

HEYTHROP COLLEGE
University of London

COMPLAINTS PROCEDURE FOR STUDENTS

1 Introduction

Heythrop encourages an open dialogue between students and staff, and hopes that any issues of concern can be dealt with in a constructive, developmental and informal manner. However, there may be occasions when a student has, or a group of students have, a legitimate complaint which requires attention through the complaints procedure.

2 Definition of a complaint

The College accepts the definition of a complaint as set out in the Quality Assurance Agency's (QAA) Quality Code Chapter B9 Student Appeals and Complaints as:

“an expression of specific concern about matters which affect the quality of a student's learning opportunities”

The College clarifies that such matters may include services provided by the College not directly related to academic matters.

A complaint differs from feedback which can be used to enhance provision based on information from users.

A complaint also differs from whistle blowing. A whistle blower is calling attention to bad practice that affects other people. A complaint is calling attention to bad practice which has affected them/their group and for which they are personally seeking some form of redress.

3 Scope of the Complaints procedure

3.1 Complaints about the College

A complaint may be made about facilities, services and learning opportunities that are not as the College has stated. These may include, but are not limited to:

- i) Failure by the College to meet obligations including those outlined in programme and module handbooks or other student information, including the Student Charter
- ii) Misleading information in prospectuses and other promotional material
- iii) Concern about the delivery of a programme/module
- iv) Concern over the administration of learning experiences or services
- v) Concerns about the quality of facilities, learning resources or services provided directly by the College

Please note that if you believe that you have been subjected to harassment or discrimination from a member of staff or from fellow students, there is a slightly different procedure for the first and second stage. See appended notes.

A complaint under this procedure cannot be made about the following:

- i) A decision on assessment
- ii) The Heythrop Students' Union (whose own complaints procedure applies)
- iii) Complaints about the students' residence (a different procedure applies)
- iv) Students facing a disciplinary hearing about their own conduct cannot make a complaint until that process is completed.

3.2 Complaints about another organisation

The College contracts with other external organisations to provide some services to students, for example catering, cleaning and security. If a student/s has a concern about such services they should complain, in the first instance to the organisations, using their complaints procedure. If the student/s remains unsatisfied at the completion of the procedure, the matter will be referred to the Vice Principal Academic or nominee in line with the complaints procedure. Where enquiries are made externally, the College's data protection policy will be followed strictly.

Should the complaint involve work based learning or an internship, placement or volunteering opportunity the student/s may complaint directly to the Vice Principal Academic if the student/s feels that the issue has had a direct impact on their learning experience.

3.3 Complaints against senior college staff:

Should a complaint be made against a member of the Senior Leadership Team or Academic Leadership Team which cannot be resolved at the informal stage, the Clerk to the Governing Body or nominee will arrange a panel made up of members of the Governing Body to consider the complaint.

4 Principles

- i) Students can reasonably expect the College to deal with complaints seriously, fairly, within a reasonable timescale and, where appropriate, in confidence
- ii) No student/s making a legitimate complaint will suffer any disadvantage by raising a legitimate complaint
- iii) The Complaints procedure is open to students at all academic levels – undergraduate, taught postgraduate and research
- iv) The Complaints procedure can be invoked by an individual student or a group of students, who may appoint a spokesperson to represent the rest of the group
- v) The Complaints procedure may be invoked by graduates and ex-students up to a year after the end of their registration
- vi) The College will maintain confidentiality as far as possible. It will only disclose information as necessary in order to progress the case in a fair and timely manner. This may include informing staff of an allegation against them, to enable them to respond as required by natural justice
- vii) The College will not consider anonymous complaints; unless there are exceptional circumstances as set out below in section 4, viii.

