



Academic Complaints Policy and Procedure

Policy number	A2 (formerly Policy 19)
Review schedule	Every 2 years Sent to Durham every year in Augst.
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Introduction

1. This policy should be read in conjunction with the 'Common Awards Complaints Procedure for Students' on academic complaints (available at <https://www.dur.ac.uk/departments/academic/common-awards/policies-processes/student-support/complaints-appeals/complaints-procedure/>).
2. Spiritus College aims to provide a high standard and quality of service in respect of its academic provision, but recognises that occasionally things do go wrong. As part of its commitment to enhancing the student experience, this procedure has been established to deal with academic complaints from students.
3. Students who have a complaint to make should follow the procedure below:
 - **For minor matters in relation to module or programme design and delivery:** students should speak with the Module Lead or Programme Director in the first instance.
 - **For matters of significance relating to any staff member or tutor,** students should contact the Principal. (In the event of the complaint relating to the Principal they should contact the Chair of the Board of Trustees. This arrangement is implicit in the remainder of this document).

Please note: Words that are italicised and with a capitalised first letter in the remainder of this Procedure (such as the word '*Complainant*') are defined and explained in the section called 'Definitions' in the last section of this Procedure.

Principles

1. Complaints will be dealt with efficiently and promptly; however, if the issues are very complex, this may result in a delay to the outcome of the investigation.

2. Complaints will be investigated objectively and independently.
3. The standard of proof in the investigation of complaints is the balance of probabilities, that is, that the matters alleged in the complaint can be shown as more likely than not to be true.
4. *Complainants* will be given reasoned outcomes in written form.
5. If a complaint is upheld, Spiritus College will seek to provide an appropriate response and correct any mistakes or misunderstandings.
6. Spiritus College will use its best endeavours to make changes in response to the recommendations of *Investigators*.
7. *Complainants* will not be disadvantaged, penalised, or victimised for making a complaint. However, Spiritus College (at Stage 2) or Durham University (at Stage 3) reserves the right to take action against a Complainant if Misconduct by the Complainant is disclosed in the course of an investigation.
8. *Investigators* and *Reviewers* will use their best endeavours to meet the deadlines set out in this Procedure. If it seems likely that a deadline cannot be met, a *Complainant* will be informed, given reasons, and provided with a revised date that is anticipated for completion.
9. All complaints will be dealt with in confidence. However, *Complainants* should note:
 - The *Respondent* of a complaint (whether about an individual or section of Spiritus College (at Stage 2)) will receive a copy of the complaint and has the right to respond to it.
 - *Respondents* will be informed of the outcome of a complaint.
 - *Third Parties* will be consulted if, in the opinion of the *Investigator* or *Panel of Investigators*, their views or opinions may be relevant to the investigation of a complaint.
10. Wherever possible, academic complaints should be dealt with informally at the local level (Stage 1), as matters that are dealt with informally at an early stage have the best chance of being resolved quickly and to the satisfaction of all parties.

Scope of the procedure

1. This Procedure may be used by:
 - Individual students who are or who have recently been formally registered on the approved Common Awards programmes at Spiritus College.

- Groups of students who are or have recently been registered on approved Common Awards programmes, who wish to complain about the same matter and who jointly submit a complaint.
2. When a group of students submits a complaint, Spiritus College will ask the group to nominate one of the *Complainants* to act as a group representative. Spiritus College will communicate only with the group representative and expects the group representative to liaise with the other *Complainants* in the group.

What is this procedure for?

1. **'Academic complaints'** can relate to any aspect of the approved academic provision including (but not restricted to) complaints from students concerning their experience of:
 - The arrangements for, or delivery of, teaching or assessment for the academic programme
 - The adequacy of supervision for modules that are a formal and assessed part of the academic programme
 - The academic support that is part of the academic programme
 - Assessed placements that are a formal part of the academic programme
 - Administrative or support services that relate to the academic programme
 - Information or publicity in relation to the academic programme
 - The infrastructure for academic programmes, including learning resources and teaching spaces
2. The above is not a definitive or exhaustive list; academic complaints may relate to other areas of academic provision or support where these are perceived to have had a negative impact on the student's academic programme or progress.
3. In cases of doubt as to whether a student complaint might be considered to be an 'academic complaint', members of staff and students may wish to contact the Common Awards Team for advice if required.

What is this procedure not for?

