
Student Complaints, Grievances and Appeals Procedures

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1.0 Purpose

This document stipulates the provisions available to enrolled and previous students and persons seeking to enrol in higher education courses at the Engineering College of Technology (ECT) to resolve any complaint, grievance or appeal as quickly as possible. It describes the steps to take for managing such matters to facilitate a prompt, fair and effective resolution.

2.0 Scope

The procedures in this document apply to all ECT's higher education students enrolled in a course of study, persons seeking to enrol in an ECT higher education course of study, as well as former students who left ECT as a result of completion of their studies, interruption, temporary withdrawal/exclusion or suspension. Former students may lodge grievances or appeals within six months after they concluded their studies or left the institution for other afore-mentioned reasons.

The procedures apply to academic and non-academic complaints, grievances and appeals.

The procedures also apply to ECT staff involved in managing complaints, grievances and appeals.

If the alleged complaint, grievance or appeal involves a staff member and it is considered that it may amount to misconduct, the matter must be reported to the Office and Human Resources (HR) Manager. In such cases, it may be decided to handle the matter in accordance with the relevant Staff Recruitment, Management and Development Policy.

ECT will respond to any complaint, grievance or appeal made regarding dealings with ECT or any party that ECT has an arrangement with to deliver a course or related services.

The term grievance is often used interchangeably with complaint in this document.

3.0 Objectives

The procedures in this document aim to set down the processes for dealing with complaints, grievances and appeals, and expectations and responsibilities of all parties involved. Further information and advice may be sought from the Higher Education Manager or HR and Officer Manager at any time.

Staff will need to continue to work during a staff grievance procedure and work in accordance with directions from their supervisor or another nominated supervisor if the grievance is with the supervisor.

The Higher Education Manager or Office and HR Manager will determine if the complainant may need referral to other professionals such as counsellors and medical practitioners, or whether the Staff Recruitment, Management and Development Policy may apply to staff involved in a grievance.

4.0 Implementation

Complainants may have immediate concerns about the outcomes of the approach ECT adopted in dealing with the issue. In some cases, they may require assistance and advice to reflect on how to proceed with a grievance and/or appeals.

Complainants have the right seek advice from a professional who works in this area such as: a student advocate from an appropriate higher education association; an academic staff member; the Higher Education Manager or Office and HR Manager; or the Office of the Independent Adjudicator for students in higher education (OIA). This could help with the review of the complaint, grievance or appeal to consider whether it is covered under this procedure and the associated policy, or needs to be handled through another process.

The advisor to the complainant may also be able to help assess whether an informal process may be more effective and provide a quicker resolution, or whether a formal process is more suitable due to the circumstances. This could take into account whether a complainant could be placed at a greater risk if he/she were to make a direct approach to the respondent and whether in certain circumstances a further confidential investigation of the facts is warranted.

The complainant may thus initially opt to proceed with one of the following courses of action:

- Take no further action.
- Try undertaking an informal approach with the person concerned.
- Proceed to a mediator.
- Proceed with a formal grievance/appeal with or without a student advocate or other support person.
- Take the grievance/appeal to an external authority.

There may not be any discrimination against a student lodging a complaint, grievance or appeal. All such applications must be treated fairly, objectively and with the appropriate level of confidentiality.

4.1 Academic and Non-Academic complaints, grievances and appeals

The process for handling issues raised by complainants is separated into two streams: academic and non-academic. The overarching principle is for the matter to be directed to the person or persons involved in the first instance, and then taken through the hierarchical structure if the issue is not resolved at each level. Access to grievance and appeals processes is free of charge. The final internal decisions are made by:

- The Academic Board for academic matters.
- The Governance Board for non-academic matters.

If an enrolled student chooses to access the complaints, grievance and appeals processes, the student's enrolment will be maintained while the processes are ongoing.

Academic matters

"An academic appeal relates to the outcome of an assessment or examination, or a student's progression, and may be based on:

- A procedural irregularity in the assessment process.
- Bias or perception of bias.
- Mitigating (extenuating) circumstances where, for good reason, the academic body was not made aware of a significant factor relating to the assessment of a student when it made its original decision'.

Such an appeal is 'a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards ... which may include a request to change marks or progress decisions, or final award classifications'" (OIA, 2016: 8 & 29).

For grievances or appeals of an academic nature, the complainant may speak to the respondent in the first instance. This may, for example, be a query regarding an assessment mark which would be taken up directly between the student and the assessor. If the complainant is not satisfied with the outcome of the discussion, he/she may lodge a written request with the Learning Support Officer for a formal review. The complainant may lodge a formal appeal in writing of a decision made by the Dean, in which case the matter will be referred to the Academic Board. The Academic Board will make the final internal decision on the outcome of the grievance.

