

## **Student Complaints policy**

### **Information for students**

A complaint is defined as the expression of a specific concern about the provision of an academic or related service by the London college of Osteopathic Medicine (The college). The procedures set out below can be used by students to complain about any service the college provides.

The college aims to deal openly, fairly and effectively with any comment or complaint about services, and to offer an appropriate remedy to any student who is adversely affected by a service which fails to deliver to the college standards.

The complaints policy should not be used to appeal against decisions made by the Awards Board. To appeal academic decisions, you should refer to the student appeals procedure

The college will not penalise students for making a complaint about services and will be recorded on a student's academic file to indicate that a complaint has been made.

In all cases students are strongly encouraged to seek impartial advice concerning their complaint.

The college does not normally deal with anonymous complaints, although it will consider the circumstances of any such anonymous submission and may, in exceptional circumstances, take forward the complaint.

If you have a particularly sensitive issue to raise, you can approach your personal tutor or a member of management for help. The college will endeavour to involve the least number of people possible and that staff deal with the complaint on a confidential basis.

A group of students affected by the same set of circumstances may wish to make a collective complaint through a single spokesperson. In such circumstances the spokesperson must at all times express the views of the group and relay and copy all correspondence to the group. Each member of the group must provide their names and contact details in the initial submission.

It is important that any complaint is timely. The longer the delay, the less likely it is that the college will be able to investigate your complaint properly.

In conducting the procedures to investigate complaints, the college may invite you to meet staff. At all such meetings you will be permitted to be accompanied by a fellow student, a member of academic staff, or a contact from outside the college such as a member of the family. The college must be notified in advance of who will be accompanying you and in what capacity they are attending

The accompanying person will not be permitted to present your case but will be in attendance to support you.

## The student complaints policy and procedure

### Introduction

The THE COLLEGE is committed to maintaining an effective procedure to allow all members of its community to make legitimate complaints. This document provides details of the School's complaints procedure for students who wish to make a complaint.

A complaint is defined as any specific concern about the provision of a programme of study or related academic or support service and may be made by a student or a group of students.

### Rthe collegelving a complaint

The School strongly encourages the informal rthe collegelution of complaints at the earliest opportunity and before this formal procedure is required. This initial informal stage should normally involve a discussion directly with the relevant member(s) of staff or with the most immediate supervisor or manager. Advice on how to approach and rthe collegelve the matter informally and directly with the member of staff can be obtained through the contact details provided in the Guidance for Rthe collegelution of your Complaint. The student complainant should attempt to rthe collegelve the matter informally as soon as possible. Where no informal rthe collegelution can be achieved, the student complainant may choose to progress their complaint by using the Formal Complaints Procedure

### Formal Complaints Procedure

A formal complaint should be made using the Formal Complaints Form. A copy of the form can be found at the end of this document. Alternatively, you can contact the Academic Registrar who will be able to give you a form.

Complaints may relate to (though not be limited to):

1. the teaching and learning experience of the student, e.g. quality of teaching, teaching facilities, personal tutor support;
2. academic services, e.g. computing and library services;
3. administrative services, e.g. registry, finance office etc.

The Student Complaints Procedure excludes certain specific complaints where the THE COLLEGE has separate policies to deal with these.

An Academic Appeal is defined as a request for a review of a decision of an academic body charged with making decisions on student progression, assessment and awards. Academic Appeals should be dealt with under the Regulations Governing Exclusion and Academic Appeals Academic.

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In certain circumstances, it will be necessary for the Academic Registrar to determine whether a complaint should proceed through the THE COLLEGE's student complaints procedure or through an alternative process.

In all instances where a student is unsure as to how or where to raise their complaint they should seek advice from the Student Welfare Officer or the Academic Registrar.

The THE COLLEGE will not consider unsubstantiated complaints that it regards as vexatious or malicious. Complaints of this nature may result in disciplinary action under the Code of Conduct for Students and Disciplinary Procedures.

A complaint by a student will not normally be investigated if a period of two months has elapsed since the college action which is the basis of the complaint occurred, although the Academic Registrar may exceptionally allow such a complaint to proceed.

Where complaints are received anonymously or from third parties, it will be at the discretion of the Academic Registrar, in consultation with the Programme Leader and Quality, to determine whether the complaint will be considered and, if so, how.

#### Underlying Principles

The Student Complaints Procedure has been established with the aim, where possible, of resolving complaints informally through negotiation between those individuals who are immediately concerned with the matter and where appropriate their immediate line management. The School recognises, however, that some issues cannot be resolved by informal means and

may require the intervention of outside parties. The formal stages of the Student Complaints Procedure (Stages 2 and 3) are, therefore, available to students should informal pursuit of a complaint prove unsatisfactory.

