

Higher Education Complaints Procedure

This procedure relates to complaints:-

- By enrolled Higher Education students at the Heart of Yorkshire Education Group (“the Group”) or by former students who have left the Group within the three calendar months prior to their complaint being received, and
- Which concern matters that affect the quality of a student’s learning opportunities

In writing this procedure the Group has taken account of the UK Quality Code for Higher Education, specifically the Advice and Guidance on Concerns, Complaints and Appeals which embeds the core practice that:

The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.

The College has also taken account of:-

OIA Good Practice Framework for handling complaints and academic appeals (revised December 2016)

The University of Hull Regulations and procedure for the investigation and determination of complaints by students (v3.00, August 2021)

Leeds Beckett University’s Student Complaints Procedure

University of Huddersfield Student Complaints (Regulations for taught students)



Introduction

- 1.0 As a provider of Higher Education, the Group strives for the continual improvement in the quality of its provision and services. We are committed to providing a high-quality educational experience which is supported by excellent administrative and pastoral support. In order to assist us in this endeavour we welcome feedback from all of our students but recognise that, whilst the majority of it is positive in nature, there will be occasions when problems arise. We wish to ensure that any higher education student who is dissatisfied with the service or educational experience that they have received is able to raise their concerns or submit a complaint.
- 2.0 This procedure (“The Procedure”) provides guidelines for a complaint from a student at the Group (within the parameters detailed in paragraph 3.0).

Definitions of Complaints

- 3.0 The definition of complaint appropriate for this documentation is that provided in the OIA Framework (December 2016 p.8e):
an expression of dissatisfaction by one or more students about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider
- 4.0 Some examples of complaints taken from the OIA Framework (p8) may include:
- Failure of the UCW to meet obligations including those outlined in course/student handbooks or a student charter;
 - Misleading or incorrect information in prospectuses or promotional material and other information provided by the provider;
 - Concerns about the delivery of a programme, teaching or administration, including, where applicable, that provided by a partner institution;
 - Poor quality of facilities, learning resources or services provided directly by the provider;
 - Complaints involving other organisations or contractors providing a service on behalf of the provider.
- 5.0 This procedure does not cover:-
- 5.1 Academic appeals and complaints – specific procedures exist for these within our Higher Education Academic Appeals Code of Practice and also within the regulations and guidelines of our partner universities and awarding bodies.
- 5.2 Admissions appeals and complaints - specific procedures exist for these within our Higher Education Admissions Appeals and Complaints: Code of Practice
- 6.0 Examples of issues which would not normally be dealt with under this procedure may include (OIA Framework p8):



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- A concern about a decision made by an academic body regarding student progression, academic assessment and awards (this would fall within the remit of the Academic Appeals Code of Practice);
- Dissatisfaction about the outcome of an academic misconduct or disciplinary process (this would fall within the remit of the Academic Appeals Code of Practice);
- A concern about a decision made under other specific regulations, such as fitness to practice;
- Matters relating to the Student Loans Company, which has its own complaints procedures.

7.0 Where the Group believes that the complaint would be more appropriately dealt with under one of more of its other procedures, student(s) will be informed of this including a rationale as to why this is the case.

Who can make a complaint?

8.0 For the purposes of this documentation, a student is defined as a person enrolled on a higher education programme of study at the Group, or a former enrolled student who has left within the three calendar months prior to raising their complaint, irrespective of the mode of study (e.g. full or part time) or the location of the learning or delivery that takes place. This would include students who are on a leave of absence, on temporary withdrawal or temporary exclusion or suspension.

9.0 A complaint by a third party (ie someone other than an actual student) will not normally be accepted.

10.0 An anonymous complaint will not be considered under this procedure however, the content of any such complaint will be noted for further action as appropriate.

