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# Complaints & Appeals Policy

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Version 8.1

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City College of London

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**This policy may be used in conjunction with the following policies and documents:**

### Policies:

- 1.1 Quality Assurance Policy
- 2.1 Recruitment and Admissions Policy
- 3.1 Staffing Policy
- 4.1 Teaching, Learning and Assessment Policy
- 5.1 Malpractice Policy
- 6.1 Equality and Welfare Policy
- 9.1 Information Management Policy

### Other Documents:

- Appeals Form
- Complaints Form
- Course Handbook
- Mitigating Circumstances Form
- Student Handbook

Quality Code Reference																	
A1	A2	A3	A4	A5	A6	B1	B2	B3	B4	B5	B6	B7	B8	B9	B10	B11	C
									X			X		X			



## Overview

This document aims to clearly set out the City College of London's procedures for resolving issues relating to the conduct or decisions of the academy or persons therein. Whilst the academy is committed to treating all of its learners and staff in an open and fair manner it acknowledges that there is always potential for error and offence and therefore pledged to provide access to appropriate procedure(s) that will lead to the quick resolution of any issue raised. Broadly speaking, these issues may fall into the following categories:

### 1. **Complaints**

Where an action may be deemed to cause offence, or unfairly prejudice the treatment of an individual within the academy. Such complaints may be by a learner(s) about the academy or its staff; by a learner(s) about another learner(s) or by a member(s) of staff about another member(s) of staff.

### 2. **Academic Appeals**

Where the appellant believes that an assessment decision has been made in error or that it does not take into account other extenuating factors.

### 3. **Non-Academic Appeals**

Where the appellant believes that an administrative or other decision which does not have bearing on the academic progress or outcomes of learner activity has been made in error or that it does not take into account extenuating factors.

## Commitment

The academy is committed to a policy of treating all its learners and staff with respect and in an open and transparent manner. This document seeks to establish a policy which:

- Provides an expectation on the academy to achieve the highest standards of professionalism in its dealings with students;
- Sets a duty on the academy to follow all procedures required by external bodies or organisations with which the academy is contracted;
- Expects all learners to treat their colleagues and staff with courtesy;
- Expects all staff to treat their colleagues and learners with courtesy;
- Recognises that the highest standards of behaviour are expected of all staff and learners
- Provides a mechanism for resolving problems that occur;
- Prevents the escalation of issues by dealing with problems promptly and professionally;
- Develop and maintain an organisational culture which is self-critical, honest and transparent
- Ensure that complainants/appellants will not suffer any disadvantage or recrimination as a result of making the complaint/appeal in good faith.

The academy will also work with its partners to share best practice and learn and benefit from their procedures for resolving such issues.

## Caveat



The academy will endeavour to maintain a policy that is supportive of those held by its awarding organisations and other professional partners, however in the event of differences in policy, those held by such partners take precedence.

## Complaints

### Informal Resolution

In the majority of cases where a person(s) is unhappy about the way in which they have been treated or about any other aspect of their work, studies or life at the academy, it is suggested that, in the first instance, they try to resolve the situation informally with the person(s) responsible for their concerns. In the majority of cases offence is unintentional and matters can be quickly and amicably resolved this way. Where this is not possible and all other informal channels have been exhausted, the student should raise a formal complaint.

### Formal Resolution

1. In the first instance, a formal complaint should be made in writing to the subject's Line Manager. In the case of learners the Line Manager is their Tutor or Course Leader. The written complaint should provide as much information as possible and should include a chronological statement of facts/events that led up to the complaint. The Line Manager will then seek to resolve the complaint formally by investigating and convening a hearing as detailed in Points 3 to 7 below.
2. If the complaint relates to the way in which the Line Manager has treated the complainant, the written statement should be sent to the Director of Studies for learners, or to the Principal for staff. The Director of Studies/Principal may suggest that the two parties continue to try to resolve the situation informally and support such conciliation. However, once all informal avenues have been exhausted, the Director of Studies/Principal will arrange a formal hearing. In the absence of the Director of Studies/Principal they may nominate another Senior Manager to substitute for the Director of Studies/Principal to hear the complaint.
3. Before the hearing takes place, it may be necessary for the person dealing with the formal complaint, or his/her nominee, to carry out some additional investigations. Any relevant findings will be noted and the complainant and defendant will be sent a copy prior to the meeting in order that they can consider their response.
4. The person dealing with the formal complaint, will aim to conduct the hearing as soon as is reasonably possible - normally **within 10 working days** of receipt of the complaint. The complainant will be invited to attend and should take all reasonable steps to ensure that he/she is able to do so. If for any reasons they are unable to attend on the day stated, they should contact the academy as soon as possible. An alternative date will then be set. Should either the complainant or defendant fail to attend the hearing, the academy may decide to proceed with the hearing in their absence. Should the complaint refer to another student and/or member of staff, they would also be invited to attend the hearing and state their case.
5. The person dealing with the complaint will chair the hearing and be responsible for its conduct. Should he/she feel that the hearing would benefit from being split into breakout groups to avoid unnecessary conflict, this may occur. The primary focus must be on resolving the complaint whilst maintaining transparency. They may also invite other people to attend if they feel this would facilitate resolution of the complaint.
6. Should they wish an individual learner may be accompanied by a fellow learner. It would not be normal for the supporting learner to have been involved in the complaint, either directly or as a witness in the investigation.



