

## Procedure for the Consideration of Student Complaints

### Introduction

1. The Institute welcomes constructive comment from students. It hopes that most problems met by students will be resolved through the normal systems of student support or course administration. In some cases, and particularly where a problem affects a number of students, it may be appropriate for them to make representation through the elected student representatives, who are free to raise matters directly with a relevant member of staff or at staff/student meetings held once each term and at other Committee meetings where they represent the students' views and interests. It is, however, necessary to have a procedure to deal with complaints that have not been resolved, and one that aims to solve problems quickly and simply as well as fairly. It is hoped that the majority of issues can be settled in the early stages.
2. There is a separate code of practice for harassment (see below), but if the problem has not been resolved by that code or if, for some reason, the code is not appropriate, a formal complaint may be made under the procedures set out below.

### Mention of a grievance

3. Any student who has a grievance related to her/his course should first, where appropriate, raise it with the member of staff concerned. If the student feels unable to approach that person, s/he should raise it with her/his personal tutor or the Associate Dean for Student Affairs.
4. A grievance not directly related to academic issues should be raised with the person or department concerned. It may be appropriate for it to be discussed with the student's personal tutor.

### Informal complaint

5. If the matter cannot be resolved satisfactorily at the first stage, the student may refer course-related issues to the Academic Registrar as an informal complaint. The Academic Registrar will, if appropriate, investigate the complaint and explain how formal procedures may be invoked.
6. Non-course-related issues may be referred to the relevant Head of Department or other immediate superior, who will, if appropriate, investigate and explain how formal procedures may be invoked.
7. A record will be kept of each informal complaint: the name of the complainant, the nature of the complaint, and how it was dealt with.

### Formal complaint (First Stage)

8. If the matter cannot be resolved satisfactorily by informal means, the student may make a formal complaint in writing to the Deputy Director of the Institute, or where the issue is non-academic to the Academic Registrar. Only in exceptional circumstances will the Deputy Director or Academic Registrar consider any complaint that has not been through the two previous stages (paragraphs 3 to 7). If the complaint has been made against an individual, a copy of the formal written complaint and the formal complaints procedure will

be sent to the member of staff or student concerned, who will be asked to provide a written reply normally within five working days of receipt of the formal complaint. The Deputy Director or Academic Registrar will, as soon as possible, interview both the complainant and the member of staff or student concerned, who each have the right to be accompanied by a colleague or a union representative. If the complaint has been made against the Institute rather than an individual, the appropriate officer should write the reply.

9. The Deputy Director or Academic Registrar may either:
  - 9.1. recommend that the complaint be dismissed on the basis that it has already been fairly settled at an earlier stage, or that the complaint is trivial, or wholly lacking in merit or substance; or
  - 9.2. where the Deputy Director or Academic Registrar considers that the complaint has substance:
    - 9.2.a seek to resolve the complaint, in discussion with the Academic Registrar and/or the Associate Dean for Student Affairs, or
    - 9.2.b forward the formal complaint and reply, together with a report on the attempts to resolve the complaint so far, to the Director of the Institute, who will resolve the matter under Paragraph 11 below.
10. The decision of the Deputy Director or Academic Registrar will normally be communicated to the complainant within five working days of the interview.

#### **Final resolution of complaints**

11. A student who is not satisfied with the handling or outcome of a complaint made in accordance with the foregoing procedure shall be informed that they may make the complaint to the Director of the Institute with a statement explaining why he or she is not satisfied. Only in exceptional circumstances will a complaint be considered which has not been through all the previous stages.
12. The complaint shall be investigated by the Director, and at his/her discretion he/she may:
  - 12.1 dismiss it, as there is no case to answer; or
  - 12.2 rule it to have been settled; or
  - 12.3 refer it back for re-consideration; or
  - 12.4 resolve it in discussion with the officers of the Institute; or
  - 12.5 refer it to a Grievance Committee, which shall decide its own method of working and whose decision shall be final; or
  - 12.6 uphold it, and make such further finding or instruction to remedy the complaint as the Director may see fit.
13. A Grievance Committee will consist of:
  - 13.1 a lay governor member of the Governing Board of the Institute;
  - 13.2 a member of the Academic Board;