- viii) In exceptional circumstances, usually medical, there may be occasions where a student, for good reason, is unable or unwilling to appeal or complain on their own behalf. Good reasons may include illness and mental health issues. There may also be very sensitive cases of a personal nature, where a student wishes to be anonymous. In such cases Heythrop will accept an appeal or complaint from a third party, provided that:
- The student, or a person with legal authority to make decisions on behalf of the student, has given clear and unambiguous written consent for the third party to act on the students' behalf
 - The third party is a member of the university or HSU. Only in very exceptional circumstances will the Chair of the Panel agree to an outside party acting on behalf of a student
- ix) Advice can be obtained from the Student Union's Advice Centre, www.heythropsu.co.uk or from the Head of Student Services. A member of the HSU Executive can accompany the student to meetings as a Friend
- x) Complaints should be related to what a student/s can reasonably expect from the College and which has been referred to in College documentation. A complaint cannot be made about the lack of a service, or any other matter, which has not been offered by the College, even if it is available in another higher education provider
- xi) It is hoped that an informal resolution can be obtained. The Complaints Procedure will not be escalated until it is clear that an informal resolution is not possible
- xii) Student/s wishing to make a complaint must reflect on whether they have met their responsibilities in relation to the issue, as set out, for example, in the Student Code and re-enrolment documentation
- xiii) As in most organisations, there may be times when services or learning opportunities are affected by events outside of the College's control. When this happens, students are entitled to expect that the College will take prompt steps to solve the problem or make alternative arrangements to mitigate the situation. Complaints will not normally be upheld if they concern specific unforeseen shortfalls in academic provision which otherwise accord with what students have been led to expect
- xiv) The College will meet reasonable and proportionate incidental expenses incurred by a student/s invoking the complaints procedure. This will not include legal fees
- xv) Students studying for the BD and masters and research programmes linked to ecclesiastical awards are covered by the regulations for matters relating to their studies for University of London awards. Any matters for complaint relating to their ecclesiastical awards are considered through the Bellarmine Institute
- xvi) Staff involved in hearing complaints will undergo training by the College
- xvii) Any visiting student/s studying at the College but registered for their award at another institution can complain to the College in the first

instance. They can subsequently complain to their home institution if they are not satisfied by the College's response.

5 Monitoring of complaints

The College will monitor complaints, and an annual report will be presented to the Academic Board to enable consideration of the following:

- 1 Generic issues identified by complaints can be used for enhancement purposes but no individuals will be identified
- 2 that no group/s of students is more likely to meet issues leading to complaints
- 3 periodically the procedure can be reviewed to ensure that it remains fit for purpose

Anonymised information on complaints will be notified to external regulators/University of London as required.

6 Complaints stages and timescales

The stages and associated timescales have been developed to allow for serious, timely and proper consideration of cases, and to avoid unnecessary delay. However, the College reserves the right to extend timescales in exceptional circumstances, and will keep students informed of any extensions to the process. Should a complaint be deemed urgent or having the possibility of affecting safety and wellbeing, the complaint can be escalated to Stage 3 immediately.

If a hearing is held, it will not be permissible to electronically record the meeting unless agreed in advance by the Chair on medical grounds. A copy of any recording made will be provided to the Director of Administration or nominee immediately after the event, and should not be made public or disseminated in any way.

A complaint should be made within three months of the date of the incident causing the complaint. Should a complainant not be satisfied with the outcome of an early stage of the process a request to initiate a later stage of the process must be made within 28 days of the completion of the informal stage.

At all times Heythrop will endeavour to meet the deadlines set out in the Complaints Procedure. On occasions this may not be possible due to operations circumstances and the complainant/s will be kept informed of any delays and the reasons for them, along with any rearranged deadlines.

Stage 1: Initial resolution: 14 days

It should be noted that students do not have to follow the informal stage where the matter is particularly sensitive, is complicated (i.e. it involves multiple issues and/or College departments and/or services) or where the appropriate person to raise the matter with informally is part of their complaint.

The student/s should first raise the matter with the person or service concerned in the hope of resolving the matter speedily and informally. If a student/s feels that they cannot raise the matter with the individual or head of service concerned, they should refer it to their personal tutor, Student Development Manager or to the HSU Advice Centre.

Stage 2: Informal complaint 14 days

An academic matter which cannot be resolved at the initial stage will be referred to the Dean for the level of study being undertaken by the student/s. A complaint against a service will be referred to the Head of that Service who should meet with the student/s to discuss the informal complaint. The Dean or Head of Service will consult with staff against whom the complaint has been raised. If an agreed resolution is found acceptable to both parties, then the matter will be closed and no further action taken. The student/s should be informed of the outcome within 14 days.

Each department or service area will have a nominated member of staff to deal with informal complaints. Students will be advised to take any complaints to these staff members.

The Dean or Head of the relevant service will acknowledge the complaint, normally within a week. He or she has discretion to decide how the complaint is investigated and decided. This may involve a meeting with the student, and meetings with other relevant staff or students (normally separately, but in some cases together), He or she will maintain an informal record of the complaint and of the way it was been considered and will notify you, normally in writing, of the decision taken, and the reasons for it.

In the following cases staff must always write formally to students with the outcome of the informal stage:

- cases where staff have apologised to students
- cases where the complaint has been partly resolved informally, with other part(s) of the case recommended for formal resolution. The letter should make it clear what has been considered informally, and what has been left for the formal stage to consider.

For advice on what information should be considered in the letter or any further information on resolving complaints please see the appendices.

