

Complaints Procedure

1 Scope of the Complaints Procedure

- 1.1 The Centre for Alternative Technology (CAT) describes a complaint as an expression of dissatisfaction with any service or lack of service provided by the Centre. The Centre believes it is important that its students feel able to express dissatisfaction to which a response should reasonably be expected. Through the Complaints Procedure, we seek to provide an accessible, fair and straightforward system which enables students to raise concerns and which ensures an effective, timely and appropriate response. The Complaints Procedure is not restricted to students of the Centre: it may also be initiated by potential students or members of the public. A complaint may also be submitted collectively by a group of students who should nominate a spokesperson who will be the channel of communication for the group. However, a complaint may not be lodged by a third party on behalf of the complainant. The complaints procedure is an internal Centre process, and if the complainant should instruct lawyers to act on their behalf during the complaint this will halt the procedure.
- 1.2 Students are advised to consider whether there are more suitable ways for them to express the concerns that they have before submitting a complaint. For example this may be done through Student Representatives at Programme Committees, or through other feedback mechanisms such as module evaluation questionnaires, or students can discuss their concerns informally with the relevant person in the School/Service such as the Programme Leader, Head of School, Lead Academic or Student Support Officer.
- 1.3 The Complaints Procedure does not cover the following categories of complaint, for which separate procedures exist:
- appeals against the decisions of Assessment Boards;
 - appeals against the decisions of the Extenuation Panel;
 - appeals against decisions taken under disciplinary proceedings;
 - complaints about businesses operating on Centre premises, but not owned by the Centre (contact the Head of School);
 - complaints about the behaviour of other students;
 - appeals against the decisions of Academic Misconduct Panel;

2 Procedure

- 2.1 There are four stages in the Complaints Procedure:

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| STAGE 1: | Early Resolution |
| STAGE 2: | Formal Conciliation |
| STAGE 3: | Formal Review by the Senior Management Team |
| STAGE 4: | Complaints Review Panel |

3 Stage 1: Early Resolution

- 3.1 Complainants are strongly advised to make every reasonable effort to resolve their complaint informally through meeting with the member of Centre staff most directly concerned with the matter, such as the Programme Leader, before proceeding to Stage 2 and submitting a formal complaint. Normally, complaints concerning the structure or organisation of a programme will most appropriately be dealt with by the relevant Programme Committee. In these cases, the complainant should raise the complaint with the student representatives on the Committee or the Programme Leader as appropriate.
- 3.2 The Centre acknowledges that other methods may be more suitable when attempting to resolve the complaint at Stage 1 than a meeting, in particular for those students studying by distance learning.
- 3.3 At Stage 1 the complaint should be raised as soon as possible and normally **no more than 10 working days** after the failure in the service or the matter giving rise to the complaint. The member of staff approached should try to resolve the complaint through meeting with the complainant within 10 working days of receipt of the complaint.
- 3.4 CAT recognises that the majority of complaints will be resolved satisfactorily at this stage. However, where the procedure outlined in paragraphs 3.1 to 3.3 above does not produce a satisfactory resolution of the matter giving rise to the concern, the complaint may be formalised and dealt with as in section four below.

Complaints should normally be raised **within 2 months** of the matter giving rise to dissatisfaction or **within 10 working days** of an unresolved Stage 1 complaint.

4 Stage 2: Formal Conciliation.

- 4.1 If a complainant is dissatisfied with the outcome of Stage 1, he/she shall make a written complaint on the complaints form.
- 4.2 Any complainant who has not attempted to resolve their complaint through early resolution (Stage 1) will be asked to explain on the complaints form why they have not completed Stage 1 of the Complaints Procedure e.g. if there were exceptional circumstances that prevented the early resolution attempt.
- 4.3 The complaints form should be completed in full and signed by the student before being lodged with the Centre within 10 working days of the unsatisfactory outcome of Stage 1 or within two calendar months of the complainant becoming aware of the matter with which he/she is dissatisfied. **An extension of these time limits will only be possible in exceptional circumstances**, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a case, the formal complaint should normally be made within two months and the

complainant will be asked to explain on the complaint form the reason for the complaint being lodged outside of the time limits.

