



Complaints Policy and Procedure

Contents

1. Purpose
2. QAA Code of Practice: Chapter B9 Complaints and appeals
3. Scope of the complaints policy and procedure
4. Procedure
 - 4.1 Overview
 - 4.2 Stage 1 Conciliation
 - 4.3 Stage 2 Formal complaint
 - 4.4 Stage 3 Appeal to the Principal
5. Procedural rules for the Complaints Review Panel
6. Role of awarding bodies
7. Stage 4: Independent review by the Officer of the Independent Adjudicator
8. Reporting of formal complaints to Academic Board and Executive Board
9. General principles underlying the Complaints Policy and Procedure

Other related documents:

- Student guide*
- Staff guide*
- Flow chart of complaints procedure*
- Formal complaints form*

1. Purpose

1.1 Apex College's complaints policy and procedure is designed to ensure that anyone who is entitled to and wishes to make a complaint about any service or lack of service is dealt with in a fair, effective and timely manner.

1.2 The complaints policy and procedure has been developed to ensure that it fully meets the Expectation of the Quality Assurance Agency Code of Practice for Higher Education, Part B Ensuring and enhancing quality; *Chapter B9 Complaints and appeals*.

Note: This policy and set of procedures is for complaints only. Apex College has a separate policy and procedure for academic appeals.

2. The Revised UK Quality Code for Higher Education

2.1 The Revised UK Quality Code for Higher Education (<https://www.qaa.ac.uk/quality-code>) is based on three elements that together provide a reference point for effective quality assurance.

1. *Expectations* express outcomes providers should achieve.

2. *Core Practices* that must be demonstrated by all higher education providers as part of their standards and quality assurance and *Common Practices* that underpin quality but are not regulatory requirements.



3. *Advice and guidance* which help established providers to maintain effective quality assurance practices.

2.2 There are two Expectations for quality as follows:

- Courses are well-designed, provide a high quality academic experience for all students and enable a student's achievement to be reliably assessed.
- From admission through to completion, all students are provided with the support that they need to succeed in and benefit from higher education

2.3 In relation to Core Practices and Common Practices the Quality Code makes the following statements:

- *Core Practice:* The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.
- *Common Practice:* The provider reviews its core practices for quality regularly and uses the outcomes to drive improvement and enhancement.

The QAA additionally publishes advice and guidance concerning complaints (<https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>) which are set out as eight guiding principles. These are as follows:

1. Concerns, complaints and appeals are used to improve student experience
2. Concerns, Complaints and appeals procedures are accessible and inclusive
3. Information is clear and transparent
4. People raising concerns or making complaints or appeals are treated with dignity and respect, and their well being is properly considered
5. Concerns, complaints and appeals processes are proportionate and allow for cases to be resolved as early as possible
6. Concerns, complaints and appeals procedures are fair and impartial
7. Confidentiality and anonymity are appropriately assured
8. Concerns, complaints and appeals are resolved in as timely a way as possible.

2.4 Apex College's complaints policy and associated procedures are designed to meet the requirements of the Revised UK Quality Code for Higher Education and the eight guiding principles set out by the QAA in its advice and guidance for concerns, complaints and appeals (<https://www.qaa.ac.uk/en/quality-code/advice-and-guidance/concerns-complaints-and-appeals>).

3. Scope of the complaints policy and procedure



3.1 Apex College defines a complaint as an expression of dissatisfaction with any service or lack of service provided by the College. Apex College believes it is important that it's students feel able to express dissatisfaction to which a response should reasonably be expected. Apex College's Complaints Policy and Procedure aims to provide a fair, accessible and straightforward approach which enables students and entitled others to raise concerns which are dealt with effectively, and in a timely and appropriate manner. The Complaints Procedure is not restricted to students of Apex College. A complaint may also be made by, for example, a prospective student (such as a complaint about the admissions process) or a member of the public. A complaint may also be submitted by a group of students, in which case a spokesperson should be nominated who will be the channel of communication for the group. A complaint may not be lodged by a third party on behalf of the complainant.

3.2 Students and others considering making a formal complaint are advised to consider whether there are more suitable ways for them to express their concerns. For example, this may be done through discussion with a lecturer or member of the College's management staff or through other feedback mechanisms, such as student surveys. Anyone thinking about making a complaint is urged to seek to resolve their complaint informally. This can be done either before embarking on the formal complaints procedure or at any stage during the formal procedure. In general, outcomes from an informal resolution of a complaint are usually better and more satisfactory for all concerned.

