

# HIGHER EDUCATION: STUDENT COMPLAINTS PROCEDURE

## 1. Introduction

- 1.1. Through the provision of quality learning opportunities, BCA is committed to promoting and supporting the best outcomes for its higher education (HE) students. Feedback on all aspects of our work is, therefore, welcomed. This is invaluable in helping us to make improvements, and we seek to minimise the likelihood of any student concern or dissatisfaction. Where concern or dissatisfaction does arise, this is treated seriously and it is our aim to resolve any such situation quickly, effectively, informally and to the satisfaction of all parties concerned.
- 1.2. This Higher Education Student Complaints Procedure provides a mechanism for promptly, fairly and effectively addressing concerns raised by HE students in order to help the College achieve the highest quality in its HE student experience.

## 2. Key Principles

- 2.1. The College seeks to minimise HE student complaints by ensuring that HE students have opportunities to participate in decision-making processes at all levels and by encouraging regular feedback through elected student representation.
- 2.2. HE students may comment informally to a member of staff about an aspect of the College that they find to be unsatisfactory. In most instances, the issue can be resolved by the member of staff to whom they have made their comments. Matters like this, which are satisfactorily resolved, are not regarded as complaints to be dealt with by this procedure. This document gives guidance regarding issues that cannot be resolved as soon as they become apparent.
- 2.3. A complaint is determined as any expression of dissatisfaction by an HE student about the provision of, or failure to provide, any service which is offered by the College, which has had a detrimental impact on the individual and/or others, and which has not been resolved when first brought to the attention of the College.
- 2.4. In order to achieve optimal student satisfaction, the College asks that all HE Students observe their own obligation to raise a concern informally, as soon as it arises.
- 2.5. In the event of a formal complaint, the College seeks to:
  - 2.5.1. resolve the matter at the earliest opportunity;
  - 2.5.2. investigate thoroughly and fairly;
  - 2.5.3. ensure the process is unbiased.

- 2.6. Details of any complaint made will remain confidential to the parties concerned.
- 2.7. There are informal and formal stages with regard to dealing with complaints:
  - 2.7.1. **Stage 1. The Informal Stage;** the issue is raised with the person directly responsible
  - 2.7.2. **Stage 2. The First Formal Stage;** the complaint is put in writing
  - 2.7.3. **Stage 3. The Second (and Final) Formal Stage;** if the complaint is not resolved at Stage 2
- 2.8. In the interest of natural justice, all concerned parties will be entitled to see all evidence to be considered.
- 2.9. If there a panel hearing is convened, all concerned parties will have the right of attendance and to be heard.
- 2.10. Anonymous complaints or evidence will not be considered
- 2.11. The College may refer the matter to the police if there are allegations of a criminal offence; its own proceedings may be suspended until the outcome of any criminal investigation/proceedings are known.
- 2.12. A student will not be disadvantaged as a result of making a complaint. However, if it is later discovered that a complaint was not genuine, disciplinary measures may be considered.

### **3. Who may use this procedure and in what circumstances?**

- 3.1. You may use this procedure if you are a currently registered Higher Education student at Berkshire College of Agriculture.
- 3.2. The procedure is available for you to raise concerns about your Higher Education experience (e.g. teaching, supervision or support services).
- 3.3. This procedure does not cover academic appeals which are dealt with under the Academic Appeals Procedure of the relevant awarding partner University.
- 3.4. This procedure does not deal with allegations of bullying or harassment which are treated as a welfare issue and dealt with by the Student Welfare team.
- 3.5. The procedure is for use by individual students only. Where several students share a concern and wish to raise the matter as a group, they should do so through the student representative system. Where this fails to resolve the problem, individual students may raise the matter formally under this procedure and move immediately to the formal process (Stage 2).

### **4. Before you complain**

- 4.1. Before initiating a complaint, you may wish to take advice. Amongst those who may be able to help are the following: your personal Tutor; your Student Representative; the Student Welfare Team.

## 5. How to complain

5.1. There are three stages to the Complaints Procedure:

5.1.1. **Stage 1. The Informal Stage**

At this stage, you should raise the issue with the person directly responsible. If you feel unable to do this, your Student Rep or a member of the Student Welfare Team, with your consent, will help you. You may not raise a formal complaint unless you can demonstrate that you have first raised the matter informally.

