



## **MORLEY COLLEGE LONDON**

### **Higher Education Complaints Policy and Procedure**

POLICY OWNER:	Chair of HE Subcommittee
FINAL APPROVAL BY:	Governing Body
Policy Category:	Student
Approved by Policy Committee:	01 April 2019
Approved by Governing Body:	13 July 2020
Review Date:	31 July 2024

## Contents

1. Policy Statement .....	3
2. Policy implementation.....	4
3. Definitions and Scope .....	5
4. HE Student Complaints Procedure - Concern.....	6
5. HE Student Complaints Procedure - Complaint .....	7
6. Appeals .....	9
7. Monitoring .....	10
Appendix 1: Higher Education Complaints Form .....	11
Appendix 2: HE Complaints Flowchart.....	13

## **1. Policy Statement**

- 1.1. Morley College London (“the College”) is committed to providing the highest quality services and facilities to all its students, whatever course they are studying at whatever centre (or online). We hope you will find that this is so throughout your time within the College. However, if there are areas of our provision which concern you, or about which you wish to complain, these pages tell you how to go about it. The College is always looking to identify any shortcomings and improve its procedures and practices, and we take legitimate complaints very seriously. An important part of the outcome of every formal complaint, whether it is upheld or not, is the action taken to prevent the recurrence of the complaint in the future.
- 1.2. It needs to be noted this policy does not cover academic appeals or disciplinary issues; there is separate documentation for those within the chapters of the College’s Assessment Manual dealing with Higher Education (HE) courses (specifically Higher National and degree programmes) and the College’s Student Disciplinary Code and Staff Disciplinary Code.
- 1.3. The College Student Charter underpins this policy and is the framework for the learning experience of students, stating what you can expect from the College and what the College expects from you. Student complaints should be based on the undertakings of the Charter or the College’s associated policy statements on equality and harassment and bullying. The Charter is provided to enrolled students in the Student Handbook. It is also available from the Libraries and Learning Centres and Reception Desks at the three main centres (Chelsea, North Kensington and Waterloo) and on the College’s website.
- 1.4. This policy is also based on the following principles:
  - active promotion of equality of opportunity throughout all College activities and the learning experience;
  - provision of an open and transparent process;
  - resolution of complaints in a fair and equitable way within agreed timescales; and
  - absence of victimisation once a complaint has been reported.
- 1.5. It is in the context of a concern or a complaint that may or may not include a specific incident that this policy applies.
- 1.6. Whilst the College is committed to monitoring and evaluating standards of education and wider services, students should remember that the College sometimes has to make difficult decisions that are in the best interests of a complex provision of wider College services.
- 1.7. The College expects students to use the procedure in a positive spirit, as it will itself.
- 1.8. The College reserves the right not to proceed with a complaint where the complaint does not directly concern you as the person making the complaint or where initial investigation shows that there is insufficient evidence to justify further action.
- 1.9. This policy can only be applied by the complainant themselves and not by someone acting on their behalf.
- 1.10. In respect of point 1.9, the College recognises that for a student making a complaint the process can be daunting and stressful and thereby will not prevent an aggrieved student obtaining advice and/or support in the preparation of their complaint, such as from a member of the Student Council or from a Student Union.

- 1.11. In respect of point 1.9, nor does the College preclude a Third Party Complaint made on behalf of a student (such as by a carer or relative of the student concerned), but no investigation will be undertaken in such circumstances without the student's written agreement to the concerns raised and written consent for an investigation to be carried out.

