

COLLEGE OF INTEGRATED CHINESE MEDICINE

STUDENTS COMPLAINTS PROCEDURE

1. SCOPE

1.1 This policy outlines the procedures that should be followed should a student make a complaint about any service provided by the College of Integrated Chinese Medicine (CICM).

2. INTRODUCTION

2.1 CICM is committed to maintaining an effective procedure to allow all members of its community to make legitimate complaints. CICM aims to deal openly, fairly and effectively with any comment or complaint about services, and to offer an appropriate remedy to any student who is adversely affected by a service which fails to deliver to CICM's standards.

2.2 This document provides details of CICM's complaints procedure for students who wish to make a complaint.

2.3 A complaint is defined as any specific concern about the provision of a programme of study or related academic or support service and may be made by a student or a group of students.

2.4 CICM strongly encourages the informal resolution of complaints at the earliest opportunity, and before this formal procedure is required.

2.5 Complaints may relate to (though not be limited to):

- a) the teaching and learning experience of the student, e.g. quality of teaching, teaching facilities, personal tutor support
- b) academic services, e.g. computing and library services
- c) administrative services, e.g. Registry, Finance etc.

2.6 The Student Complaints Procedure excludes certain specific complaints where CICM has separate policies to deal with these. This includes complaints concerning student disciplinary matters (which should be dealt with under the Disciplinary Policy or Student Fitness to Practise Policy) and matters of public interest which should be dealt with under the Public Interest Disclosure (Whistleblowing) Policy.

2.7 An Academic Appeal is defined as a request for a review of a decision of an academic body charged with making decisions on student progression, assessment and awards. Therefore, appeals against the decision of a Board of Examiners should be dealt with under the Academic Appeals Policy although in exceptional circumstances a successful complaint may give grounds for an academic appeal.

2.8 Complaints made by applicants regarding any aspect of the recruitment and admissions process, for example receiving misleading information about a programme, are covered under a separate Admissions Complaint and Appeals Policy, although the Student Complaints procedure may be used if the issue only comes to light after the programme has started and is linked to an aspect of programme provision.

2.9 Students seeking an extension to a coursework submission date or deferral of an examination due to operational issues should raise this through the Special Circumstances procedure. A record of the outcomes agreed as part of the special circumstance's procedure may be included as a complaint so that this can be properly reported for quality enhancement purposes.

2.10 It will be the responsibility of the Dean to determine whether a complaint should proceed through CICM's student complaints procedure or through an alternative process.

2.11 CICM encourages students to raise issues of concern and will not penalise students for making a complaint under this procedure. Nothing will appear on a student's academic record to indicate that a complaint has been made, but CICM will not consider unsubstantiated complaints that are proven to be vexatious or malicious. Complaints of this nature may result in disciplinary action under the Student Disciplinary Procedure.

2.12 It is important that any complaint is timely. The longer the delay, the less likely it is that CICM will be able to investigate a complaint properly. A complaint by a student will not normally be investigated if a period of three months has elapsed since the alleged action which is the basis of the complaint occurred, although the Dean may exceptionally allow such a complaint to proceed.

2.13 CICM does not normally deal with anonymous complaints, although it will consider the circumstances of any such anonymous submission and may, in exceptional circumstances, take forward the complaint. Where complaints are received anonymously or from third parties, it will be at the discretion of the Dean to determine whether the complaint will be considered and, if so, how.

2.14 A group of students affected by the same set of circumstances may wish to make a collective complaint through a single spokesperson. In such circumstances the spokesperson must always express the views of the group and relay and copy all correspondence to the group. Each member of the group must provide their names and contact details in the initial submission.

2.15 In conducting the procedures to investigate complaints, CICM may invite students to meet staff. At all such meetings, you will be permitted to be accompanied by a friend: for example, a fellow student or a member of academic staff. CICM must be notified of the name and affiliation of the person concerned in advance of the meeting.

2.16 It is not normally appropriate to be accompanied at a hearing by a legally qualified person. Exceptionally, CICM may allow this, but a case must be submitted for approval by CICM in advance and CICM reserves the right to include a legally qualified colleague to participate in the meeting.

2.17 The accompanying person will not be permitted to present your case, but will be in attendance to support you and to clarify issues as appropriate.

2.18 CICM will be prepared to meet expenses reasonably incurred by a successful complainant, subject to its prior approval of the nature of the expenses claim and the maximum sum involved.

2.19 CICM recognises that remedies available in respect of complaints might include an apology, compensation and/or a change in CICM practices and procedures. In certain circumstances, these may lead to disciplinary action or academic appeals.