5.1.2. **Stage 2. The First Formal Stage**

At this stage your complaint must be put in writing and addressed to the Higher Education Registrar. You should ensure that you explain with whom you raised the matter informally, the outcome and why you remain dissatisfied.

5.1.3. **Stage 3. The Second (and final) Formal Stage**

At this stage you should refer your complaint to the Director of Higher Education. This may only be done if the first two stages have been completed and you still remain dissatisfied with the outcome. You are invited, when making your complaint, to indicate what resolution you are seeking, without prejudice to any final remedy. You are reminded an informal resolution to your complaint is possible at any stage.

## 6. The Procedure

6.1. **Stage 1 – The Informal Stage**

6.1.1. This stage is intended, in the main, to be an oral process. It is expected you will make every reasonable attempt to raise the complaint with the responsible individual as soon as possible after the event which is the subject of the complaint and that this individual will make every effort to resolve the complaint at this level. This person will be able to supply you with written confirmation that you raised a complaint informally should the matter not be resolved and you wish to proceed to Stage 2. This maybe in the form of an email. It is recognised that there may be exceptional circumstances in which you may consider you cannot approach the individual concerned. In such cases, you may seek help from someone else such as your personal tutor or Student Welfare to ask for assistance.

6.2. **Stage 2: The First Formal Stage**

6.2.1. In order for the complaint to be considered formally, you must put the complaint in writing and send it to the Higher Education (HE) Registrar. Your details, the details of the complaint, the remedy sought and any

supporting evidence should be included. You should also explain how the matter has been raised informally and why you remain dissatisfied. You should attach an email or other written confirmation that the matter has been raised informally to the form.

- 6.2.2. No complaint will be accepted formally unless the informal stage has been completed.
- 6.2.3. You should expect to receive an acknowledgement of receipt from the HE Registrar or their nominee within five working days.
- 6.2.4. The HE Registrar or their nominee will identify an appropriate person to investigate the complaint, known as the Investigating Officer. This is normally the Vice Principal, Students, Curriculum and Quality. However, the complaint must not be investigated by any person who is the subject of, or who has a direct personal interest in the outcome of, the complaint. Where necessary and in order to avoid such conflict, the matter will be investigated by an alternative appropriate person within the College Senior Leadership Team.
- 6.2.5. The Investigating Officer will gather the evidence necessary to evaluate the merit of the complaint, interviewing you and those complained about as necessary.
- 6.2.6. The Investigating Officer will within 20 working days of their receipt of the complaint, provide to the HE Registrar a written report of their findings and recommendations for any action to be taken in response to the complaint. If the Investigating Officer cannot meet the 20-day target, they must provide an interim report to you and the HE Registrar setting out the reasons for this delay and the expected date by which the final report will be available to the HE Registrar.
- 6.2.7. The HE Registrar will review the final report to ensure that the procedure has been followed, that there has been an objective consideration of the evidence and that the reasons for the conclusion and recommendations are clear.
- 6.2.8. The HE Registrar will provide a written response to you within 5 working days of receipt of the report. If this deadline cannot be achieved the reasons for the unavoidable delay will be communicated to you together with an expected date for the delivery of the written response.
- 6.2.9. If the HE Registrar is not satisfied that the matter has been investigated fully and fairly and in accordance with the procedure, a further investigation will be undertaken.
- 6.2.10. The HE Registrar will keep a record of all complaints made under formal or informal procedure, their outcome, and a profile of complainants, to allow trends to be identified and acted upon.

