

**9.14 Learner Grievances and Complaints**

<b>Title:</b>	Learner Complaints Policy
<b>Responsibility:</b>	Head of Academic Affairs
<b>Implemented by:</b>	<p>Programme Coordinators</p> <p>Programme Leaders</p> <p>School Executive Administrator</p> <p>Head of Faculty and School Operations</p> <p>Head of Student Experience</p> <p>Executive Dean</p>
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### 9.14.1 Overview

Standards and Guideline for Quality Assurance in the European Higher Education Area (ESG), Part 2, Standard 2.7 states “Complaints and appeals process should be clearly defined as part of the design of external quality assurance processes and communicated to institutions.”

DBS is committed to providing a learning environment that is conducive to successful study and the achievement of each learner’s target award. It is, however, recognised that, from time to time, learners may wish to raise concerns regarding the services provided and a procedure for dealing with learner complaints and grievances has therefore been put in place.

The DBS complaints procedures attempt to resolve complaints or issues to the mutual satisfaction of the complainant and the person, service or department against which the complaint is being made. DBS commit to timely, transparent and fair resolution within a supportive framework. DBS policies reflect the principles of natural justice and are aware of the dignity of the persons involved. Natural justice protects against arbitrary exercise of power by ensuring equal treatment and fair play. It ensures that no decision is valid if it was influenced by any other interest or bias and where the opposing party has not been given full right of response. For this reason, anonymous complaints will not be considered.

Learners are advised that in making a complaint, it is expected that they themselves have complied with the requirements of the student code of conduct in relation to the matter concerned. It is also expected that complaints will not be of a vexatious nature or for the purpose of personal gain.

Most complaints are capable of being resolved on an informal basis without recourse to the formal procedure. The College accepts that there might be instances that necessitate immediate engagement of formal action in response to a complaint.

This complaints procedure applies to all students of DBS in respect of any service they receive from the College with the exception of academic appeals. Academic appeals should be conducted in line with the Academic Appeals Policy. The complaints procedure is not intended as a further avenue of appeal in the event that an academic appeal is not upheld.

It is preferred that complaints or issues are resolved locally and mutually. To achieve this end the complaints policy has a series of stages to facilitate both informal and formal resolution.

### 9.14.2 Causes of Complaint

Complaints usually fall into the following categories:

- Issues regarding learning activities
- Academic or support services
- Facilities
- Difficulties with a member of staff
- Difficulties with an enrolled learner

Issues regarding assessment are covered under the Policies on Assessment chapter 8.

### 9.14.3 General Principles

DBS is committed to ensuring that:

- a. Complaints are handled in a fair, transparent, timely and sensitive manner, with due recognition of the dignity and confidentiality of the persons involved.
- b. Learners will not be disadvantaged by making a complaint.
- c. Complaints are to be handled in a co-operative manner, every effort will be made to arrive at a solution by consensus among the relevant parties.
- d. Complaints that impact on the assessment process, but are not directly concerned with the process, will not interfere with a learner's normal right to appeal the result of an examination.
- e. The reputation and professional integrity of DBS staff and learners will be safeguarded by ensuring that complaints are dealt with in a confidential manner and are resolved to the mutual satisfaction of both parties as far as is possible.
- f. Complaints that are proved to be malicious or vexatious may result in a disciplinary action taken against the complainant.
- g. The principles of natural justice are applied when dealing with complaints:
  - All parties to a complaint have the right to be heard and represented or accompanied by a friend, family member, DBS Student Union member or colleague at all meetings held in relation to the complaint
  - The person against which a complaint is made is entitled to a right to respond to all allegations
  - DBS does not engage with legal representatives as part of the complaints process

- Any hearings or meetings will be undertaken by an independent staff member, without bias. Minutes will be taken of all formal meetings and records are maintained in accordance with the College records retention policy.

#### **9.14.4 Stages of the Complaints Process**

Any complaint should be raised within 14 days of the alleged incident, matter or concern.

It is expected that all complaints should be considered informally in the first instance. This can be directly with the learner and relevant person or department, or facilitated by the Class Representative, Student Services, Module Leader, Programme Leader or relevant manager.

Where complaints are made as a group these should be addressed through a Class Representative or agreed spokesperson.