11.0 A student may raise a complaint where they identify themselves, but then request anonymity during any investigation. The student must provide a clear rationale for doing so and the request for anonymity will be considered, taking into account the need for a fair and equitable investigation for all parties concerned. If it is not felt that the request for anonymity is reasonable, the student must be advised in writing within 5 working days of the reasons for the refusal of the request. No further action will be taken under this Procedure without confirmation in writing from the student that they agree to proceed on the basis that anonymity will not be granted. If the student has not confirmed their agreement within 10 working days, the complaint will be treated as an anonymous complaint (paragraph 10.0).

12.0 A collective complaint can be made by a group of students providing that all of the individuals named within the complaint have signed up to this course of action. Students will be asked to nominate one individual to act as the main point of contact and liaison. This is to enable the process to be effectively managed. All students who are party to a collective complaint will receive the same outcome. Any student

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may withdraw from the collective process and lodge an individual complaint if they wish.

Confidentiality

- 13.0 Respect for the confidentiality of any document generated, or information provided as a result of any complaint must be upheld by everyone involved in its investigation or determination. This includes the student(s) making the complaint. Information should only be disclosed to those who need it for the purposes of the investigation and no third party should be told any more than is necessary to meet the requirements of their role.
- 14.0 Where a complaint raised against another student, or against a member of staff, has been upheld, the student making the complaint will be made aware of the outcome, but it should be noted that it may not be appropriate to share specific details of action taken, particularly where disciplinary procedures have been taken.
- 15.0 Information received as part of a complaint investigation will normally only be used as part of that investigation process, however, if information is provided which the Group would be obliged to share as a result of other obligations (e.g. safeguarding, fitness to practice), then this will be undertaken.
- 16.0 The Group will keep detailed records of all complaint investigations in accordance with relevant laws, such as those relating to data protection including the General Data Protection Regulation and Data Protection Act 2018 (and any superseding legislation), and the Group's data retention policies.
- 17.0 The Group offers any student the assurance that they will not suffer any discrimination or victimisation as a result of their decision to submit a complaint. All complaints (informal or formal and at whatever stage) will be handled as efficiently as possible and investigated in a manner which is most appropriate to the nature of the complaint.

Vexatious or malicious complaints

- 18.0 It should be noted however, that any complaint which is found to be vexatious or malicious in nature may result in disciplinary action. Any complaint falling into this category may be rejected by the Group and the complainant will be notified in writing, within 5 working days, as to why the rejection has occurred and any action which may result, including how they may appeal against such a decision.
- 19.0 Examples of vexatious or malicious complaints may include (OIA Framework p25):
 - Complaints or academic appeals which are obsessive, harassing, or repetitive



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- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes;
- Insistence on pursuing what may be 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.

Principles of Complaint Investigation

20.0 The Group will adopt the following principles to guide the investigation of complaints. These principles are embedded in the OIA Framework (p4):

- The process will be accessible to all (subject to the provisions of paragraphs 8.0-12.0) and where it is needed, support will be provided to students to assist them through the process;
- The process will be clear and students will easily be able to access information around what constitutes a complaint, which processes should be followed, and what timescales are to be met;
- The process will be flexible so that multiple processes can be implemented where appropriate;
- There will be an expectation of reasonable and fair treatment of all parties and a respect for the processes in place;
- Informal resolution of all complaints will be explored as early as possible, unless this is impossible or inappropriate due to the complexity or seriousness of the case;
- A three stage process will be adopted – early resolution, formal stage, review stage;
- Clear time limits will be set and processes will normally be completed within 90 calendar days of the start of the formal stage. Complaints which warrant swift action will be identified and actioned accordingly;
- The investigation will be independent, with decision making from parties without any actual or perceived conflict of interest;
- Students will not be disadvantaged as a result of making a complaint;
- Decisions will be made consistently, and at the appropriate level and the information gathered during the investigation process will be appropriately utilised to improve the student experience and services;
- Appropriate levels of confidentiality will be maintained, as long as no disadvantage is likely to result.

