. The Governance and Regulatory Frameworks Lead will appoint an Appeals Panel within 5 working days of receiving confirmation that the student has the right to appeal.
7. The composition of the Appeals Panel will be:
 - Chair: Assistant Principal: Higher Education or Senior nominee (at least HoD level)
 - A Head of Department or Head of School who has not been involved in any previous proceedings related to the complaint.
 - A representative from the Bradford College Students' Union will be invited to attend
 - Member of The Quality Team, present in a professional advisory capacity
 - Minute taker from The Quality Team
8. The documentation for the appeal will be:
 - Copy of the student's request for appeal
 - Copy of the Stage 2 investigation summary report
 - Copy of the Stage 2 complaint response letter to the student

- Any other evidence submitted by the student or other parties to the complaint at any stage during the complaints procedure
- All documentation to be considered at the Appeal Panel Hearing will be circulated to members of the Panel and the student at least 10 working days before the meeting. On receipt and review of the documentation, Panel members are requested to advise if they need any further documentation no later than 5 working days before the Hearing.

9. The process to be followed at an Appeals Panel Hearing is as follows:

- I. Introduction of the complainant and his/her representative and the Appeal Panel. Both parties shall be present throughout the meeting.
- II. At the discretion of the Chair the meeting may go ahead without one member of the panel.
- III. The complainant and his/her representative shall have the right to address and present information to the Appeals Panel at the beginning of the meeting; the Appeals Panel may ask questions at the end of any address or presentation of evidence.
- IV. The investigating officer for Stage 2 shall have the right to address and present information to the Appeals Panel; the Appeals Panel may ask questions at the end of any address or presentation of evidence.
- V. Either party may call witnesses if previously notified and accepted. Witnesses will be present for their evidence and questions only and will then withdraw.
- VI. Both the complainant and the investigating officer shall have the right to make final submissions to the Appeals Panel.
- VII. Both parties will withdraw while the Appeals Panel deliberates and comes to a conclusion

10. The decision and outcome of the Stage 3 complaint will be communicated by the Chair of the Appeals Panel to all parties within 5 working days of the hearing.

The written response will state clearly whether the complaint has been upheld, partially upheld or rejected. It will also issue the complainant with a Completion of Procedures letter which is required before a complaint can be lodged with the OIA. This concludes the process for the College.

Appendix D: Procedures for handling complaints determined as vexatious, malicious or frivolous

1. If it is decided that a student's complaint is vexatious, malicious or frivolous the Governance and Regulatory Frameworks Lead will write to the student explaining that we are terminating consideration of the complaint under rule 2.9.
2. The complainant will be provided with reasons for the decision in writing.
3. The letter will also be a Completion of Procedures letter.

Students will be advised of their rights to refer their complaint to the awarding body and/or the OIA.