



Student Complaints Policy and Procedure 2023-24

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Scope: Any complaint or concerns made to the College except those covered by separate procedures for appeals against academic decisions.

Note regarding urgent concerns: Occasionally it may be necessary to raise a concern that requires immediate action, for example, where there is a threat of serious harm, or where an individual displays significant distress, etc. The student raising the concern should contact ForMission immediately. Swift action will be taken by ForMission. ForMission, will consider the urgency of all complaints. Additional policies, such as the Fitness to Study policy, and the Code of Discipline and Student Conduct policy may be used where appropriate.

This policy and procedure are subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

This policy has been created and updated in light of the guidance from the following:

- The Quality Assurance Agency for Higher Education (QAA), UK Quality Code for Higher Education, Advice and Guidance for Concerns, Complaints, and Appeals.
- The Competition and Markets Authority (CMA) guidance for higher education.
- The Office of the Independent Adjudicator for Higher Education's (OIA) Good Practice Framework and Putting Things Right guidance.

1. Introduction

- 1.1 This is the policy and procedure to follow if you wish to raise a concern or make a complaint about an aspect of your college experience. A complaint may be informal or formal (see below). The policy does not apply to appeals against a decision by Assessment Boards, for example, relating to your academic award or progression on your programme, these matters are covered by the Appeals Procedure. If you submit a complaint that the College believes would be more appropriately dealt with as an appeal, the College may decide to follow the Appeals Procedure instead of or as well as the Complaints Procedure.
- 1.2 The college might decide that a complaint amounts to whistleblowing. In this case, it will be dealt with under the Whistleblowing Policy.

2. Complaints Policy

- 2.1 ForMission College is committed to giving its students the best learning experience it can and provide to our students with an outstanding service in all areas of our provision. We strive to improve, but we recognise that sometimes things can go wrong and when it does, we would like to know about it in order that we can put it right. Wherever possible we would encourage students to raise any concerns they have at the earliest possible opportunity. Most matters are usually dealt with informally and promptly by those who

are directly responsible for our programmes and services unless they are raised formally in writing.

- 2.2 We value all complaints as a means of improving the quality of our services and all complaints are treated seriously.
- 2.3 The following procedure applies to student complaints and explains how to submit a complaint and what will happen.
- 2.4 **Please note:** If you are a visitor, member of the public or prospective student you may be able to resolve your concern informally by asking to talk to a member of staff at the ForMission College Office.

3. Complaints Procedure overview

- 3.1 Before making a complaint, you should familiarise yourself with the following procedure. It is important to be clear about what resolution you are seeking in making a complaint.
- 3.2 We recommend that you discuss your complaint with a tutor, programme director, or a member of our administrative team informally in the first instance, but if you would like to make a formal complaint, this **must** be made in writing using this procedure.

Who can complain?

- 3.3 Students who are currently enrolled on a course at the College (including those on suspension of studies). Complaints may also be considered from students who have withdrawn or graduated from the College if a complaint is initiated within four weeks of departure.
- 3.4 Complaints can be made by individual students or, in appropriate cases, collectively by groups of students. In the event a complaint is made by a group of students, the complaint will be managed through a single spokesperson elected by the group. The spokesperson will often be a student rep. Each student needs to communicate in writing to the Vice Principal their wish to be represented by the designated individual. The College retains the discretion to communicate directly with some or all the students individually, particularly where the substance or circumstances of the complaint differ, and to reach different decisions where it deems this to be appropriate.
- 3.5 In considering complaints, ForMission will apply the procedure in accordance with its Equality and Diversity Policy. Reasonable adjustments will be made for those with disabilities, specific learning difficulty, mental health difficulties, or long-term medical conditions.

Who cannot complain?

- 3.6 We will not normally accept complaints from
 - a) Ex-students unless the complaint is received by the College within **four weeks** of the ex-student's departure.
 - b) Students who wish to raise complaints anonymously.