All complaints received will normally be acknowledged within 5 working days of receipt

The person or department against whom the complaint (formal or informal) is made will normally be notified within 5 working days that a complaint has been made

Where a complaint is formal, a copy of the complaint will be made available to the person or department against whom the complaint is made. This should be redacted to remove personal information such as an address or telephone number but not the identity of the complainant

Both parties will be notified of the steps the college are taking, whether an investigation is being undertaken or meetings called for clarification

#### **9.14.5 Informal Process**

In order to initiate an informal complaint the learner is advised to directly contact the subject of their complaint or the manager responsible for the service. This can be directly with the learner and relevant person or department, or facilitated by the Class Representative, Student Services, Module Leader, Programme Leader or relevant manager.

Initial informal action can be initiated in writing but will not be considered a formal written complaint at this stage. No formal record will be retained.

The subject of the complaint should attempt to seek a satisfactory resolution through informal communication with the student and the subject of the complaint.

In some incidents, where appropriate, the Programme Leader or relevant department manager may also communicate with the learner and the subject of the complaint (if applicable) if it will assist the informal resolution.

If the matter is not resolved satisfactorily through informal discussions, the learner can seek to raise a formal complaint.

In some cases a learner may request to go directly to the formal process and contact the School Executive Administrator directly. Where this is the case the member of staff first approached will no longer be involved unless approached by the relevant complaint investigator.

#### **9.14.6 Formal Process**

If the complaint cannot be resolved informally, or where the matter is considered to be of a grave or serious nature, the learner may choose to initiate a formal complaint.

In order to lodge a formal complaint the learner should contact the Schools Executive Administrator via their Programme Coordinator.

Once initial contact has been made the School Executive Administrator will advise of the following:

- The requirement to put the complaint in writing using the relevant form available on the student website
- The right of the subject of the complaint to receive notification of the nature of the allegations made, a copy of the complaint and the details of the complainant
- The requirement of the complainant to be able to stand over all allegations and provide evidence to support the complaint
- The right to representation and reassurance that there will be no detrimental impact on the student for invoking the complaints procedure

All complaints received should be evidence based and factual. The complaint must detail the complainant's name and contact details, any relevant documentation, dates, locations and witnesses as appropriate. Any previous efforts to resolve the matter should also be noted.

All complaints should normally be made within 14 days of the alleged incident, matter or concern or 14 days of the informal process concluding.

The complaints procedure is based on the principle of natural justice. Consequently, anonymous complaints will not be accepted.

When received, the School Executive Administrator will catalogue the complaint including details of the date received, the identity of the complainant, the nature of the complaint and the individual(s) and or department(s) against which the complaint is made.

The School Executive Administrator will forward the complaint to the Head of Academic Affairs, who will acknowledge receipt of the complaint and contact an appropriate manager to investigate the complaint, if appropriate.

Where the complaint relates to the actions or activities of the Academic Affairs Department, the Head of Academic Affairs will undertake the role of investigating manager.

Where the complaint is made against the Head of Academic Affairs the School Executive Administrator will forward the complaint to the Director of Academic Affairs who will investigate the matter.

The investigating manager will, where applicable, advise the person who is the subject of the complaint and provide that person with the details of the nature of the allegations.

The investigating manager can arrange to discuss the complaint with the complainant. This can take place by telephone, e-mail or face-to-face.

The purpose of any complaint discussion is to establish facts and seek clarification. The investigating manager is not authorised to give a viewpoint or decision relating to the complaint.

For the discussion, the investigating manager may be accompanied by a note taker so that an accurate record can be created.

A summary of the discussion should be documented and emailed to all members of the discussion for transparency. Matters of factual inaccuracy may then be identified and corrected. Responses should normally be received within 5 working days.

Where two parties disagree on the record of the meeting, the two versions of events should be retained.

Any party involved in a complaint is entitled to be accompanied by a friend, fellow student or family member who is not a legal representative or advocate. Where the complainant or subject of the complaint wishes to be accompanied, the discussion must take place face-to-face.

The investigating manager will hold a separate meeting with the person who is the subject of the complaint, who can also be accompanied by a friend, colleague or family member who is not a legal representative or advocate, and can also interview any material witnesses.

Records of all meetings should be documented and provided to the other parties to the meetings for record and confirmation of accuracy. Any disagreement should be noted and retained.

On completion of the investigation into the facts, the investigating manager will compile a report summarising the actions taken as part of the investigation, including a summary of the main findings and the evidence available to inform decision making.

The investigating manager must submit the report and supporting evidence to the Head of Faculty and School Operations who will convene a Complaints Committee within 10 working days.

Where the Head of Faculty and School Operations is the investigating manager or the subject of the complaint, the investigating manager will submit the report and supporting evidence to the Head of Student Experience who will convene a Complaints Committee.