2.20 CICM constantly seeks to improve its services. CICM's Management Committee monitors the complaints received on a regular basis and the effectiveness of these procedures in addressing them.

2.21 If your complaint is not based on the grounds specified in this Policy or accompanied by appropriate supporting evidence, CICM will inform you that no action will be taken. Where relevant you may be referred to one of the relevant procedures stated in sections 2.6 to 2.8 or you will receive a Completion of Procedures Letter and you may, if you so wish, pursue the matter further with the Office of the Independent Adjudicator for Higher Education (<http://www.oiahe.org.uk/>).

2.22 Authoritative guidance on the application and operation of this procedure may be sought from the Dean.

2.23 Other key contacts are: Programme Leaders, Finance Director, Registrar, Staff and Lecturers

3. UNDERLYING PRINCIPLES

3.1 The Student Complaints Procedure has been established with the aim, where possible, of resolving complaints informally through negotiation between those individuals who are immediately concerned with the matter and, where appropriate, their immediate line management. CICM recognises, however, that some issues cannot be resolved by informal means and may require the intervention of outside parties. The formal stages of the Student Complaints Procedure (Stages 2 and 3) are therefore available to students should informal pursuit of a complaint prove unsatisfactory or it can be demonstrated that this is not appropriate.

3.2 The underlying principles of CICM Student Complaints Procedures, which should be respected by all those involved in the procedure, are that:

- a) complaints will be treated seriously, fairly, as expeditiously as possible and in a consistent fashion
- b) complaints will be treated in a rigorous and fair manner with sensitivity and with minimum stress to all parties concerned
- c) confidentiality will be respected throughout and CICM will endeavour to make sure that such a complaint is known to the fewest staff needed to undertake a thorough investigation
- d) submission of a complaint will not lead to recrimination or adversely affect academic progression provided it is made in good faith and not maliciously or vexatiously
- e) there is a right for any decision to be referred the Office of the Independent Adjudicator (OIA)
- f) the use of the Student Complaints Procedure does not affect a student's right to pursue legal remedies outside CICM

4. COMPLAINTS AGAINST STAFF

4.1 Any investigation that is conducted under the formal stages of the Student Complaints Procedures, and where an allegation against a member of staff is involved, must be conducted in accordance with principles that ensure a balance between the interests of the complainant and

those of the member of staff involved. These principles include the expectation that there will be:

- a) an assumption of no fault until the balance of evidence from the investigation demonstrates otherwise
- b) respect for the dignity of the individuals involved
- c) the right of the member of staff to be told of the complaint and to know of the evidence presented by the complainant
- d) the right of the member of staff to respond to the complaint and the evidence and to be accompanied by a colleague staff member or union representative in any investigatory meetings or at any stage of the Student Complaints Procedure
- e) the right of the member of staff to know the outcome
- f) the right of the member of staff to have confidentiality preserved where there is any consequential action involving them

4.2 Where a complaint involving an allegation of misconduct by a member of staff is upheld this may form the basis of further action under the Staff Disciplinary Procedure.

4.3 Whilst the complainant has the right to be told of the outcome of the complaint and any compensatory decisions taken, the complainant has no right to be informed of action taken under the Staff Disciplinary Procedure.

5. STAFF INVOLVEMENT IN THE COMPLAINTS PROCESS

5.1 It is the expectation that members of CICM staff will support the operation of this Procedure. It follows therefore that staff members who are contacted as part of an informal complaint, are called as witnesses to appear before the Student Complaints Review Panel, or involved at any stage in the investigative process, are required to co-operate fully with the process whether called on behalf of CICM or by the person making the complaint.

5.2 In exceptional circumstances a staff member may request permission to be excluded from an investigation or not to be required to appear as a witness before the Student Complaints Review Panel.

5.3 Where it is the view of the responsible officer at Stage 3 that the evidence that can be provided by the staff member is more important to the resolution of the complaint than the objections of the staff member, then the staff member will be required to participate in this process. Failure to do so may constitute a disciplinary offence.

6. COMPLAINTS PROCEDURE

6.1 The Complaints Procedure contains the following stages:

- a) Stage 1: Informal resolution of the complaint through discussion between the individual(s) directly involved
- b) Stage 2: Formal investigation by a member of CICM staff appointed by the Dean
- c) Stage 3: Review by the Student Complaints Review Panel

6.2 At any point prior to the completion of Stage 3 review, a request for mediation made by a complainant can be instigated. Mediation will only occur with the agreement of all parties involved, and the formal complaints procedure will be suspended while mediation takes place.