Students' queries about marks for assessment would generally be considered to be grievances. However, the processes outlined in this procedure should be followed if the query escalates to a grievance or an appeal.

In most cases, appeals relating to assessments, marks and other academic issues will follow the formal process. All academic appeals should be lodged by the student within 10 working days of the release of final grade(s).

The informal or formal resolution processes should be followed as outlined in this procedure, with the addition of the process for requesting remarks of assessment. The stages in the process and the requirement to keep records of the process apply.

Non-academic matters

OIA defines a non-academic complaint as "an expression of dissatisfaction by one or more students about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider'. A complaint can also be about the quality of other aspects of student life, for example about accommodation services, facilities or behaviours, whether provided directly by the provider or by a third party on behalf of the provider. Where a student wishes to have an academic decision overturned this is not normally dealt with as a complaint. In line with the language of the Higher Education Act 2004, all submissions to the OIA are called 'complaints' whether they relate to a complaint or an academic appeal." (OIA, 2016: 29)

For complaints or grievances that are non-academic, the complainant may wish to use the informal resolution approach in the first instance by speaking to the person involved in the grievance, and/or speaking to the person's supervisor or the Higher Education Manager. If not

satisfied with the outcome, he/she can lodge a formal grievance with the Head of College, who will make the final internal decision on the outcome of the complaint or grievance, in consultation with the Governance Board, where necessary.

4.2 Informal and formal resolution processes

Within the two streams, there are two key types of resolution: informal and formal. Within these types of resolution are a number of stages, which will be initiated depending on the stage at which a resolution is agreed.

The informal and formal resolution are described below, with the stages that should be followed in each to resolve the complaint, grievance or appeal. Where informal resolution is not possible, satisfactory or preferred by the complainant, the stages of formal resolution will need to be initiated.

4.2.1 Informal resolution

The stages of the informal process are:

1. Approach the respondent

The complainant may seek to resolve the issue with the respondent directly with the aim of resolving the matter as soon as possible and reaching an acceptable outcome that minimises any potential detriment to ongoing working relationships.

However, the complainant or respondent is not compelled to use the informal process. In such cases, he/she has the option of proceeding immediately to a formal process.

The informal process is preferred, where appropriate, to avoid lengthy formal proceedings, and to use a consultative, learning approach to raise awareness and prevent further issues.

If an informal process has been agreed, and the issue is with a member of staff, they will be expected to make a genuine attempt to resolve the issue fairly and appropriately. Any staff member who is approached informally with a complaint or grievance is obliged to respond to the complainant within five working days of receiving the complaint. Their response should include the following:

- a. A formally acknowledged receipt of the complaint.
- b. An offer to organise a time to contact the student. If, due to the limitations of online education, it is not possible for the member of staff to meet with the student personally, a time that is mutually convenient should be arranged to discuss the issues over the phone, rather than through the use of email or other asynchronous means of communication (such as social media).
- c. The aim is to try and establish:
 - Aspects of the issue that can be agreed on and those where there is a difference in opinion.
 - The relevant rules, requirements, policies or procedures (both written or implied) that have a bearing on the complaint.
 - The preferred method for resolving a particular kind of complaint, and any other parties that may need to be involved in its resolution, such as ECT's Office and HR Manager or Higher Education Manager.
 - An understanding of whether an informal process will be sufficient to resolve the issue.

2. Approach the respondent's supervisor or manager

- a. Lodge an informal complaint or grievance to the respondents' manager or other senior staff member.
- b. The respondent has five working days to provide a response to the manager.
- c. The complainant considers the response and either considers it satisfactory or proceeds to informal conciliation.

3. Informal conciliation

- a. Meeting with the claimant and respondent in an attempt to achieve agreed outcomes. The aim is to provide an opportunity to air the complaint or grievance and permit a response to the allegations or request, via a facilitated discussion.
- b. Outcomes of the meeting will be documented in writing, including the reasons for the outcome, decisions and agreed actions, and provided to the complainant and the respondent.
- c. If the complainant or the respondent is not satisfied with the outcome, he/she may lodge a request to the Higher Education Manager or Office and HR Manager to proceed to the formal resolution process.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process.

ECT will begin assessment of an informal complaint, grievance or appeal within 10 working days of the matter being lodged. Outcomes considered through the informal resolution process will be finalised as soon as practicable, but will not exceed 15 working days, unless there are circumstances that warrant further time, such as persons being unavailable due to leave, semester break, or other such circumstances. Further time may be negotiated between all parties, up to 20 working days, after which the complaint should be withdrawn or the formal resolution process invoked.