## **2. Policy implementation**

- 2.1. This policy deals with situations relating to concerns and complaints by students undertaking Higher Education studies at the College. It applies only to acts or omissions which take place at a time when the complainant is an enrolled student of the College and does not, therefore, apply to applicants prior to admission with the College, or to former students of the College whose complaint refers to an act or omission which took place after their enrolment has ended.
- 2.2. It is expected that the majority of complaints will be resolved as part of normal, informal communication with members of staff, such as your tutor, Head of Service or Centre Principal or another relevant member of staff. In all instances, the College welcomes and encourages approaches designed to bring about an informal resolution. Any individual who thinks that they have a justified cause for concern or complaint should feel able to raise the matter without fear of subsequent victimisation, as should any individual providing supporting evidence or representation. Whether the complaint is eventually upheld or not, the student has a right to raise it as long as they do so in good faith.
- 2.3. It is expected that all individuals will exhaust this policy before taking legal action, although this cannot and does not purport to remove the right of any individual or the College to seek a legal remedy for their dispute.
- 2.4. Complaints will be handled sensitively and with full confidentiality for both students and staff.
- 2.5. Anyone named in a complaint will be informed of the substance of the complaint and will have the right to reply to the complaint.
- 2.6. Information contained within the complaint will be made available to those members of staff involved in the investigation. The relevant line managers will also be informed. Beyond this complaints are confidential.
- 2.7. Whilst the College will endeavour to investigate and address any issues raised anonymously as far as it is possible to do so, such issues are not covered by the provisions of this policy.
- 2.8. Complaints require investigation to enable resolution; where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons, therefore, no action will normally be taken in the event of complaints made anonymously. There may, however, be exceptional circumstances where the College judges it appropriate to investigate a complaint received from an anonymous complainant, but this is at the discretion of the College.
- 2.9. Where a complaint is brought by a group of students, one person should be prepared to identify him/herself as spokesperson and correspondent for the purposes of the Formal Procedure, and each member of the group must be able to demonstrate that he/she has been personally affected by the matter which is the subject of the complaint.
- 2.10. Should a complaint be received by the Governing Body or Principal, it will be acknowledged and referred to the College Complaints Co-ordinator who will ensure that

it enters the procedure at the appropriate point.

- 2.11. The College may consider invoking the disciplinary procedures under the Student Disciplinary Procedure in cases where complaints are found to be **vexatious** or **malicious**. A **vexatious** complaint is defined as a complaint which is clearly unsustainable. A **malicious** complaint is defined as an attempt to defame the name or character of someone connected with the College or the College as a whole. In such instances the student will be notified in writing ten working days after the decision to reject on these grounds has been made, with reasons as to why the decision has been made and any actions against the complainant that may be deemed appropriate.
- 2.12. Students pursuing a complaint through the HE Student Complaints Procedure will be entitled to apply for access to personal data in accordance with the policies and procedures of the College under the provisions of the General Data Protection Regulation and the Data Protection Act 2018 and other legislation. Applications should be made in writing to the Data Protection Officer. The College will not normally charge the complainant for providing this information.
- 2.13. Where complaints relate to specific types of grievance that may relate to other policies and practices of the College, those policies shall take precedence over this policy.

### 3. Definitions and Scope

- 3.1. For the purposes of this policy:
  - A **concern** is an opportunity for an individual to bring a matter that they are unhappy about directly to the individual concerned and/or the management of the Centre where they are studying.
  - A **complaint** is a formal statement by an individual to the College which will be duly considered by the College Complaint Co-ordinator which must be formally responded to and which the individual has the right to pursue if they are not satisfied with that response.
  - An **incident** is an event that has happened on the College premises or, in exceptional circumstances, off the premises but is directly related to that student's activities as an enrolled student of the College (such as part of an educational trip or visit).
- 3.2. Any matter simply raised with the College, either orally or by letter, will be treated as a concern and sent to the relevant tutor, Centre Principal or Head of Service and if the matter has not been raised with a relevant member of staff, it will only be treated as a formal complaint if form HECF has been submitted to the College Complaint Coordinator (see [Appendix 1](#)).
- 3.3. As outlined in Section 2, matters raised as a formal complaint will remain confidential to those directly involved in the investigation of, and response to, the complaint (which includes any staff complained of, or who are responsible for the matters complained of).
- 3.4. All staff and students who become aware of any of the issues involved in a formal complaint are required to keep this information confidential except in so far as is necessary to progress, investigate or respond to the complaint. Failure to do so may result in formal disciplinary action being taken through the College's Student Disciplinary Code and/or Staff Disciplinary Code.
- 3.5. Submitting a formal complaint is likely to affect the relationship between the complainant and any staff who are alleged to be responsible for the matters complained of. If the

complainant and the relevant staff only have a general working relationship (e.g. the relevant member of staff teaches on a unit that the complainant is studying), it is expected that both parties will continue that relationship in a professional manner and allow the matters complained of to be progressed through the formal procedure.