3.3 If, after initial investigation, it becomes apparent that a complaint may be more appropriately dealt with under the staff disciplinary procedure, the case will be passed to the Principal for the duration of the investigation. The Principal will use the appropriate procedure for dealing with the matter.

3.4 Students are recommended to read the Guidance Notes for Students so that the Complaints Policy and Procedure is fully understood. The flow chart provides a useful visual summary of the Complaints Procedure.

3.5 Members of staff at Apex College are recommended to read the Guidance Notes for Staff so that they fully understand the Complaints Procedure and their responsibilities when a student or other person makes a formal complaint.

4. Apex College's Complaints Procedure

4.1 Overview

4.1.1 There are four stages to the Complaints procedure:

- Stage 1: Conciliation
- Stage 2: Formal Complaint
- Stage 3: Appeal to the Principal
- Stage 4: Independent Review (external)

4.1.2 In the case of a complaint about a member of the management team, Stage 2 will be as follows:



- A complaint about the Head of Administration, HND Academic Programme Director, Student Services Officer, Director of Quality Enhancement or Vice-Principal will be heard by the Principal.

4.2 Stage 1: Conciliation

4.2.1 Complainants are strongly advised to make every reasonable effort to resolve their complaint informally by meeting with the member of staff most directly concerned with the matter before proceeding to Stage 2 and submitting a formal complaint. If necessary a conciliation meeting involving a more senior member of staff and the member of staff concerned may be held. Apex College acknowledges that methods other than a meeting may be more suitable when attempting to resolve the complaint at Stage 1. The College urges students to attempt to resolve complaints at Stage 1 and expects that the majority of complaints will be resolved satisfactorily at this stage.

4.2.2 The complaint should be raised as soon as possible and normally no more than ten working days after the failure in the service or the matter giving rise to the complaint. The member of staff approached should try to resolve the complaint through meeting with the complainant within ten working days of receipt of the complaint.

4.2.3 Where it is not clear to the complainant which member of Apex College's staff is directly concerned, or the complainant is unclear on the correct complaints procedure to follow, the complainant will be advised by the Vice-Principal.

4.2.4 Where the procedure outlined above does not produce a satisfactory resolution of the matter giving rise to the concern, the complaint may be formalised and dealt with as a Stage 2 Formal Complaint, detailed in below. While every reasonable effort should be made to resolve complaints at Stage 1, the complainant has the right to proceed to Stage 2 at any time provided that it is within two calendar months of the matter giving rise to dissatisfaction.

4.3. Stage 2: Formal Complaint

4.3.1 If a complainant is dissatisfied with the outcome of Stage 1 or wishes to proceed directly to Stage 2, he/she should make a written complaint using the Complaints Form. By proceeding direct to Stage 2 the complainant should be aware of the lost opportunity to resolve the matter by informal means. Any complainant who has not attempted to resolve their complaint through conciliation (Stage 1) will be asked to explain on the Complaints Form why they have not completed Stage 1 of the Complaints Procedure or why the informal process has not resolved matters to their satisfaction.

4.3.2 The completed Complaints Form should be lodged with the Head of Administration within ten working days of the unsatisfactory outcome of Stage 1 or within two calendar months of the complainant becoming aware of the matter with which he/she is dissatisfied. An extension of these time limits will only be possible in exceptional circumstances, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a



circumstances, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the Complaint Form the reason for the complaint being lodged outside of the time limits.

All Stage 2 complaints made using the Complaints Form will be processed by the Head of Administration.

4.3.3 The Head of Administration will pass the complaint to the Vice-Principal. If the person cited in the Stage 2 complaint is the Vice-Principal the complaint will be dealt with by the Principal.

4.3.4 If the complaint is more appropriately investigated through the Academic Appeals Procedure then the complaint will cease to be handled as a complaint at this point and will instead be processed as an Academic Appeal.

4.3.5 If the complaint concerns a member of staff and/or harassment matters, the Head of Administration should consult with the Principal regarding the appropriate procedure to adopt before conducting an investigation.

4.3.6 **Investigation of a complaint:** The member of staff responsible for dealing with the complaint (the investigator) shall:

- (a) make such investigations as he/she deems appropriate;
- (b) ask any person being the subject of a complaint for a written statement on the alleged failure/deficiency;
- (c) keep the complainant, the and other relevant people involved informed on the progress of the investigation.

4.3.8 If the Head of Administration and/or investigating person considers that there is a prima facie case to proceed under the staff disciplinary procedure, the case will cease to be handled through the complaints procedure and dealt with henceforth by the Principal.