- 13.3 another person, not employed by the Institute, who will be an alumnus of at least five years standing.
14. The Chair shall be appointed from among the Committee's members by a majority vote of such members.
15. If the student objects to a member, he or she should state the reasons for that objection in writing to the Secretary of the Institute and the Director shall determine whether the member objected to should be excluded from membership.
16. The student will be notified:
  - 16.1 of his/her right to be heard by the Committee and subject to the discretion of the Chair of the Committee to control or limit evidence, to present evidence to the Committee;
  - 16.2 of the date, time and place when the case will be considered by the Committee. The date arranged for the hearing must give the student reasonable time to prepare their case. The student may ask for an adjournment, which may be granted or refused at the discretion of the Committee;
  - 16.3 of his/her option to present the complaint by means of written submissions and/or appear before the Committee in person, with or without a companion and call witnesses on his/her behalf;
  - 16.4 of the procedure to be adopted. The student shall receive notification of the procedure to be followed both when he/she is to appear before the Committee in person and when he/she makes a submission in writing.
17. If it becomes apparent during the course of proceedings that any of the Committee's members has an interest in the matter, it must be disclosed immediately to the Director who will decide in consultation with the Committee member whether it is appropriate for the Committee member to be involved with the hearing.
18. If a member of the Grievance Committee who has received 72 hours notice of its convening is absent from any part of the proceedings, he/she shall take no further part in the proceedings. His/her absence shall not invalidate proceedings unless the number of members present throughout proceedings falls below two persons. If the Chair is absent another Chair shall be selected from amongst the Committee's remaining members. The Chair shall hold the casting vote.
19. The Secretary of the Committee will ask the student to state in writing, by a specified date in advance of the hearing, whether he or she proposes solely to make written submissions or to attend in person with or without a friend or adviser, with accompanying documentation. Any documentation that is to be supplied to support oral submissions will be accepted after the specified date only at the discretion of the Committee.
20. If proposing to bring a friend or adviser, the student shall provide in writing to the Secretary of the Committee, not later than three working days before the date fixed for the hearing, notice of the name and status of the friend or adviser who shall not be legally qualified. The student must state the capacity in which their friend/adviser is attending the hearing e.g. as an observer, adviser or representative.
21. After hearing the case and considering the evidence, the Grievance Committee shall make such report or recommendation (based on a majority decision) to the Director, as it considers appropriate in the circumstances of the case, this report is not binding on the Institute. In writing its report the Committee shall have regard to the need to protect the

position of any witnesses. The report may propose whatever remedy the Committee considers appropriate in respect of a complaint which is found to be substantiated; such remedy may include a proposal that all or part of the subject matter of the complaint be considered under the Disciplinary and Dismissals Procedure for Academic Staff, or determined under the Procedure for Termination of Appointment for Incapacity Arising From Ill-health or Infirmary. The Director will consider the report of the Committee and reach a decision.

22. The report of the Committee will be presented to the student with a letter from the Director containing his or her decision within 28 days of the hearing.

### **Review of decision**

23. Where a student remains dissatisfied and all the procedures above have been exhausted, the student will have access to a person with no prior involvement in the case who can review the way in which the case has been handled. Students should note that any finding of the Review will have the status of a non-binding recommendation that shall be placed before the Director for consideration.
24. The request for a Review must be in writing and be lodged with the Director normally within 8 weeks of receipt by the student of the Director's decision. Applications for Review may not be accepted unless they are on one or more of the following grounds:
  - 24.1 Significant procedural defect or material irregularity;
  - 24.2 Significant new evidence that was not presented previously for a good reason;
  - 24.3 A significant extenuating factor which was not raised previously for a good reason.
25. The Review will be conducted by a Lay Governor, selected by lot from the Panel of Lay Governors established for this purpose. The Lay Governor must not be a member of any of the Institute's committees that deal with student matters.
26. If it becomes apparent during the course of proceedings that the Lay Governor has an interest in the matter, it must be disclosed immediately to the Director who will decide in consultation with the Lay Governor whether it is appropriate for the Lay Governor to deal with the Review.
27. The student will also have the option of either accepting or rejecting the appointment of any Lay Governor and can exercise the right of pre-emptory challenge up to three times.
28. The Lay Governor will have access to independent legal advice if required in conducting the Review.
29. The Lay Governor should avoid communicating directly with any of the individuals involved in dealing with the case at earlier levels of the procedure.
30. The Lay Governor will make such report or recommendation as he/she feels appropriate in the case, giving reasons for his/her findings.
31. The student and the Institute are permitted to submit documentation in advance of the Review to support their respective cases, copies of the submissions will be made available to the Institute and the student. Oral submissions will not normally be considered. The Lay Governor may seek additional information from both the Institute and the student to assist in conducting the Review.

32. The student will be notified of the outcome of the Review and the Director's decision, with the reasons for the decision, normally within 12 weeks of a request for a Review being made.
33. A complainant who has exhausted the internal complaints procedure may bring the complaint to the [Office of the Independent Adjudicator](#).

#### **Public Interest Disclosure**

34. Complaints which are allegations of malpractice or concern some other matter which the student believes he or she is unable to raise in the Institute shall be made in accordance with the Institute's Public Interest Disclosure Procedure.

#### **Disciplinary action**

35. There shall be no disciplinary or other adverse implications for a student who makes a complaint or allegation providing the student acts in good faith, within the law and not vexatiously or with malice, and in accordance with established procedures including those above. Victimisation of a complainant and deterring anyone from making a proper complaint are serious disciplinary offences.

#### **Matters excluded from these complaints procedures**

36. Complaints procedures shall not deal with student complaints arising from involvement in disciplinary processes or arising from consideration of academic offences, or appeals arising from an academic assessment for which other procedures apply and the complaint can be, or should have been, raised as part of that procedure. This complaints procedure shall not therefore serve as a method of appeal in such disciplinary or academic matters.