- 3.6. In cases where the parties have to work more directly together (e.g. the relevant member of staff is the complainant's personal tutor or would normally assess work submitted by the complainant), the Centre Principal or Head of Service will endeavour to make alternative arrangements where practicably possible while the complaint is being investigated, should the complainant request it.
- 3.7. Where the complaint is against a Centre Principal, the complaint will be referred initially to the Vice Principal (Curriculum and Quality), except in instances where the Vice Principal (Curriculum and Quality) is also the Centre Principal, or has had prior involvement at any level. The complaint will be referred to another member of the Senior Leadership Team who has no prior involvement.
- 3.8. In instances where any member of staff adjudicating on a concern or complaint is known to the complainant through personal circumstance or through association with matters relating to those outside of the College, the complaint will be referred to another member of staff of equivalent standing within the College who has no prior involvement. This precept is specified in order to secure fairness to all parties to a complaint and that those investigating or deciding on them act impartially.
- 3.9. At all the stages of this procedure following the submission of a formal complaint, the complainant has a right to be accompanied to any meeting called by the College as part of the complaint process by a friend, who may not be a lawyer acting in a professional capacity. The friend may not speak on behalf of or otherwise represent the interests of the individual concerned unless invited to do so by the College.
- 3.10. In respect of point 3.9, there is no equivalent right to be accompanied where a complainant is raising a concern, although the member of staff to whom the concern is addressed may agree to the complainant being accompanied if they believe this will help resolve the issue.
- 3.11. At all stages of these regulations, the College will endeavour to respond to any complaint as rapidly as possible and within the timeframes stipulated. However, every complaint will need to be fully investigated and this may mean that a response cannot be given as quickly as either party would wish, particularly if the complaint is complex, or extensive, or was submitted at a time when key staff are temporarily away from the College.
- 3.12. The College expects students to submit any complaints that they have within a reasonable time of the matters complained of occurring, and to pursue any response that they are dissatisfied with expeditiously. Consequently, unless the circumstances are felt to be exceptional by both parties, all complaints should be submitted within two calendar months of the incident which is the cause for complaint.

#### **4. HE Student Complaints Procedure - Concern**

- 4.1. It is expected that, where a complainant is dissatisfied with the general provision of a service, they will normally first raise their concern through their unit tutor, personal tutor and/or Programme Manager as stipulated in their course handbook without resorting to the procedure stated in Section 5.
- 4.2. A complainant wishing to submit a written concern must complete a Higher Education Concerns and Complaints Form (HECF). Additional statements may be included with

form HECF, but will not be accepted as an alternative.

- 4.3. It is expected that, where a complainant is dissatisfied about a minor issue that relates to a specific member of staff that they are willing to raise with that member of staff, they should do this either orally or in writing without resorting to the procedure stated in Section 5.
- 4.4. It is expected that if a concern relates primarily to minor aspects of the behaviour of one or more members of staff, the complainant will normally and informally approach the person(s) directly concerned either orally or in writing without resorting to the procedure stated in Section 5.
- 4.5. It is expected that, where a complainant is dissatisfied about a minor issue that relates to a specific member of staff that they are not willing to raise with that member of staff, they should raise a concern with the person with immediate superior administrative authority as stipulated in their course handbook either orally or in writing without resorting to the procedure stated in Section 5.
- 4.6. In response to a minor concern raised with a member of staff, if a complainant remains dissatisfied, then the complainant should raise the matter with a person with immediate superior administrative authority for the area of work, for example a Centre Principal or Head of Service as stipulated in their course handbook without resorting to the procedure stated in Section 5.
- 4.7. Aside from the provisions presented in Section 5, the person approached should respond either orally or in writing, normally within ten working days.
- 4.8. If the matter raised is considered to be a serious one, or if it is a matter that the complainant has already raised and received an unsatisfactory response to, the person approached may require the complainant to raise the matter as a formal complaint as stated in Section 5 should the complainant wish to pursue it and may refuse to respond further unless and until the complainant does so. Any such requirement shall be put in writing to the complainant within 10 working days.
- 4.9. If a member of staff is unsure about when it is appropriate to do this, advice can be obtained from the College Complaints Co-ordinator.

## **5. HE Student Complaints Procedure - Complaint**

### **5.1. Stage 1**

- 5.1.1. A complainant who wishes to make a formal complaint can do so regardless of whether the matter was first raised informally and should do so only through the following procedure. No other approach or method of raising a complaint will be accepted, and any complainant will be immediately referred to this policy for them to pursue their complaint.
- 5.1.2. A complainant wishing to raise a complaint must complete a Higher Education Concerns and Complaints Form (HECF). Additional statements may be included with form HECF, but will not be accepted as an alternative.
- 5.1.3. All HECF forms must be sent to the College Complaints Coordinator.
- 5.1.4. The complainant must complete all elements of the form to prevent delay in any administrative process. The College Complaints Coordinator shall acknowledge the complaint within five working days of receipt in the form of writing.
- 5.1.5. The College Complaints Coordinator will in the first instance send the complaint to

the relevant Centre Principal or Head of Service (or their nominee) if the matter has not already been raised with a person with administrative authority within the Centre.

