

Higher Education Compliments, Comments and Complaints Procedure for Students, Parents/Guardians of Students and Customers

Details			
Owner	Head of UCC Academic Services		
CE Sponsor	Principal and Chief Executive Officer		
Date created this year	15 th October 2024		
Version:	Approved by:	Date approved:	To be reviewed:
3	College Executive	05.11.2024	August 2027
3	Curriculum and Quality Committee	05.11.2024	August 2027

Version Control	
Version Number	Changes from previous 12 months policy
3	Significant re-write and re-design to allow streamlining policy, whilst continuing to meet OIA best practice guidelines. Changes to responsibilities and job titles following restructure.
Changes to policy in year	
3	

Equality Impact Assessment Tool: HE Compliments, Comments and Complaints Procedure

		Yes/No	Comments
1	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	Race or ethnicity	No	
	Disability	No	
	Gender	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Marriage and Civil Partnership	No	
	Maternity and Pregnancy	No	
	Gender Reassignment	No	
2	Is there any evidence that some groups are affected differently?	No	
3	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4	Is the impact of the policy/guidance likely to be negative?	No	
5	If so, can the impact be avoided?	N/A	
6	What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7	Can we reduce the impact by taking different action?	N/A	

Contents

1	Who can use this procedure?	4
2	Principles.....	4
3	Limitations to remit of policy.....	5
4	The Complaints Procedure – An Overview	6
5	Stage 1: Early Resolution	6
6	Stage 2: Formal Complaint.....	7
7	Stage 3: Internal Appeal.....	8
8	Stage 4: Final Internal Appeal.....	9
9	Stage 5: Independent External Review	9
10	Managing unacceptable behaviour	9
11	Governance of the Complaints Handling Procedure	10
	Appendix A - Template COMPLETION OF PROCEDURES.....	12
	Appendix B - HE Flow Chart for Complaints.....	13

1 Who can use this procedure?

This procedure is available to students registered on a programme of study at University Centre Colchester (UCC), wishing to raise a concern or complaint. The term 'student' includes those registered to study, registered for its awards and those who have recently left UCC.

Concerns and complaints submitted via a third party will not normally be accepted. However, it is recognised that some individuals may be unable to raise a concern or make a complaint on their own. In these circumstances, concerns or complaints brought by permitted third parties (for example, a family member) will only be accepted when the individual affected has confirmed that they are happy for the organisation to communicate with a third party on their behalf.

Concerns and complaints received anonymously will not be investigated unless there are legal or safeguarding implications. It is self-evident that those who complain anonymously will not receive a response.

All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them. The organisation will not normally consider concerns or complaints which are made more than three months after the event/s complained about unless there is good reason for the delay.

With all complaints students and others must be prepared to provide evidence to support their allegation/s.

2 Principles

University Centre Colchester (UCC) is committed to excellent service and endeavours to ensure its students' requirements are met. For us to improve our services we welcome compliments, comments, or complaints.

We are happy to receive feedback in several ways which are outlined in this document; however, if there were concerns, we would want to ensure a swift resolution. Initial concerns should be raised at source to allow opportunities for any issues to be quickly resolved; if matters cannot be resolved at source, the concern can be reported using the formal process.

All issues will be dealt with constructively and quickly 'without risk of disadvantage or recrimination'; each case will be considered on its own merit and in accordance with the evidence and circumstances presented. All complaints will be handled in a professional and non-confrontational manner.

This procedure has been designed with the intention to:

- Be fair and impartial.
- Be transparent and easy to access.
- Be flexible and timely, ensuring that concerns and complaints are dealt with as quickly as possible.
- Clearly communicate processes, decisions, and the reasons behind decisions.
- Ensure that decisions are taken without actual or perceived conflicts of interest.
- Ensure an appropriate level of confidentiality.
- Include support for students.
- Use the information gathered to improve services for students and the student experience.
- Expect all involved to behave appropriately and not allow the procedures to be misused.

Complainants may expect concerns and complaints to be dealt with confidentially and that their privacy will be respected. However, it is likely that any person who is the subject of a complaint will be given the opportunity to respond as part of the investigation process. It may also be necessary to disclose information to others to deal with the concern or complaint however all involved in the investigation will treat all information as confidential. Information will be shared only a 'need to know' basis.

3 Limitations to remit of policy.

When considering a student's concern or complaint it may become evident that the issue would be better placed being considered under an alternative institutional policy or procedure. This procedure will not normally cover:

- Appeals relating to examinations or assessments or to academic progress on a validated programme of study (see the *Academic Appeals Procedure for the validating body*).
- Appeals against a finding of guilt in relation to an academic offence (see the UCC Academic Offences policy).
- Complaints involving dissatisfaction about an outcome of the Student Disciplinary Process.
- A concern about a decision made under other specific regulations such as Fitness to Study or DBS (see the *Fitness to Study Procedure / DBS*).