Stage 3: Formal complaint 28 days

All complaints must be made on the College Complaints form, available on HELIOS. Written evidence should be supplied with the form. Incomplete complaints cannot be taken forward until evidence is provided.

The Panel

If no resolution can be reached in the first two stages then the formal stage will be initiated and a complaints panel convened. The Chair and Deputy Chair of the Complaints Panel will be appointed by the Director of Administration unless the complaint relates to their area of responsibility; in such a case the panel will be appointed by the Director of Academic Policy and Student Experience. The panel will be made up of senior academic and professional services staff who are not related to the area/ issue involved in the complaint. In cases where there are complaints about professional services, senior members of other professional services must be included on the complaints panel.

The Complaints Panel will consider all of the evidence in an unbiased manner and will act in an impartial manner throughout the proceedings.

The Complaints Panel will consider:

- the student's complaint form
- evidence provided by the student
- any applicable regulations
- the written comments on the complaint by the department concerned (if any)
- and will meet with the Academic Lead or Head of Service/ nominee in relation the complaint being heard

Student representation

The complainant/s may be accompanied by a representative to the Panel hearing (normally a student member of the College, HSU advisor or a close family member). Only in exceptional circumstances and by prior agreement with the panel Chair may a complainant/s be accompanied by someone external to the College who is not a close family member. The College must be informed of the identity of the representative at least 5 days before the hearing so that documentation can be provided to them prior to the meeting of the panel. No other correspondence or discussion with the representative will be undertaken.

The role of the representative is to support and advise the complainant as they present their case to the panel. The complainant and representative may talk to each other during the hearing but the representative may not ask questions of the panel or witnesses unless expressly invited to do so by the Chair. The representative must not act in any way to impede the process, including by preventing any participant from contributing to the work of the panel.

During the Panel hearing the representative, with the permission of the student(s), may:

- address the hearing to put the student's case
- sum up the case
- respond on the student's behalf to any question or comment made (the Panel reserve the right to ask the student for his or her own response)
- confer with the student during the hearing (the Chair to grant reasonable time for such discussions)

Please see section 10 below for further information on appeals against panel judgements and section 12 below for further information on closing cases.

7 Reasonable adjustments and postponement

At all stages of the procedure reasonable adjustments will be made to ensure equal access to the procedure. This will include providing information in appropriate formats, using skype or other technology to facilitate meetings, providing reasonable assistance to give students access to interpretation and translation services or providing access to personal or medical support and providing advice.

Students will be asked if they need reasonable adjustments at the time of completing the complaints form. Students who disclose a mental health issue

will be informed of the support services available at Heythrop. If such a student is not engaging with the process effectively the College may suspend their case while the student accesses support, or may allow the student to appoint a representative to deal with the process on their behalf.

The Complaints or Appeal Panel may be postponed once at the request of the student or their representative, when the student, and/or the students' friend/representative is/are unable to attend for a good reason. A second or subsequent request for a postponement may be considered by the Chair, but the College reserves the right to continue with the re-arranged hearing in the interests of the timely conclusion of the case.

8 Vexatious complaints

Complaints considered to be vexatious by the Director of Administration or nominee will be dismissed without consideration by a panel. The College reserves the right to take disciplinary action against any student submitting a vexatious appeal.

Complaints made via Helios will be directly sent to the Director of Administration or the Director of Academic Policy and Student Experience if there is a conflict of interest and assessed for their veracity.

Complaints may be considered vexatious when they meet one or more of the following conditions:

1. the complaint does not have sufficient grounds
2. the complaint lacks substantive evidence where it is reasonable to expect evidence of the issues forming the basis of the complaint
3. outcomes requested are unreasonable and /or trivial
4. the complaint relies on claims that are demonstrably false
5. the complaint relies on dishonestly obtained evidence and dishonest evidence
6. a complaint is made more than once about the same member/s of staff without merit. Such complaints may be considered as harassment.

An appeal against a decision to dismiss a case without an investigation can be made on the grounds that staff taking the decision:

- did not follow the College's procedures, or did not follow them in a careful manner; and or
- were biased or had a conflict of interest

In this case the Clerk to the Governing Body and a senior member of staff appointed by the Principal will conduct a review of the decision. If the appeal is upheld then the complaints procedure will follow as normal without the participation of the individual who dismissed the complaint.

9 Unacceptable behaviour

The College recognises that the circumstances leading to a complaint may result in a student/s or their representative acting in a way which is out of character. In general, a one off out of character display of temper in a time of stress would not prevent the consideration of a complaint, unless the behaviour was extreme or violent. In such a case, or where a student or a representative more than once displays unacceptable behaviour, the College will act to protect the health and safety of staff or other students.

