

# Student Complaints Procedure

## 1. Introduction

The School welcomes the views of its students. It recognises however that there may be occasions when a student is dissatisfied with an aspect of their experience at the School. It is the School's policy that such concerns are dealt with in a fair and transparent way that respects the rights of all individuals involved. In devising this Procedure, we have taken into account the provisions of:

- The Good Practice Framework for Handling Complaints and Academic Appeals published by the OIA in December 2014
- Chapter B9 of the UK Quality Code for Higher Education published by the Quality Assurance Agency for Higher Education (QAA) in April 2013.
- Competition and Markets Authority Higher education: consumer law advice for providers, published 12 March 2015.

In the operation of the processes set out in this Procedure the School will remain mindful of its legal obligations, including its duty of care and its obligations under the Equality Act 2010 where appropriate to make reasonable adjustments.

The School's standard Complaints Procedure shall apply in the event of a student, or group of students, being dissatisfied with the standard of service provided by the School or with something the School has or has not done. A complaint is usually:

- an expression of dissatisfaction with an aspect of the course such as a specific concern about the provision of a course, or a related academic service or other part of school life, which is within the School's control;
- a certain action or lack of action taken by the School;
- about the standard of a service provided by or on behalf of the School.

This procedure does **not** cover any disputes or appeals about students' academic performance or disputes about the admissions process which are covered separately under different School procedures.

If a student has a non-academic complaint, he or she should inform the Head of Department or Module/Workshop Tutor in the first instance. The School hopes that where a problem has

been identified it can usually be resolved quickly and informally, where reasonable, to the satisfaction of the student. However, the School recognises that there may be occasions where a mutually satisfactory resolution might not be readily achieved and therefore the Student Complaints Procedure needs to be followed.

## 2. Principles underlying the procedure

- 2.1 The procedure is based on the principles of fairness and transparency. It is set out to ensure:
- i. a timely resolution of a complaint, with an emphasis on local resolution at the earliest opportunity;
  - ii. that the process is evidence-based;
  - iii. that the processes, decisions and the reasons behind them are clear and there is opportunity for independent review;
  - iv. that decisions made will be reasonable and, where required, provide appropriate redress;
  - v. that students are supported;
  - vi. that students will be notified early in the process if the remedy sought is beyond what the School can reasonably provide or what is in its power to provide.
- 2.2 The “standard of proof” (the level of proof required) will be “the balance of probabilities”, i.e. that it is more likely than not that something happened.
- 2.3 Any student making a complaint has the right to be accompanied by a student representative, a current student of the School or a current member of School staff at any stage of this process. Neither the student nor the School shall normally be represented by a legal practitioner at meetings or hearings.
- 2.4 All information obtained within the process of the appeal will be held in accordance with Data Protection legislation and the [Student Privacy Notice](#).
- 2.5 The complainant’s identity will be kept confidential unless disclosure is necessary to progress the complaint, in which case the complainant’s permission would be obtained in advance of the disclosure. In submitting a complaint, relevant information will only be shared with the staff members responsible for conducting the investigation into the matters raised. However, the content of the student’s complaint

may also need to be disclosed to other relevant staff in order for the complaint to be investigated and/or resolution sought. If there are elements of a student's complaint which are particularly sensitive and the student has concerns about his or her confidentiality, the student can raise this with Quality Assurance Manager or Registrar, who will discuss if / how disclosure can be minimised.

- 2.6 Students will be notified early in the process if the remedy sought within the complaint is beyond what the School can reasonably provide or what is in its power to provide.
- 2.7 The School, its students and staff have rights and responsibilities under this procedure. It is expected that all parties involved will act reasonably, fairly and courteously towards each other and respect the processes.
- 2.8 No student will suffer any disadvantaged or recrimination as a result of making a complaint in good faith and his or her studies at the School will not be prejudiced as the result of making a complaint. However, if the complaint made is found to be wholly unreasonable, vexatious, frivolous, abusive or malicious in nature, the School reserves the right to include this finding in the student's records.
- 2.09 Outcomes of complaint hearings by the Complaints Committee will be recorded, anonymised and reported within the School to the Academic Standards Committee.
- 2.10 The School is mindful of its legal obligations, including under the Equality Act 2010, and will make reasonable adjustments to this process where appropriate.