University of East Anglia validated programmes.

There is a separate policy for students on University of East Anglia validated programmes which refers to concerns relating to **academic experience**. Students wishing to raise such a concern should be referred to the Academic Appeals and Academic Complaints regulations for University of East Anglia Students.

If a concern is raised under the Academic Appeals and Academic Complaints regulations for University of East Anglia Students which is deemed to not be related to the academic experience, it will be considered under the guidance detailed in this document.

University of Huddersfield validated programmes.

For students on programmes validated by the University of Huddersfield complaints need to be made to Colchester Institute in the first instance and follow through Stage 1 as outlined in section 5 of this document. Where a complainant remains dissatisfied with the response to the Stage 1 early resolution process, they should then request a review of the outcome, by using the University of Huddersfield process from stage 2 onwards, via this link:

<https://www.hud.ac.uk/registry/current-students/taughtstudents/student-complaints/>

Some situations can involve a combination of issues, some of which are complaints and others not and each case will be assessed on a case-by-case basis. Where this happens, students will be informed which specific issues will be considered under which specific procedure and directed to the appropriate procedure for the remaining issues. Where there is an overlap, complaints may be reclassified in consultation with the student and dealt with under an alternative, more appropriate procedure.

Students will be informed of the implications, if any, of following two procedures at once, particularly where one procedure may be suspended pending completion of the other. Alternatively, with the agreement of the student, both procedures may be considered at the same time / in parallel and investigations carried out collaboratively by the respective departments where possible. The party

with overall responsibility for the conduct of the matter and the final decision will be communicated to the student.

In the event of any complaint being referred to the police, a court, tribunal or other external organisation, the procedure will normally be suspended until the outcome of the external process is known.

4 The Complaints Procedure – An Overview

The procedure is intended to provide a timely, simple, and streamlined process with a strong focus on early resolution by empowered and well-trained staff.

The internal procedure involves the following four stages. Step five is an external review.

1. **Early Resolution (stage 1)** – seeks to resolve straightforward concerns swiftly and effectively at the point at which the concern is raised, or as close to that point as possible, for example at programme level. In all cases, students will be directed to the next stage of the procedure if they remain dissatisfied at the conclusion of the early resolution stage.
2. **Formal Complaint (stage 2)** – is appropriate where a student is dissatisfied with the outcome of early resolution, or where early resolution is not possible or appropriate due to the complexity or seriousness of the case. The student should raise a formal complaint either by submitting a feedback form or contacting the Quality Department by other means such as email or telephone. The complaint will then be investigated, and a formal response provided to the student.
3. **Internal Appeal (stage 3)** – provides an opportunity for a member of the College Leadership and Management Team not already involved in the review of this complaint to carry out a formal internal review, of the process and outcome of the formal complaint to ensure that appropriate procedures were followed; and/or that the outcome was reasonable.
4. **Final Appeal (stage 4)** – provides an opportunity for a student to make a final appeal to the Principal & Chief Executive who will review all the evidence relating to the case. At the conclusion of this stage, a Completion of Procedures letter will be issued to the complainant to enable them to request an external review if they remain dissatisfied.
5. **External Review** – where the complainant remains dissatisfied, they can submit a request for a review by the Office of the Independent Adjudicator (OIA) within twelve months of the date of the Completion of Procedures letter provided.

5 Stage 1: Early Resolution

Anyone who has a concern is encouraged to raise it at the point of becoming aware of it and to raise it with the department or area in which the issue arose. Concerns at this stage may be made face-to-face, by phone, in writing or by email.

The purpose of the early resolution stage is to attempt to resolve as quickly as possible, concerns which are straightforward and require little or no formal investigation. Staff investigating concerns at this stage should, if possible, have a face-to-face discussion with the student concerned, to come to an understanding of the exact nature of the student's dissatisfaction and to explore what outcome the student seeks.

The following members of staff should be approached by the student to seek an early resolution of their concern:

- Concerns relating to the programme should be discussed with the Programme Leader or Area Head.
- Concerns about administrative or support services should be raised with the appropriate manager or head of service.

Closing the concern at the early resolution stage

Wherever possible, if responsibility for the issue raised lies in the staff member's area of work, attempts should be made to resolve the concern at this local level, without the need to resort to formal proceedings. Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to prevent this from happening in the future.

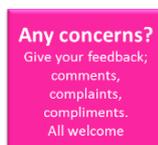
Students may escalate the matter to the stage 2 of the Student Concerns and Complaints Procedure if they remain dissatisfied.