- 4.4 The complaints form will be acknowledged within 5 working days of being lodged with the Centre.
- 4.5 If the issues raised on the complaint form are considered to be more appropriately investigated through the Appeals Procedure then the Complaints Officer will pass the complaint to the UEL Appeals Liaison Officer. The complaint will cease to be handled as a complaint at this point and will instead be processed as an appeal. If a student has submitted both an appeal and a complaint then the appeal will usually be dealt with prior to the complaint. The complaint will be placed on hold until the investigation into the appeal has been completed.
- 4.6 Investigation of complaint
- 4.6.1 Following receipt of the completed complaints form, the student will be informed in writing when the investigation into the complaint has begun and who is investigating their complaint, the investigating officer.
- 4.6.2 The investigating officer will:
- (a) make such investigations as he/she deems appropriate;
 - (b) ask any person being the subject of a complaint for a written statement on the alleged failure/deficiency;
 - (c) contact the complainant within five working days of receiving notification of the complaint. This may be by telephone, email or meeting invite. The complainant will be permitted to bring a friend or colleague to any arranged meeting.
 - (d) seek a written report with a considered outcome from the School or service to the complaint, responding to all points
 - (e) keep the all other people involved informed on the progress of the investigation, in particular when and why the time limit cannot be adhered to.
- 4.6.3 The investigating officer will write to the complainant within 20 days making clear the grounds on which a decision or settlement has been reached. During periods outside of the academic calendar this timescale may be slightly longer.
- 4.6.4 If the complaint concerns staffing and/or harassment matters, the investigating officer should consult with HR regarding the appropriate procedure to adopt before conducting an investigation. If the complaints form, or any

documentation submitted with the form, refer to a named member(s) of staff that member of staff will be entitled to see the complaint and any other information relating to them.

- 4.6.5 If the investigating officer considers that there is a sufficient evidence for the case to proceed under the staff disciplinary procedure, the case will cease to be handled through the complaints procedure and will be passed to HR to pursue. The complainant will be notified of this decision; the complainant will not be disadvantaged by this decision.
- 4.6.8 In concluding their investigation the investigating officer may make one of the following decisions within the procedures laid down by the Centre and under the rules of natural justice:
- (a) to dismiss the complaint;
 - (b) to suggest an amicable settlement to the complainant and member of staff if appropriate. If this is not mutually accepted within five working days, then the investigating officer shall make a decision under (a) or (c) of this section. If the settlement is accepted, the procedure terminates at this stage;
 - (c) to find the complaint justified and make an offer of redress to the complainant, e.g. an apology and/or appropriate recommendations to the CAT School or Service.

5 Stage 3 – Appeal to the Chief Executive’s Office

- 5.1 Following receipt of the response, if the complainant is still not satisfied with the response, he/she should give written notice to the investigating officer within 10 working days, explaining why he/she is not satisfied with the outcome. If the matter has been investigated under other Centre procedures, as provided for above, the complainant can equally request a review of this decision. In each case, the complainant should indicate the matters which he/she considers to be outstanding.
- 5.2 If a review is requested by the complainant the complaint file will be forwarded to a senior manager. Within 10 working days of receipt of the request for review, the senior manager will decide whether there is sufficient evidence for the case to be further examined by a Complaints Review Panel, provided that:
- (a) there is, at the time, still a complaint which comes under the scope of this procedure;
 - (b) the student's desired outcome to the complaint is achievable;
 - (c) the complaint was lodged within the set time limit.
- 5.3 If there is insufficient evidence for the case to be referred to a Complaints Review Panel, the complainant shall receive a written statement explaining the reasons for this. The complainant at this stage has completed the internal

procedures and may request that the case is reviewed by the Office of the Independent Adjudicator for Higher Education which is a body independent of CAT.