The underlying principles of the THE COLLEGE Student Complaints Procedures, which should be respected by all those involved in the procedure, are that: a) complaints will be treated seriously, fairly, as expeditiously as possible and in a consistent fashion; b) complaints will be treated in a rigorous and fair manner with sensitivity and with minimum stress to all parties concerned; c) confidentiality will be respected throughout; d) submission of a complaint will not lead to recrimination or adversely affect academic progression provided it is made in good faith and not maliciously or vexatiously; e) there is a right for any decision to be subject to further reference to the Office of the Independent Adjudicator (OIA) where all internal and University stages have been exhausted; f) the use of the Student Complaints Procedure does not affect a student's right to pursue legal remedies outside the THE COLLEGE.

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#### Complaints against Staff

Any investigation that is conducted under the formal stages of the Student Complaints Procedures, and where an allegation against a member of staff is involved, must be conducted in accordance with principles that ensure a balance between the interests of the complainant and those of the member of staff involved. These principles include the expectation that there will be:

a. an assumption of natural justice: being no fault until the balance of evidence from the investigation demonstrates otherwise; b. respect for the dignity of the individuals involved; c. the right of the member of staff to be told of the complaint, to know of the evidence presented by the complainant; d. the right of the member of staff to be able to respond to the complaint and the evidence raised against them, to be accompanied by a colleague staff member in any investigatory meetings, or at any stage of the Student Complaints Procedure and to be able to defend themselves by testing and cross examining the evidence adduced in any formal or quasi-judicial hearing; e. the right of the member of staff to know the outcome; and f. the right of the member of staff to have confidentiality preserved where there is any consequential action involving the employee.

Where a complaint involving an allegation of misconduct by a member of staff is upheld this may form the basis of further action under the Disciplinary and Disciplinary Dismissal Procedure (Employer Handbook).

Whilst the complainant has the right to be told of the outcome of the complaint and any compensatory decisions taken, the complainant has no right to be informed of action taken under the Disciplinary and Disciplinary Dismissal Procedure.

#### Staff Involvement in Investigation and as Witnesses

It is the expectation of the THE COLLEGE that members of THE COLLEGE staff will support the operation of this Procedure. It follows therefore that staff members who are called as witnesses to appear before the Student Complaints Review Panel, or who are involved at any stage in the investigative process, are required to co-operate fully with the process whether called on behalf of the THE COLLEGE or by the person making the complaint.

In exceptional circumstances a staff member may request permission to be excluded from an investigation or not to be required to appear as a witness before the Student Complaints Review Panel.

Where it is the view of the responsible officer at Stage 3 that the evidence that can be provided by the staff member is more important to the resolution of the complaint than the objections of the staff member, then the staff member will be required to participate in this process. Failure to do so may constitute a disciplinary offence.

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#### Complaints Procedure

The Complaints Procedure contains the following stages:

1. Stage 1 Informal discussion of the complaint with the individual(s) directly involved  
2. Stage 2 Formal investigation by the Programme Leader and Quality  
3. Stage 3 Review by the Student Complaints Review Panel

At any point prior to the completion of Stage 3 review a request for mediation made by a complainant can be instigated. Mediation will only occur with the agreement of all parties involved, and the formal complaints procedure will be suspended while mediation takes place.

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### Section C: The complaints process

#### Stage 1: Informal discussions

The THE COLLEGE expects students to seek to resolve their complaint informally at Stage 1 prior to making a formal complaint and that most complaints should be satisfactorily resolved at that level.

Therefore, in the first instance the complainant should normally seek to discuss their complaint with the person to whom the complaint relates or who is responsible for the matter that gives rise to the complaint.

In order to ensure that the complaint is raised at a mutually convenient time the complainant should try to arrange an appointment with the member of staff concerned. The complainant should make clear, when arranging the appointment, the matter that they wish to discuss and the nature of the complaint that they wish to raise. The member of staff may request the presence of a colleague and the complainant themselves may also be accompanied by a fellow student or their Student Year Representative.

It may be possible for the circumstances of the complaint to be fully addressed and resolved through a meeting between the parties concerned, or further enquiries may be required. In either circumstance the staff member should keep a written record of the meeting and/or of any further enquiries and an oral response will be provided to the student within ten working days of the complaint being raised, except where good reason can be demonstrated for requiring a longer period.