4.3.9 The investigator may make one of the following decisions within the procedures laid down by Apex College and under the rules of natural justice:

- (a) to dismiss the complaint;
- (b) to suggest an amicable settlement to the complainant (and member of staff, where appropriate). If this is not mutually accepted within five working days, then the investigator shall make a decision under (a) or (c) of this section. If the settlement is accepted, the procedure terminates at this stage;
- (c) to find the complaint justified and make an offer of redress to the complainant, for example, an apology and/or appropriate recommendations to Apex College.



4.3.10 The investigator shall, within 15 working days of receipt of the Complaints Form, produce a written report responding to all complaint points and making clear the grounds on which a decision or settlement has been reached. This report will be given to the Head of Administration. A letter to the complainant, based on the investigator's report, will be sent to the complainant. The letter will deal with each point of complaint and include actions, as appropriate.

4.4 Appeal to the Principal

4.4.1 If the complainant is still not satisfied with the response, he/she should give written notice to the Head of Administration within 10 working days of receipt of the response, explaining why he/she is not satisfied with the outcome. The complainant should indicate the matters that he/she considers to be outstanding.

4.4.2 Within 10 working days of receipt of the complaint, the Head of Administration or nominee will decide whether there is a prima facie case to refer the matter to the Complaints Review Panel, provided that:

- (a) there is, at the time, still a complaint which comes under the scope of this procedure;
- (b) the student's desired outcome to the complaint is achievable;
- (c) the complaint was lodged within the set time limit.

4.4.3 If there is no prima facie case for proceeding to a Complaints Review Panel the complainant shall receive a written statement explaining the reasons for this. If the complainant is not satisfied with the response he/she shall be given the option of proceeding direct to an Independent Review at Stage 4.

4.4.4 If there is a prima facie case for proceeding, the Head of Administration may consider the possibility of convening a mediation meeting with the parties involved at Stage 1 of the procedure. If the meeting is successful, the complainant and other party will be informed of the outcome in writing within 10 working days. When an attempt to achieve a resolution through mediation is unsuccessful or would appear to be inappropriate, the Head of Administration will arrange for a Complaints Review Panel to be convened.

4.4.5 The Head of Administration will arrange for a Complaints Review Panel to be convened within 30 working days of the notification to consider and adjudicate on the complaint.

4.4.6 The Complaints Review Panel shall normally consist of the following members:

- (a) a Chair, who shall normally be the Vice-Principal;
- (b) one member of staff.

4.4.7 In the event of a complaint against the Vice-Principal the Complaints Review Panel shall consist of the following members:

- (a) the Principal, as Chair
- (b) one member of staff.



4.4.8 Where possible, Apex College shall seek to ensure that the composition of the Complaints Review Panel reflects the character of the College.

4.4.9 The Head of Administration shall make available to the Complaints Review Panel the Complaints Form, previous correspondence relating to the complaint and any other relevant documentation.

4.4.10 The outcome and the reasons for the decisions of the Complaints Review Panel will be communicated by the Head of Administration to the complainant within 10 working days of the meeting of the Complaints Review Panel. The Complaints Review Panel will, at the same time, send a report summarising the complaint, the action taken to resolve it, and the Panel's conclusions and recommendations to the Principal. The decision of the Review Panel will be final and binding.

4.4.11 If the complaint is upheld, the Head of Administration will inform the Principal and the Chair of the Complaints Review Panel within 15 working days of receipt of the report, stating what action has been taken or is proposed in the light of the Panel's recommendations. The Complainant will also be notified of actions taken or actions proposed in response to the Panel's recommendations.

4.4.12 The procedure of the Complaints Review Panel hearing shall be as specified in paragraph 6 below.

4.4.13 As far as is practicable, confidentiality shall be preserved in the investigation of the complaint. However, information provided by the complainant may be used when a complaint is investigated.

4.4.14 Once the Stage 3 procedure has been completed, Apex College will issue the complainant with a 'Completion of Procedures' letter. This letter will be issued by the Head of Administration. The letter will notify the complainant of the outcome of their complaint and any changes or adjustments that may have been made as a result of the complaint.

5. Procedural rules for the Complaints Review panel

5.1 The hearing shall take place in private on the premises of Apex College on a date fixed by the Chair in consultation with the other member of the Panel.

5.2 The complainant may be accompanied at the hearing by one friend but not a paid legal representative. Where several students are bringing the same complaint, they shall appoint two of their number (each accompanied by one friend who cannot be one of the complainants) to attend the hearing. Both the complainant and their friend will have the opportunity to address the panel and ask questions

5.3 After the date of the hearing has been fixed the Head of Administration shall, at least seven days before the hearing, write to the complainant(s):

- (a) notifying the date of the hearing;



- (a) requesting three copies of any written submissions from the complainant, to be submitted at least two full working days before the hearing date;
- (b) requesting the complainant(s) to provide the name(s) of any other friend(s) who will accompany them at the hearing and the name(s) of any witness(es) they would like to call (It is the responsibility of the complainant(s) to notify such friend(s) or witness(es) of the hearing);
- (c) requesting the complainant(s) to provide details of any reasonable adjustments that may need to be made for the hearing in order to accommodate the complainant if they have a declared disability.

