



Student Complaints Procedure

Guidance notes for Staff

Section 1: For all staff

1. These guidance notes are for all staff at Apex College. This guidance should be read in conjunction with Apex College's Complaints Policy and Procedure. It is likely that at some point during your time at Apex College that a student (or some other person) will express concern or make a complaint about some aspect of their educational provision, or about the behaviour of a member of staff, or even about some aspect of your performance or behaviour. The concern or complaint may be expressed in conversation, by email or in the form of a letter. In the increasingly litigious climate in higher education, it is important that you respond to concerns and complaints appropriately and in accordance with Apex College's Complaints Policy and Procedure. It is important that you do not comment on the accuracy or the merits of any issue raised unless you are sure that you are the person who should be making the response on behalf of Apex College.
2. You need to be aware that only issues properly categorised as complaints can be dealt with through the Complaints Policy and Procedure. Guidance on what counts as a complaint and what counts as a student appeal against academic decisions (marks/grades awarded or award made) are provided in the Complaints Procedure. In particular, it is important that you understand the difference between complaints and academic appeals.
3. Relatives and friends of students cannot raise a complaint on behalf of a student. If you discussed any details of a student's circumstances with any external third party (even parents of the student) without the explicit written consent of the student you would be in breach of the Data Protection Act, which would leave both you and Apex College vulnerable. If you have any doubt about these matters you should discuss them with the Head of Administration.
4. If a student does give their written consent for you to discuss their circumstances with, for example, a parent, this does not entitle anyone other than the student him or herself to make a complaint. In some circumstances you may be able to resolve the matter informally with the authorised third party, however, you should not be drawn into dialogue with the third party
5. It is hoped that most student concerns can be dealt with informally and by conciliation (Stage 1) without recourse to the formal Complaints Procedure at Stage 2. At Stage 2 a complaint is a formal statement that a student is dissatisfied with an aspect of Apex College's educational provision. Apex College must respond in accordance with the Stage 2 Complaints Procedure. A student has the right to pursue an issue if they are dissatisfied with Apex College's response at any stage.
6. A Stage 1 complaint may be expressed by the student either orally or in writing and it will normally be dealt with informally or by it being referred into the normal feedback

processes (Student Survey, Academic Standards Board or through Student Representatives) that Apex College has in place.

7. If you are unsure of what advice to give to a student about how an issue can be raised you can seek advice from either the Head of Administration, HND Programme Director or Vice-Principal.
8. It is a breach of both the staff and student disciplinary procedures for anyone to victimise a student who raises a complaint in good faith. Making a complaint may have a noticeable impact on the day-to-day working relationship between the student and some members of staff. There are certain circumstances and types of complaints that could adversely affect the working relationship between the complainant and one or more members of staff. Apex College is confident that no member of staff would victimise, in any way, a student who has raised a complaint, whatever the circumstances. It is important to be aware that not all students who make a complaint will be confident that this is the case.
9. If the complainant and the relevant member of staff have a general working relationship (for example, the relevant member of staff teaches on a module that the complainant is studying or the complainant comes into regular contact with the relevant member of staff because of a service delivered), it is expected that both parties will continue the relationship in a professional manner. Only in exceptional circumstances will a senior manager (HND Programme Director or Vice-Principal) consider agreeing to a request for alternative working arrangements while the complaint is being investigated.
10. If the complainant and the member of staff have to work more directly together (for example, the relevant member of staff is the dissertation supervisor for the complainant or would normally assess work submitted by the complainant the HND Programme Director or Vice-Principal may deem it appropriate to make alternative arrangements for the complainant while the complaint is being investigated.
11. If alternative working arrangements are introduced while the complaint is being investigated, the member of staff who is responding to the complaint should consider whether and to what extent it is appropriate to continue the alternative working arrangements once the complaint has been concluded. The response to the student should include an explicit recommendation as to whether the alternative working arrangements should be continued (and for how long) or the normal working arrangements reinstated.
12. If a student makes a complaint that they know is unfounded, they are liable to be disciplined. Such an allegation is not easy to prove and, if you publicly suggest that it is the case without clear corroborating evidence, it is likely to be regarded as potentially intimidating or victimising the complainant. However, if you do believe that a student is acting maliciously or vexatiously, you should discuss your concerns privately with the HND Programme Director or Vice-Principal.

Section 2 For staff other than the Vice-Principal or the Principal

13. If a student makes an informal complaint (Stage 1 of the Complaints Procedure) and you are the most appropriate person to respond, then you should respond as long as the complaint remains informal (Stage 1). This may involve you in dialogue with the student, which it would be appropriate to continue as long as it appears to



be making progress towards resolving to issues informally. However, if this dialogue does not result in the complaint being resolved informally, the student should be told that nothing further can be achieved through the informal route and that they must either accept the situation or proceed to make a formal complaint. If the student wishes to make a formal complaint you should draw their attention to the Complaints Policy and Procedure, Guidance Notes for Students and the requirement to fill in the Complaints Form and submit it to the Head of Administration. You should make it clear to the student that you are not able to respond any further on this matter.