### **3. Grounds for complaint**

- 3.1 Complaints can be made about:
  - a non-academic service provided by the School;
  - the administration or delivery of a course or module;
  - the facilities or learning resources provided by the School;
  - failure to meet obligations set out in course or student handbooks;
  - failure to follow published regulations, procedures and/or policies;
  - the conduct of a member of staff.

This list is not intended to be exhaustive and, where appropriate, other matters will be considered by the Complaints Procedure.

- 3.2 Decisions which amount to "academic judgment"<sup>1</sup> cannot be covered by this Procedure. Students who wish to raise an Academic Appeal against a decision of an Assessment Board or Panel, or a Board of Examiners should refer to the Academic Appeals Procedure instead.
- 3.3 Students using the Complaints Procedure should raise concerns informally with staff at Stage 1, before formalising them as complaints at Stages 2 and 3 of the Complaints Procedure, if not resolved.
- 3.4 It is recognised that some cases can involve a combination of issues, where a number are related to a complaint and others are not, and the School will assess each case individually. In these circumstances, the student will be informed which issues will be considered under which procedure and s/he will be directed to the alternative procedure as appropriate to allow all issues to be considered. Students will be advised of the effects, if any, of following two procedures at once, particularly where one procedure may be suspended until the other is completed. Where there is significant overlap, the School may decide to consider matters together, if the student agrees to this. For example, if a complaint includes matters that could also be dealt with under other procedures, such as the Academic Appeals Procedure, a joint investigation may be carried out. In such cases, the student will be informed where responsibility for the overall investigation lies and who will issue the final decision.

### **Group Complaints**

- 3.5 Where the issue/s raised affects a number of students, a group complaint may be submitted provided the group nominates one or two students to act as the group lead representative/s. In such cases, all students included within a group appeal must sign a group written statement so the School can be confident that the complaint fairly represents the views of all members of the group. It is essential that staff and

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<sup>1</sup> Academic judgement is a term found in Part 2 of the Higher Education Act 2004. The Office of the Independent Adjudicator states that academic judgment is not any judgment made by an academic, but a judgment that is made about a matter where only the opinion of an academic expert will suffice. For example, a judgment about assessment, a degree classification, professional suitability, research methodology or course content/outcomes and how best to teach, will normally be academic judgment.

students are completely clear who is involved in a group complaint and this must be set out very clearly in the written statement.

## 4. Complaints Process

- 4.1 In order to be considered, a complaint must be received no later than three months after the incident that gave rise to the complaint. The School does not routinely extend time limits for making complaints. If a complaint is submitted outside the three-month deadline, it will normally be deemed out of time. In exceptional circumstances, some flexibility may be exercised where a student makes a demonstrable case in writing that he or she would not be reasonably able to submit the complaint within the three-month period. In such cases, the student must have evidence to support the reason/s for making a late complaint.
- 4.2 At all stages of the complaints process a student should avoid disclosing **unnecessary** personal information (e.g. medical conditions etc.) **unless** s/he feels it is relevant to the issues raised. A student **must** also avoid disclosing personal data of another person/s in the complaint/s unless s/he has been given written permission by the person/s to do so.
- 4.3 The Complaints Process itself consists of three stages, an informal stage, a formal complaint and a review.

### Stage One – Informal Discussion

- 4.4 A student who has concerns should first raise the concern/s with his or her Head of Department as soon as possible after the incident/s occurred. Informal concerns which are raised at this stage (and at Stage Two) more than **three months** after the incident/s occurred may be deemed out of time and they may not be considered. A brief record of the discussion should be made by the Head of Department and shared with the student. This informal resolution of a concern should normally be completed within five working days of the concern/s being raised.
- 4.5 If a student's concern/s are not satisfactorily resolved through the initial informal discussion with the Head of Department, the student may then choose to lodge a formal complaint.

## Stage Two – Formal Complaint

4.5 If a student is dissatisfied with the outcome of the meeting with the Head of Department or feels the issue cannot be reasonably resolved within the department, s/he may, within 10 working days from meeting, submit a formal complaint. The complaint must set out in full the grounds for the complaint and must be submitted electronically to the School's Registrar.

The student will need to:

- make clear the details of the complaint in writing;
- provide any evidence to support his or her complaint;
- outline clearly the outcome being sought
- confirm his or her contact details.

4.6 A student submitting a formal complaint more than 10 working days after Stage One must provide a satisfactory explanation as to why s/he was unable, for good reason, to submit a formal complaint in writing, electronically, within the required timescale.