5.4 At all times following the lodging of a complaint under the formal complaints procedure, a member of Apex College staff who is concerned or named in the complaint or whose conduct is by implication called into question by the complaint has the right to be represented by a friend, who shall normally be another member of staff of Apex College.

5.5 The Head of Administration will circulate all the information received to the Panel and to the parties involved at least two working days before the date of the hearing.

5.6 Written information not received in advance shall not be considered by the Panel unless the Panel decides, in exceptional circumstances, to receive such evidence.

5.7 If the complainant does not appear at the date and time scheduled for the hearing, the Complaints Review Panel shall consider whether any reasons advanced for non-attendance are valid, and:

- (a) if members so judge, adjourn proceedings to a later meeting;
- (b) if no reasons are advanced, or if they are judged invalid, proceed in the complainant's absence.

5.8 The Panel will decide whether or not any particular witness should be called.

5.9 A Secretary shall be appointed to service the Panel and for producing the report on behalf of the Panel.

5.10 The Chair has the power to regulate the procedure of the hearing within the spirit of these rules, having regard to the need to maintain informality and reasonable progress of the proceedings.

5.11 Time limits may be departed from only at the discretion of the Chair. If a complaint lapses as a result of failure to keep to a time limit, the complaint cannot be recommenced. Time is calculated on working days throughout the year.



5.12 In exceptional circumstances the Panel may consider documents or hear evidence in the absence of the parties.

6. Role of awarding bodies

6.1 Where a student is on a course whose award is made by one of Apex College's awarding bodies the student may only appeal on academic matters to the awarding body. This means that the matter raised by the student would be dealt with under the Academic Appeals Procedure.

6.2 Each awarding body may adopt a slightly different approach to how an academic appeal is dealt with.

7. Stage 4: Independent Review by the Office of the Independent Adjudicator

7.1 If the complainant has exhausted the internal procedures at Stage 3, and those of the awarding body, where appropriate, and is not satisfied with the outcome he/she may request that the case to be reviewed by the Office of the Independent Adjudicator for Higher Education (see www.oiahe.org.uk for information on how to request for the case to be reviewed). The Office of the Independent Adjudicator is a body independent of Apex College, Universities and other institutions of higher education.

7.2 The Office of the Independent Adjudicator must receive a completed Scheme Application Form within two years of the date of the Completion of Procedures Letter (see above).

7.2 The grounds and eligibility for review shall be determined by the Office of the Independent Adjudicator.

7.3 The findings of any case considered by the Office of the Independent Adjudicator shall be considered directly by the Principal of Apex College. The Principal shall take the recommendations of the Office of the Independent Adjudicator into account in reaching a final decision about any action that should be taken in response to the complaint.

7.4 The decision of the Principal is final and there shall be no further appeal against this decision

8. Reporting of Formal Complaints to Academic Standards Board

8.1. The Head of Administration shall keep a record of all formal complaints that are made. This will include formal complaints that are progressed through the Complaints Procedure and those which are resolved informally at some stage in the Complaints Procedure. The Head of Administration shall keep a record of the types of complaints, those making complaints and how each complaint was resolved.

8.2 The Head of Administration shall make an annual report, as detailed in 8.3 below, in the July of each year for consideration by the Autumn meeting of Academic



Standards Board. The annual report will also be considered at the next appropriate meeting of the Executive Committee.

8.3 The Head of Administration shall report annually to Academic Standards Board on formal complaints (Stage 2 and Stage 3) received. The report will include:

- the number of formal complaints lodged and the number satisfactorily addressed at Stage 2;
- the number of complaints that proceed to Stage 3;
- the number of complaints that proceed to a Complaints Review Panel; and number proceeding to independent review.

Data concerning equal opportunities monitoring shall also be provided. Any overall recommendation(s) arising from the reviews will be drawn to the attention of Academic Standards Board.

9. General principles underlying the complaints Policy and Procedure

9.1 Apex College's Complaints Policy and Procedure recognises the importance of the protection of the rights of those wrongly accused. Malicious or frivolous accusations will be viewed as a serious matter by Apex College and could lead to disciplinary action, or legal proceedings.

DoQE Revised May 2020
Version V5.0