
Worcester College, Oxford

Student Complaints Policy

Contents

1	Introduction	1
2	Who is responsible for this Policy?	1
3	Scope of this Policy and Alternative Procedures	1
4	Aims and Principles	2
5	Informal Procedure	3
6	Formal Procedure	4
	Stage 1: College Complaints Officer.....	4
	Stage 2: College Complaints Review Committee	7
7	Complaint to the OIA	9
8	Monitoring and review	10
9	Related policies	10

1 Introduction

- 1.1 The College welcomes feedback about its services and encourages students to communicate any concerns to the College.

2 Who is responsible for this Policy?

- 2.1 The Governing Body of the College has overall responsibility for the effective operation of this Policy and for ensuring compliance with relevant legislation.
- 2.2 Day-to-day operational responsibility for this Policy, including regular review of this Policy, has been delegated to The Provost.

3 Scope of this Policy and Alternative Procedures

- 3.1 For the purpose of this Policy, a student complaint is an expression of dissatisfaction by one or more students about the College's action or lack of action, or about the standards of service provided by or on behalf of the College.
- 3.2 Complaints may be made by any student of the College or any alumnus/a who graduated or left the College within the last 12 months.
- 3.3 Students should be aware that it may be more appropriate to bring their complaint under alternative policies, including:
- 3.3.1 **Harassment:** the College takes any allegation of bullying or harassment very seriously. Students are directed to the College's Harassment Policy and the University's Harassment Policy; and
- 3.3.2 **JCR Constitution:** the JCR Constitution has its own complaints procedure for any issue that arises in relation to the JCR. This policy can be located [here].

The College reserves the right to transfer the handling of a complaint under this Policy to alternative policies where appropriate.

- 3.4 A complaint may relate to a matter that is outside of the College's control, and is instead under the jurisdiction of another college or the University. If the matter involves another college, the student should look to see if that college has its own complaints procedure. The University's student complaints procedure can be located <https://academic.web.ox.ac.uk/files/universitystudentcomplaintsprocedure2020pdf>. If

the student cannot find a pathway for handling a complaint, the student should contact the Senior Tutor, who will assist with identifying the appropriate policy or contact.

4 Aims and Principles

- 4.1 The College will seek early resolution of complaints with fairness, transparency and maintaining individual privacy and confidentiality where possible.
- 4.2 The aim of this policy and procedure is to provide a process to investigate and address a student's dissatisfaction with his/her interactions with the College. Where the complaint is upheld, the College will seek to make good any failings. If a complaint raises issues of potential misconduct on the part of staff or students, those should be considered and addressed under the appropriate disciplinary policy. It should be noted that disciplinary action against an individual is not an outcome or resolution for a complaint and the College's duties to others may mean that a complainant cannot be told about a disciplinary process.
- 4.3 No student who raises a complaint in good faith will be treated less favourably, even where the complaint is not upheld. However, where a complaint is considered to be vexatious or malicious in nature, the College reserves the right to consider the complainant's actions under its [Student Disciplinary Policy].
- 4.4 This procedure of resolving a complaint will be confidential, save where it is necessary for the College to disclose information to another person or body in order to resolve the complaint, or where it is necessary to do so in order for the College to comply with its legal or regulatory obligations. Where possible, the complainant will be notified in advance that such disclosure is to be made and their consent sought, if this is appropriate in the circumstances. Complainants and other parties are expected to adhere to similar principles of confidentiality in the process.
- 4.5 When a complaint is raised with the College, no action will generally be taken until and unless the student provides their written consent to the procedures being invoked. However, the College may proceed without notice, either under this Policy or an alternative basis, if it considers there is a need to take immediate action to safeguard the interests of the College, its members or a third party.
- 4.6 The College will not normally consider complaints made on an anonymous basis, but reserves the right to do so when it considers it is appropriate in the circumstances.