Timeframes

21.0 All concerns or complaints should be raised as soon as possible after the relevant event, and within 3 months of the event (unless there are exceptional circumstances which prevented this). This will help to ensure that any necessary investigations are able to take place in a timely and thorough manner. Where there is a clear and good reason why a complaint has not been submitted within this timescale, the Group may



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exercise discretion and investigate a complaint submitted outside of the 3-month timeframe. The reasons for exercising any such discretion will be documented to ensure consistency but it should be noted that each individual case will be explored under its own merits.

- 22.0 For any complaint which is submitted during periods of Group closure or at a time when key staff are unavailable due to Assessment or Examinations Boards, the time periods provided elsewhere in this procedure may be extended. If this becomes necessary, students will be provided with a full explanation as to why the investigation has been delayed.

Complaints Process

- 23.0 All formal complaints will be directed to the Director of Higher Education, unless this would be inappropriate e.g. due to a conflict of interest, in order that an appropriate investigation can be commenced.
- 24.0 Students may wish to obtain advice regarding the complaint's procedure prior to the submission of any complaint. This advice may be sought in person, by email or by telephone and can be obtained from any member of higher education staff working at the Group.
- 25.0 The Group has developed a staged complaints process which allows for escalation if the student does not feel that the matter they raised has been satisfactorily resolved. These stages should normally be followed in order and a complaint must have been considered at the formal stage before it can be escalated to the review stage. At the first stage, the complaint can be raised verbally or in writing, but for later stages, all complaints must be raised in writing.
- 26.0 Students may be required to provide evidence and/or additional information to enable the Group to properly and fairly investigate the complaint.

Stage 1 Complaints: Informal Local Resolution

- 27.0 There is an expectation within the Group that the majority of complaints can be resolved at an early stage through an informal discussion procedure without the necessity of instigating formal processes. In the first instance, any issue arising should be brought to the attention of a relevant member of staff (either verbally or by email).
- 28.0 If the issue relates to an academic issue, the relevant person may be a tutor, programme leader or curriculum manager. If the issue relates to a service or support area the business support manager would be the most appropriate contact. A student is encouraged to seek advice if they are uncertain who to approach.



- 29.0 The student making the complaint must provide an outline of the issue that has given rise to the complaint, the effect on them and any solution or remedy that they are seeking.
- 30.0 Any staff member who receives an informal approach is responsible for establishing whether it can be addressed through the Stage 1 process in a prompt and fair manner. If the matter can be dealt with by Stage 1 processes, the staff member should look into the issue and provide the student with an outcome within 15 working days. If it is clear that the matter is serious, complex or requires swift action the staff member should escalate it immediately to Stage 2 and explain clearly to the student why this is being done.
- 31.0 During consideration of a Stage 1 complaint, there may be a need for meetings and discussions, the provision of explanations and proposed solutions, along with the giving of an apology where this is appropriate. Many issues can be resolved with an immediate apology, explanation or solution. Staff should also consider the potential for mediation or conciliation at this stage. Any meetings held with the student should be recorded on Pro-Monitor as a learner meeting and details of any discussions held and actions proposed should be included in these records.
- 32.0 Informal resolution is only achieved when both parties are in agreement and the offer of informal resolution is always made without prejudice to the right of the student to escalate the matter to Stage 2 if they are not satisfied with the proposed outcome.
- 33.0 Students should either be advised in writing of the outcome where this is proportionate, or verbally (in which case this should be logged as a learner meeting). Any agreement should be provided to the relevant Head of Curriculum or Head of Service so that any required changes can be made, and lessons can be learned around future practice.

Stage 2: Formal Complaints

- 34.0 A Stage 2 complaint can only be used in the following circumstances
- 34.1 Where after receiving a stage 1 response the student is not satisfied and wishes to escalate the complaint. The student should submit a formal Stage 2 complaint within 15 days of the conclusion of Stage 1.
 - 34.2 Where early resolution through Stage 1 is not appropriate or possible due to the nature of the complaint
 - 34.3 Where the investigating staff, upon consideration of the information provided in Stage 1, feel that continuing within informal processes would be inappropriate (paragraph 30.0)
- 35.0 All formal complaints, in the first instance, shall be submitted, in writing, to the HE Administrator, Room WU001, Seacole Building, Wakefield College, Wakefield City Campus, Margaret Street, Wakefield, WF1 2DH (headadmin@wakefield.ac.uk). The



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Executive Team and the Director of Higher Education will be notified of the complaint at this point and the complaint will be formally logged.

