

Provider's name: Newham College of Further Education

Provider's UKPRN: 10004607

Higher Education Complaints Procedure

Academic Year 2022/2024

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1. What is a complaint? How is this different to feedback?

It is important to understand the difference between a complaint and feedback as this may affect the way it is handled and what you can expect from this procedure.

1. What is a complaint?

A complaint normally requires a specific solution or response to a specific issue that impacts a student or group of students. The college has adopted the OIA's definition of a complaint, as such a complaint is understood to mean "an expression of dissatisfaction by one or more students, or former student, about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider."

1. What is feedback?

You may wish to give your views on a matter of College practice or provision, this can be done through the College feedback mechanisms normally through end of module/year reviews or through Course Boards. The ways in which you can give feedback are outlined in the Student Engagement Strategy. This also gives you the opportunity to comment on the value of our feedback mechanisms and how they could be improved. We respond to students' feedback through Course Boards the minutes of which are published on the VLE.

2. General principals

- a) No student will be disadvantaged in any way as a consequence of raising a complaint;
- b) Complaints will be dealt with confidentially by all parties involved, the only exception to this is where it is necessary to disclose information to carry out a fair and full investigation. This means that a student's identity would not be usually disclosed to a person who is the subject of the complaint;
- c) Complaints will focus on resolution, with specific focus on early and local resolution;
- d) Complaints will be used as a learning tool to improve the quality of service;
- e) All parties involved will be courteous, act reasonably and fairly to each other.

3. The scope of this procedure – who can use this procedure?

This procedure covers complaints from registered students who are studying any programme described at level four and above at Newham College of Further Education including for example;

- a) Full or part-time students on any programme at level four and above;
- b) Degree or higher-level apprentices;
- c) Association of Accounting Technicians (AAT).

A former student may also bring a complaint under this procedure within 30 days after their formal end to study, but only if the complaint could not reasonably (supported by evidence) have been brought while he or she was a registered studentⁱ.

4. Timeframes

Complaints should be raised with the most relevant service area as soon as possible to ensure prompt investigation and, wherever possible, swift resolution. Complaints **must be raised within 30 days of the matter becoming apparent**. Appeals and progression through the levels of complaints **must** be made within the stated timeframes, please see Section 12 below. Complaints submitted outside of the timescales set out in this procedure will only be considered in the most exceptional circumstances and, where there is good reason which is supported by evidence.

5. How was this procedure developed?

5. Student engagement

During the period 2019/2021 6 student fora were held from across the disciplines where students discussed the policy, were very clear about how they saw the policy working for them together with the overall purpose of the policy.

5. External reference points

- a) Office of the Independent Adjudicator (OIA) Good Practice framework: handling students complaints and academic appeals [oia-good-practice-framework.pdf](https://www.oiahe.org.uk/oia-good-practice-framework.pdf) ([oiahe.org.uk](https://www.oiahe.org.uk))
- b) Competitions and Markets Authority (CMA)
- c) Quality Assurance Agency (QAA)- Advice and Guidance for Concerns, Complains and Appeals [qc-a-q-concerns-complaint-appeals.pdf](https://www.qaa.ac.uk/quality-assurance/advice-and-guidance/concerns-complaints-and-appeals)
- d) The Joint Council for Qualifications (JCQ) <https://www.jcq.org.uk/exams-office/information-for-candidates-documents/>

6. How to use this procedure.

6. Support in making a complaint

The College strongly advises that the complainant/s seek advice and assistance prior any level of complaint from Student Support Services studentservices@newham.ac.uk

6. Using the correct procedure or policy

Students, former students or groups of students should ensure that they are using the correct procedure to enable the earliest possible resolution to any matter that they choose to raise. As such a complaint may relate to for example;

- a) Concerns about the delivery of a programme or service, for example, learning and teaching including placement learning;
- b) Failure to provide a service;
- c) The conduct of assessment including the manner in which the assessment was undertaken;
- d) Information that they received in relation to their course;
- e) The quality of learning resources or facilities that directly impact on learning;
- f) Inappropriate or concerning behaviour by a staff member, this includes teaching and/or service staff;
- g) Failure of the college to provide appropriate administrative or academic procedure.

6. This procedure does do not include;

- a) Any matter relating to an academic judgementⁱⁱ including for example, marking, placement evaluation, academic integrity or progression to the next level of study;
- b) Admissions decisions;ⁱⁱⁱ
- c) Matters that have already been, or are under consideration, by this complaints procedure.