A) STAGE 1: INFORMAL RESOLUTION

6.3 Under normal circumstances, CICM expects students to seek to resolve their complaint informally at Stage 1 prior to making a formal complaint and that most complaints should be satisfactorily resolved at that level.

6.4 Therefore, in the first instance the student should normally seek to discuss their complaint with the person to whom the complaint relates or who is responsible for the matter that gives rise to the complaint.

6.5 In order to ensure that the complaint is raised at a mutually convenient time the student should try to arrange an appointment with the member of staff concerned. The complainant should make clear, when arranging the appointment, the matter that they wish to discuss, the nature of the complaint that they wish to raise and confirm that the meeting has been requested as part of this complaints procedure to ensure the outcome is recorded correctly. The member of staff may request the presence of a colleague and the complainant themselves may also be accompanied by a fellow student.

6.6 It may be possible for the circumstances of the complaint to be fully addressed and resolved through a meeting between the parties concerned, or further enquiries may be required. In either circumstance the staff member should keep a written record of the meeting and/or of any further enquiries and a response will be provided to the student no later than ten working days of the complaint being raised, except where there is a good reason for requiring a longer period. In such circumstances, the student will be notified of the reasons for the delay and when they will receive a response.

6.7 The student will be informed if their complaint is upheld and if any remedy is proposed or, if the complaint is not upheld, the student will also be informed of his/her right to proceed to Stage 2 of the Procedure.

6.8 A record of the complaint will be forwarded to the Dean by the party providing the informal response to the student. This record will provide a brief summary of the complaint, details of any meetings or discussions held to resolve the issue and indicate either any corrective or compensatory action to be taken as a form of redress or the reason for the decision to reject the complaint.

6.9 The Dean will keep basic details of all complaints resolved at this level, including details of the complainant, the nature of the complaint and the outcome. This record will be destroyed in accordance with CICM's records disposition schedule, although an anonymised record may be retained beyond this date for quality enhancement and reporting purposes.

6.10 A student may proceed to Stage 2 of the Procedure where it is not possible to achieve a timely or satisfactory resolution using Stage 1 of the Procedure or where it can be demonstrated that informal routes are not appropriate.

B) STAGE 2: FORMAL INVESTIGATION OF WRITTEN COMPLAINT

6.11 At Stage 2 the intention of this procedure is to allow for the complaint to be resolved to the satisfaction of all parties through the intervention of the Dean (or nominated alternative) and formal investigation.

6.12 A complaint will proceed to Stage 2 where:

- a) a student is not satisfied with the outcome they have received following Stage 1
- b) a student can provide good reason why Stage 1 cannot be conducted
- c) the complaint directly involves a member of the Council or Management Committee and the student is reluctant to seek a resolution via the informal mechanism.

6.13 The request for consideration to stage 2 should be made to the Dean (or alternatively, usually to the Principal) on the Formal Complaint Form (see appendix 1 below) and must include:

- a) name of complainant(s)
- b) a contact address (and preferably telephone and/or mobile number and email address)
- c) course
- d) the date(s) on which the problem arose
- e) whether anyone else was affected, or saw what happened
- f) any relevant documentary evidence
- g) the response requested from CICM

6.14 The statement should also describe the steps he/she has taken to resolve the complaint informally or their reasons for not doing so.

6.15 On receipt of the written complaint the Dean (or alternative) will determine whether it is appropriate for the complaint to be considered under stage 2 of the Student Complaints Procedure or whether the nature of the complaint warrants its consideration under the alternative procedures referred to in sections 2.6 to 2.8. He/she will inform the student of their decision within ten working days of receipt of the complaint.

6.16 Where the Dean finds that the complaint is appropriate for processing at Stage 2 of this procedure, she/he will either investigate himself or request the relevant Programme Leader or a Member of the Management Committee to investigate the complaint in accordance with the Guidance for Investigations. The person investigating must have had no prior direct involvement in the matter.

6.17 The Dean, Programme Leader or member of the Management Committee will investigate the case by making such enquiries as he/she thinks fit.

6.18 As part of the investigative process, the Dean, Programme Leader or member of the Management Committee may need to conduct a meeting with the student, in which case a note of the meeting will be taken and the student will have the right to be accompanied by a friend: for example, a fellow student, or a member of academic staff.

6.19 Following investigation of the complaint the Programme Leader or member of the Management Committee will provide a written response to the Dean. This report should be anonymised appropriately, although a record of the individuals concerned will be supplied to the Dean.