- 36.0 Upon receipt of the Stage 2 complaint the HE Administrator will check the following:
- 36.1 That the complaint has been submitted in a timely manner, ie in line with paragraph 34.1. If the complaint has been submitted after the 15 day period, the HE Administrator will make contact with the student to ascertain the reason for late submission, and request relevant supporting information. If, upon receipt of this information, it is felt that appropriate exceptional circumstances do not exist, the complaint will be rejected and a Completion of Procedures letter will be issued.
 - 36.2 That there is no information missing that will be needed to allocate the complaint for investigation.
 - 36.3 That the Stage 1 process has, where applicable, been fully completed and, where this is not the case, the student will be referred back to the Stage 1 process and the appropriate Curriculum area provided with relevant guidance.
 - 36.4 If the complaint falls within the criteria for malicious or vexatious complaints (paragraphs 18.0-19.0) or if it has been submitted anonymously (paragraph 10). The HE Administrator may take third party advice on these issues (e.g. from a member of the Senior Leadership Team).
 - 36.5 Where a complaint is made by a student with a known or declared disability, advice will be taken from the HE Study Coach as to whether any additional arrangements need to be put in place during the investigation process.
 - 36.6 The student should complete a Group complaints form which details the nature of the complaint, what has been done to try and resolve the situation and what their desired outcome is. If the complaint is submitted by letter or email rather than on the complaints form, this will be accepted providing all the elements usually covered within the form are included. Students are encouraged to submit evidence to support their complaint.
 - 36.7 Any complaint made under this procedure will be investigated by an Investigating Officer (“IO”) nominated by a member of the Senior Leadership Team (usually the Director of Higher Education). The IO must not have any conflict of interest.
- 37.0 Within two working days of their appointment, the IO will send written acknowledgement of the complaint to the student. At the same time, the IO will confirm the expected date, by which, the investigation is to be completed. This will usually be within 25 working days of the appointment of the IO, however, if the complaint is particularly complex the student must be advised, in writing, if the investigation period is likely to be longer and provided with a date by which the process will be concluded.
- 38.0 A student may be invited to a meeting with the IO as part of the investigation process. The student may, if required to attend any such meeting, be accompanied by someone. This individual may not be a lawyer acting in a professional capacity



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(unless this has been agreed by a member of the Senior Leadership Team in advance of the meeting) and may not speak on behalf of the student unless invited by the IO to do so.

- 39.0 At all times during a Stage 2 complaint, the IO should bear in mind that an informal resolution may still be possible and if this does appear to be a potential outcome, it should be offered to the student. The IO should also consider the use of mediation or conciliation if appropriate.
- 40.0 The IO may speak to any person they feel can offer information pertinent to the investigation, including staff not party to the complaint who may be able to provide guidance around health and wellbeing, or legal matters.
- 41.0 When the IO is satisfied that they have all the necessary information, they will determine the outcome of the Stage 2 complaint, at which point the student will be provided with a clear statement, in writing, and, in line with the timeframes set out in paragraph 37.0. The IO's written report must contain the following information:
- 41.1 A summary of the nature of the complaint and the evidence that was considered during the investigation;
 - 41.2 Identification of any witnesses consulted or interviewed;
 - 41.3 A clear statement of the IO's conclusions, confirmation of whether the complaint is upheld and any recommendations to be made in response to the complaint. Recommendations may be made irrespective of whether the complaint is upheld
 - 41.4 A request that, if the student is satisfied with the outcome of the investigation that they confirm this to be case, in writing within 15 working days of the date of the report. Once this confirmation is received, a Completion of Procedures letter will be issued.
 - 41.5 Confirmation of the student's right to request a Stage 3 review within 15 working days where they remain dissatisfied with the outcome and where the review criteria are met;
 - 41.6 If the student does not respond to the report within 15 working days of its issue, they will be deemed to have accepted the decision of the IO. At this point the HE Administrator will write confirming that the complaint is now closed, that the student is out of time to escalate the complaint to Stage 3, and a Completion of Procedures letter will be issued.
- 42.0 Any recommendations for Curriculum or Service areas made in the IO report, are the responsibility of the relevant Head and should be implemented as soon as is reasonably practicable.