- c) Third parties on behalf of students e.g., parents/guardians/employers/ForMission's staff. Students are expected to bring their complaints themselves. The College will only allow third parties to bring complaints in very limited circumstances where the Vice Principal considers it reasonable to do so, e.g., where a student has a learning difficulty and/or disability or if the complaint is indirectly linked to the third party. In these cases, the College will require such complaints in writing. What can I complain about?

3.7 Complaints may include (but are not limited to):

- a) a failure to provide a service,
- b) an inadequate quality or standard of service,
- c) the admissions process,
- d) a request for a service or for information which we have not actioned or answered,
- e) wrong information about academic programmes or our services,
- f) the quality and availability of facilities and learning resources,
- g) accessibility of our buildings or services,
- h) the behaviour of a member of staff or contractor,
- i) treatment by or behaviour of a member of staff or contractor,
- j) disagreement with a decision where you cannot use another procedure (such as an appeal) to resolve the matter,
- k) our failure to follow the proper administrative process.
- l) any action, omission or situation that puts people's health and safety at risk.

3.8 Your complaint may involve more than one college service or be about someone working on our behalf. Complaints relating to services provided by Collaborative Partners should follow their complaints procedures.

3.9 You can raise a concern or make a complaint in person, by phone, in writing, or by email. If you would like to make a formal complaint you must do so in writing.

3.10 It is easier for us to resolve complaints if you make them quickly and directly to the college service concerned. So please talk to a member of our staff in the department you are complaining about. Then they can try to resolve any problems on the spot.

How long do you have to make a complaint?

3.11 Normally, you must make your complaint:

- a) within **1 calendar month** after the original incident causing concern (unless there are exceptional circumstances justifying a delayed complaint); or
- b) within **1 calendar month** of finding out that you have a reason to complain if this is no longer than 3 months after the event itself. In exceptional circumstances, we

may be able to accept a complaint after the time limit. If you feel the time limit should not apply to your complaint, please tell us why.

4. Student Complaints procedure: Stage 1 (informal complaints or concerns)

- 4.1 If you are a college student, you may be able to resolve your concerns informally by talking to your Programme Director or Tutor regarding course concerns; or a member of the Administration Team regarding student support issues. Concerns may also be raised via your Student Rep during, for example, a Board of Studies meeting,
- 4.2 In most instances informal complaints and concerns will not receive a formal written response and the decision will normally be communicated to you orally. Nevertheless, your complaint or concern will be taken seriously and dealt with in a timely way. Complaints and concerns that are deemed to be urgent will be dealt with swiftly.
- 4.3 If you do not feel your complaint or concern has been resolved or if the staff member you first approached feels that the complaint should be dealt with formally, the complainant can go on to Stage 2.
- 4.4 **Please note:**
 - a) If you are a visitor or prospective student, you may be able to resolve your concern informally by asking to talk to a member of staff at the ForMission Office.
 - b) If the complaint is an appeal against grading or assessment, the separate academic appeals procedure should be followed. The academic appeals policy is available on the College website and Moodle, or from our offices.

5. Student Complaints procedure: Stage 2 (formal complaint level 1)

- 5.1 If you feel that your concern has not been resolved at the informal stage, you may make a formal complaint in writing to an appropriate member of staff.
- 5.2 For academic concerns you should forward your complaint to your Programme Director (this does not include academic appeals).
- 5.3 For student support issues you should forward your complaint to studentservices@formission.org.uk.
- 5.4 If the complaint is against the Programme Director, you should send your complaint to studentservices@formission.org.uk. If the complaint is against the Programme Administrator, you should send your complaint to your Programme Director.
- 5.5 You should send your complaint to the appropriate member of staff via email. Unless there are exceptional circumstances, the formal written complaint should be made within **10 working days** of the completion of Stage 1 (Informal Discussion).
- 5.6 Where possible, formal complaints should be supported by relevant evidence.
- 5.7 On receipt of the formal complaint the following steps will be taken:

- a) The relevant member of staff will log your complaint and send you an acknowledgement of the complaint within **5 working days** of receipt.
- b) The appropriate member of staff will investigate your complaint. This will involve discussing the complaint with all relevant people.
- c) The Programme Director or Programme Administrator will contact you to discuss the complaint and clarify any issues. If the issue can be resolved at this stage, it will be logged, and you will be sent a letter outlining the action taken.
- d) Where the issue cannot be resolved in the first instance the Programme Director or Programme Administrator and one other member of staff will meet with you to hear your complaint. If you wish to do so, it is your right to bring someone to the meeting with you to offer support. This could be a fellow student, a friend or family member. See section 8 below for further information about meetings and supporters. Every effort will be made to ensure that this meeting takes place within **15 working days** of receipt of the formal complaint, however given the dispersed nature of much of our delivery; this may not always be achievable.
- e) We will also hear the views of other people concerned with the complaint.
- f) You will be written to within **10 working days** of the meeting, outlining any action to be taken.
- g) A copy of the proceedings will be submitted to the Principal.

What if I am still unhappy?

- 5.8 If you are not satisfied with the outcome of Stage 2 you can move onto Stage 3 of the complaints procedure.

6. Student Complaints procedure: Stage 3 (formal complaint level 2)

- 6.1 If you remain dissatisfied with the outcome of your complaint at Stage 2, your complaint can be passed to the Vice Principal for final internal review. You should make your request for a Stage 3 review of your complaint within **10 working days** of receiving the outcome of the Stage 2 investigation. Request for reviews received later than this will not normally be considered.
- 6.2 Requests to review the outcome of stage 2 investigations will be considered in terms of whether any of these conditions are met:
- a) There were procedural irregularities in the investigation of the complaint or;
 - b) Fresh evidence can be presented which was not made available to the relevant member of staff at stage 2 or;
 - c) The finding of the investigation was against the weight of the evidence.

- 6.3 If the Vice Principal is satisfied that any of the above conditions apply, a further investigation will be undertaken of the complaint. If they are not satisfied, your complaint will not be investigated further. You will be notified of the result of the investigation in writing within **15 working days** of receipt of the request for review.
- 6.4 **Please note:** If your complaint directly concerns the College Principal, or Vice Principal it will be considered by the ForMission College Board of Trustees.

7. Student Complaints procedure: Stage 4 (appeals)

- 7.1 If you are still unhappy with the outcome of your complaint, you may appeal in writing to the ForMission College Board of Trustees (making sure to include all relevant paperwork) via studentservices@formission.org.uk within **5 working days** of receiving the outcome of the Stage 3 investigation. Request for reviews received later than this will not normally be considered.
- 7.2 The Board will carry out their own evaluation of the complaint and may gather further evidence. This may include a meeting with you. If you wish to do so, it is your right to bring someone to the meeting with you to offer support. This could be a fellow student, a friend or family member. See section 8 below for further information about meetings and supporters.
- 7.3 The Board of Trustees will notify you of their decision within **10 working days**. They will inform you whether they have decided to:
- a) uphold your appeal or,
 - b) dismiss your appeal.
- The Trustees' decision is final.
- 7.4 Nothing in this policy will prevent students exercising their legal rights. At the same time, the College reserves the right to pursue its own legal privileges or seek mediation at any time during this procedure.

What if I am still unhappy?

- 7.5 If a student has exhausted all internal complaint procedures and remains dissatisfied, they may address their complaint to Newman University's Secretary & Registrar (or nominee) who will consider the case on the ground of procedural irregularity only.
- 7.6 If the complaint is upheld on the ground of procedural irregularity, it will be referred to the collaborating institution for further consideration. The collaborating institution may decide that further action is or is not required. Its decision is final, and a Completion of Procedures letter will be issued to the student by Newman University.
- 7.7 If the complaint is not upheld on the ground of procedural irregularity, a Completion of Procedures letter will be issued to the student.
- 7.8 If you are not satisfied with Newman University's final decision and would like the Office of Independent Adjudicator to review your complaint, details of how to do this can be found on their website (<http://www.oiahe.org.uk/>). This must be done within 12 months of the date of your Completion of Procedures Letter