The student will be informed if their complaint is upheld and if any remedy is proposed or, if the complaint is not upheld, the student will also be informed of his/her right to proceed to Stage 2 of the Procedure. A record of the circumstances of the complaint will be retained by the Academic Registrar or passed to the Academic Registrar in the case of a complaint against a Service. This record will indicate either any corrective or compensatory action to be taken as a form of redress or the reason for the decision to reject the complaint. This record will be destroyed when the student graduates or otherwise ceases to be a student of the THE COLLEGE.

Faculties/Services will keep basic details of all complaints rthe collegelved at this level, including details of the complainant, the nature of the complaint and the outcome.

A student may proceed to Stage 2 of the Procedure where it is not possible to achieve a timely or satisfactory rthe collegelution using Stage 1 of the Procedure.

#### Stage 2: Formal investigation of written complaint

At Stage 2 the intention of this procedure is to allow for the complaint to be rthe collegelved to the satisfaction of all parties through the intervention of the Programme Leader and formal investigation.

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A complaint will proceed to Stage 2 where:

1. the complaint directly involves a Head of Department, M.Ost Programme Leader or a member of the senior management team. (In such cases, the student will write directly to the Principal who will nominate an appropriate officer to be responsible for Stages 2 and 3 of this process, and no Stage 1 process will be required.)
2. a student is not satisfied with the outcome of Stage 1, or where a student can provide good reason why Stage 1 cannot be conducted, the student will raise the complaint in writing with the Programme Leader.

The request made to the Programme Leader must be made on the Formal Complaint Form (see appendix 1) and must include:

1. name of complainant(s) 2. a contact address (and preferably telephone and/or mobile number and email address) 3. programme/year group 4. the date(s) on which the problem arose 5. whether anyone else was affected, or saw what happened 6. any relevant documentary evidence 7. the response requested from the THE COLLEGE.

The statement should also describe the steps he/she has taken to resolve the complaint informally or their reasons for not doing so.

The Formal Complaints Form must be submitted by hand or electronically to the Academic Registrar.

On receipt of the written complaint the Programme Leader will determine whether it is appropriate for the complaint to be considered under the Student Complaints Procedure and whether the nature of the complaint warrants its consideration under other procedures. He/she will inform the student of their decision within ten working days of receipt of the complaint.

Where the Programme Leader finds that the complaint is appropriate for processing at Stage 2 of this procedure, she/he will request a senior member of staff to investigate the complaint in accordance with the guidelines laid out in Appendix 2. The person investigating must have had no prior direct involvement in the matter.

As part of the investigative process, the senior member of staff may need to conduct a meeting with the complainant, in which case a note of the meeting will be taken and the student will have the right to representation.

Following investigation of the complaint the senior member of staff will provide a written response to the Programme Leader.

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The Programme Leader will respond to the student, and that response will be copied to the appropriate member(s) of staff concerned or responsible for the matter giving rise to the complaint.

This response will normally be provided within twenty working days of the complaint being lodged with the Programme Leader, except where good reason can be demonstrated for requiring a longer period, in which case the student will be notified of the delay and of an expected response date.

The response will indicate if your complaint is well founded or partially founded. If the complaint is either of these, you will be offered an apology, and the School will explain what measures they will be putting in place to ensure that the situation is not repeated. If your complaint is deemed not to be well founded a full explanation will be given. It will also notify you of your right to proceed to Stage 3 of this procedure, where the complaint has not been upheld.

Where a complaint is deemed unfounded, the complainant will be so notified.

The Programme Leader will forward copies of the complaint and response including details of any corrective or compensatory action to the Academic Registrar.

### Stage 3: Review by the Student Complaints Review Panel

Students will be entitled to seek a review by the Student Complaints Review Panel of the decision concerning their complaint, only where:

1. There is evidence that Stage 2 investigation did not include in its deliberations all relevant issues, and any relevant issues identified as not included at Stage 2 are material to the decision and do not constitute a new basis for complaint;
2. There is evidence that the Stage 2 investigation was not carried out in accordance with THE COLLEGE policies or was otherwise flawed.

The Panel will make findings of fact and determine whether on the balance of probabilities that evidence amounts to the student's original complaint being upheld or not. This will require the re-testing of the evidence in the case.

Where the student's original complaint is upheld, then the Panel will order remedies it deems reasonable and appropriate. Where this involves a staff member, in addition to remedies for the student, it will have recourse to refer the case via the relevant School policies.

Stage 3 will be initiated by submitting a copy of the Formal Complaint Form to the Academic Registrar, normally within ten working days of having received the outcome of the investigation of the complaint at Stage 2 of this procedure.