Stage 3 Review of Formal Complaint

- 43.0 If a student is dissatisfied with the outcome of stage 2, he/she can request a review. Requests should be submitted within 15 working days of receipt of the Stage 2



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outcome report (paragraph 41.4) unless there are mitigating circumstances (which can be evidenced) which offer a good reason why this timeframe could not be met.

- 44.0 A stage 3 can only be raised in specific circumstances, namely:-
- 44.1 That new evidence is available for consideration which the student was unable, for valid reasons, to provide earlier in the review process;
 - 44.2 That a procedural irregularity arose in the investigation of the complaint;
 - 44.3 To consider whether the decision and/or remedy recommended following the Stage 2 investigation was manifestly unreasonable.
- 45.0 A Stage 3 Review is not intended to re-hear the Stage 2 complaint or review the evidence provided for that stage of the investigation. Its sole purpose is to check that the investigation was conducted in line with the HE Complaints Procedure, that the IO considered all the evidence available to them and that any decision and/or remedy was reasonable.
- 46.0 The request for a Stage 3 Review must be made in writing to the HE Administrator, using the contact details contained in paragraph 35.0.
- 47.0 The request must set out the reasons for the Stage 3 review along with evidence which supports the request. The student should provide details of their desired outcome.
- 48.0 Upon receipt of the request, the HE Administrator will check that the request for a Stage 3 Review has been made within the appropriate timescales and that all of the required information has been submitted. If there is any missing information or evidence, the HE Administrator will contact the student and request further details. If the request has not been made within the 15 working day timeframe, the HE Administrator will request details as to why this is the case and will request evidence to support any reasons provided. If the reasons provided are not held to be valid, the request will be rejected and the student will be advised in writing why this is the case.
- 49.0 If the request is a valid request the case will be assigned to an appropriate member of staff. The assignment of the case will normally be undertaken by the Director of Higher Education, unless it is inappropriate in which case the assignment will be undertaken by the Executive Director of Curriculum. The Reviewer will be a member of the Senior Leadership Team and will not have had any previous involvement with the case.
- 50.0 The Reviewer will send written acknowledgement of the request for a Stage 3 Review to the student, usually within 2 working days of their nomination.
- 51.0 Under normal circumstances, the Stage 3 Review will be completed within 20 working days of receipt of the Review request. Where the case is complex or other factors arise which may result in a delay in response time, the Reviewer should notify the



student, and the HE Administrator, in writing of the reasons for the delay and the new date for conclusion of the review.

- 52.0 The Review will not involve a meeting with the student other than in exceptional circumstances but will be a desktop exercise which reviews the request, the evidence provided by the student and which will make reference to any documentation provided as part of the Stage 2 investigation.
- 53.0 The Reviewer has the following outcomes available to them:
- 53.1 To uphold the Stage 2 investigation outcome;
 - 53.2 To overturn the Stage 2 outcome and implement a new decision;
 - 53.3 To uphold the Stage 2 outcome but offer an alternative remedy to the student;
 - 53.4 To refer the complaint back to Stage 2, order a re-investigation and potentially assign a new IO.
- 54.0 In exceptional circumstances, and only in cases where the complexity of the case means that it is not clear as to whether the Review request should be upheld, the Reviewer may request the formation of a Review panel to assist in the decision making process. The Panel must contain a senior member of academic staff, a senior member of administrative/management staff, a student representative and the Reviewer. No member of the panel should be linked to or have a material interest in the Curriculum Area or Service Area which is the subject of the Review. The HE Administrator will act as secretary to the Panel, unless this is inappropriate, in which case a member of the Executive Team administration team will act as secretary. The Reviewer will decide in advance of the panel whether any staff will be asked to attend. The student and staff are entitled to attend the panel and the student may be accompanied by a person of their choosing, subject to the constraints outlined in paragraph 38.0.
- 55.0 On conclusion of the review, the student, the Director of Higher Education, the HE Administrator and any relevant Head of Curriculum or Service Area will be provided with a written statement containing the following information:
- 55.1 A summary of the nature of the Review;
 - 55.2 A summary of the evidence considered during the Review;
 - 55.3 A clear statement of the Reviewer's conclusion which identifies whether or not the Review is being upheld, any recommendations being made as a result of the Review and any action that needs to be taken in response to the Review;
 - 55.4 Clarifies the finality of the outcome.
- 56.0 A Completion of Procedures letter will be issued following the issue of the Review outcome.