- 5.1.6. The Centre Principal or Head of Service (or nominee) shall respond to the complainant in writing within ten working days of receipt of the referral from the College Complaints Coordinator.
- 5.1.7. If the complaint has already been seen by the Centre Principal or Head of Service, the complaint will automatically be referred to Stage 2 of the procedure.
- 5.1.8. If the complainant is not satisfied with the response from the Centre Principal or Head of Service (or with elements of it) or if a response is not received within the timescale identified, they may refer their complaint to Stage 2 of the procedure.
- 5.1.9. To do this the complainant must write to the College Complaints Coordinator clearly setting out:
  - the elements of the response that they are not satisfied with;
  - the reasons why they believe that the response is unsatisfactory;
  - the remedy that they are seeking; and
  - that they wish the matter to be referred to Stage 2 of the complaints procedure.

## 5.2. Stage 2

- 5.2.1. If the complainant is not satisfied with the response from the Centre Principal or Head of Service or has new evidence which was not available to be considered during Stage 1, they may instigate Stage 2 proceedings but only if this evidence can be provided to the College Complaints Coordinator.
- 5.2.2. If the complainant did not receive a response within the relevant timescale, they may instigate Stage 2. In the case of this point and point 5.2.1, the College Complaints Coordinator may refer the complaint back to Stage 1 by allowing the Centre Principal or Head of Service (or nominee) a further period of no more than ten working days to provide a full response.
- 5.2.3. If, following the procedures in points 5.2.1 and 5.2.2 the complainant is still not satisfied with the response from the Centre Principal or Head of Service, the College Complaints Coordinator may liaise with the Vice Principal (Curriculum and Quality), or a member of the Senior Leadership Team noting point 3.7, and ask for their intervention in the complaint. Any decision on this will be notified in writing to the complainant within five working days, and any decision by the Vice Principal (Curriculum and Quality), or member of the Senior Leadership Team, sent in writing to the complainant within 15 working days.
- 5.2.4. If in the view of the College Complaints Coordinator there are issues still being pursued that are wholly without substance or merit, or the complaint has become frivolous or vexatious, they shall obtain such additional information as they feel necessary and shall then either dismiss the complaint summarily and inform the complainant in writing of their reasons for so doing within ten working days, or shall refer the complaint back to the Centre Principal or Head of Service for a substantive response within ten working days.
- 5.2.5. For both Stage 1 and Stage 2 proceedings, if the student's complaint is upheld, the reply will contain a formal apology and indicate the actions the College intends to take to prevent a recurrence, together with an appropriate timescale for such



action.

- 5.2.6. For both Stage 1 and Stage 2 proceedings, at the point where institutional procedures have been completed, the person complaining should expect to be provided by the College with a clear written statement, confirming that its internal procedures have reached completion and the outcome that has been reached. This is widely referred to as a 'completion of procedures letter' and is a requirement of the Office of the Independent Adjudicator for Higher Education (OIA).

## **6. Appeals**

- 6.1. Following the Stage 2 procedure if, in the view of the complainant, the matter has not been dealt with in a reasonable manner and appropriately resolved, they may appeal in writing to the Principal. This appeal must be served (served meaning posted using recorded delivery) within ten working days of receiving the College's original reply. The Principal will acknowledge the complaint within five working days of receipt of the appeal.
- 6.2. Any appeal must make clear the nature and reasons for the appeal and be able to demonstrate that the investigation was not carried out in accordance with this policy or the commitments of the Student Charter.
- 6.3. In the event of the complaint being against the Principal, all the procedures outlined shall apply. The Principal's role shall be taken by the Chair of the Governors or his/her nominated deputy.
- 6.4. If grounds for appeal are accepted the Principal may hear the complaint or convene a Complaint Hearing to investigate the matter further. The Chair of the Complaint Hearing will be a member of the Senior Leadership Team not involved with the complaint. The other members of the Hearing panel will be a member of the College staff, similarly from a department not involved in the complaint but also from a different department from the Chair.
- 6.5. The Complaint Hearing will normally take place within 20 working days (excluding College holidays) of receipt of the complainant's appeal.
- 6.6. In accordance with point 3.9, the complainant may be accompanied at the Complaint Hearing by a friend for the purposes of support. Except where the conditions of point 2.9 have been met, the friend may not put forward the complainant's case.
- 6.7. If the complainant is unable to attend the Complaint Hearing, it will be rescheduled to a maximum of two additional opportunities. If the complainant fails to attend both of these subsequent hearings, the appeal will be dismissed on the grounds of unreasonable behaviour by the complainant.
- 6.8. The Chair of the Hearing panel will report the findings of the panel to the Principal. The Principal will then decide upon a resolution of the complaint.
- 6.9. The resolution will be communicated in writing to the complainant and the Centre Principal or Head of Service concerned within 20 working days of the Hearing (excluding College holidays). The Principal's letter will set out the reasons for the resolution. If the complaint is upheld, the Principal's letter will contain a formal apology and indicate how the College intends to prevent a recurrence as stated in points 5.2.5 and 5.2.6.
- 6.10. The Principal's resolution will be final. There are no further rights of appeal under this policy within College Procedures. A complainant who is dissatisfied with the outcome of the appeal or any decisions made at the conclusions of Stage 1 or Stage 2 may be entitled to complain to the Office of the Independent Adjudicator.