The Formal Complaint Form will be accompanied by guidance notes (Appendix 3) giving details of what action has been taken to resolve the complaint at previous stages and why the student remains dissatisfied.

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The Academic Registrar will record and acknowledge the request for a review by the Student Complaints Review Panel, normally within ten working days of receipt, and will inform the Principal of the complaint.

A Vice Principal will nominate a Chair to convene a meeting of the Student Complaints Review Panel.

#### The Panel

The Panel will comprise three senior members of staff and/or senior faculty not involved in prior stages of this procedure, one of whom will be nominated by a Vice Principal to act as Chair.

A Clerk to the Panel will be nominated by the Academic Registrar.

#### Conduct of Proceedings

#### Representation

All students and staff members who are required to attend the meeting of the Student Complaints Review Panel will have the right to be accompanied by another individual as specified in this policy.

#### Documentation

1) The documentation submitted to the Student Complaint Review Panel will normally consist of: a. the Formal Complaint Form accompanied by guidance notes (appendix 3) submitted by the complainant; b. details of witnesses to be called by the complainant, the officer responsible for the investigation of the complaint at Stage 3 and the staff member concerned (where the case involves a complaint against a staff member) together with a brief statement giving the purpose of the attendance of the witnesses; c. any other background documentation. 2) All documentation will require to be submitted by the complainant to the Clerk of the Panel not less than seven working days before the meeting of the Panel. 3) Papers will be circulated to Panel members, the complainant, and where appropriate the individuals against whom the complaint is being made, not less than five working days before the meeting of the Panel. 4) Following the hearing all documentation must be returned to the Clerk of the Panel to be destroyed and a single master set of documentation will be retained by the Academic Registrar under safe and secure conditions. 5) It is the responsibility of the complainant to ensure that any witnesses whom they wish to call in support of their complaint are available for the meeting of the Panel and are briefed on the arrangements for the Panel. 6) It is the responsibility of the Academic Registrar, through the Programme Leader, to ensure that those witnesses called in support of the case on either side are available for the meeting of the Panel and are briefed on the arrangements for the Panel.

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7) Witnesses on both sides can be expected to be cross examined by both sides and further questioned by the Panel in testing the evidence. 8) The Student Complaints Policy and Procedure sets out the expectations of the THE COLLEGE in respect of staff participation in the complaints process.

#### Formal Hearing

9) Non-attendance by either party may result in the hearing continuing in their absence and therefore being based only on the documentation previously submitted. 10) The proceedings of the Panel are at the discretion of the Chair but will normally be as follows:

- a. The Chair will open the proceedings by establishing that all parties have received full documentation; b. The Chair will also have the opportunity to raise any questions of clarification in respect of the documents submitted and deal with order of proceedings; c. Where details of witnesses have been provided by parties the Chair will have the discretion to decide not to hear any of the evidence to be provided by the witnesses, but will be required to give all parties sufficient details of the reasons for such a decision; d. The complainant or his/her representative will be invited to outline the complaint briefly, making

reference to previously submitted documentation, in support of their complaint. The complainant will also have the opportunity to call the witnesses that he/she has previously notified to the Committee to provide evidence in support of his complaint; e. Any new evidence that has not been presented at previous stages of the Complaints Procedure may only be accepted at the discretion of the Chair; f. The officer of the THE COLLEGE responsible for Stage 2 of the Complaints Procedure will have the opportunity to question the complainant and/or his/her representative and the witnesses called by the complainant; g. The officer who conducted Stage 2 of the Procedure will then have an opportunity to state their reasons for having found against the complainant at Stage 2, making reference to previously submitted documentation. The officer will also have the opportunity to call witnesses whose details have previously been submitted, and the complainant and/or his/her representative will have an opportunity to question these witnesses. The complainant will have opportunity to question the Investigating Officer and their witnesses. h. Where the complaint is against a staff member, that individual will be given opportunity if they wish, to present their case and call witnesses that they wish to bring. They will have opportunity to question the complainant and their witnesses, together with the Investigating Officer. The Investigating Officer and the Complainant will have opportunity to question the staff member and their witnesses. i. All parties will be provided with an opportunity to sum up their aspects of the case and at all points members of the Panel may choose to ask questions of any of the parties in order to seek clarification on points raised.

At the conclusion of the Hearing, the Panel will meet in private in order to make its decision. The decision will be notified in writing to all concerned by the course director, normally within ten working days.

The decision of the Student Complaints Review Panel will be final