Finality

- 57.0 The Stage 3 Review outcome is final and there is no further challenge available within the Group.



- 58.0 The remedies/outcomes offered are not subject to any additional complaint or negotiation.
- 59.0 If a student accepts an outcome and resolution at any stage of this Procedure, they cannot re-open the complaint or make a new complaint on the same (or substantially the same) issue.

Students on Collaborative Programmes

- 60.0 For students on Leeds Beckett University programmes, a complaint should be made using the Group Procedure. If, once all of the stages of the Procedure are exhausted, a student is still dissatisfied with the offered remedy and/or outcome, they should make a formal complaint utilising the University's Student Complaints Procedure. The information on how to access this procedure is contained within the relevant Course Handbook.
- 61.0 For students on University of Hull programmes, a complaint can be made to the University about any service provided by the Group on a programme leading to a University of Hull award where a student is dissatisfied with the outcome of their complaint made to, and determined by the Group. For such cases the following applies (section D of the University of Hull Regulations and procedure for the investigation and determination of complaints by students, v3.00, August 2021):
- 61.1 *The complaint shall be limited to challenging the application of the procedure through which the original complaint was considered by the partner institution and where the student has exhausted the procedures at the partner institution*
- 61.2 *A complaint must be made in writing to the UCIO within 15 working days of receiving the final decision of the partner institution. The complaint shall include a copy of the partner institution's final determination and any other evidence which the student believes is relevant to the matter.*
- 61.3 *The complaint shall be handled as a Stage 3 Review and shall follow all relevant Regulations except with regards to the possible outcomes*
- 61.4 *Where the Reviewed upholds the complaint the partner institution shall re-consider the original complaint, addressing any defect in the application of the partner institution's procedures identified by the Reviewer.*
- 62.0 For students on University of Huddersfield programmes, the Group will be responsible for progressing a complaint utilising the University's Student Complaints Procedure in the first instance. However, if the Group is unable to resolve the complaint, it will be referred to the University via the Designated Academic Liaison Officer and will enter the procedure at the formal stage.
- 63.0 For students on Pearson programmes, complaints will be progressed using this Procedure only. Any student who remains dissatisfied with the outcome may refer their complaint with the OIA (paragraph 64.0) and may do simultaneously with a



complaint submitted to Pearson via <http://qualifications.pearson.com/en/contact-us/feedback-and-complaints/learners-and-parents.html>

Referral to the Office for Independent Adjudicator for Higher Education (OIA)

64.0 Once all three stages of the Group's procedure have been exhausted, a student may ask the Office of the Independent Adjudicator (OIA) to review his or her complaint about the outcome of the Group's complaints process. The complaint should normally be submitted to the OIA within twelve months of the date of the Completion of Procedures letter.

Monitoring

65.0 All received complaints are monitored and reviewed by the Executive. Details are summarised and may be presented at Governing Body meetings and also at Higher Education Quality and Standards meetings in order to ensure that any common themes can be addressed or policy changes can be implemented. Data will also be shared with partner organisations, at their request, as part of their annual monitoring report procedures. In addition, the OIA require all providers to make an annual return on complaint data.