6. Submission of complaints

Students should submit complaints to complaints@newham.ac.uk the subject line should clearly state Higher Education Complaint, students need to attach the recognised complaints form which is available from the Higher Education page of the College website. This form has

been developed to ensure that there is an early resolution to any matters raised under this procedure.

7. Group complaints

A group of students can submit a joint complaint, but a group representative must be nominated with whom the College will correspond and who will be responsible for liaising with the other complainants. The College Student Services Team can support the representative if they wish but they **cannot** represent the group. The College may separate group complaints where it considers that the issues raised impact complainants differently or where complainants are seeking different solutions.

8. Support and representation for students who wish to pursue a complaint

The College encourages complainants to seek advice and support regarding the complaints procedure as this will most successfully help them to raise matters effectively and bring about changes that are fair and reasonable. Advice and support are available from the Director of Student Services. Additionally, a student can be supported through any part of this process by a parent, a member of student services, or a friend. They cannot make representations on behalf of the student except in the circumstances described in the succeeding paragraph below.

Complaints must be made by complainants themselves, as they will have the best knowledge of their own circumstances and will best understand their own individual requirements. However, in some limited circumstances and where is sound material reason ^{iv}, the College will allow a request from a third party acting as the complainant's authorised representative. In this case, the College will communicate only with the representative.

9. Anonymous complaints

Anonymous complaints are not normally accepted by the College as they are difficult to investigate robustly and fully. Exceptionally, the College will investigate a complaint where it is supported by credible evidence and the case is made convincingly. The Academic Development and Quality Committee will appoint an investigations officer drawn from the College Leadership Team (CLT), whose findings may be referred to the College Executive where appropriate.

10. Vexatious and frivolous complaints

A vexatious complaint is one that is pursued, regardless of its merits, that is, on the facts, unreasonable, without foundation, repetitive, burdensome or unwarranted. They may be obsessive, harassing or pursued in an unreasonable manner. There is a presumption that complaints are made in good faith, therefore, complaints that are deemed to be frivolous or vexatious may be terminated, in which case the investigator will inform the complainant in writing outlining their reasoning together with the next steps that are available.

11. The stages of complaint

11. Stage 1 early/local resolution

This is the first stage of raising a complaint; students are encouraged to raise a complaint or concerns as soon as they become aware of a problem, or at the latest within 30 days of where the issues have become apparent. This stage should be resolved within 10 working days.

At this stage, the complaint may be raised either in person, by phone or by email to the Course Leader.^v

In order for a complaint to be recognised as such and considered under this procedure, the complainant must complete the complaint form available from the Higher Education Page of the College website and submit this within the 30-day timeframe to complaints@newham.ac.uk. This enables the College to conduct a full and thorough investigation into the matters identified. Complaint forms need to be accompanied by all relevant supporting evidence and documentation, in order to allow the investigation to commence.

Emails to individual members of staff, other than the Course Leader/Director, will not be considered under this procedure. **In this case the member of staff must redirect the student through the appropriate channels. If the student does not use the appropriate channels, then such emails will not be considered as the initiation of this Complaint Procedure.**

As the purpose of a complaint is to seek a resolution as soon as is possible, it is important that the complainant articulates their dissatisfaction clearly and succinctly, explains how these matters are impacting on their opportunities, and states what outcome they are seeking as a resolution.

If the issue can be resolved through local / informal means, the Director will confirm this by email to the complainant's college email address, copying in the College complaints team. The outcome letter will clearly state the issues raised and the resolution proposed.

11. Stage 2 formal stages of complaint

A Stage 1 complaint will be escalated to the formal stage when:

- a) Local and early resolution has been attempted but the complainant remains dissatisfied following receipt of the Stage 1 outcome and takes action to escalate the complaint. This must be done within 10 working days of dispatch of the outcome letter;

or,

- b) The problems raised by the complainant are serious, complex and/or require detailed investigation and where the implications may be significant.

Complaints will be acknowledged within 3 working days. A full response will be provided to the complainant typically no later than 15 working days from escalation to Stage 2, together with receipt of all associated documentation. Any extension of time will be communicated to the complainant.

An investigator will be appointed to manage the complaint, and staff who were involved at Stage 1 will not lead the investigation but may be called to provide evidence. No-one involved in the complaint under investigation will be appointed as investigator.