4.7 On receipt of the formal complaint the Registrar will undertake an eligibility check which will determine of the following:

- i. that the complaint falls under the scope of this procedure, in which case the complaint shall be put forward for further consideration;
- ii. that the complaint is ineligible since it does not fall under the scope of this procedure;
- iii. that the student has failed to comply with the deadline for the submission of a complaint and failed to demonstrate good reason for not having met this deadline, in which case the complaint will be dismissed.

4.8 In all cases, the student will be informed in writing (normally within 10 working days) of the outcome of the eligibility check. A Completion of Procedures letter will be issued to students whose case has been dismissed.

4.9 Once accepted, the Registrar or nominee will investigate the complaint and will ask the student's Head of Department to comment on it. S/he will also meet with the student to discuss the complaint. If the complaint is about a member of staff, s/he may also meet with the staff member/s concerned as well, in which case it may be

necessary to involve the Head of HR. If the complaint is about a student, the s/he may also meet with the student and/or the student's Head of Department.

- 4.10 If the complaint is about a member of staff or a student at the School, the Registrar will ensure that the principle of 'right of reply' is upheld by giving all parties an opportunity to fully respond to the matters raised in the complaint through written statements and/or by minuted and verified individual interviews in support of, or challenge to, the complaint.
- 4.11 On completion of the investigation, the Registrar will refer the complaint to a meeting of the Complaints Committee for a decision, or exceptionally recommend a Complaint Hearing.
- 4.12 All written information to be used by the Complaints Committee in reaching a decision will be made available to the student before the meeting, and the student will have an opportunity to provide a further statement if s/he so wishes but should **not** provide further evidence.
- 4.13 Having completed its consideration of the complaint, the Committee shall determine one of the following outcomes:
- there is a reasonable justification for the complaint/s in which case the Registrar shall arrange for its redress (if the complaint/s were about a member of staff or another student it may not be possible to disclose to the complainant the full nature of the redress taken due to employment/data protection legislation)
- or**
- there is no reasonable justification for the complaint and that it be dismissed.
- 4.14 The student will be notified of the outcome within five working days of the decision being made. The student should also be informed of any next steps s/he may need or want to take and of their right to request a review of their concerns (see Section 5 below).

### **Complaint Hearings**

- 4.15 When a complaint is to be decided by a complaint hearing (for example, in cases of substantial complexity), the Registrar will arrange for a Chair of the Complaints Committee to be appointed.

4.16 The Chair of the Complaints Committee will then:

- convene within 10 working days a meeting of the Complaints Committee (herein after referred to as a complaints hearing or hearing). If the hearing cannot be held within 10 working days, it must be held within 28 working days upon receipt of the formal complaint;
- appoint members to the complaints hearing panel (see Section 6);
- invite staff members as appropriate to speak to the hearing;
- invite students as appropriate to speak to the hearing;
- invite the student to attend a complaints hearing to present his or her case at the earliest opportunity but no later than five working days before the hearing is due to take place;
- remind the student that if s/he decides to attend the hearing in person, that s/he has a right to be accompanied by a current student or current staff member;
- provide the student no later than five working days before the hearing with information about the composition of the complaints hearing panel and a copy of the information relevant to his or her case that will be considered.

4.17 The School reserves the right to carry out the complaints hearing without the student present, especially in cases where it is deemed that the complaint should be dealt with as a matter of urgency. For example:

- where there is a threat of serious harm;
- where the impact of the issues raised might harm the student's health;
- where the student is experiencing significant distress;
- if it relates to disability support;
- issues of a highly sensitive nature.

4.18 If the student demonstrates a very good reason for being unable to attend the hearing in person, they may, at the discretion of the Chair of the Complaints Committee, attend via telephone or Skype.

4.19 The student and the panel members shall receive a copy of the complaints file in advance of the meeting. This shall normally contain the following:

- the student's formal complaint;
- any evidence submitted by the student in support of his or her complaint;

- a copy of any written statements or minuted interviews from any staff members or students who may be the subject of the complaint or who may have other information relevant to the complaint;
- a copy of the procedures that have been applied;
- other documents may also be included where appropriate.

4.20 If any of the documents in the complaints file contain sensitive information, the Chair may wish to limit who sees all the evidence as long as it does not affect the fairness of the procedure.