7. Minutes of the hearing will be made available to the learner upon request and will be kept on record by the academy in accord with our data management policy and procedures.
8. Following the meeting the complainant will be informed of the academy's decision in writing (**within 5 working days**) and will be informed of any action the academy proposes to take. The academy will consider the evidence and reach a decision. The possible outcomes of the hearing are:
  - i) The complaint is dismissed
  - ii) The complaint is upheld and the appropriate changes are made
  - iii) The complaint is referred to the an external agency to pass judgementThe academy will also notify the complainant of their right to appeal should they remain dissatisfied with the outcome of the hearing.
9. Where the complaint involves matters that constitute a breach of law, especially where this relates to the safeguarding of potentially vulnerable individuals, the academy retains the right to request the involvement of appropriate legal authorities (e.g. the police).

### Appealing the decision of a complaint

1. If the complainant or defendant wishes to appeal the complaint decision, they should inform the Principal, in writing (and preferably using the Appeals Form), clearly stating their reasons for doing so and why they believe the outcome of the complaints meeting was inappropriate.
2. The Principal will arrange for an Appeal Hearing to take place, usually **within 10 working days**, and the appellant will be invited to attend. They are expected to take all reasonable steps to do so. However, if they are unable to do so, they must contact the academy. Failure to do so could result in the Appeals Hearing going ahead in their absence.
3. The Principal may hear the appeal in person or invite another member of the Senior Management Team to review the appeal. They will consider the appeal in light of the original complaint and the outcome that was reached. Following the hearing the appellant will be informed of the Appeal Hearing's decision in writing (**within 5 working days**). This decision will be final.
4. If the complaint applies to matters within the remit of an awarding organisation or an organisation with which the academy acts as a sub-contractor, they may continue the appeals process using the procedures of those bodies or organisations.

### Vexatious Complaints

Complaints are treated seriously by the academy. It should therefore be noted that anyone found to be making mischievous or malicious complaints will be subject to the appropriate disciplinary procedures.

### Complaints by persons external to the academy

The process for dealing with complaints from persons external to the academy (i.e. not a member of staff or a learner) is the same as the process outlined above for persons internal to the academy. In such instances however, it may be necessary to provide additional clarity as to who the appropriate person(s) to address the complaint would be. In most instances, this would be the Principal. The academy shall endeavour to be supportive in this process.



## Non-Academic Appeals

### Context

Should an appellant believe that an administrative or other decision which *does not have bearing on the academic progress or outcomes of learner activity* has been made in error or that it does not take into account extenuating factors they have the right to appeal such a decision. The process of appeal is broadly similar to that outlined for complaints in that:

Before considering whether or not there are grounds for appeal, it is essential that the appellant consults the academy administration to see if any informal resolution of the matter can be achieved.

### Process

If the appellant feels that they should proceed with the appeal, they should inform the Principal, in writing (and preferably using the Appeals Form), clearly stating their reasons for doing so and why they believe the outcome was inappropriate. There are only two grounds for appeal as detailed below:

1. At the time of the decision, there existed circumstances that adversely affected the decision making process and which, for the most exceptional reasons, were unable to be communicated to the person making that decision before it was reached. In making such a case, the appellant shall provide valid documentary evidence to support his/her case.
2. There has been an administrative error or procedural irregularity during the application of the decision of such a significant nature as to have materially affected the outcome of that decision.

The Principal will arrange for an Appeal Hearing to take place, usually **within 10 working days**, and the appellant will be invited to attend. They are expected to take all reasonable steps to do so. However, if they are unable to do so, they must contact the academy. Failure to do so could result in the Appeals Hearing going ahead in their absence.

The Principal may hear the appeal in person or invite another member of the Senior Management Team to review the appeal. Following the hearing the appellant will be informed of the Appeal Hearing's decision in writing (**within 5 working days**). This decision will be final.

If the appeal refers to matters within the remit of an awarding organisation or an organisation with which the academy acts as a sub-contractor, they may continue the appeals process using the procedures of those bodies or organisations.



## Academic Appeals

### Context

The academy strives to ensure that its judgements on academic performance are consistent, fair, transparent and reliable. Should any learner feel that the assessment is incorrect for any reason, this policy provides a mechanism for the resolution of any dispute. It does not take away the right of a learner to appeal to an Awarding Body using their procedures. Rather, it provides a first step in resolving any issues relating to the assessment of a learner's academic performance.