- 5.4 If there is sufficient evidence for the case to be further examined by a Complaints Review Panel, the senior manager may consider the possibility of a mediatory meeting with the parties involved at Stage 2 of the procedure. If the meeting is successful, the complainant and other party will be informed of the outcome in writing within 10 working days. When an attempt to achieve a resolution through mediation is unsuccessful or would appear to be inappropriate, the investigating officer will be advised to convene a Complaints Review Panel.
- 5.5 The investigating officer shall normally convene a Complaints Review Panel within 25 working days of the notification, to consider and adjudicate on the complaint.
- 5.6 The Complaints Review Panel shall normally consist of the following members:
 - (a) a Chair, who shall be a member of the senior management team;
 - (b) one member of staff;
 - (c) a student representative or nominated person.
- 5.7 In the event of a complaint against a senior manager, the Complaints Review Panel shall consist of the following members:
 - (a) a Chair, nominated by the Board of Trustees, who shall normally be a lay member of the Board of Trustees;
 - (b) two members of staff one of whom shall be at senior management grade.
- 5.8 Where possible the Centre shall seek to ensure that the composition of the panel reflects the character of CAT and/or at least one person has been trained in equality and diversity issues.
- 5.9 The investigating officer shall make available to the Complaints Review Panel the complaint form, previous correspondence relating to the complaint and any other relevant documentation.
- 5.10 The outcome and the reasons for the decision of the Complaints Review Panel will be communicated to the complainant within 10 working days of the hearing. The Complaints Review Panel will, at the same time, send a report summarising the complaint, the action taken to resolve it, and the Panel's conclusions and recommendations to the Chief Executive and the relevant senior manager. The decision of the Review Panel will be binding.
- 5.11 If the complaint is upheld the senior manager concerned will be asked to respond to the Chief Executive and to the Chair of the Complaints Review Panel within 15 working days of receipt of the report, stating what action has been taken or is proposed in the light of the Panel's recommendations. The

Complainant will also be notified of action taken or action proposed in response to the Panel's recommendations.

- 5.12 The procedure of the Complaints Review Panel hearing shall be as specified in paragraph 6 below.
- 5.13 As far as is practicable, confidentiality shall be preserved in the investigation of the complaint. However, information provided by the complainant may be used when a complaint is investigated.

6 Procedural Rules for the Complaints Review Panel

- 6.1 The hearing shall take place in private, in CAT, on a date fixed by the Chair in consultation with members of the Panel. The role of this independent Panel will be to review all the evidence provided by both parties and give impartial consideration of the issues raised. The decision of the Panel is final and binding, although if the complainant is dissatisfied with the decision, they have recourse to refer their complaint to the Office of the Independent Adjudicator. The Complaints Review Panel report will be circulated to all Panel members, respondents and complainants within 10 working days of the conclusion of the hearing.
- 6.2 Where there is a clear justification for doing so e.g. where travel costs are prohibitive or the student's mode of attendance makes attendance in person difficult, a request to conduct the Panel via video link can be considered. The Chair of the panel will have final say on whether the panel can be convened via video link. For any panel via video-link the Chair and internal panel members would be located at an on-campus location at CAT. Guidance regarding conducting a panel via video link will be shared with all parties prior to the panel by the Complaints Officer.
- 6.2 The complainant may be accompanied at the hearing by one friend (who may not a paid legal representative). Where several students are bringing the same complaint, they shall appoint two of their number (each accompanied by one friend who cannot be one of the complainants) to attend the hearing. Both the complainant and their friend will have the opportunity to address the panel and ask questions. The Centre will pay reasonable, travel expenses incurred as a result of the complainant's attendance at the hearing.
- 6.3 After the date of the hearing has been fixed a letter will be sent ten working days before the hearing to the complainant(s) and the School / Service:
 - (a) notifying the date of the hearing;
 - (b) requesting six copies of any written submissions from the complainant and / or respondent, to be submitted at least six working days before the hearing date;
 - (c) requesting the complainant(s) to provide the name(s) of any other friend(s) who will accompany them at the hearing and the name(s) of

any witness(es) they would like to call (It is the responsibility of the complainant(s) to notify such friend(s) or witness(es) of the hearing.);