1. This procedure does not cover the following (for which other procedures exist):
 - Appeals relating to Board of Examiners or other relevant committee or officers' decisions relating to examinations, assessments, or academic progress or against

expulsion or exclusion on academic grounds (including decisions about Academic Progress Notices) - please see the **Academic Appeals policy**.

- Complaints involving an allegation of misconduct by a student - please see the Spiritus College **non-academic complaints policy**.
- Complaints relating to the behaviour of an individual - please see the Spiritus College **Bullying and Harassment policy**.
- Complaints involving an allegation of sexual violence - please see the Spiritus College **Bullying and Harassment policy**.
- Complaints about admissions decisions – please see the Spiritus College **Admissions policy**.

D. Stages of the process

Overview

The complaints process has 3 Stages:

LEVEL 1: Investigation of the complaint at TEI level
STAGE 1: Informal resolution (TEI)
STAGE 2: Formal resolution (TEI)

LEVEL 2: Referral to the University <i>(if the complaint cannot be resolved at TEI level)</i>
STAGE 3: University review (Durham University)

Stage 1: Informal Stage: TEI

1. Most complaints can be resolved informally and, where practicable, a complaint should be dealt with as close as possible to the point at which it arises. A student who wishes to complain should, therefore, initially discuss the matter with those directly responsible. If the student is unhappy about approaching the person directly responsible, they may seek counsel from their personal tutor or another member of Spiritus College core staff.
2. When appropriate, students may also seek advice and support from:
 - Their individual tutor
 - The Principal

- The Common Awards team within the Academic Quality Service of Durham University (procedural advice)
 - Durham Students' Union which offers independent advice or advocacy
3. Students should raise a complaint no more than 28 days after the event that the complaint concerns unless there is good reason for the delay.
 4. The Principal, or designated officer, should, if possible, have a face-to-face discussion with the student concerned, to come to an understanding of the exact nature of the student's dissatisfaction and to explore what outcome the student seeks.
 5. If appropriate, the Principal, or designated officer, should initiate mediation as part of the informal resolution.
 6. Wherever possible, student complaints should be resolved at this informal level, without the need to resort to formal proceedings.
 7. At the conclusion of any informal resolution attempts, the student will be informed of the formal complaint procedure (Stage 2) and deadline for submitting a formal complaint.

Stage 2: Formal Stage: TEI

1. If the Stage 1 procedures have been exhausted, and the *Complainant* is not satisfied with the response, they may initiate a formal complaint to the Principal.
2. If a complaint is received at Stage 2, without prior consideration at Stage 1, Spiritus College will normally try to resolve the complaint using informal mechanism in the first instance where appropriate.
3. Except in exceptional circumstances at the discretion of Spiritus College, Spiritus College will not consider complaints under this Procedure if:
 - Complaints are made more than 28 days after the actions and services to which the complaints refer or following unsatisfactory outcome of an informal attempt at resolution
 - The *Complainant* does not personally raise the complaint
 - The complaint is anonymous
 - The complaint is frivolous, vexatious, or motivated by malice
4. A complaint may be made even if legal, court, or tribunal proceedings have been commenced, or if a Police investigation into a matter related to the complaint is being undertaken. In such cases, however, Spiritus College will usually suspend the

investigation of a complaint pending the outcome of the legal, court, or tribunal proceedings or the Police investigation.

5. Students are not permitted to initiate more than one formal procedure simultaneously for the same or related matters.
6. If a student wishes to make a formal complaint, the student should complete a Student Complaint Form and submit the form to the Principal.
7. The information to be included in the complaint by the student is as follows:
 - Details of the complaint
 - A statement of the *Action* already taken to try and resolve the complaint informally and why the response given is considered unsatisfactory
 - Any supporting information or evidence
 - The form of resolution or redress sought
8. Within 7 days of receiving a Complaint Form, Spiritus College will acknowledge receipt of a Complaint Form and undertake some of or all the following:
 - Ask the *Complainant* to complete fully, correct, clarify, simplify, shorten, or provide better evidence of some of or all the matters complained about
 - Ask the *Complainant* if the *Complainant* would like the complaint to be dealt with by mediation and conciliation, that is, by a voluntary process where an impartial, independent third party helps the parties involved in the complaint to resolve issues confidentially and subject to an agreed timescale (see Durham University Mediation Service)
 - Interview the *Complainant*
 - Advise the *Complainant* of a different procedure to follow
 - In most cases, send the *Complaint Form* to an appropriate person (or, if the complaint is about more than one issue, to appropriate people) in the area or service which is the subject of the complaint
 - Take such other action which, in the opinion of Spiritus College is helpful or reasonable for addressing the complaint
 - Initiate an investigation of the complaint
9. Complaints will be investigated by a party independent of the source or focus of the complaint (the *Investigator*). Under normal circumstances, the Principal would investigate the complaint, although this responsibility might be delegated to an appropriate member of core staff. Note, however if the complaint relates to the