### **Conduct of Panel Hearings**

4.21 Panel hearings are normally conducted as follows (in exceptional cases the panel may decide to vary the following procedures according to the circumstances of the particular case):

- i. The members of the panel hold a preliminary discussion amongst themselves in private.
- ii. All parties are invited into the hearing. The Panel Chair introduces the panel members, explains the role of the hearing and the way in which the hearing will be conducted.
- iii. The student is invited to present his or her case, with whatever supporting evidence s/he wishes to offer.
- iv. If the complaint is about a member of staff or another student, s/he is invited to present any supporting evidence to challenge the complaint.
- v. Any person/s accompanying the student are invited to speak.
- vi. When all the evidence has been presented, the panel members may ask questions of the student and/or staff or students if the complaint involves them.
- vii. The Chair will invite anyone present to ask further questions or to provide further information.
- viii. The student is invited to make a brief final statement.
- ix. All parties in attendance, except the panel members and the Secretary (and Clerk, if one is appointed), are asked to leave the room while the panel deliberates and reaches a decision.

- 4.22 After due consideration of the arguments of the student concerned and any other person who has appeared before the hearing panel, the panel determine of the outcomes as described in 4.13 above.
- 4.23 The student will be notified of the outcome within 5 working days of the decision being made. The student should also be informed of any next steps s/he may need or want to take and of their right to request a review of their concerns (see Section 5 below).

**Stage Three: Review**

- 4.24 A student who considers that his or her complaint has not been given full and proper consideration can request a review of his or her concern/s. Any request for a review should be made within 10 working days of receiving the outcome of the complaint hearing.
- 4.25 A student may request a review on one or more of the following grounds only, that:
- i. there has been a material procedural irregularity which has demonstrably affected the outcome of the Stage 2 complaint;
  - ii. the outcome at Stage 2 is unreasonable given the facts of the case;
  - iii. there is material new evidence which the student was unable, for valid reasons, to provide when the Stage 2 complaint was made and which would have significantly affected the outcome of the Stage 2 complaint.

The student will need to:

- make a formal request for a review in writing to the School’s Director;
  - make clear which of the three grounds for a review under Section 4.25 s/he wishes the review to be held under and provide evidence that a review is justified;
  - provide the Director with a copy of the Stage 2 complaint and evidence;
  - make clear the remedy sought;
- 4.26 Upon receipt of a request for a review from a student, the School’s Director should:
- write to the student to acknowledge receipt of the request for a review;
  - inform the student when s/he might expect to hear the outcome of the review, which should normally be within 10 working days;

- undertake a review of all the evidence and documents supplied by the student and by the Complaints Committee.

The Director reserves the right to ask one or more members of School staff to assist in the review.

4.27 Having completed the review, the Director will decide:

- that the student's complaint was justified and shall arrange for its redress (if the complaint/s were about a member of staff or another student it may not be possible to disclose to the complainant the full nature of the redress taken due to employment/data protection legislation)

**or**

- that the complaint was not justified and be dismissed.

4.28 The Director will then contact the student and inform him or her of the decision and arrange for a Completion of Procedures Letter to be issued to the student.

4.28 If the student is dissatisfied with the decision of the Director following the review, s/he may then take the complaint to the Royal College of Art Pro Rector (Academic), if the student is studying on a validated Royal College of Art Award. Details of how to contact the Royal College of Art will be detailed in the Completion of Procedures Letter.

4.29 If the student is not studying on a validated Royal College of Art Award, or does not wish to take their complaint to the Royal College of Art, then they have the right to take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Once a Completion of Procedures Letter has been issued, a student may apply for external review of his or her concern by the OIA, in accordance with the OIA's scheme.

## **5. The Office of the Independent Adjudicator**

5.1 Decisions taken under this procedure may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>. The OIA can be contacted at 0118 959 9813 or [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). Where applicable, students will be provided with a

Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under this procedure.

## **6. Complaints Committee Members**

The Complaints Committee is a sub-committee of the Academic Standards Committee and is comprised as follows:

- Chair – An independent senior member of School staff appointed by the Academic Standards Committee
- At least two independent Heads of Department from different specialisations
- The Quality Assurance Manager, who will act as a non-voting Secretary to the Panel.

The Committee may seek procedural advice from other members of staff as appropriate and may also invite them to any Panel Hearing.

*Approved by the Academic Standards Committee in September 2017*