- (d) requesting the complainant(s) to provide details of any reasonable adjustments that may need to be made for the hearing in order to accommodate the complainant if they have a declared disability.

- 6.4 At all times following the lodging of a complaint under the formal complaints procedure, a member of Centre staff who is concerned or named in the complaint or whose conduct is by implications called into question by the complaint has the right to be represented by a friend, who shall normally be another member of staff of our university. Such a friend may not a paid legal representative.
- 6.5 All the information received shall be circulated to the Panel and to the parties involved at least five working days before the date of the hearing. Additional information received will usually be sent out to all parties by post. The complainant and School / Service will also be notified by other means (email or telephone) that additional evidence has been sent out. Please note that the Centre will not accept any responsibility for documentation arriving late as a result of postal delays.
- 6.6 Written information not received in advance shall not be considered by the Panel unless the Panel decides, in exceptional circumstances, to receive such evidence. If the Panel decides to receive such evidence the report of the hearing will detail the Panel's reasons for choosing to accept the information.
- 6.7 If the complainant does not appear at the date and time scheduled for the hearing, the Complaints Review Panel shall consider whether any reasons advanced for non-attendance are valid, and:
 - (a) if members so judge, adjourn proceedings to a later meeting;
 - (b) if no reasons are advanced, or if they are judged invalid, proceed in the complainant's absence.
- 6.8 The Panel will decide whether or not any particular witness should be called.
- 6.9 A report on behalf of the panel shall be compiled
- 6.10 The Chair has the power to regulate the procedure of the hearing within the spirit of these rules, having regard to the need to maintain informality and reasonable despatch of the proceedings.
- 6.11 Time limits may be departed from only at the discretion of the Chair. If a complaint lapses as a result of failure to keep to a time limit, the complaint cannot be recommenced. Time is calculated on working days throughout the year.

- 6.12 In exceptional circumstances the Panel may consider documents or hear evidence in the absence of the parties.
- 6.13 The Panel shall endeavour to present to the Chief Executive a unanimous report of the facts found and the recommendations made on the basis of those facts. If the report is not unanimous, the minority shall be entitled to record their views and submit them to the Chief Executive.

7 Independent Review

- 7.1 If the complainant has exhausted the internal procedures at Stage 4 and is not satisfied with the outcome he/she may request that the case is reviewed by the Office of the Independent Adjudicator which is an independent body.
- 7.2 The grounds, eligibility for review and outcomes shall be determined by the Office of the Independent Adjudicator.
- 7.3 A report on the findings of cases considered by the Independent Adjudicator shall be received by Regulations Committee on a regular basis.

8 Reporting of Formal Complaints to the Board of Trustees and the Academic Council

- 8.1 The Head of School shall report annually to the Board of Trustees and the Academic Council on formal complaints received. The report will include: the number of formal complaints lodged; the number satisfactorily addressed at Stage 2; the number of complaints that proceed to Stage 4; the number of complaints that proceed to a Complaints Review Panel; and number proceeding to independent review. Data concerning equal opportunities monitoring shall also be provided. Any overall recommendation(s) arising from the reviews will be drawn to the attention of the Board of Trustees and the Academic Council.

9 General Principles underlying the Complaints Procedure

- 9.1 This Complaints Procedure recognises the importance of the protection of the rights of those wrongly accused. Malicious or frivolous accusations will be viewed as a serious matter by CAT and could lead to disciplinary action, or legal proceedings.