6.20 The Dean will respond to the student, and that response will be copied to the appropriate member(s) of staff concerned or responsible for the matter giving rise to the complaint.

6.21 This response will normally be provided within twenty working days of the complaint being lodged with the Dean, except where good reason can be demonstrated for requiring a longer period, in which case the student will be notified of the reasons for the delay and of an expected response date.

6.22 The response will indicate whether the complaint has been upheld and will, where appropriate after appropriate consultation, identify any action to be taken as a result, or the reason for the decision to reject the complaint. It will also notify the student of his/her right to proceed to Stage 3 of this procedure, where the complaint has not been upheld.

6.23 Where a complaint is not upheld and the student elects not to proceed to Stage 3 of this procedure, the student may request a Completion of Procedures Letter from the Dean and may pursue the matter further with the Office of the Independent Adjudicator for Higher Education. The completion of procedures letter produced at this stage must make clear that the student has not completed stage 3 of the complaint procedure.

6.24 The Dean will retain full records of all complaints resolved at this level, including details of the complainant, the nature of the complaint and the outcome. This record will be destroyed in accordance with CICM's records disposition schedule although an anonymised record may be retained for quality enhancement and reporting purposes.

C) STAGE 3: REVIEW BY THE STUDENT COMPLAINTS REVIEW PANEL

6.25 Students will be entitled to seek a review by the Student Complaints Review Committee of the decision concerning their complaint, only where:

- a) There is evidence that Stage 2 investigation did not include in its deliberations all relevant issues, and any relevant issues identified as not included at Stage 2 are material to the decision and do not constitute a new basis for complaint
- b) There is evidence that the Stage 2 investigation was not carried out in accordance with CICM policies
- c) There is evidence that the decision made as a result of the Stage 2 investigation, as well as any action proposed, was not reasonable
- d) There is new evidence or information which the student was unable, for valid reasons, to provide at Stage 2

6.26 This will be initiated by submitting a copy of the Formal Complaint Form to the Dean, normally within ten working days of having received the outcome of the investigation of the complaint at Stage 2 of this procedure.

6.27 The Formal Complaint Form will be accompanied by the Supplementary Sheet 1 (Appendix 1a) giving details of what action has been taken to resolve the complaint at previous stages and why the student remains dissatisfied.

6.28 The Dean will record and acknowledge the request for a review by the Student Complaints Review Panel, normally within ten working days of receipt, and will inform the Principal of the complaint.

6.29 The Principal will nominate a Chair to convene a meeting of the Student Complaints Review Panel.

7. THE PANEL

7.1 The Panel will comprise three members of CICM staff and/or Council members not involved in prior stages of this procedure, one of whom will be nominated by the Principal to act as Chair.

7.2 A Clerk to the Panel will be nominated by the Dean.

8. CONDUCT OF PROCEEDINGS

A) REPRESENTATION

8.1 All students and staff members who are required to attend the meeting of the Student Complaints Review Panel will have the right to be accompanied by another individual as specified in this policy.

B) DOCUMENTATION

8.2 The documentation submitted to the Student Complaint Review Panel will normally consist of:

- a) the Formal Complaint Form accompanied by supplementary paper 1 submitted by the complainant
- b) details of witnesses to be called by both the complainant and the officer responsible for the investigation of the complaint at Stage 2 together with a brief statement giving the purpose of the attendance of the witnesses
- c) any other background documentation.

8.3 All documentation will require to be submitted by the complainant to the Clerk of the Panel not less than seven working days before the meeting of the Panel.

8.4 Papers will be circulated to Panel members, the complainant, and where appropriate the individuals against whom the complaint is being made, not less than five working days before the meeting of the Panel.

8.5 Following the hearing all documentation must be returned to the Clerk of the Panel to be destroyed and a single master set of documentation will be retained by the Dean under safe and secure conditions.

8.6 It is the responsibility of the complainant to ensure that any witnesses whom they wish to call in support of their complaint are available for the meeting of the Panel and are briefed on the arrangements for the Panel.

8.7 It is the responsibility of the Dean, through the Principal, to ensure that those witnesses whom CICM wishes to call in support of its decision on the complaint are available for the meeting of the Panel and are briefed on the arrangements for the Panel.

8.8 The Student Complaints Policy and Procedure sets out the expectations of CICM in respect of staff participation in the complaints process.

C) FORMAL HEARING MEETING

8.9 Non-attendance by either party will normally result in the hearing continuing in their absence and therefore being based only on the documentation previously submitted.

