



# Complaints Policy

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## 1 Purpose

Achiever Point Academy's complaints policy and procedure is designed to ensure that anyone who is entitled to and wishes to make a complaint about any service or lack of service is dealt with in a fair, effective and timely manner. The complaints policy and procedure has been developed to ensure that it meets with the Expectation of the Quality Assurance Agency's Quality Code for Higher Education, Part B Ensuring and enhancing quality; Chapter B9 Complaints and appeals.

**Note: This policy and set of procedures is for complaints only. Achiever Point Academy has a separate policy and procedure for academic appeals.**

## 2 QAA Code of Practice Chapter B9 Complaints and appeals

The Quality Assurance Agency Quality Code, Part B Ensuring and enhancing quality: Chapter B9 Complaints and appeals sets out the following **Expectation** which all higher education institutions are required to meet: *Higher education institutions have fair, effective and timely procedures for handling students' complaints and academic appeals*

The QAA define a complaint as 'the expression of a specific concern about the provision of a course, or a programme of study, or a related academic service'. By contrast an academic appeal is defined as 'a request for the review of a decision of an academic body charged with decisions on student progression, assessment and award'. This Chapter of the Code of Practice then goes on to detail ten **Indicators** which provide guidance on how the Expectation can be met. These are as follows:

**Indicator 1** Institutions have fair, effective and timely procedures for handling students' complaints and academic appeals

**Indicator 2** Institutions' complaints and appeals are overseen at the highest level

**Indicator 3** Institutions ensure that those studying at all levels have the opportunity to raise matters of concern without disadvantage

**Indicator 4** Institutions make publicly available easily comprehensible information on their complaints and appeals procedures

**Indicator 5** Clear design of institutions' complaints and appeals procedures enables them to be conducted in a timely, fair and reasonable manner, and having regard to any applicable law

**Indicator 6** Institutions ensure that appropriate action is taken following a complaint or appeal

**Indicator 7** Institutions satisfy themselves that appropriate guidance and support is available for persons making a complaint or an appeal, including those taking advantage of learning opportunities provided away from institutions and/or through flexible learning

**Indicator 8** Institutions make provision in their procedures for those making a complaint or appeal to be accompanied at any stage, including formal hearings



**Indicator 9** Institutions have effective arrangements to monitor, evaluate and improve the effectiveness of their complaints and appeals procedures and to reflect on their outcomes for enhancement purposes

**Indicator 10** Institutions ensure that suitable briefing and support is provided for staff and students in handling or supporting complaints and appeals

The complaints policy and procedures detailed in this document is designed to meet the above QAA Expectation and the ten indicators of sound practice.

### **3 Scope of the complaints policy and procedure**

3.1 Achiever Point Academy defines a complaint as an expression of dissatisfaction with any service or lack of service provided by the APA . Achiever Point Academy believes it is important that its students feel able to express dissatisfaction to which a response should reasonably be expected. Achiever Point Academy`s Complaints Policy and Procedure aims to provide a fair, accessible and straightforward system which enables students and entitled others to raise concerns which are dealt with effectively, and in a timely and appropriate manner. The Complaints Procedure is not restricted to students of APA . A complaint may also be made, for example, by a potential student (such as a complaint about the admissions process) or a member of the public. A complaint may also be submitted by a group of students, in which case a spokesperson should be nominated and will be the channel of communication for the group. A complaint may not be lodged by a third party on behalf of the complainant.

3.2 Students and others considering making a formal complaint are advised to consider whether there are more suitable ways for them to express the concerns they have. For example, this may be done through Student Representatives at a meeting of the Student Representative Committee or through other feedback mechanisms such as student evaluation surveys. Alternatively, students can discuss concerns in an informal way with the relevant member of staff. Anyone thinking about making a complaint is urged to seek to resolve their complaint informally. This can be done either before embarking on the formal complaints procedure or at any stage during the formal procedure. In general, outcomes from an informal resolution of a complaint are usually better and more satisfactory for all concerned.

3.3 If, after initial investigation, it becomes apparent that a complaint may be more appropriately dealt with under the staff disciplinary procedure, the case will be passed to the Human Resources Manager for the duration of the investigation. The Human Resources Manager will use the appropriate procedure for dealing with the matter.

3.4 Students are recommended to read the *Guidance Notes for Students* so that the Complaints Procedure is fully understood. The *flow chart* provides a useful visual summary of the Complaints Procedure.