- 4.7 In handling complaints, the College will seek to ensure that the complainant and any third parties are treated with fairness and dignity. The College also expects that members of the College should act reasonably and fairly towards one another when the procedures are invoked.
- 4.8 Complaints will be handled in a timely fashion and the College will seek to comply with the time periods set out in this Policy. However, it will not always be possible to keep to these time periods; for example, where a complaint is received in or around holiday or examination periods. The College will keep all parties informed of any necessary delays and will aim to complete its formal procedure within 90 calendar days. This timeframe is dependent on the complainant and/or other parties cooperating within any deadlines set by the College.
- 4.9 The College will ensure that any decisions and processes will be independent and not impacted by any actual or perceived conflict of interest or any bias.
- 4.10 The College is mindful of its obligations under the Equality Act 2010 and reserves the right to adjust these procedures on a case-by-case basis where the College feels it is necessary to implement reasonable adjustments for any individual concerned.
- 4.11 The College will comply with relevant data protection legislation and its internal [data protection policy and privacy notices] when processing individuals' personal data under this Policy.

5 Informal Procedure

- 5.1 The College will seek to resolve complaints informally where possible.
- 5.2 If a student is dissatisfied, they should raise it in the first instance with the individual directly concerned, or the person with overall responsibility for the issue in question. Alternatively, should they prefer, the student may also wish to raise an issue with the Senior Tutor.
- 5.3 Complaints may be raised at the informal stage either verbally or in writing.
- 5.4 The College will endeavour to resolve the complaint within 14 days.

6 Formal Procedure

Stage 1: College Complaints Officer

- 6.1 If the student is not content with the outcome of the Informal Procedure, or they feel the complaint cannot be dealt with informally, the student should notify the College of their intention to invoke the Formal Procedure.
- 6.2 The student should direct their complaint in writing to the College by writing to the Complaints Officer as listed on the College website.
- 6.3 A complaint should be made as soon as possible and always within three calendar months of the student becoming aware of the issue. Complaints initiated after that time will be considered at the College's discretion.
- 6.4 A Fellow of the College, appointed annually by the Governing Body, will act as Complaints Officer, except where the complaint is in relation to that Fellow. In this situation, the Provost will appoint an alternative Fellow of the College to act as a Complaints Officer.
- 6.5 The role of the Complaints Officer is to undertake an appropriate investigation into eligible complaints and having done so, to reach a decision on whether the complaint is upheld.
- 6.6 On notification of a complaint, the Complaints Officer may appoint an Assistant to assist with the investigation provided that the decision on whether the complaint is upheld shall not be delegated.
- 6.7 The Complaints Officer will write to the student to acknowledge their complaint and to provide their contact details and those of any Assistant.
- 6.8 At any point, the Complaints Officer may refer a member of the College to the appropriate disciplinary process if she/he considers the individual's actions give rise to a potential disciplinary issue.
- 6.9 The Complaints Officer will dismiss any complaint which they consider to be frivolous or vexatious, either on their initial consideration of the complaint or following the steps below. If the student disagrees with this decision, they may appeal to the Provost within 21 days of that decision being communicated. The Provost will review the dismissal of the complaint and confirm to the complainant in writing either that the decision is

upheld, or that the complaint will be referred back to the Complaints Officer for investigation.

Investigation

- 6.10 The Complaints Officer will arrange an initial meeting with the complainant, where possible, within 7 days of receiving the complaint. The student may choose to be accompanied by a College member, junior or senior, at the initial meeting with the Complaints Officer and at any subsequent meeting in relation to their complaint.
- 6.11 At the initial meeting, the Complaints Officer will:
- 6.11.1 Discuss with the student the background to the complaint and the remedy sought to ensure they have a proper understanding of the issues;
 - 6.11.2 Explain the timescales for investigating the complaint; and
 - 6.11.3 Discuss any potential alternative methods of resolving the student's complaint, such as the Informal Procedure or a mediation.
- 6.12 Either during the initial meeting or shortly after, the Complaints Officer will:
- 6.12.1 Confirm if they intend to investigate the complaint or part of the complaint, or if the matter should be dealt with under a different procedure; and
 - 6.12.2 Inform the student of any person whom the Complaints Officer intends to notify about the complaint as a potential party to the complaint.
- 6.13 The Complaints Officer may consider it necessary to disclose information provided by the complainant and/or the person(s) complained about to the other party/parties to allow them to respond to the allegations. In such cases, consent to disclosure will usually be sought from the individual who provided the information. If consent is withheld:
- 6.13.1 the Complaints Officer will consider any reasons given for withholding consent and (as permitted by data protection or other law) may decide to disclose some or all of the information in any event;
 - 6.13.2 Where such information is not disclosed to others to enable them to respond, the Complaints Officer will attach such weight to the information as is appropriate in the circumstances, and may refuse to continue to

