

# Maryvale Institute

## Concerns and Complaints Policy and Procedure

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<b>V2</b>	<b>Rita Bannister</b>	<b>05/12/19</b>	Incorporation of timings into text (Admin Audit recommendation 30/10/19) Creation of flowchart (Admin Audit recommendation 30/10/19)

The following policy and procedures apply to all Maryvale programmes; regardless of which external body validates the programme.

## 1. Definitions

### 1.1. Concerns

Where a student makes a comment (in conversation, writing, or via social media) on the provision of learning opportunities, or any service the provider may offer. When raised by a student this is often the starting point for what may become a complaint if left unaddressed.

It is, however, preferred that students do not use social media to air concerns they may have with the provision or services, but raise them directly with a member of the Institute staff.

### 1.2. Complaints

An expression of dissatisfaction by one or more students about an Institute's action or lack action, or about the standard of service provided by or on behalf of the Institute. Generally this is seen as anything relating to the student experience, particularly in the light of what the student has been led to expect through the student handbook.

## 2 Introduction

- 2.1 Working relationships between students and Institute staff are intended to be open and professional and aim to seek prompt solutions to immediate needs, issues or grievances of students. However, the Institute has recognised that occasionally a more formal arrangement should be available to students to find a satisfactory solution to an unresolved complaint.
- 2.2 The scope of this procedure is restricted to a complaint by a student or students against an individual member of staff or group of staff employed by the Institute in whatever capacity in respect of the student's educational experience at the Institute.
- 2.3 The Complaints procedure cannot be used by the student as an appeal against an academic judgement. The policy and procedure for academic appeals is set out in .
- 2.4 The Academic Appeals and Complaints procedures cannot be pursued for the same matter, and employing the same grounds, at the same time.
- 2.5 The Institute maintains a register of all complaints, including informal ones, and how they are resolved. Records of informal complaints are held at programme level and formal complaints in the central Registry.

### 3. Process

#### **3.1 Stage 1: Early resolution**

- 3.1.1 Students may report to, or discuss with, their Student Rep any issues they may have as soon as they arise. If the student is not seeking an immediate response these issues will be reported to the programme team at the next meeting of the programme committee, depending on the nature of the issue raised.
- 3.1.2 If the student(s) require a more immediate response they may raise issues with any member of staff, either directly or via their Student Rep. Again this should happen, where possible, as soon as the issue arises, preferably within the same study day or residential week(end).
- 3.1.3 The member of staff will not be expected to handle complaints made to them if they do not feel able, but will be encouraged to refer the student(s) to an appropriate individual to discuss the matter further.
- 3.1.4 A brief record of the conversation will be made by the member of staff handling the complaint and the student(s) is/are provided with a response within 10 working days (in writing where proportionate), which may include further explanation of the Institutes processes, or an apology if necessary and an explanation of what will be done to prevent recurrence.

#### **3.2 Stage 2: Formal complaints**

- 3.2.1 In the event that a student(s) believes that the complaint has not been dealt with adequately through early resolution he/she may submit a formal complaint to the Academic Registrar (unless the complaint is about the Academic Registrar when it should be submitted to the Institute Director) using a Complaint Form available from the Institute's website.
- 3.2.2 Formal complaints must be submitted within one month of the occurrence that prompted the complaint.
- 3.2.3 Formal complaints may not be submitted unless there is evidence of an attempt at early resolution (Stage 1 above).
- 3.2.4 The complaint is given an initial evaluation to check that it is submitted in a timely manner and in line with written procedures. If not, it will be referred back to the student(s) and may well be rejected.
- 3.2.5 If all is as is should be the complaint will be acknowledged within 5 working days of receipt.
- 3.2.6 The Academic Registrar (or Institute Director) will consider the complaint and any evidence provided and will discuss the matter with all concerned.
- 3.2.7 The Academic Registrar will produce a report with findings and recommendations, which will be sent to the Institute Director for approval. If the complaint is about the Academic Registrar the Institute Director may consult with a member of the Maryvale Council.
- 3.2.8 If it is concluded that the complaint has no grounds the complainant(s) will be advised of this in writing within 28 working days of receipt of the complaint.