Where a student/s' behaviour is considered unacceptable the College may suspend their case pending the application of the student disciplinary procedures. The College may require that the student ceases contact with the member/s of staff or other students.

Should a representative of a student/s making a complaint act in a manner considered unacceptable by the College, the College may require the student to provide a different representative and may suspend the complaint process until a new representative has been identified. In such cases the student and representative will be informed in writing by the Director of Administration or nominee as to the reasons why the decision to require a new representative has been made.

Should a member of staff behave inappropriately then they will be asked to withdraw from the meeting. The meeting may be rescheduled or a suspension of the hearing allowed at the discretion of the Chair.

Should a panel member behave inappropriately or feel that they have a conflict of interest, they can withdraw and a new panel member will be sought.

10 Appeal against the decision of a complaints panel

A complainant can appeal against a decision of a complaints panel only on the following grounds:

Material irregularity in the Panel's handling of a complaint

A request for an appeal must be made in writing to the Clerk to the Governing Body, with a written summary of the perceived grounds for appeal.

If the appeal is found to be in the permissible grounds the Clerk to the Governing Body will convene a panel from among the external members of the Governing Body, in consultation with the Chair of the Governing Body, and appoint a Secretary. The appeal panel will not reconsider the complaint itself, but consider whether due process was undertaken in reaching the decision.

Evidence:

The Appeal Panel will consider evidence including:

- The letter from the complainant requesting the appeal
- The report from the complaints panel
- Any further evidence from the College relating to the perceived grounds for appeal

The Appeal Panel will meet with:

- The Chair of the Complaints panel
- The complainant/s and representative (if requested by the complainant/s). The representative can participate in the meeting only at the request of the Chair. The name of any companion must be notified to the Clerk of the Governing Body at least 24 hours before the hearing
- Any member of the College staff requested by the Appeal Panel

The Appeal Panel will report in writing to the Chair of the Governing Body via the Clerk. The decision of the Chair of the Governing Body is final. The decision will be notified to the complainant/s within 28 days, or within the timeframe notified to the complainant/s by the Clerk. The outcome of the Appeal will be notified to the Governing Body.

11 Available sanctions to the complaints panel

The range of available sanctions with guidance to panels will be available on Helios and panel members will receive guidance before a hearing takes place.

12 Closing a case

A decision letter written in accessible English will be sent to the student to inform them of the decision that has been taken. The decision letter will tell the student of the decision to uphold, partially uphold or reject their complaint and the reasons for this.

For an Appeal the grounds for dismissing or upholding the appeal and the reason(s) why the grounds for appeal have/ have not been met will be explicitly and clearly stated.

The letter will clearly explain how outcomes are to be implemented, describing what the College will do and what the student should do. Where appropriate, the letter will inform the student how to access advice and support in taking forward any actions under the College's solution to their case.

13 Office of the Independent Adjudicator

On completion of the College's internal complaints procedure the College will issue a "Completion of Procedures" letter to the complainant/s. The complainant/s may take the complaint to the Office of the Independent Adjudicator within three months of the completion of internal procedures as long as it meets the criteria set out by the Office.

Kathryn Powell, Director of Academic Policy and Student Experience
Peter Mackay, Student Experience Officer, Heythrop Students' Union

Approved by Governing Body November 2016

Appendix 1

Guidance on writing the informal decision letter

The decision letter to the student will cover the following points:

- a brief summary of the students' complaint
- what has been considered informally, and what is left to the formal stage (where appropriate)
- the actions taken to investigate the complaint (such as meeting the student)
- minimum details of what the student has been told, and when they were told it
- the decision, and the reasons for the decision
- the students' right to take their complaint to the formal stage if he or she remains dissatisfied, and the time limit for doing so. *NOTE: if the time limit has already been exceeded staff will advise the student to consult with appropriate College staff or the HSU as to what would be a valid reason for not complaining within the time limit, and what evidence of this reason they may need to provide. Students should be advised that without a valid reason their complaint will not be considered at the formal stage.*
- An apology (where one was given)
- Contact details for the HSU with advice that the HSU can give them support and advocacy, and the name of a member of staff who can give advice on following the formal complaint procedures.
- The online location of the complaint procedures and formal stage complaint form

Appendix 2

Criterion to consider when ascertaining whether a complaint can be resolved informally:

- Is the complaint about a single issue covering only one area of the College?
- If there are multiple issues in the complaint, are they such that they can be treated separately and the complaint partly resolved informally, and partly formally?
- What outcome is the student hoping for, is it reasonable and can it be achieved?
- Is the concern straightforward in that the facts of the case are easy to establish and are not significantly disputed so that little or no investigation is needed?
- Can the case be resolved informally through an apology, explanation or alternative solution?
- If the student requires support and advocacy to take forward their complaint then the informal process is not suitable.