#### **9.14.7 The Complaints Committee**

The Head of Faculty and School Operations or Head of Student Experience, one other departmental manager and a member of academic lecturing staff form a Complaints Committee to hear the findings of the investigation.

The investigating manager is required to present the investigation to the Complaint Committee and provide clarification on any points raised.

The complainant is not required to attend the complaint committee hearing but may be contacted by the investigating manager for further clarification where required.

Where necessary and appropriate, to ensure fair process and informed decision-making, alternative members of staff, student representatives or an external expert may be requested to sit on the committee.

The Complaints Committee will meet to discuss the findings with a view to determining a fair resolution.

The Investigating Manager will formally respond, in writing, to both parties to inform them of the findings of the investigation, any decisions made, the reason for the decisions and any subsequent action, where appropriate.

A copy of all correspondence, along with the investigation report and evidence, will be lodged with the School Executive Administrator and where applicable may be forwarded to HR.

Where the result of the complaint includes consequent action or recommendations, the Investigating Manager shall notify the appropriate person or committee, without undue delay.

It should be noted that there can be instances where it is not possible for a decision to be reached and the College will attempt to provide further clarity to the student issuing the complaint while also providing guidance to the subject of the complaint in an attempt to prevent a recurrence of such incidents.

The complainant and the subject of the complainant should each be notified of the right to appeal.

#### **9.14.8 Right of Appeal**

Any party wishing to appeal the decision of a Complaints Committee can do so by writing to the Executive Dean or appropriate nominee. Where a nominee is appointed the complainant will be notified of this and the identity of the nominee.

Any appeal should be submitted within 5 working days of the outcome of the Complaints Committee being communicated.

Grounds for appeal should be clearly outlined in the appeal submission. Valid grounds for this appeal can relate only to the processes and procedures followed at the previous stages. Disagreement with the outcome of the Complaints Committee or a request for a rehearing do not constitute valid grounds for an appeal. Thus, the appeal does not normally involve reconsideration of the original complaint and new evidence is not normally accepted at this stage.

The Executive Dean will determine whether or not an appeal shall be heard. The decision will be communicated to the appeal applicant normally within 5 working days post appeal deadline.

If an appeal is granted, the Executive Dean will appoint an appropriate hearing panel. This will be scheduled at the earliest opportunity and normally not greater than 15 working days after the Executive Dean has confirmed an appeal hearing will take place.

Any party to the complaint, including Complaints Committee members, may be invited to attend the panel meeting depending on the basis of the appeal request, where the panel deems this to be necessary. Attending parties are entitled to be accompanied by a family member, friend or colleague who is not acting as a legal representative.

The complainant and subject of the complaint are entitled to a record of the meeting and the outcome determined. Where required some information may be redacted in accordance with data protection legislation.

The outcome of the appeal will be communicated to the complainant at the earliest opportunity.

No further right of appeal is available.

#### **9.14.9 Reporting and Recording**

A list of formal complaints managed under this process will be maintained by the School Executive Administrator.

A summary report, detailing the number of complaints, the nature and focus of the complaint, the outcome of the investigation and any corrective action recommended will be submitted to the Executive Dean at the end of each academic year for consideration by the Senior Management Group.

The Senior Management Group is responsible for addressing areas of common concern and ensuring appropriate interventions and / or corrective actions at institution level to reduce the likelihood of recurrence.

### 9.15 Data Protection

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DBS recognises the importance of effective records' management to:

- meet statutory and legal requirements
- optimise the use of space
- minimise the cost of record storage
- ensure that obsolete records which are of no further use are destroyed in an appropriately sensitive and confidential manner with due regard to the minimising effects on the environment.

The College is committed to managing and preserving records and appropriate materials, handling procedures and storage systems, devices and practices are implemented within the institute to ensure long-term security, to prevent physical damage and minimise the physical deterioration of college records.

The College is registered as a Data Controller and Data Processor under the Data Protection Acts 1988 and 2003. The following are the eight fundamental rules of the 1988 and 2003 Acts regarding personal information:

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure. All waste papers, printouts, etc should be disposed of carefully
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes
8. Give a copy of his/her personal data to that individual, on request.

The College has developed a policy to ensure that a system is in place which guarantees that records are secure and cannot be altered or deleted without appropriate authority and that the privacy and confidentiality of DBS records are maintained, where appropriate. The DBS Document Retention and Management Policy is available from the Academic Affairs Office.