3.5 Members of staff at Achiever Point Academy are recommended to read the *Guidance Notes for Staff* so that they fully understand the Complaints Procedure and their responsibilities when a student makes a formal complaint.

3.6 These are available on Achiever Point Academy`s website (<http://www.regentAPALondon.com/our-APA/policies/>) and the APA`s virtual learning environment (HELP) .



## **4 Achiever Point Academy's Complaints Procedure**

### **4.1 Overview**

4.1.1 There are three stages to Achiever Point Academy's internal complaints procedure:

**Stage 1:** Conciliation

**Stage 2:** Formal Complaint

**Stage 3:** Appeal to the Head of Center

4.1.2 In the case of a complaint about a member of the management team, Stage 2 will be as follows:

a) A complaint about the Head of Center will be heard by the Academic Principal

b) A complaint about the Academic Principal will be heard by the Chief Executive Officer / Executive Principal.

### **4.2 Stage 1: Conciliation**

4.2.1 Complainants are strongly advised to make every reasonable effort to resolve their complaint informally through a meeting with the member of staff most directly concerned with the matter before proceeding to Stage 2 and submitting a formal complaint. If necessary a conciliation meeting involving a more senior member of staff and the member of staff concerned may be held. Achiever Point Academy acknowledges that methods other than a meeting may be more suitable when attempting to resolve the complaint at Stage 1. Students at Stage 1 of the Complaints Procedure are strongly advised to seek advice and assistance from the Vice Principal. The Head of Center should be able to arrange for a representative to attend conciliation meetings that are held between the appropriate member of staff and the student. Achiever Point Academy urges students to attempt to resolve complaints at Stage 1 and expects that the majority of complaints will be resolved satisfactorily at this stage.

4.2.2 The complaint should be raised as soon as possible and normally no more than 10 working days after the failure in the service or the matter giving rise to the complaint. The member of staff approached should try to resolve the complaint through meeting with the complainant within 10 working days of receipt of the complaint.

4.2.3 Where it is not clear to the complainant which member of Achiever Point Academy's staff is directly concerned, or the complainant is unclear on the correct complaints procedure to follow, the complainant will be advised by the Vice Principal.

4.2.4 Normally, complaints concerning the structure or organisation of a course will most appropriately be dealt with by Academic Board. In these cases, the complainant should raise the complaint with the Student Representative(s) who is a member of Academic Board, or the Vice Principal, as appropriate.

4.2.5 Where the procedure outlined in paragraphs 4.3.2 to 4.3.4 above does not produce a satisfactory resolution of the matter giving rise to the concern, the complaint may be formalised and dealt with as a Stage 2 Formal Complaint detailed in Section 4.3 below. While every reasonable effort should be made to resolve complaints at Stage 1, the complainant has the right to proceed to Stage 2: Formal Complaint at any time provided that it is within two calendar months of the matter giving rise to dissatisfaction.

### **4.3 Stage 2: Formal Complaint**



4.3.1 If a complainant is dissatisfied with the outcome of Stage 1 or wishes to proceed directly to Stage 2, he/she should make a written complaint on the Complaints Form (see Appendix 1). By proceeding directly to Stage 2 the complainant should be aware of the lost opportunity to resolve the matter by informal means. Any complainant who has not attempted to resolve their complaint through conciliation (Stage 1) will be asked to explain on the Complaints Form why they have not completed Stage 1 of the Complaints Procedure or why the informal process has not resolved matters to their satisfaction.

4.3.2 The completed Complaints Form should be lodged with the Operations Manager within 10 working days of the unsatisfactory outcome of Stage 1 or within two calendar months of the complainant becoming aware of the matter with which he/she is dissatisfied. An extension of these time limits will only be possible in exceptional circumstances, such as illness, an apparent risk of victimization, personal embarrassment or other hindrance beyond the student's control. In such a case, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the Complaint Form the reason for the complaint being lodged outside of the time limits.

All Stage 2 complaints made using the Complaints Form will be dealt with by the Operations Manager.

4.3.3 The Operations Manager will pass the complaint to the appropriate manager(s), as outlined below:

- a) Head of Center or Academic Principal or other academic manager if the complaint is about an academic matter.
- b) Head of Center or specifically named person if the complaint is about a non-academic matter.
- c) Head of Admissions, if the complaint comes from a prospective student.