14. If it is not appropriate for you to respond to the informal complaint that the student has raised with you, you should direct the student to the appropriate member of staff with whom the informal complaint should be raised. If the informal complaint is made in writing then you should forward the letter or e-mail to the appropriate member of staff and inform the student that you have done so.
15. If a student provides you with a completed Complaints Form, either in hard copy or soft copy, you should treat this as a formal complaint and pass it on to the Head of Administration. You should inform the complainant of your actions and that you have treated the complaint as a formal and subject to Stage 2 of Apex College's Complaints Procedure.

Section 3: Investigating and responding to a formal complaint (Stage 2)

16. If you are asked to investigate a Stage 2 complaint you should first ensure that there is no conflict of interest in the sense that you know the student well, supervise some aspect of his or her work, etc. If you think that it is inappropriate for you to investigate and reach conclusions in relation to the complaint you should make this clear to the Head of Administration. The Head of Administration will decide whether or not you should investigate the Stage 2 complaint. This will be achieved through the Head of Administration consulting with the Vice-Principal.
17. You should ensure that you carry out your investigation within the timescales laid down in the Complaints Policy and Procedure. The person conducting the investigation must complete this within 15 working days. Within this time a written statement addressing all matters made in the Stage 2 complaint must be made and communicated to the complainant with a copy to the Head of Administration.
18. At the conclusion of your investigation you will have to make decisions about a number of matters:
 - a) the factual findings of your investigation for each of the issues raised in the complaint. You will need to decide whether you found them to be well-founded, to be disproved, or there was an absence or conflict of evidence.
 - b) if you find at least part of the complaint to be well-founded, you should normally expect to make recommendations to address the complaint. This will involve recommendations for the complainant and for appropriate services or staff at Apex College.

- c) Any recommendations that you wish to make to prevent the same sort of complaint arising in the future. This may relate either to procedures or practices at Apex College or to senior management, as appropriate. You are advised to discuss informally the recommendations you wish to make with the Head of Administration. This is to ensure that the recommendations can be practically implemented and/or do not conflict with academic or any other regulations both within Apex College and that Apex College must adhere to externally.
19. Your response to the student should list the issues raised in the complaint and include a summary of (a) and (b) above. You should consult the Head of Administration about your written response before issuing it to the student. This is to ensure that the wording is correct and appropriate and does not create any legal liability for Apex College or an awarding body.
 20. A student who is not satisfied with your response should be referred to the Stage 3 Appeal process detailed in the Complaints Policy and Procedure. On occasion a student who has made a complaint and is not happy with your response may challenge some or all of the points that you have made in your written response. It is reasonable to clarify any points for the student but you should not enter into protracted discussion or correspondence (by e-mail or other means) about the issue in dispute unless you judge that this is likely to finally resolve the whole issue. You must not enter into prolonged negotiation around your findings and recommendations. Instead, you should remind the student of the Stage 3 Appeal Process.

Section 5: For the Vice-Principal the Principal

21. Some students will make a complaint by writing directly to the Principal or the Vice Principal. It may be that a student makes an appointment to meet with one of these people and make the complaint verbally. It is important that the student is listened to, but you must not try to deal with the complaint yourself. Instead you should direct the student to the Head of Administration and inform the student that it is best to try to sort out the issue(s) informally before making a formal complaint. If the student insists that he or she wishes to make a formal complaint then you should direct the student to the Complaints Policy and Procedure which is available from the website and the Head of Administration. The student should be informed that he or she must fill in a Complaints Form before the complaint can be treated formally (Stage 2). The Head of Administration can provide further information and guidance to the student about the Complaints Policy and Procedure.
22. You may be called upon to act as the Chair of a Complaints Review Panel. If you are please ensure that you have had no significant dealings with the student in any context and that there is no conflict of interest in you acting as the Chair. If you think that it would be best if you did not act as the Chair of the Complaints Review Panel then inform the Head of administration. The Head of Administration will consult with the Vice Principal to allocate another Chair to the Panel. As Chair of a Complaints Review Panel you may need to consider whether or not it appropriate to change any working arrangements between the student and the member(s) of staff named in the complaint by the student.



23. You are more likely than most staff to receive letters of complaint from people associated with students, either directly or because they have been referred to you. When responding you will need to bear in mind the importance that Apex College places on the professional relationship it has with each student. You should also remember that, at any point, the student can submit a formal complaint. It would be impossible for you to be involved in either Stage 2 or Stage 3 of the Complaints Procedure if you have carried out any investigation of the issues raised or expressed by you to by the person associated with the student. You are advised that it is safe to explain to a person or persons associated with the student about Apex College's Complaints Policy and Procedure. However, you should avoid making any comment on the specific issues raised. The primary objective of your response should be to try and ensure that the student involved takes responsibility for progressing their own complaint through the system and that they are entitled to do so without fear of any reprisals.

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