Typically, the investigator may consider a number of key questions:

- a) Have the matters been brought to the attention of the College in a timely way that allows a resolution to be put in place?
- b) Does the complaint relate to specific breaches of the College's obligations to the complainant?
- c) What might a student reasonably expect in relation to the service provided?
- d) To what extent have these matters negatively impacted the student experience?
- e) Was any potential resolution offered?
- f) Are the complainant's expectations of resolution reasonable and achievable?

If the complainant's expectations appear to exceed what the College may reasonably provide, or are not within the College's power to provide, the complainant should be advised of this as soon as possible in order to manage their expectations about possible outcomes.

The outcome of Stage 2 will be communicated to the complainant by email to their college email address.

11. Stage 3 – Formal institutional review of complaint

A Stage 3 review may be requested when:

- a) there is evidence of procedural irregularity or bias at Stage 2;
- b) the Stage 2 outcome is considered unreasonable;
- c) material evidence is available that was unavailable at Stage 2 and there are convincing reasons why this could not be made available earlier.

The application for review at Stage 3 must be received within 10 days of the dispatch of the outcome letter at Stage 2. Applications for review will be acknowledged within 3 working days. A full response will be provided to the complainant typically no later than 20 working days from the time that the request for escalation to the Review Stage, and all associated documentation, was received for investigation. Where there are clear and justifiable reasons for extending the timescale for considering a complaint at Stage 3, the panel chair responsible for the investigation will set further time limits on extending the review. The complainant will be notified in writing and will be kept updated on the revised deadline for bringing the review at Stage 3 to a conclusion. If the complainant feels the outcome is being unreasonably delayed they can write to the Deputy Principal setting out why they feel this is the case.

The complainant is advised to seek advice and assistance prior to completing the complaint form from the Director of Student Services to ensure the best possible application for review is made.

A panel will be formed, from outside the department about which the complaint is made, in order to determine whether there are sufficient grounds to allow the case to be heard at stage 3. No-one involved in the complaint under investigation or who has previously been involved in seeking to resolve the complaint will be a member of the panel. The Panel will initially consider whether the threshold for review has been met in terms of the 3 grounds for a Stage 3 review:

- a) Whether the appropriate procedures were followed at stage 1 and stage 2
- b) Whether the outcomes of the formal stage were reasonable and based on all the available evidence
- c) Has the student received clear reasons why the complaint was rejected at the formal stage?

- d) If relevant new evidence been submitted, is this new evidence valid and relevant to the case and have convincing reasons been provided that explains why this was not previously made available
- e) Do the complainant's expectations exceed the scope of the review?

The review panel will only consider the matter on the grounds listed above and will not consider the issues afresh or carry out a further investigation in the first part. If the panel determines that there is insufficient evidence, then it will write to the complainant/s to explain this. The review panel may choose to hear evidence from both the complainant and the Stage 2 investigating officer in determining the final outcome of the review. Complainants will be informed by email to their college email account, or by letter to their last registered address.

12. Independent external review

Once the review stage has been completed and an outcome issued to the complainant, or it is determined there are insufficient grounds for the complaint to be considered within Stage 3, the College's HE Student Complaints Procedure has concluded. The College will issue a Completion of Procedures (CoP) letter, where the students cannot proceed to the awarding body, and this entitles the complaint to approach the OIA to consider their complaint. The complaint must be received by the OIA within twelve months of the CoP letter being issued by the College. It typically takes a number of months for the OIA to consider a complaint and issue an outcome. Further information about escalating a complaint to the OIA is available on: [How to complain to us - OIAHE](#)

13. Recording and monitoring of complaints

Complaints will be monitored in order to improve the student experience. The College records and provide reports to indicate the nature of complaints and complainants, and resultant action. These reports are considered in the following ways;

- a) The monitoring and evaluation of programmes of study, department, and the college;
- b) Fed directly into appropriate College committees;
- c) Reported to Governors each trimester with an annual summary.

ⁱ The end date of registration is determined by last formal day of study for a given programme of study.

ⁱⁱ Student Academic Appeals Procedures outlined in the Academic Regulations that apply to your course

ⁱⁱⁱ Student Admissions and Recruitment Complaints Procedure

This will normally be health reasons, including mental health, which are substantiated through full medical diagnosis.

^v All complaints, regardless of how they are received will be recorded on the **complaints form** as it is imperative that both the College and the students clearly understand the nature of the complaint, the ways that the matters are impacting on the student/s and the desired resolution.