

## Complaint Procedures for Students

### 1. Introduction

We make every effort to ensure that you have the best experience possible while studying at Plymouth College of Art. However, we recognise that there may be occasions where you are dissatisfied with some aspect of your experience at the College.

With regards to being a higher education provider we are subject to regulatory requirements in relation to the way we handle complaints from students. Failure to operate such systems could constitute a breach, or an increased risk of a future breach, of the Office for Student's initial and ongoing conditions B2 (Quality) and C1 (Guidance on consumer protection law).

### 2. Guiding Principles

In accordance with the revised QAA Quality Code for Higher Education's Expectations for Quality (Core Practices) and using the [Advice and Guidance for Concerns, Complaints and Appeals](#) this Complaints Procedure is designed to help you resolve any of those experiences. It has also been written taking into account good practice and guidance from the Office of the Independent Adjudicator (OIA)<sup>1</sup> (see paragraph 4.5).

- **QAA Core Practice**

- *The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.*
  - *In practice, this means that providers have formal mechanisms for handling complaints and appeals.*

These procedures reflect that core practice and the College's commitment to quality and dealing with complaints effectively ensuring that:

- Concerns, complaints and appeals are used to improve the student experience.
- Concerns, complaints and appeals procedures are accessible and inclusive.
- Information is clear and transparent.
- People raising concerns or making complaints are treated with dignity and respect, and their well-being is properly considered.
- Complaints processes are proportionate and allow for cases to be resolved as early as possible.
- Complaints procedures are fair and impartial.
- Confidentiality and anonymity are appropriately assured.
- Complaints are resolved in as timely a way as possible.

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<sup>1</sup> The good practice framework: handling student complaints and academic appeals (OIA).

**Students should feel free to raise matters of concern without risk of disadvantage or recrimination.** Our aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, evidence-based decisions can be made based on the facts of each individual case.

### 3. Scope

#### 3.1 Who can use these procedures?

The following people can use these procedures to make a complaint:

- students enrolled at Plymouth College of Art (higher education and pre-degree)
- students who have left Plymouth College of Art within the last 40 working days (including recent graduates). Only in exceptional circumstances will complaints be considered outside of this timescale..

The following people cannot make a complaint using these procedures:

- those applying to study at Plymouth College of Art (refer to [Admissions Policy](#))
- anonymous complainants
- Former students who have left Plymouth College of Art for over 40 working days (unless in exceptional circumstances such as a matter that has arisen since leaving that was unknown before that time)
- third parties wishing to raise a complaint on behalf of a student. This includes parents, guardians, relatives or the partner of a student (unless the student is aged under 18). Only in exceptional circumstances will a complaint from a third party be investigated and only if written authorisation *and* valid reasons have been provided by the student.
- members of staff (refer to separate procedures for Whistleblowing and Staff Grievance Procedures for complaints of personal harassment or bullying)
- members of the public (please see [Complaints from the Public Guidelines](#))

#### 3.2 What complaints are covered by these procedures?

Under these procedures students may complain about matters which they have been materially affected by, relating to:

- quality - a failing in an academic or non-academic facility or service provided by the College (eg quality of learning resources, fairness of procedures/correct interpretation)
- academic programmes (ie misinformation)
- academic conduct of College staff (standard of teaching, supervision, communication, maladministration)
- treatment by a staff member, fellow student or contractor (discrimination, bias, inappropriate behaviour / bullying or harassment including sexual harassment or violence (see also [Dignity at Study Policy](#)))

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with the College is a complaint. For example, **the following are not complaints:**

- academic appeals or appeal outcomes (see [Academic Regulations](#)) (HE) / [Pre Degree Appeals Procedure](#)
- disagreement with academic judgement
  - academic judgment is not any judgment made by an academic; it is a judgment that is made about a matter where the opinion of an academic expert is essential. So for example a judgment about marks awarded, degree classification, research methodology, whether feedback is correct or adequate, and the content or outcomes of a course will normally involve academic judgment (from *OIA glossary*)
- recruitment and admissions (those applying should initially refer to the [Admissions Policy](#)) although depending on the circumstances the case may be considered under these procedures (but cannot be escalated to OIA)
- complaints about matters which have already been or are being considered by the OIA, a court or tribunal
- a request under the Freedom of Information Act or Data Protection Act
- a request for information or an explanation of policy or practice
- a response to an invitation to provide feedback through a formal mechanism such as a questionnaire will generally not be treated as a complaint
- a complaint about private accommodation / tenancy agreements, including those accommodation providers recommended by the College.

### **3.3 Early resolution**

Resolving complaints early, informally, contributes to the overall efficiency of the College. Concentrating on achieving an early resolution of a complaint will free up the time of academic and support staff and ultimately contribute to the continued positive student experience. In most cases problems or misunderstandings will be dealt with effectively by such early discussion - between staff and students, through student representation at meetings with course tutors, Student Staff Liaison Group (SSLG) meetings or through Student Voice meetings.