## **7. Monitoring**

- 7.1. In all circumstances the College is committed to expediting a concern or complaint in the most efficient way possible and in a manner that is appropriate to the level of investigation required. All concerns and complaints are treated with appropriate seriousness in a fair and understanding manner.
- 7.2. Monitoring and evaluating complaints enables the College to satisfy itself that the policy is working satisfactorily for all students, and to take appropriate action where this is not the case. Additionally, collecting information on the focus of complaints provides valuable feedback on all the aspects of support for students' learning. The identification of consistent themes among complaints - or a disproportionate number of complaints from one part of the College - might, for example, point to positive improvements which could be made to the student experience and the quality of the College's offer.
- 7.3. The College Complaints Coordinator will ensure that all records show the nature of the complaint, how it was dealt with, the time taken for a resolution to be reached and the outcome.
- 7.4. Termly complaints reports will be made to the Student Journey Sub-Committee and Programme Boards with an annual report to the Governing Body setting out the key features, the outcomes and any changes that have been made in response to all the formal complaints that have been initiated during the previous academic year. In order to monitor themes or trends across the College's Higher Education offer and subsequently improve on its services and provisions, the categories shall include:
  - the number of formal complaints lodged;
  - the number of those formal complaints upheld and rejected;
  - the number of formal complaints divided by age, ethnic origin, gender and disability type;
  - mode of attendance, programme and level of study; and
  - a concise and anonymous summary of the issues raised and of any action recommended and/or taken.
- 7.5. This policy and the procedures therein will be subject to an annual review for the purposes of continuous quality improvement. Any changes to the content of this policy and any procedures shall be communicated to all relevant stakeholders as soon as is practicably possible with all changes clearly specified from previous versions of this policy.

## Appendix 1 Higher Education Complaints Form

Name
Address
Postcode
Email
Telephone/Mobile
Student Number (if applicable)

**Course on which enrolled**

**Year or level of study**

Please give details of your concern or complaint below - you may include an additional statement attached to this form

Please indicate which category your communication relates to – please tick one

<input type="radio"/> Concern
<input type="radio"/> Complaint
<input type="radio"/> Incident

The concern has been raised with – Please Circle  
(If not indicated stage 1 will be implemented)

Unit Tutor	Yes	No	Date
Senior Curriculum Manager	Yes	No	Date
SLT	Yes	No	Date
Head of Quality Enhancement HE	Yes	No	Date
Security Staff	Yes	No	Date
Other member of staff	Yes	No	Date

Name of staff member initially approached:

**ETHNIC ORIGIN – Please Circle**

English/Welsh/Scottish/Northern Irish/British	Indian
Irish	Pakistani
Gypsy or Irish Traveller	Chinese
Any other white background	Bangladeshi
White & Black Caribbean	Any other Asian background
White & Black African	African
White & Asian	Caribbean
Any other mixed/multiple ethnic background	Any other black/African/Caribbean background
Any other ethnic group	Arab

**DISABILITY – If you have one or more disabilities please provide the information below**

Age

Gender

Complaints will be handled sensitively and with full confidentiality for both students and staff. Anyone named in a complaint will be informed of the substance of the complaint and will have the right to reply to the complaint. Information contained within the complaint will be made available to those members of staff involved in the investigation. The relevant line managers will also be informed. Beyond this complaints are confidential.

## APPENDIX 2: HE COMPLAINTS FLOWCHART