8. Student Complaints Policy and Procedure: Important additional information

Communication

- 8.1 Any correspondence from the College shall be deemed to have been delivered 48 hours after emailing. You must keep the College informed of any changes of email address.
- 8.2 Our preferred means of correspondence is email as it enables us to communicate quickly and efficiently, but please indicate if you prefer to correspond by letter. Any delay in the process will be communicated to you. ForMission will monitor all response rates for quality assurance purposes.
- 8.3 Information which comes to light as a result of a complaint may lead to ForMission College or other agencies taking other kinds of action. This includes staff and student disciplinary procedures and civil or police investigations. If this happens the resolution of the complaint may be delayed until that other action has been taken. Complainants will be informed if this is the case and advised of a new date by which it is intended to complete enquiries.
- 8.4 Complainants may suspend the process where there is good reason to do so. This includes health grounds.

Work-Based Learning

- 8.5 Students on work-based learning are expected to use the complaints procedure of the work-based learning provider if the complaint relates to issues within the work-based learning itself and where the College cannot reasonably be expected to have had any involvement.
- 8.6 If the complaint relates to issues where the College can reasonably be expected to have had some involvement or the issues have impacted on the student's learning experience, the student should follow the College's complaints procedure.

Malicious complaints

- 8.7 The College will reserve the right to take disciplinary action against any student who is found to have initiated a vexatious or malicious complaint or repeated frivolous or unreasonable complaints against the College or a member of its staff. A complaint will be deemed to be malicious if it is found to be baseless and with an intent to cause damage to the College or the person about whom the complaint was made. The mere fact that a complaint has not been upheld does not mean that it is baseless, and disciplinary action will not be taken against anyone making a complaint in good faith.

Concerns and complaints raised outside of the procedure

- 8.8 ForMission will try to capture and consider any complaints and concerns that are raised outside of providers' complaints or appeals processes, or outside of the Board of

Studies. For example, if ForMission becomes aware that complaints or concerns have been raised via social media, this will be considered and addressed if appropriate. We request that complaints are made directly to ForMission.

Advice and support

- 8.9 The Programmes Administrator (studentservices@formission.org.uk) can answer general questions about the complaints process.
- 8.10 You can seek independent advice and support before making your complaint. It is strongly recommended that you do not proceed to the formal complaint stage unless and until you have taken appropriate advice.
- 8.11 You may choose to be accompanied by a supporter at any interview or hearing conducted in connection with the investigation. A supporter is defined as a registered student at the College, a workplace companion, or a family member. A 'friend' cannot be a member of staff because this may put them into a position of conflict of interest and their relationship with the complainant may be compromised. The role of the friend is not to be an expert witness. The role of the friend is to act as an observer, give moral support and to assist the complainant to make their case (although they may speak with the permission of the Chair). In addition, where reasonable adjustments are required, a complainant may be accompanied by a supporter e.g., a sign language communicator or a note taker, and a complainant with difficulty in understanding English may be accompanied by an interpreter.
- 8.12 As a general rule, the complaint can only be started and progressed by you personally. In exceptional circumstances a third party may submit and pursue a complaint as your representative if you provide written consent and a reason deemed acceptable by the Vice Principal. If either your supporter or representative behaves inappropriately at any stage while the complaint is being dealt with, they will be asked to withdraw their involvement.

9. Records, monitoring and review relating to the policy and procedure on student complaints

- 9.1 The Programme Administrator will make a record of all complaints investigated by the College. Student complaints will also be reviewed by the Quality Manager as part of the college's annual quality assurance and enhancement. Data on formal complaints and qualitative comments about matters resolved informally will inform an annual summary report of complaints and outcomes which will be passed on to the Board of Trustees and may be included in annual reporting to the relevant validating university. Information that could identify students will be anonymised. This process will ensure appropriate monitoring of all complaints and related outcomes and is intended to facilitate learning from complaints.
- 9.2 The Student Complaints Policy and Procedure will be reviewed every year.

All complaints raised by students will be kept on file for 3 months after they have left ForMission College.