The basic processes for investigating complaints are the same for students, members of the public and applicants to the College.

It is understood that some individuals may be unable or reluctant to make a complaint on their own as the process may bring on or exacerbate mental health issues such as stress and anxiety. This is recognised by the College and support will be provided. Therefore, while students are strongly encouraged to bring a complaint themselves, the College will accept complaints brought by third parties, as long as the individual affected has given their personal consent under the requirements of the Data Protection Act. This usually means that the complainant must give clear written authority to the College for the third party to act on their behalf, such as an email from their College email account. Complaints made by a third party with the explicit permission of the complainant will be dealt with according to the same timescale.

### **3.4 Anonymous complaints**

Complaints submitted anonymously will be considered if there is enough information in the complaint to enable the College to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. However, the College may give consideration to the issues raised, and will record

the complaint so that corrective action can be taken as appropriate. If an anonymous complaint contains serious allegations, it should be referred to the Registrar or Head of Compliance & Quality Systems immediately.

### **3.5 Complaints involving other organisations or contractors who provide a service on behalf of the College**

If an individual complains to the College about the service of another organisation, but the College has no involvement in the issue, the individual should be advised to contact the appropriate organisation directly. Where a complaint relates to a College service and the service of another organisation the complaint must be handled through the normal complaints handling process in the first instance. In particular, the same timescales will apply. This relates to complaints that involve services provided on the College's behalf (such as partner institutions for example the canteen staff or contractors) or to those provided by a separate organisation (such as awards agencies). If enquiries to an outside organisation in relation to the complaint are required, care must be taken to comply with Data Protection legislation and the guidance on handling personal information. Such complaints may include, for example:

- a complaint made in relation to provision of third-party services
- a complaint made about a service that is contracted out
- a complaint made to the College about a student loan where the dissatisfaction relates to the service we have provided and the service the loan agency has provided.

### **3.6 Time limits**

Complaints should be raised with the College as soon as problems arise to enable prompt investigation and swift resolution. This procedure sets a time limit of **90 days** from a student raising a complaint with the College to internal resolution, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time. Beyond the 90 day time limit, the College will exercise discretion in the way that the time limit is applied.

## **4. The Complaint Handling Procedure**

The complaints process is intended to provide a quick, simple and streamlined procedure with a strong focus on early resolution by empowered staff. Students are encouraged to use the complaint procedures to complain and not use surveys or social media as a medium to make initial complaints. The procedure involves the stages which are explained below.

### **4.1 Stage 1 - Informal Resolution**

Stage 1 seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible. This should usually be resolved at programme level or within the area concerned. This stage should be completed within **five working days** of the complaint being made.

Anyone who has a complaint is encouraged to raise it initially at the point of, or as close to the point of becoming aware of it as possible and to raise it with the department or service area in

which the issue arose. Complaints at this stage may be made face-to-face, by phone, in writing or by email and may seek the advice or intervention of Student Support and / or Student Union President to assist in resolution. The purpose of early resolution is to attempt to resolve as quickly as possible complaints which are straightforward and require little or no investigation. Complaints at this stage of the process may be addressed by any relevant member of the College's staff. Members of staff to whom complaints are made will consider some key questions:

- Is this a complaint or should the individual be referred to another procedure?
- What specifically is the complaint (or complaints) about and which area(s) of the College is / are involved?
- What outcome is the complainant hoping for and can it be achieved?
- Is this complaint straightforward and likely to be resolved with little or no investigation?
- Can the complaint be resolved on the spot by providing an apology / explanation / alternative solution?
- If I cannot help, can another member of staff assist in seeking an early resolution?
- What assistance can be provided to the complainant in taking this forward?

Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to stop this from happening in the future. If responsibility for the issue being complained about lies in the staff member's area of work, every attempt will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint must liaise with the relevant area rather than simply passing the complainant on to another office (for example a lecturer receiving a complaint about the Library).

## **4.2 Stage 2 - Formal investigation**

Stage 2 is appropriate when a complainant is dissatisfied with the outcome of informal resolution, or where informal resolution is not possible or appropriate due to the complexity or seriousness of the case.

In this case a formal complaint may be raised in writing by letter or email, or exceptionally in person (verbally), to the Head of CQS. The complaint should include standard details such as name and programme being undertaken and detail clearly what the complaint is, what action has been taken to date to resolve it and importantly what the complainant would like as an outcome. Any relevant evidence should be included and the formal written complaint should be made within **20 working/College days of completing Stage 1**.