### 6.3. The Second (and final) Formal Stage

- 6.3.1. If your complaint is not resolve under Stage 2, you may, within one month of the date you received the response to your complaint, request a review. However you will need to demonstrate that:
  - 6.3.1.1. the original complaint was not fully and fairly investigated; OR
  - 6.3.1.2. reasons were not given for the outcome of the complaint; OR
  - 6.3.1.3. the complaints procedure was not followed; OR
  - 6.3.1.4. fresh evidence, that was not available during the original investigation, has become available.
- 6.3.2. No new grounds for complaint may be raised at Stage 3 but you may submit further evidence in support of your original case.
- 6.3.3. Your request for review must be made in writing to the Director of Higher Education who will consider if there are grounds for review.
- 6.3.4. If the Director of Higher Education is satisfied that you have demonstrated there are grounds for review, a Complaints Panel will be convened to consider the original complaint and its investigation.
- 6.3.5. The Complaints Panel will comprise members nominated by the Director of Higher Education and include: the Director of Higher Education, the Link Governor for Higher Education, another senior member of the HE staff, another Higher Education Student (to be identified by the Director Higher Education) and a student representative from a non-related HE programme/cohort. No member of staff involved in the panel may have been associated with the complaint, investigation or outcome.
- 6.3.6. The Director of Higher Education will appoint one of the members to chair the panel and nominate an additional member of staff to clerk the panel.
- 6.3.7. The documentation for the panel meeting outlining the original complaint, the investigation of the complaint, the original outcome and the request and reasons for the review will be copied to you no less than seven working days before the panel is due to meet.
- 6.3.8. You will be invited to provide written comments on the papers, identifying any omissions or inaccuracies. A reasonable deadline for the receipt of your comments will be set.
- 6.3.9. You will be asked to confirm whether you wish to attend for an interview with the panel and if so whether you will be accompanied. You may be accompanied to the meeting by a friend or other supporter who would usually be a member of the College.
- 6.3.10. All papers together with your comments, will be circulated to the Panel at least two working days before the Panel is due to convene.

## 7. Complaints Panel Protocol

- 7.1. Initially, the panel will convene in the presence of the HE Registrar but only in order to ensure the necessary documentation is in place and to identify any particular aspects of the complaint or its investigation that the panel wishes to explore. The HE Registrar will then be asked to leave.
- 7.2. The panel will invite you to outline your initial complaint, any efforts you had made to resolve the matter and reasons why you have requested a review of the complaint investigation and outcome. The panel members may ask you questions to clarify any issues. The panel may then ask you to leave the meeting while it invites others to attend before the panel and to respond to the issues you have raised. You may be asked by the panel to return to meet with the panel to address or clarify any further matters raised.
- 7.3. The panel will then retire to consider its decision. The Panel will inform you and the subject of your complaint or the person responsible for the matter about which you complained will be informed in writing within 10 working days of the Panel's decision.
- 7.4. The letter containing the Panel's decision will set out whether your complaint should be upheld, any remedy or redress and its views on the conduct of the original investigation of your complaint.
- 7.5. The letter will also confirm that the complaints procedure has been completed.
- 7.6. **If you remain dissatisfied with the response received as the outcome of the second (and Final) Stage of the you should refer the matter to the Office of the Independent Adjudicator for Higher Education, if it is eligible under its procedures. This must be done within three months of the date on which the written outcome of the panel letter was issued. Information on this process may be found at:**  
**<http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>**
- 7.7. If you are unable to attend the panel meeting or comply with the timescales this will not invalidate the proceedings and the meeting may be held in your absence.

## 8. Timescales

- 8.1. The College will not normally consider an initial complaint (Stage 1) which is raised more than one calendar month after the incident giving rise to the complaint unless there are good reasons for the delay.
- 8.2. In the event that you feel there are good reasons for the delay, you should let the Higher Education Registrar know of those reasons and should support this with independent evidence in writing from a relevant professional (e.g. doctor).
- 8.3. The College aims to resolve matters as quickly as possible and to give decisions within the following timescales:

- 8.3.1. **Stage 1:** within 10 working days of the matter being raised with the person responsible.
- 8.3.2. **Stage 2:** within 30 working days of the Higher Education Registrar receiving a formal complaint when the matter has been previously raised informally.
- 8.3.3. **Stage 3:** within 60 working days of receipt of the complaint at Stage 3 If the matter requires further investigation and the timescales cannot be achieved, you will be informed of the delay in writing and the reason for it.

## 9. Monitoring

- 9.1. Quality related complaints are summarised, anonymised, and reported annually to the Higher Education Quality Review Board.
- 9.2. The College will keep a record of all complaints made and their outcome. This will enable it to monitor matters that are a cause for concern and take steps to address such concerns. It will also help the College ensure that complaints are dealt with properly and consistently.
- 9.3. For any queries concerning this policy please contact the Higher Education Registrar.

## 10. Complaints about Governors and the Corporation

- 10.1. Complaints about Governors and the Corporation are handled according to the procedure set out in the Standing Orders of the Corporation, and are not covered by this Procedure.