Principal of Spiritus College another independent party will investigate the complaint; for example, the Chair of the governing body.

10. The *Investigator* may:

- Ask to interview the *Complainant* and other relevant parties as part of the Formal Stage
- Take other appropriate action to investigate the complaint expeditiously and fairly, taking into consideration the nature of the complaint

11. When appropriate, a *Complainant* may seek advice and support from:

- Their individual tutor
- The Principal
- the Common Awards team within the Academic Quality Service of Durham University (procedural advice)
- Durham Students' Union which offers independent advice or advocacy

12. In any meeting held with Spiritus College staff under this Procedure, a *Complainant* has the right to be accompanied by a current member of Spiritus College or University community or a Durham Students' Union representative. Spiritus College does not normally permit legal representation at such meetings but will consider requests by *Complainants* for legal representation at the meetings. The decision as to whether to permit legal representation will be taken by the Principal and will be at Spiritus College's discretion.

13. Spiritus College does not consider it necessary for students to seek independent legal advice in respect of complaints. It is entirely at students discretion and cost if they choose to do so.

14. Provisions should be made for hearings to be held in very exceptional circumstances (for example, in particularly complex cases, or those involving disciplinary issues). Where exceptionally, in the view of Spiritus College a hearing is required, clear processes should be communicated to all parties to ensure fairness and transparency and to maximise the opportunities to resolve the complaint.

15. Spiritus College will use its best endeavours to ensure that the *Complainant* receives a written Investigation Report that sets out the reasons for the decision within 42 Days of receipt of the completed Complaints Form. Students will be kept up to date about the progress of any complaints process and informed if there is any reason why it will take longer than 42 Days to complete the process.

16. Possible outcome recommended in the *Investigation Report* include:

- The complaint (or part of it) is upheld or dismissed

- A resolution reached in co-operation with the department or service area which is the subject of the complaint
- Compensation may be recommended
- An apology given
- Recommendations for change are made to the relevant decision-making body of Spiritus College
- Such other outcomes as the Investigator or Panel of Investigators considers appropriate in the circumstances

17. When a complaint is upheld, Spiritus College will explain how and when it will implement any remedy.

18. The *Investigation Report* will also give information about:

- The *Complainant's* right to request a University Review of the outcome of the investigation of the complaint
- The grounds on which a *Complainant* may request a *Review*
- The time limit for requesting a *Review*
- The procedure for requesting a *Review*
- Where and how to access support

19. Durham University will ask Spiritus College to conduct an internal *Review* following on from any complaints that reach Stages 2 or 3 to identify whether there are any areas of practice or provision that might be improved.

20. A copy of the letter to the *Complainant* informing them of the outcome of their complaint will be retained in accordance with Spiritus College's *Data and Record Retention Policy*.

Stage 3: Review Stage: University

1. If the *Complainant* remains dissatisfied once the TEI's informal and formal procedures are exhausted, the *Complainant* must be informed of their right to request a *Review* by the University. The *Complainant* may request a *Review* of the Formal stage *Investigation Report* by directly contacting the Durham University's Common Awards office (common.awards@durham.ac.uk) within 14 Days of receiving the *Investigation Report*.
2. Reviews are to be requested using the Common Awards Complaints proforma.
3. The only grounds of requesting a *Review* are:

- The identification of a procedural irregularity during the Formal Stage; or
 - Provision of new material evidence together with a valid reason why it was not previously submitted; or
 - The outcome of the Formal Stage was unreasonable in all the circumstances of the case.
4. The *Complainant* must provide the following information:
 - Details of the complaint (including relevant correspondence from Stages 1 and 2, and any further new supporting documentation)
 - Details of why the student remains dissatisfied
 - Details of the form of resolution or redress sought
 5. The University will determine whether to *Review* the complaint to ascertain whether Spiritus College's policy and processes had been implemented correctly. If procedural irregularities are identified, the complaint might be referred back to Spiritus College for re-investigation.
 6. The request for a *Review* will be acknowledged within 7 Days and a *Reviewer* appointed to conduct the *Review*.
 7. An *Investigator* who has had no previous involvement with the complaint and who is independent of the *Complainant* will review the *Investigation Report* as *Reviewer*.
 8. A *Reviewer* may seek further information as part of the *Review*; however, a *Reviewer* will not usually consider the issues afresh or undertake a further investigation. The *Reviewer* may consult with members of Spiritus College and/or Durham University staff if he or she deems it appropriate in particular cases. Complete confidentiality cannot be always guaranteed if effective action is to be taken on an academic complaint. Therefore, students are asked to sign a disclaimer on the University's complaints proformas authorising the investigating authority to consult others and share information on a need to know basis. Staff dealing with complaints must, however, ensure that information disclosed by the student appealing is only disclosed to third parties on a need to know basis. Normally no information is disclosed to anyone outside the University, including the student's parents, without the express permission of the student.
 9. The Common Awards team will use its best endeavours to ensure that the *Complainant* receives a *Review Report* within 28 Days of a request for a *Review* being received. If there is likely to be a delay, the *Complainant* will be informed of the reason and a revised timescale given.
 10. If a *Reviewer* upholds one or more aspects of a *Review*, the *Complainant* will be provided with information about outcomes, which may include a new Investigation

of the complaint by an *Investigator* not previously involved with the complaint or *Complainant*.

11. There are no other opportunities for the complaint to be pursued within the University.
12. During Stage 3, when appropriate, a *Complainant* may seek advice from:
 - Their individual tutor
 - The Principal
 - The Common Awards team within the Academic Quality Service of Durham University (procedural advice)
 - Durham Students' Union which offers independent advice or advocacy
13. In any meeting held with University staff under this procedure, a *Complainant* has the right to be accompanied by a current member of the TEI or University community or a Durham Students' Union representative. The University does not normally permit legal representation at such meetings but will consider requests by *Complainants* for legal representation at the meetings. The decision as to whether to permit legal representation will be taken by the University Secretary (or the University Secretary's nominee) and will be at the University's sole discretion.
14. The University does not consider it necessary for students to seek independent legal advice in respect of complaints. It is entirely at students' discretion and cost if they choose to do so.
15. The *Complainant* will be given a *Completion of Procedures* Letter and informed of the right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), the time limit within which to do so, and where and how to access advice and support. Students have a maximum of 12 months to bring their complaint to the OIA.
16. Information about the OIA and the procedure for submitting complaints can be obtained from the OIA website: www.oiahe.org.uk.

Definitions

- 'Action' is an action (or lack of action) in relation to a matter concerning a student.
- 'Complainant' is a student who completes and submits a complaint to their TEI.
- 'Complaint Form' is a TEI Complaint Form for students.
- 'Completion of Procedures Letter' is a letter which the University will send to a *Complainant* when the *Complainant* has reached the end of the University's internal

processes for complaints and where there is no further avenue for the *Complainant* internally to pursue a Complaint.

- 'Day' means calendar day.
- 'Formal Stage' is the investigation of a complaint by an *Investigator* or *Panel of Investigators*.
- 'Investigation Report' is a report of the outcome of investigations by an *Investigator* or *Panel of Investigators*.
- 'Investigator' is a person selected and appointed to investigate complaints.
- 'Office of the Independent Adjudicator for Higher Education' is an independent body set up to review students complaints about higher education providers in England and Wales. See Office of the Independent Adjudicator for Higher Education
- 'Principal' is the designated executive authority of the TEI or Centre.
- 'Respondent' is the person or section of the TEI who or which is the subject of a complaint.
- 'Review' is a review of an *Investigation Report* conducted by a *Reviewer*.
- 'Reviewer' is an *Investigator* who had been appointed to review an *Investigation Report*.
- 'Review Report' is a *Reviewer's* report of a *Review*.
- 'Service' is a student's experience of the standard of service provided by or on behalf of the TEI.
- 'TEI' is a Theological Education Institute who partner with Durham University under the Common Awards Scheme.
- 'Third Party' is any party who is not a student or a member of the TEI or University community.

VERSION CONTROL:		
Version Number	Date approved: TEI	Date approved: Durham University