On receipt of the complaint the Head of CQS will log it and start an investigation and the complainant will receive written confirmation that the complaint has been received and is being processed - **within five working days**. The complainant will often be interviewed if any further information is required or anything needs clarifying and to have the process fully explained. If for any reason the Head of CQS is unable to investigate, for example if implicated or involved in the complaint, then an alternative member of staff, of at least Subject Leader / Senior Lecturer level or Support Staff equivalent, will be delegated the responsibility.

The investigation may involve interviews with relevant persons who may be appropriate to the case. This may include staff and students. It may be suggested at this stage that mediation or conciliation is carried out where appropriate. Interviews may involve the complainant and those

complained about - all may be accompanied by someone for support. All necessary action will be taken to investigate a complaint fully, setting out the outcome at the conclusion of this stage.

Students should normally receive a written response within **20 working days** unless the complaint is particularly complex or if falling over periods when leave is taken. The complainant will be informed if the time is likely to extend beyond the 20 day period. The response will explain how the investigation was carried out, who was involved and detail the outcome including any decision to uphold or not uphold the complaint and outlining the reasons in straightforward language. This will help the complainant decide whether or not to pursue the matter further so will also include information on taking the complaint to the review stage, including timescales and where and how to access support.

### **4.3 Stage 3 - Formal Review**

If the complainant is unhappy with the outcome of the formal response at Stage 2 and/or any action taken the complaint can be referred to the Principal. Complainants should write to the Principal, outlining why they feel dissatisfied with the response made, with further details of resolution sought. This stage is to ensure that appropriate procedures were followed and that the decision was reasonable. This stage does not necessarily require a reconsideration of the issues raised, such as further interviews unless the Principal or delegated SLT member feels it absolutely necessary.

The review request should be made to the Principal within **10 working days** of receipt of the formal written response at Stage 2 outlined above.

The Principal will review the complaint and may allocate the request to a designated member of the Senior Leadership Team not involved at any previous stage. It is important that both the reviewer and the complainant understand the purpose and scope of the review. If the complainant's expectations appear to exceed the scope of the review stage, this should be explained to the student as soon as possible in writing in order to manage expectations about possible outcomes.

If the complaint is still not upheld the outcome of the review stage should be communicated to the student in writing through a **Completion of Procedures (CoP)** letter as soon as possible and not more than **28 calendar days** after receipt of the letter escalating the complaint. The CoP letter should include a clear explanation and outline the reasons for the decision in straightforward language. This will help the student decide whether or not to pursue the matter externally and will include necessary timescales and support and advice.

If the Principal upholds a complaint, that is they agree with the complainant, but the complainant continues to be dissatisfied with actions for resolution, there is the right to request a CoP letter within 28 calendar days of receiving the Stage 3 response.

### **4.4 Independent external review - Pre Degree**

Students on pre degree courses or apprenticeships who feel their complaints (when formally notified as closed by the College) have not been adequately addressed by the College after following this process (Stages 2-3), have the right to take their complaint to the following external authority:

- Education and Skills Funding Agency - the Registry will be able to provide relevant contact details.
- In some cases it may be necessary to escalate to another external authority, such as the qualification provider, depending on the level of study - the Registry will be able to provide relevant contact details.

#### **4.5 Independent external review - Higher Education**

If Stage 3 is completed<sup>2</sup> and the complainant remains dissatisfied with the outcome, an application may be made for a review of the matter to the student ombudsman, the Office of the Independent Adjudicator for Higher Education (OIA). The OIA runs an independent scheme to review student complaints. We are a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your complaint / appeal / disciplinary case etc. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here:

<https://www.oiahe.org.uk/students> .

It is a condition of registration with the Office for Students (OfS) (C2) (for degree awarding powers) that the College complies with the requirements of the OIA. You normally need to have completed our procedures before you complain to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your complaint / appeal is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your complaint / appeal is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one here:

<https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

#### **5. Academic Appeals**

Additionally, for students, it is important to understand the difference between an appeal and a complaint, as they are treated separately by the College and are governed by different procedures.

The *OIA Good Practice Framework* in line with the UK Quality Code, states that 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.*" An appeal should be lodged using the formal appeals procedure. For anyone unsure about whether to lodge an appeal or a complaint, advice should be sought from the Head of CQS or Head of HE Registry.

#### **6. Guidance**

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<sup>2</sup> For complaints relating to the period before 1 Sep 19 an external review (after Stage 3 complete) may be made by the Open University, as the previous degree award provider. The complaint should be sent to The Director of the OU's Centre for Inclusion and Collaborative Partnerships; full details are contained within the OU's Handbook for Validated Awards, available from their webpage: <http://www.open.ac.uk/about/validate/about-ouvs/ou-handbook-validated-awards>  
The OU will attempt to resolve a complaint within 40 working days of receiving the letter.