4.2.2 Formal resolution

The complainant is encouraged to seek advice from the Higher Education Manager regarding the process for formal resolution of the grievance or appeal. If students decide to use the formal resolution process, a completed Complaints and Appeals Form must be submitted to the Higher Education Manager.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the complaint, grievance or appeal is confidential and that they are protected from victimisation.

If the matter has already undergone an informal resolution process, then the Higher Education Manager may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgement of a written formal application using the Complaints and Appeals Form.

The stages of the formal resolution process are:

- 1. Formal lodgement and initial conciliation** aim to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.
 - a. Lodgement of a written formal complaint or grievance by the complainant with the Office and HR Manager for non-academic matters and an appeal with the Higher Education Manager for academic matters.
 - b. The Office and HR Manager or Higher Education Manager begins assessing the

complaint, grievance or appeal within 10 working days of the lodgement of the matter, and finalise the outcome as soon as practicable.

- c. The HR and Office Manager or Higher Education Manager forwards the complaint, grievance or appeal to the respondent and asks him/her to respond within five working days regarding commencing a conciliation process.
- d. Discussions are initiated and a facilitator appointed. All parties are advised that their statements will be confidential and without prejudice, if they agree to proceed. Meetings with the complainant and respondent commence within five working days, either individually or together, in an attempt to achieve agreed outcomes. The aim of a group meeting is to provide an opportunity to air the grievance and permit a response to the allegations, via a facilitated discussion.
- e. Outcomes of the meeting will be documented in writing, including the reasons for the outcome, decisions and agreed actions, and provided to the complainant and the respondent.
- f. Proposed resolution
 - If a resolution is agreed, then both parties will sign a statement advising that the complaint, grievance or appeal has been resolved. The resolution may include further actions such as counselling, relevant training, or other agreed actions. Parties should be advised that victimisation or any means of reprisal is unacceptable and could invoke disciplinary action.
 - Monitoring of outcomes agreed should be actioned by the relevant senior staff members such as the Higher Education Manager and/or Dean and/or the Office and HR Manager, the complainant's and/or respondent's supervisor, to ensure compliance with any agreed actions.

If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the Higher Education Manager, Office and HR Manager or Dean to proceed to the investigation stage.

2. Internal review and investigation aim to determine findings of fact to result in recommended actions to resolve the complaint, grievance or appeal.

- a. Lodgement of written reasons of outstanding concerns and documentation regarding facts to the Academic Board for academic grievances/appeals and to the Governance Board for non-academic grievances.
- b. The Chair of the relevant Board will appoint investigators, who have no prior knowledge of the grievance/appeal, within five days of receipt of notice.
- c. Investigators to interview respondent within 48 hours of receipt of written grievance, to obtain his/her response.
- d. Further interviews to proceed, as required over a 15 working day period, with the complainant, respondent and other witnesses.
- e. Preparation of a report by the investigators, within five working days after the last interview, including recommendations for the relevant Board to consider.
- f. A decision will be made by the relevant Board within five working days of receipt of the report. The decision may be either to uphold the grievance/appeal or to dismiss it if it cannot be substantiated. Further disciplinary action may be taken against the complainant if the grievance/appeal is found to be vexatious or against the respondent if the grievance/appeal is upheld.

- g. Outcomes of the meeting will be documented in writing, including decisions and agreed actions, and provided to the complainant and the respondent.
- h. The Higher Education Manager and/or Dean and/or Office and HR Manager will ensure that the recommendations of the investigation are implemented and that all materials related to the grievance/appeal are held on a confidential staff file and/or student file.

4.3 Dealing with matters that require urgent action

In some cases, complaints, grievances and/or appeals may require urgent action for the matter to be resolved swiftly, for example to avoid detrimental consequences to the physical well-being or mental health of the complainant or others. Students or staff (or others who become aware of the matters) should refer the matter as soon as possible directly to the Higher Education Manager, Head of College or Dean, indicating that is an urgent matter and explaining the need for swift action. The person who received the notice will take the appropriate decision within two working days, in consultation with relevant ECT managers, and inform the Academic Board (for academic grievances) and the Governance Board (for non-academic matters) within a reasonable timeframe.

4.4 Simultaneous complaints, grievances and appeals

If the complainant has submitted multiple complaints, grievances and/or appeals and is involved in multiple issues that relate to one another, the Higher Education Manager or Office and HR Manager will attempt to combine these into one investigation.

4.5 Withdrawal of grievances

A complainant may withdraw a complaint, grievance or appeal at any point in the process. Most often withdrawals would be due to an informal, conciliatory input being initiated by one of the parties during the resolution process. In the case of the withdrawal of by the complainant, the matter will be deemed to have been resolved.