A learner shall have the right to appeal against a decision of an assessor during each formal assessment component of a course or against the final assessment decision. Before considering whether or not there are grounds for appeal, it is essential that the student consult with the Course Leader or a delegated representative, to see if any informal resolution of the matter can be achieved.

### Grounds for Appeal

There are only two grounds for appeal for academic assessment as detailed below.

1. At the time of the assessment, there existed circumstances that adversely affected the learner's performance that, for the most exceptional reasons, the learner was unable to communicate to the Assessor or Course Leader before a decision was reached or to an invigilator during an examination. In making such a case, the learner shall provide valid documentary evidence where to support his/her case. Other than in exceptional cases, retrospective medical certification will not be accepted as valid;
2. There has been an administrative error or procedural irregularity during the conduct of the relevant assessment of such a significant nature as to have materially affected the approved grade or mark awarded.

Disagreement with the academic judgement of an Assessor or Course Leader in assessing the merits of an individual piece of work or in reaching any assessment decision based on the marks, grades or other information relating to a learner's performance, cannot in itself constitute grounds for an academic appeal. It should be noted that the academic judgement of an individual assessor or of the qualification as a whole is subject to an Internal Verification procedure supported by an External Verification process, and that this process requires each assessment decision to be justified. This process should therefore be exhausted before recourse to appeal on these grounds.

The academy has an established procedure for complaint and redress for issues that may arise during a programme of study and expects these to be resolved as and when they occur. In this context, alleged inadequacy of tuition or any other arrangements during the programme of study will not constitute grounds for an academic appeal unless there are exceptional reasons for the matter not to have been raised until after the assessment had been completed.

### Procedure for the Consideration of an Academic Appeal

If, after consulting with the Director of Studies or his/her representative, the learner wishes to proceed with an appeal, they must:

- Within 10 working days of the publication of the results, give notice in writing to the Director of Studies of his/her intention to appeal, stating the grounds for appeal.
- Within a further 10 working days, submit a written case in full to the Director of Studies accompanied by appropriate documentary evidence to support the grounds for appeal.

The Director of Studies may request further information to assist with hearing the case and may designate a representative to investigate on his/her behalf.





An Academic Board consisting of the Principal, the Director of Studies, the Executive Director and at least two members of the advisory board will meet at the earliest opportunity to discuss the appeal and will offer advice to the student as to whether it considers there to be a prima facie case for appeal.

### **Procedures of the Academic Board**

A quorum will be three voting members including the chair, at least one of whom must be the Principal or the Director of Studies. A formal record of the meeting shall be kept. The Chair will provide the Committee with an initial briefing.

The learner will be invited to join the meeting to present their case. The learner has the right to be accompanied to the meeting by a friend who may be a fellow learner or member of staff. If accompanied by a friend, the friend may speak on behalf of or otherwise represent the interests of the learner, but may not give evidence except on matters of which he/she has direct knowledge. Members of the Academic Board may ask questions for clarification.

The learner; and where in attendance, the friend, will be asked to withdraw. The Board may call on any other members of staff, learners or others to clarify the case presented. Any such persons should be notified in advance of the meeting. All other attendees should withdraw prior to the Board discussing the appeal and coming to a decision. The Board will then consider the evidence and reach a decision. The possible outcomes of the hearing are:

- i) The appeal is dismissed
- ii) The appeal is upheld and the appropriate changes are made
- iii) The appeal is referred to the accrediting body to pass judgement

### **Procedures following a meeting of the Academic Board**

The learner will be informed of the result of the appeal in writing, normally within 5 working days of the meeting. Normally, the revision of the academic issue should be completed within 10 working days of the hearing. The learner retains the right to appeal to the awarding organisation if they are dissatisfied with the outcome of the appeal (see below).

### **Use of Complaints/Appeal Data**

The academy will ensure that it respects the confidentiality of any person(s) who choose to proceed with a complaint or appeal. It may however be obligated to divulge details in the case of criminal proceedings. The academy also reserves the right to utilise the process and outcomes of all such cases in order to inform and improve its own quality management processes; in such cases anonymity will always be preserved.

### **Reference to External Bodies**

If the complainant/appellant is dissatisfied with the outcome of their complaint/appeal, they retain the right to seek redress via the academy's relevant awarding organisation(s). Contact details for the relevant awarding bodies are to be found in the Programme Handbook.

If a satisfactory result is still not obtained, or the complainant/appellant feels that they have been treated unfairly by the awarding organisation too, they may also submit their complaint/appeal to the Office for Qualifications and Examinations Regulation (OFQUAL) via <http://ofqual.gov.uk/complaints-and-appeals/> or the appropriate qualification regulator.

The appellant also has the right to appeal to the Office of the Independent Adjudicator (OIA) for all appeals that do not concern the application of academic judgement. [www.oiahe.org.uk](http://www.oiahe.org.uk)