investigate the complaint (in whole or part) where they consider that disclosure of information is necessary to ensure a fair investigation.

- 6.14 If the complaint is against another individual, that individual will usually be invited by the Complaints Officer to submit a written statement. The Complaints Officer may also invite the other individual to attend an interview. The individual may, if they wish, be accompanied during the interview by a nominated representative from the College's membership, junior or senior.
- 6.15 In some circumstances, the Complaints Officer may be able to facilitate a mediation or other form(s) of alternative resolution between the complainant and the College and/or the individual(s) who are the subject of the complaint. Should such resolution prove to be unsuccessful, they will continue with the Formal Procedure.

The decision

- 6.16 On conclusion of their investigation, the Complaints Officer will decide whether the complaint is upheld in whole or part and whether it is appropriate for the College to take any steps to remedy the complaint, which may include (but are not limited to):
- 6.16.1 The requirement for any member of the College to provide a written and/or verbal apology;
 - 6.16.2 A change in the College's practice or policy; and/or
 - 6.16.3 Financial redress.
- 6.17 The Complaints Officer will then write to the complainant and, where appropriate, any individual(s) who are the subject of that complaint, to notify them whether the complaint is upheld, together with broad reasons for the decision. The Complaints Officer will endeavour to provide this written response within one month of the initial interview with the student, but this will depend on whether it is necessary to interview any other individual(s) as part of the investigation and the overall complexity of the issues. The Complaints Officer will keep all parties updated in relation to the progress of the investigation and the reasons for any delays.
- 6.18 If the complainant remains dissatisfied with the Complaints Officer's decision and wishes to proceed to Stage 2 below, they shall inform the Complaints Officer within seven days of receipt of the decision. The complainant should set out why they are

dissatisfied with the Complaints Officer's decision and the particular matters that they wish the Review Committee to consider (see for example 6.23 below).

- 6.19 The Complaints Officer shall then inform the Provost, who will take steps to appoint a College Complaints Review Committee on the terms below.

Stage 2: College Complaints Review Committee

- 6.20 A panel of College Fellows and staff members from which members of a College Complaints Review Committee in any particular case (the "Committee") shall be drawn will be appointed annually by the Governing Body.

- 6.21 The Committee will consist of three members of this panel appointed in each case of a Stage 2 complaint by the Provost. No member of the Committee shall have any interest in, or previous involvement with, the issue or complaint.

- 6.22 The Provost will appoint a Chair from among the members of the Committee.

- 6.23 The purpose of the Committee is to review the Stage 1 decision. The Committee will not usually re-hear a complaint. Therefore the questions the Committee will typically consider include:

6.23.1 Did the Complaints Officer follow the relevant procedures during the formal stage?

6.23.2 Was the Complaints Officer's investigation reasonable in all the circumstances?

6.23.3 Was the Complaints Officer's decision based on the evidence obtained and reasonable in all the circumstances?

6.23.4 Was any remedy proposed by the Complaints Officer reasonable in all the circumstances and did it address the failing identified?