For students on programmes validated by the University of Huddersfield complaints need to be made to Colchester Institute in the first instance and follow through Stage 1 as outlined above. Where a complainant remains dissatisfied with the response to the Stage 1 early resolution process, they should then request a review of the outcome, by using the University of Huddersfield process from stage 2 onwards, via this link:

<https://www.hud.ac.uk/registry/current-students/taughtstudents/student-complaints/>

6 Stage 2: Formal Complaint

A formal complaint can be submitted by completing an online form on the UCC website (on the Contact Us page) or by the using the feedback button (shown below) on the portal.



Students are required to set out their complaint clearly and succinctly and to provide evidence to substantiate the issues raised where it is reasonable to expect them to have gathered and provided it.

Complainants should take care to raise all elements of the complaint and put forward all supporting evidence at Stage 2, as they will not be able to raise new matters at Stage 3 and additional evidence will not be permitted unless they can show good reason why this evidence/information was not put forward at Stage 2 and it is essential to the complaint.

Formal complaints are received by the Quality Department; a nominated member of staff will provide a single point of contact. The Quality Department will acknowledge receipt of a formal complaint within 5 working days and aim to provide a response within 15 working days. There will occasionally be circumstances when, for good reason, there will be a need to extend the timeframe. Where this is the case, the student will be regularly informed of progress.

Investigative meetings

Details of complaints will be forwarded to the appropriate manager who will then investigate the matter. The purpose of an investigation is to establish all the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response.

If during the investigation there is deemed a need to have an interview involving the complainant, s/he has the right to be accompanied by a fellow student, a friend or relative.

Mediation

Consideration will be given to whether mediation may be appropriate.

Mediation and conciliation are voluntary processes where an impartial independent third party helps parties involved in a dispute to resolve issues confidentially. Using mediation can help both parties to understand what is driving the complaint and may be more likely to result in a swift and mutually satisfactory conclusion being reached. Mediation and conciliation can be used to 'stop the clock' on the formal process which may be restarted if agreement cannot be reached.

Where both the organisation and the student agree to mediation or conciliation, revised timescales will be agreed between the parties and confirmed in writing. All parties should understand how the arrangement fits with more formal procedures, the scope of the mediation or conciliation process and whether its use is subject to the parties agreeing in advance to accept the solution offered and the findings reached.

Timelines

Closing the complaint at the formal stage

The outcome of the formal stage will normally be communicated to the student in writing, giving a clear explanation of the investigation and outlining the reasons for each decision.

Should the student remain dissatisfied with the outcome of their complaint, they should escalate the matter to the internal appeal stage within one month of communication of the outcome of the formal stage.

If a student is satisfied with the outcome of the formal stage or does not take the complaint to the Internal Appeal Stage within four weeks, the matter will be considered closed.

7 Stage 3: Internal Appeal

If the student is dissatisfied with the outcome of the formal complaint stage and believes their complaint has not been handled properly, or fairly, according to these procedures, they may request an internal review of the complaint within one month of the date of the letter confirming the outcome of the formal stage. This review takes place as part of the appeals process.

A request for an internal appeal may be made on limited grounds, including but not confined to:

- A review of the procedures followed at the formal stage.
- Consideration of whether the outcome was reasonable in all the circumstances.
- New material evidence which the student was unable, for valid reasons, to provide earlier in the process.

To request an appeal, students must advise the single point of contact within the Quality Department that they remain dissatisfied. Students must set out the reason for the appeal clearly and succinctly. The single point of contact will acknowledge the request for an appeal within 5 working days.

The appeal will be considered by a member of the College Leadership and Management Group not previously involved in this case. The outcome will be communicated to the student, in writing within 2 calendar months, although every effort will be made to ensure a swift response.

8 Stage 4: Final Internal Appeal

If the student remains dissatisfied a final appeal can be made to the Principal and Chief Executive Officer. The Principal & CEO may delegate this to another member of the Executive team. The Principal or their delegate will review the case and will respond in writing within 2 calendar months. At this point a Completion of Procedures letter will be issued to the student providing details of next steps if the student remains dissatisfied.

9 Stage 5: Independent External Review

Once the process has been completed, the student is entitled to ask the Office of the Independent Adjudicator (OIA), the independent ombudsman service of last resort, to look at his/her complaint. All applications to the OIA must be made within twelve months of the date of the Completion of Procedures letter issued to the student.

The OIA considers complaints from people who remain dissatisfied at the conclusion of the HE provider's internal Complaints Procedure. The OIA looks at issues such as whether the organisation followed its procedures, whether these procedures were reasonable, and whether the final decision was reasonable in all the circumstances.

The OIA **cannot** normally look at complaints:

- Where the student has not progressed through all stages of the organisation's Student Complaints Procedure.
- Where the complaint refers to matters more than three years old.
- Where the Completion of Procedures letter is received outside the twelve-month time limit.
- Where matters have been or are being considered in court.
- Relating to academic judgement.
- Relating to student admissions.