8.10 The proceedings of the Committee are at the discretion of the Chair, but will normally be as follows:

- a) The Chair will open the proceedings by establishing that all parties have received full documentation.
- b) The Chair will also have the opportunity to raise any questions of clarification in respect of the documents submitted.
- c) Where details of witnesses have been provided by either party the Chair will have the discretion to decide not to hear any of the evidence to be provided by the witnesses but will be required to give all parties details of the reasons for such a decision.
- d) The complainant will be invited to outline the complaint briefly, making reference to previously submitted documentation, in support of their complaint. The complainant will also have the opportunity to call the witnesses that the/she has previously notified to the Committee to provide evidence in support of his/her complaint.
- e) Any new evidence that has not been presented at previous stages of the Complaints Procedure may only be accepted at the discretion of the Chair.
- f) The officer of CICM responsible for Stage 2 of the Complaints Procedure will have the opportunity to question the complainant and the witnesses called by the complainant.
- g) The officer who conducted Stage 2 of the Procedure will then have an opportunity to state their reasons for having found against the complainant at Stage 2, making reference to previously submitted documentation. The officer will also have the opportunity to call witnesses whose details have previously been submitted, and the complainant will have an opportunity to question these witnesses.
- h) Both parties will be provided with an opportunity to sum up their aspects of the case and at all points members of the Panel may choose to ask questions of any of the parties in order to seek clarification on points raised.
- i) At the conclusion of the Hearing, the Panel will meet in private in order to make its decision. The decision will be notified in writing to all concerned by the Dean, normally within five working days.

8.11 The decision of the Student Complaints Review Panel will be final and will bring CICM's investigation of student complaints to a close, and the complainant will receive a Completion of Procedures letter along with the Panel's response.

8.12 If you remain dissatisfied with CICM's response, you have the right to refer CICM's decision to the Office of the Independent Adjudicator. Details are available at: <http://www.oiahe.org.uk/>.

9. ADDITIONAL NOTES A) HOW TO MAKE A COMMENT OR SUGGESTION ABOUT A SERVICE

9.1 If you want to comment or make a suggestion about improving one of CICM's services, you can do so by emailing the Dean or discussing with the student representative. Suggestions will be considered carefully.

B) COMPENSATION

9.3 Where compensation has been claimed by the student, the Dean may make a recommendation to the Principal on the matter. The Principal's decision will be notified to the student in a separate letter.

C) MONITORING AND REVIEW OF THIS POLICY AND PROCEDURE

9.4 The Dean will be responsible for preparing an annual report to CICM Academic Council / Board of Directors covering the operation of this procedure.

9.5 The Dean will be responsible for monitoring the implementation of remedies agreed under this procedure.

D) ACADEMIC APPEALS

9.6 Where the circumstances of a complaint are found to have impacted adversely on the academic performance of a student, in line with the specifications of CICM's Academic Appeals Policy, a summary of the findings and their impact will be passed by the Dean to the Academic Director who will take Chair's action in lieu of Stage 2 of the academic appeals process.

APPENDIX 1:

STAGE 2 FORMAL COMPLAINT FORM

Note: This form is only to be used once attempts to resolve the complaint under Stage 1 of the Student Complaints Procedure have been exhausted.

Name:	
Contact Address:	
Telephone Number:	
Course of Study:	
Please explain your complaint fully:	
Please explain how you have attempted to resolve your complaint so far and why you remain dissatisfied:	
Please explain what you would like to happen to resolve your complaint:	

Please continue to another sheet of paper if necessary.

I agree that information about my complaint may be gathered by CICM.

Experience has demonstrated that in order to investigate complaints properly, and to balance fairness with the rights of the person about whom the complaint is made, disclosure is needed, and accordingly I agree that my name and other necessary information about the complaint may be disclosed in order to investigate it. I also understand and accept that the outcome of formal

complaints must be recorded for the purposes of monitoring and analysing complaints generally, and for reporting to Management Committee and where appropriate anonymous details may be reported to the Office of Independent Adjudicators and Office for Students and to the Quality Assurance Committee.

Signature Date

For Administration Purposes: Date Received..... Acknowledgement Sent.....

APPENDIX 2: STAGE 3 SUPPLEMENTARY PAPER 1

Note: This form should be submitted to the Dean along with a copy of the original Formal Complaint Form to provide additional information for consideration of a complaint at Stage 3.

Has this complaint already been considered at Stage 2? YES / NO	YES /
If NO please provide details as to why the complaint has not been considered at Stage 2 together with a completed Formal Complaint Form.	
If YES please indicate why you are not satisfied with the response to your complaint at Stage 2 (please refer to the criteria specified for Stage 3 complaints).	