6.23.5 Did the student receive clear reasons for the Complaints Officer's decision?

6.23.6 If new material evidence has been provided, has the student given valid reasons for not supplying this earlier?

- 6.24 On receipt of a Stage 2 complaint referral, the Chair shall:

- 6.24.1 Call a meeting of the Committee to be held, whenever possible, within 14 days of a complainant's notification of their intention to proceed to Stage 2;
- 6.24.2 Confirm to the complainant and the Complaints Officer:
- (i) The fact of Stage 2 of this procedure being invoked;
 - (ii) The composition of the Committee;
 - (iii) The date and time of the Committee meeting;
 - (iv) The date by which any further evidence the complainant wishes the Committee to consider should be received by the Committee and the Complaints Officer; and
 - (v) Their right to be accompanied to the meeting by another member of College;
- 6.24.3 Ensure that all documents relating to the complaint are made available to the Committee.

The Committee meeting

- 6.25 The Committee will invite a staff member to be present at the meeting to take a note of the meeting which will stand as a record of the meeting. No other recording shall be taken without the Chair's prior written consent.
- 6.26 The Committee shall determine the procedure it will follow in order to review the handling of the complainant's complaint. The Committee's role is to identify whether the complaint has been adequately investigated and resolved. To do that the Committee may:
- 6.26.1 Ask the complainant to describe their complaint and the objections that they have to the process followed by and/or outcome proposed by the Complaints Officer; and
 - 6.26.2 Complaints Officer to describe the process followed and the reasoning for the outcome proposed.

The Committee decision

- 6.27 Following the Committee meeting, the Committee shall deliberate in the absence of the parties. The Committee may consult the note of the hearing and may seek legal advice but neither the note taker nor any legal adviser may participate in the Committee's deliberations or decision making. The Committee is to reach its decisions on the balance of probability and by a simple majority.
- 6.28 The Committee should decide:
- 6.28.1 whether the Complaints Officer's conclusion on the complaint was reasonable; and/or
 - 6.28.2 whether any resolution proposed by the Complaints Officer was reasonable
- 6.29 Where the Committee concludes that either or both of the Complaint Officer's decisions were not reasonable, it may:
- 6.29.1 Substitute the Complaints Officer's decision with its own decision on either or both of the outcome and/or resolution of the complaint; or
 - 6.29.2 Remit the complaint to the Complaints Officer with appropriate directions, e.g. to take into account certain evidence or to conduct further inquiries
- 6.30 The Committee shall issue their decision to the complainant and the Complaints Officer in writing within seven days of the Committee meeting. It may also be necessary to communicate the outcome in whole or part to any individual who is the subject of the complaint.
- 6.31 The College will then provide the complainant with a Completion of Procedures letter (see section 7 below).

7 Complaint to the OIA

- 7.1 If the student is dissatisfied with the Committee's decision, the student may refer their complaint to the Office of the Independent Adjudicator for Higher Education ("OIA"). The Completion of Procedures Letter provided by the College will explain how to make a complaint and the timeframes for doing so. Further details can also be found at the OIA's website: <https://www.oiahe.org.uk/>.

8 Monitoring and review

- 8.1 The College will keep an anonymised record of reported formal complaints and this will be maintained by the Complaints Officer at that time. The purpose of this record will be to identify any trends in complaints and to monitor the quality of the College's services and how it handles student complaints. The record will include the following:
- 8.1.1 Details of the nature of the complaint;
 - 8.1.2 The procedure followed to deal with the complaint;
 - 8.1.3 The time taken to resolve the complaint and reasons for any delays; and
 - 8.1.4 The outcome or remedy including timescales for implementation.
- 8.2 The Complaints Officer will also report in a manner which does not identify parties to the Governing Body once a year on complaints the College has handled.
- 8.3 The Governing Body will review at appropriate intervals the College's complaints process.

9 Related policies

- 9.1 This Policy is supported by the following other policies and procedures:
- 9.1.1 Student Disciplinary Policy;
 - 9.1.2 Fitness to Study Policy;
 - 9.1.3 Harassment and Bullying Policy; and
 - 9.1.4 The University complaints procedure.

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