- 3.2.9 If grounds are identified the case may be referred to a Complaints Committee comprising:
- two members of the Senior Management Board, for HIRS programmes, it is recommended that one should be the HIRS Director (unless the complaint is about the HIRS Director, when a member of the HIRS Council should be nominated in his place).
  - one internal member of the Academic Board
  - a student(s) rep from a programme other than that of the complainant(s).
  - The Academic Registrar or nominee will act as secretary.
- 3.2.10 The complainant will be invited to attend the meeting at which the case is to be considered, to state their case and to be heard and may be accompanied by a fellow complainant, a family member or a friend not otherwise associated with the Institute. It would not be appropriate for the complainant(s) to be accompanied by a legal representative.
- 3.2.11 In the case of a collective complaint, i.e. one made by a group of students, a small number of representatives will be invited to attend the meeting; a group of no more than three. These representatives must consult thoroughly with the other members of the group before attending, in order to adequately represent their views.
- 3.2.12 Should the complainant(s) decline to attend, or not respond to the invitation to attend, provided that the members of the Complaints Committee believe that they have sufficient evidence available to consider the complaint fully, then the Complaints Committee may proceed with its deliberations in the absence of the complainant(s).
- 3.2.13 If the complaint is upheld the complainant(s) will be advised of how and when any remedial action will be implemented and, if requested, will be issued with a “completion of procedures” letter, within 40 working days of first receipt of the complaint. The Institute shall reimburse the complainant(s) for any reasonable and proportionate expenses which he or she has necessarily incurred in the process of the complaint.
- 3.2.14 If the complaint is not upheld the outcome should be communicated to the complainant(s) by the issue of a “completion of procedures” letter, within 40 working days of first submission of the complaint, advising of the right to request a review within a set time limit. If the complainant(s) does not submit the request for review within the required time the matter will be considered closed and the complainant(s) will be sent a “completion of procedures” letter.
- 3.2.15 A full record is kept of these proceedings.
- 3.2.16 The Institute will not continue to progress a complaint if it is believed that the complaint is being pursued in an unreasonably persistent or vexatious manner. “Unreasonably persistent”, for example, might be that the complaint is being made in a way that is obsessive, prolific or repetitious, or could be considered to be harassment. A “vexatious” complaint is one that is considered by the Institute to be designed to cause disruption, annoyance or distress, or makes unreasonable demands for redress. In these cases the Institute may instigate disciplinary proceedings against the complainant. The complainant(s) will be advised of this action and the reasons for it.

- 3.2.17 The complainant(s) has the right to withdraw the formal complaint at any time without prejudice.

### **3.3 Format of the meeting of the Complaints Committee**

The format of the meeting shall normally be as follows:

- A private meeting of the Complaints Committee;
- Hearing the evidence of the any member of the staff associated with the complaint;
- The complainant(s) will have submitted a full case in writing; he/she will be asked to summarise the main points of his/her case, answer any questions raised by Committee members, and will have the opportunity both to ask questions of Committee members and about the written evidence available to the members;
- Private meeting of the Complaints Committee;
- Exceptionally, to facilitate speedy consideration of a complainant's claim (but only after the complainant making the complaint agrees to this procedure in writing), the Chairperson of the Complaints Committee is empowered to ask the members to submit their recommendations in writing where this would avoid the necessity to hold a meeting. Within this procedure, if the recommendations of the members are unanimous, their decision will be reported as having been achieved by correspondence; together with the names of those involved and the reasons for their decision. If the recommendations of the Committee members are not unanimous the Secretary to the Committee shall be required to convene a meeting of the Committee to discuss the complainant's claim.
- The Secretary shall take a full record of the proceedings. The formal minute of the Committee shall record those present and the decision of the Committee together with the reasons for that decision.