Appendix 3

The effect of legal action on an appeal or complaint

Students may not appeal or complain about a matter that a court, tribunal or other official body is considering, or that have already been considered and ruled on by such a body, where the ruling may be, or is, legally binding on the College.

If a student initiates legal action at any stage of the appeal or complaints procedure, the procedure will be suspended pending the outcome. If the substance of the appeal or complaint is discovered to be part of current legal action, consideration by a formal tribunal or other official body, then the procedure will be suspended pending the outcome. If, subsequently, a judgement is made by a court, tribunal or other official body that addresses the substance of the case and is legally binding on the College, the appeal or complaint will be discontinued.

Appendix 4

Harassment and discrimination

Heythrop College is committed to the equality of opportunity for members of staff, students and visitors, and believes that all individuals should be treated with dignity and respect. The College works with the University of London Equal Opportunities Policy, which undertakes that the University 'will not discriminate against any person on the grounds of colour, race, nationality, ethnic or national origin, religion, politics or sex'. The College welcomes the provisions of the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 2005, and the subsequent amendments to the Acts, and will meet the requirements of these Acts, as well as obtain guidance from codes of practice from the Commission for Racial Equality and Equality Opportunities Commission.

The College will provide a safe, supportive and welcoming environment for staff, students and visitors. The College aims to ensure that its students are given the best opportunity to succeed. All members of staff and students therefore share a responsibility to work to create an environment in which academic goals may be pursued without fear or intimidation. Student handbooks include more detail of student responsibilities.

If, despite the College's policies, you think you are being subjected to discrimination or harassment in any form, either by a fellow student or a member of staff, you do not have to tolerate it. This guidance note is to help you deal with such a situation.

1. If you feel able to make it clear to the person causing you offence that his or her behaviour is unacceptable to you, this may sometimes be enough to stop it. If you do this, try yourself to remain calm and polite.
2. If you are not able to tackle the person concerned, this does not constitute consent to the harassment, nor will it prejudice any complaint you bring. You may seek help and advice, confidentially if you wish. You can do this if you are concerned about an incident of harassment or discrimination, however large or small it was, and even if it has occurred only once.
3. Talk about the problem with friends, or with any of the individuals or organisations listed:

- Your Personal Tutor
- The Heythrop Student Union Male or Female Welfare Officer
- Student Support Manager
- Head of Student Services

They may be able to suggest a way of resolving the problem. Discussions will be confidential and further action involving you will not normally be taken without your express permission. In particular, the person about whom you are complaining will not be given your name as a complainant without your express permission, unless there are over-riding reasons for disclosure, which will be explained to you, because it may not be possible to deal with the matter adequately if permission is withheld.

4. If the harassment continues or is too serious to be dealt with by the means described in (3) above, you are advised to request a confidential interview with one of the people named above, or with the Dean of Undergraduate Studies/Postgraduate Studies/Research Students. You may be accompanied by a friend at the interview. The purpose is to discuss the nature of the problem and to arrive at a solution which is acceptable to all parties. This may, for example, involve calling the person about whom you have complained to an interview about his or her alleged behaviour.
5. If the problem is serious or has not been resolved by the above means, you (or someone acting on your behalf, with your consent) may make a formal complaint (using the standard Complaints Form), which will lead to the beginning of disciplinary proceedings into the conduct of the person you have complained about. The disciplinary procedures can be applied even if harassment by a member of staff or another student did not happen on Heythrop or other University premises. If you make a formal complaint, it will normally be useful to have a note of the details of the incidents which have distressed you, including a note of the ways in which the incidents have caused you to change the pattern of your work or social life.
6. If you have been attacked or are the victim of a sexual or racial assault, seek help immediately. Any of the people lists above will provide support. You should report the matter to the police. If you decide to do this, it will not be necessary for you to go alone, unless you so wish.
7. If you have been sexually assaulted or raped, seek medical advice and help immediately. Any of the people named above can help you find information about locally available help for females and males who are the victims of sexual assault or rape.
8. Although the final paragraphs of this note are about the more extreme forms of harassment, where physical violence may be involved, remember that the College's commitment to treating people with dignity and respect – and also the law - applies also to less dramatic forms of harassment, the majority of which may be mainly verbal. These guidelines relate to all forms of harassment and discrimination.