The OIA's Scheme Rules and guidelines are available on its website, www.oiahe.org.uk

10 Managing unacceptable behaviour

All individuals involved in a complaint need to act reasonably and fairly towards each other and treat the process itself with respect and not abuse it. It is recognised that people may act out of character in times of trouble or distress, however, the organisation also recognises its duty to ensure the safety and welfare of its staff and students. Consequently, the organisation has a zero tolerance towards complainants whose behaviour is deemed to be unacceptable, and action will be taken to protect staff. The term 'complainant' also includes anyone appointed as a third party to act on the complainant's behalf.

The definition of 'unacceptable behaviour' might include, but is not necessarily restricted to, cases in which there is clear evidence that the complainant has behaved in one or more of the following inappropriate ways or the complaint itself is considered to be frivolous, vexatious or motivated by malice:

- Complaints which are obsessive, harassing or repetitive.
- Communicating in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner.
- Submitting a complaint containing materially inaccurate or false information or evidence.
- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes.

- Insistence on pursuing 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.

When a complainant's behaviour, or the complaint itself, is considered to be unacceptable, as a first step, UCC will normally tell the complainant why their behaviour or complaint is considered to be unacceptable and will ask them to desist. If the unacceptable behaviour continues, action will be taken to restrict contact. This action will require the approval of a member of the Senior Leadership Team.

Any decision to restrict a student's access will be communicated to the student in writing by a member of the Senior Leadership Team and will be appropriate and proportionate. The options most likely to consider are:

- Requesting contact in a particular form.
- Requiring contact to take place with a named member of staff.
- Restricting telephone calls or emails to specified days and times.
- Asking the complainant to appoint a representative to correspond on their behalf; and/or
- Asking the complainant to enter into an agreement about their conduct.

In instances where a complaint is considered to be frivolous and/or vexatious, or where a complainant continues to behave in a way that is considered to be unacceptable, consideration will be given to whether disciplinary proceedings should be initiated in accordance with the UCC Disciplinary Policy or whether to terminate contact with the complainant. In exceptional circumstances, this may mean that consideration of the complaint is also terminated, and a Completion of Procedures letter issued. The decision to terminate a complaint must have the approval of the Principal & Chief Executive; once approved, this decision is final and cannot be appealed.

Where a complainant submits multiple complaints on substantially the same issue, the organisation reserves the right to treat the matter as a single complaint and to decline to respond to each separate subsequent complaint.

11 Governance of the Complaints Handling Procedure

The **Quality Department** co-ordinates all aspects of the administration and delivery of this procedure. All matters related to student concerns and complaints should be addressed to this office in the first instance.

Complaints Investigators are managers responsible for the conduct of investigations and the co-ordination of all aspects of the response to complainants.

The **Appeal Manager** conducts stage 3 of this procedure. They will review the complaint, at the complainant's request, to consider whether any procedural irregularities occurred during the formal stage, the reasonableness of the outcome and/or whether any further investigation is required.

The **Principal & Chief Executive, or a delegated member of the College Executive Team**, conducts stage 4 of this procedure. They will review the complaint, at the complainant's request, to consider whether any procedural irregularities occurred during the formal stage, the reasonableness of the outcome and/or whether any further investigation is required. If previous decisions are upheld they will send a response accompanied by a Completion of Procedures letter.

Publicising complaints performance information

The Board of Governors, through the Quality Department, receives an annual report on student complaints to identify any trends or areas for improvement:

The organisation will record and monitor complaints to identify trends and areas where improvements could be made. The outcomes of this monitoring will be reported to the Board of Governors on an annual basis and used to inform organisational practices, procedures, and activities and to enhance the quality of the student experience.

Contact Information

Post: Quality Department, Colchester Institute, Sheepen Road,
Colchester, Essex, CO3 3LL

Telephone: (01206) 712135

Email: quality.team@colchester.ac.uk

Appendix A - Template **COMPLETION OF PROCEDURES**

(In line with procedure; a copy of this letter may be sent electronically)

This letter is sent out by Secretariat alongside a final response from the Principal and Chief Executive.

Address xxxx

Date xxxx

Dear *student/complainant name*

Re: Completion of Procedures

This letter is issued automatically to advise you that you have now exhausted our internal process relating to the concerns you have raised.

It is hoped that the response from the College Executive Team has adequately addressed your concerns.

If however, you remain dissatisfied you may wish to take your concerns to the Office of the Independent Adjudicator (O.I.A); an independent body set up to review student complaints.

I would advise you that the time limit for bringing a complaint to the attention of the O.I.A is 12 Months.

The OIA can be contacted via the following link: www.oiahe.org.uk

Sent on behalf of the Principal & Chief Executive

Yours sincerely

Insert name/title

Appendix B - HE Flow Chart for Complaints