### **3.4 Stage 3: Review**

- 3.4.1 A complainant(s) may request a review of the complaint process if they remain dissatisfied with the outcome of the formal process.
- 3.4.2 A request for a review must be submitted in writing to the Academic Registrar within 10 working days of receipt of the outcome of the complaint. The request for a review must be acknowledged within 5 working days.
- 3.4.3 A review is allowed on the grounds of:
- 3.4.3.1 a potential error in the formal proceedings;
  - 3.4.3.2 new material evidence which, for valid reasons, the complainant(s) was unable to provide earlier.
- 3.4.4 The request for a review will be allocated to a designated member of the Maryvale Council, allocated by the Council Chairperson. For HIRS programmes it recommended that the matter be referred to a member of the HIRS permanent faculty not previously involved in the case.

- 3.4.5 The individual will review the procedures, the outcome and any new material; but he/she will not be required to re-consider the case.
- 3.4.6 The outcome of the review will be confirmed within 28 working days.
- 3.4.7 If the complaint is upheld the complainant(s) will be advised of how and when any remedial action will be implemented and, if requested, will be issued with a “completion of procedures” letter. The Institute shall reimburse the complainant(s) for any reasonable and proportionate expenses which he or she has necessarily incurred in the programme of the complaint.
- 3.4.8 If the complaint is not upheld the outcome should be communicated to the complainant(s) by the issue of a “completion of procedures” letter.
- 3.4.9 A complainant, having exhausted the Institute’s complaints procedures, has the right to submit a complaint using the relevant validating body’s procedures; for HIRS programmes this would be the HIRS Council, but calling only on those members who had not previously been involved in the case.

#### 4. Complaints form



### STUDENT COMPLAINT FORM

Before completing this form please ensure that you have read and understood the policies and regulations relating to complaints found in the Institute-wide Policies, Regulations and Guidelines (IPRG) which can be found on the Institute website.

You must have made an attempt to resolve your complaint through informal means, as described in the IPRG, before submitting a formal complaint.

(Please note boxes will expand as you type)

Section 1: Student details			
First name		Surname	
Student ID number		Contact email	
Address for correspondence about your complaint			
Telephone number			
Mobile number			
Course of study			
Year group		Postcode	
Section 2: Informal stage (Stage 1)			
Have you tried to resolve your complaint by informal means? YES / NO delete as applicable			
YES		NO	
With whom		Please indicate below your reason(s) for not following the procedure as described in the IPRG	
Date			
Outcome			
Why do you remain dissatisfied with the outcome (please explain below)			
Section 3: Details of complaint			
Please set out concisely details of what happened/didn't happen, when it happened, who was involved, how you were affected.			
Section 4: Evidence			
Please list any documentary evidence you have supplied to support your complaint with a brief explanation of how it supports the case. Ensure each document is labelled with the item letter (Item A, Item B and so on). If you have just one or two items of evidence leave the other rows blank. If you have more than five items of evidence please include a supplementary list.			
Item	Title of document	How it supports your complaint	
Item A			
Item B			

Item C		
Item D		
Item E		
<b>Section 5: Resolution</b>		
Please explain below what resolution you are seeking?		
<b>Section 6: Declaration</b>		
<p>I have read and understood the policies and regulations relating to complaints found in the Institute-wide Policies, Regulations and Guidelines (IPRG).</p> <p>I confirm that the information given on this form and the supporting evidence is true and accurate. I understand that if my complaint is believed to be frivolous or vexatious the Institute will terminate its consideration of this complaint and will write to me to explain the reasons.</p> <p>I understand that the Institute may need to share information with other persons as part of any investigation to resolve my complaint.</p> <p>By submitting this form I authorise the Institute to investigate my complaint.</p>		
Signed		Date
<p>Please send your completed form and all accompanying evidence to:</p> <p>The Academic Registrar  Complaints and Appeals  Maryvale Institute  Old Oscott Hill  Kingstanding  Birmingham  B44 9AG</p> <p>(Please keep a copy of this form for your reference)</p> <p>You should receive an acknowledgement of your complaint within 5 working days of receipt at Maryvale. The Institute will aim to provide a response to your complaint within 28 working days, or up to 40 working days if a panel needs to be convened.</p>		

## 5. Complaints flowchart