4.6 Detailed records

All participants in a complaint, grievance or appeals process should keep confidential notes of their discussions with other parties, and copies of such notes and associated findings made available for inclusion in the student's file and the staff member's file, where relevant. To ensure that they can be represented as an accurate record of the process, the parties attending should confirm in writing that the author has truthfully and accurately recorded the proceedings.

All records will be stored securely for at least five years from the date of the conclusion of the process, during which time only parties to the complaint, grievance or appeal should have access. The records should otherwise remain confidential with restricted access.

4.7 External appeals

If the complainant is not successful or satisfied with the outcome of ECT's internal complaints handling and appeals process, ECT will advise the complainant within 10 working days of concluding the internal review of the complainant's right to access an external complaints handling and appeals process at no cost, or minimal cost in exceptional circumstances. Students will have the right to approach the OIA, as the independent ombudsman to review the outcome of the process, within 12 months of the conclusion of ECT's process. ECT will give the complainant the contact details of the OIA or other appropriate complaints handling and external appeals body.

In most cases, the purpose of the external process is to consider whether ECT has followed its policies and procedures, rather than make a decision in place of ECT.

For example, if a student appeals against his/her unit results and goes through ECT's internal appeals process, the external appeals process would look at the way in which the internal appeal was conducted, and it would not make a determination as to what the unit result should be.

5.0 Legal rights and obligations

This procedure (and related policy) does not remove the right of students and potential students to take further action under the UK's consumer protection laws, nor does it prevent them from pursuing other legal remedies.

This procedure (and related policy) does not remove the obligation of ECT to adhere to any requirements applicable to providers in relation to UK's consumer protection laws or other laws relevant to the issue grievance or complaint.

No prescript in this document will supersede consumer protection and/or other UK laws or Regulations that apply to any issues related to the implementation of this policy.

6.0 Related policies and procedures

The following policies and procedures are related to this policy:

- Academic Honesty and Misconduct Policy.
- Assessment, Moderation and Student Progress Policy and associated Procedures.
- Consumer Protection Policy.
- Data Protection Policy and Procedures.
- Student Complaints, Grievances and Appeals Policy.

7.0 Definitions

(Definitions from *The good practice framework: handling student complaints and academic appeals* of OIA are included with ECT's own definitions.)

Academic appeal: "An academic appeal is defined as 'a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards'. This may include a request to change marks or progress decisions, or final award classifications." (OIA: 29)

Appeal: An application made to have a decision reviewed.

Complainant: The party who has lodged a grievance or complaint.

Complaint: "An expression of dissatisfaction by one or more students about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider". (OIA: 8)

Grievance: A problem or concern raised about something for which a party is seeking resolution. A grievance often refers to a formal complaint raised by an employee to an employer regarding unjustified treatment concerning any facet of their employment. The term complaint is often used interchangeably with grievance.

Mediation and conciliation: "Are usually voluntary processes where an impartial, independent third party helps parties to a dispute resolve issues confidentially". "Mediation is a process that is voluntary and confidential. An impartial third party (the mediator) helps parties with a dispute to try and reach an agreement. The parties with the dispute, not the mediator,

decide whether they can resolve their issues, and what the outcome should be. Mediation follows a series of rules or steps that are agreed in advance. (OIA: 12 & 30)

Mediator: A disinterested individual who is skilled in mediating complaints in an academic environment and who is considered impartial and objective by all parties.

Natural justice principles: The principles of natural justice that decision makers under this policy must follow can be broadly summarised as follows:

- All parties to the matter(s) in dispute, including respondent(s) shall have a right to be heard before a decision is made, including the right to respond to any statements or evidence that may prejudice their case.
- All relevant submissions, information and evidence to be considered by the decision-maker should be disclosed, where requested, to all parties to the complaint prior to the hearing. Matters that are not relevant shall not be taken into account by the decision-maker.
- The decision maker/s shall not be biased or appear to be biased (by a reasonable and informed bystander) nor have a vested interest or personal involvement in the matter being considered.
- In addition to these principles of natural justice, there should be no undue delay in responding to complaints or appeals and all parties to such matters under this policy shall have the right to a representative of their choice, other than a currently practicing solicitor or barrister (except in extraordinary circumstances at a hearing with the prior leave of the Chair).

Representative: Another member of staff, a union representative, or another person to provide support, provided that the representative is not a currently practicing solicitor or barrister.

Respondent(s): One or more persons who are alleged to have caused the grievance.

Student: "The term 'student' includes those undertaking a course of study ... It includes those on an interruption of study, temporary withdrawal or temporary exclusion or suspension and those who have recently left a provider." (OIA: 31)

Student Advocate: An independent person who can provide a student with unbiased objective advice about a proposed complaint, the process to resolution and suggest possible outcomes.

8.0 Accountabilities

The Academic Board is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and ECT's community via the website and other publications.