The College aims to provide all students with a learning environment which is supportive, fair and intellectually challenging and free of discrimination and provide services in an efficient and friendly manner. The levels of service that students may expect from the College are outlined in the generic Student Handbooks and in specific course handbooks and documentation. Students are asked to raise issues as soon as possible and be reasonable and open-minded in finding a resolution.

These procedures are intended to assist students in how complaints should be pursued in general and are intended to be easy to navigate and responsive to students' needs, helping to resolve problems in an effective way.

## **7. Frivolous or vexatious complaints**

**Students will not be discriminated against or suffer any recrimination as a consequence of making a complaint.** However, the College expects that individuals do not engage in making frivolous or vexatious complaints; the generally accepted meanings of these words are as follows:

- Frivolous – trivial, trifling or futile, not serious
- Vexatious – causing or tending to cause irritation or distress; not having sufficient grounds for action and seeking only to cause annoyance

Complaints that are classed as obsessive, harassing, or repetitive, with unrealistic, unreasonable outcomes or demands for redress which lack any serious purpose or value will be treated in the same way in that the College may terminate consideration of a complaint if it considers it to be frivolous or vexatious. In such cases, the College will write to the student explaining why it is terminating the complaint with the student provided with details of how to appeal against the decision. Disciplinary action may be considered if students make vexatious complaints.

## **8. Initial contacts**

If an initial complaint is directed to the OIA, Principal, Registrar or the Chair of the Board of Governors, or other such office-holder, it will almost certainly be referred immediately to the HoCQS who will ensure that it enters the procedure at the appropriate point.

## **9. Data Protection**

Students aged 18 years and over should note that, under Data Protection legislation, the College cannot deal with third party complaints without the written permission of the student unless a third party has been formally authorised or instructed to act on a student's behalf. This includes complaints that students' parents or spouses might wish to raise. Parents/spouses are able to support a student complainant, for example by accompanying them to meetings. The College values the open relationships between staff and students in these matters and strongly encourages student complainants to raise any complaint themselves rather than through a third party.

For students under 18 years of age the College is not obliged to share information with parents but aims to establish a good, open relationship with any family member who students may have nominated as the first point of contact. Students are made aware of the nature of information sharing, and retain the right to opt out or amend this arrangement. For any complaint arising with

students under 18 years of age, our aim is to continue this approach and therefore deal with both students and nominated family members as appropriate for the individual circumstances and most importantly, the student's wishes.

## 10. Governance

Complaints are logged and updated and monitored and reviewed on a termly basis by the Academic Board through its formal committee structure to improve College-wide services, and this is reported to the Board of Governors for scrutiny and to provide assurance that the OfS conditions are being met. All names, genders and specific programmes are anonymised in this process, reported as 'year 2 BA(Hons) student' for example.

## 11. Accessibility

These procedures are available on the College website, on the Staff and Student Portals (intranet) and directly linked from the Student Handbook - with an abridged version provided in the handbook itself. If the procedures are required in larger print or hard copy please contact the Head of Compliance as detailed in paragraph 12 below.

## 12. Contact details

The address for the College is:

Plymouth College of Art  
Tavistock Place  
Plymouth  
PL4 8AT

Telephonenumber: 01752 203434

Email: enquiries@pca.ac.uk

Letters for any of the staff named below should be sent to the above address. Further contact information is provided below:

Position	Name	Contact email
Principal	Professor Andrew Brewerton	ajbrewerton@pca.ac.uk
Registrar	Mr Steve Trotter	strotter@pca.ac.uk
Head of Compliance & Quality Systems	Mr Jeff Wright	jwright@pca.ac.uk

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Related Statutes, Ordinances, & General Regulations	<ul style="list-style-type: none"> <li>• The Equality Act 2010</li> <li>• QAA Quality Code (Expectations for Quality)</li> <li>• Open University Handbook for Validated Awards</li> <li>• OfS Conditions of Registration</li> </ul>
Related policies:	<ul style="list-style-type: none"> <li>• Admissions Policy</li> <li>• Dignity at Study Policy</li> <li>• Equality and Diversity Policy</li> <li>• Tuition Fee Refund and Compensation Policy</li> <li>• Whistleblowing Policy</li> </ul>
Related procedures	<ul style="list-style-type: none"> <li>• Complaints from the Public Guidelines</li> <li>• Student Appeals Procedures (Academic Regulations)</li> <li>• Disciplinary Procedures for Students</li> <li>• Support for Study Procedure</li> </ul>
Related information:	<ul style="list-style-type: none"> <li>• OIA: good practice framework; Handling Complaints and Academic Appeals</li> <li>• OIA: good practice framework; Supporting disabled students</li> <li>• QAA Advice &amp; Guidance: concerns, complaints and appeals</li> </ul>
Policy owner and lead contact:	Head of Compliance & Quality Systems Email: <a href="mailto:jwright@pca.ac.uk">jwright@pca.ac.uk</a>