4.3.4 If the person cited in paragraph 4.3.3 is him/herself personally involved in the matter of the complaint, the complaint will be dealt with by his/her line manager or an independent member of staff.

4.3.5 If the complaint is more appropriately investigated through the Academic Appeals Procedure then the complaint will cease to be handled as a complaint at this point and will instead be processed as an Academic Appeal.

4.3.6 If the complaint concerns a member of staff and/or harassment matters, the Head of Center should consult with the Human Resources Manager regarding the appropriate procedure to adopt before conducting an investigation.

4.3.7 **Investigation of a complaint:** The member of staff responsible for dealing with the complaint (the investigator) shall:

- a) make such investigations as he/she deems appropriate;
- b) ask any person being the subject of a complaint for a written
  - a. statement on the alleged failure/deficiency;
  - c) keep the complainant, the Operations Manager and other relevant people involved informed on the progress of the investigation.

4.3.8 If the Operations Manager and/or investigating person considers that there is a *prima facie* case to proceed under the staff disciplinary procedure, the case will cease to be handled through the complaints procedure and dealt with henceforth by the Human Resources Manager.

4.3.9 The investigator may make one of the following decisions within the procedures laid down by Achiever Point Academy and under the rules of natural justice:

- a) to dismiss the complaint;



b) to suggest an amicable settlement to the complainant (and member of staff, where appropriate). If this is not mutually accepted within five working days, then the investigator shall make a decision under (a) or (c) of this section. If the settlement is accepted, the procedure terminates at this stage;

c) to find the complaint justified and make an offer of redress to the complainant, for example, an apology and/or appropriate recommendations to Academy APA .

4.4 The investigator shall, within 15 working days of receipt of the Complaints Form, produce a written report responding to all complaint points and making clear the grounds on which a decision or settlement has been reached. This report will be given to the Vice Principal. A letter to the complainant, based on the investigator's report, will be sent to the complainant. The letter will deal with each point of complaint and include actions, as appropriate.

#### 4.5 Appeal to the Head of Center

4.5.1 If the complainant is still not satisfied with the response, he/she should give written notice to the Head of Center within 10 working days of receipt of the response, explaining why he/she is not satisfied with the outcome. The complainant should indicate the matters which he/she considers to be outstanding.

4.5.2 Within 10 working days of receipt of the complaint, the Head of Center or nominee will decide whether there is a *prima facie* case to refer the matter to the Complaints Review Panel, provided that:

a) there is, at the time, still a complaint which comes under the scope of this procedure;

b) the student's desired outcome to the complaint is achievable; (c) the complaint was lodged within the set time limit.

4.5.3 If there is no *prima facie* case for proceeding to a Complaints Review Panel the complainant shall receive a written statement explaining the reasons for this. There is no further recourse for the complainant within Achiever Point Academy's Complaints Policy and Procedure.

4.5.4 If there is a *prima facie* case for proceeding, the Head of Center may consider the possibility of a mediation meeting with the parties involved at Stage 1 of the procedure. If the meeting is successful, the complainant and other party will be informed of the outcome in writing within 10 working days. When an attempt to achieve a resolution through mediation is unsuccessful or would appear to be inappropriate, the Operations Manager will arrange for a Complaints Review Panel to be convened.

4.5.5 The Operations Manager shall arrange for a Complaints Review Panel to be convened within 30 working days of the notification, to consider and adjudicate on the complaint.

4.5.6 The Complaints Review Panel shall normally consist of the following members:





- a) a Chair, who shall normally be a senior member of staff;
- b) two members of staff, one of whom shall be at management grade.

4.5.7 In the event of a complaint against a senior member of staff the Complaints Review Panel shall consist of the following members:

- a) the Chief Executive Officer , as Chair
- b) two members of staff, one of whom shall be at management grade.

4.5.8 Where possible, Achiever Point Academy shall seek to ensure that the composition of the Complaints Review Panel reflects the character of the APA .

4.5.9 The Operations Manager shall make available to the Complaints Review Panel the completed Complaints Form, previous correspondence relating to the complaint and any other relevant documentation.

4.5.10 The outcome and the reasons for the decisions of the Complaints Review Panel will be communicated by the Operations Manager to the complainant within 10 working days of the meeting of the Complaints Review Panel. The Complaints Review Panel will, at the same time, send a report summarising the complaint, the action taken to resolve it, and the Panel's conclusions and recommendations to the Academic Principal. The decision of the Review Panel will be final and binding.

4.5.11 If the complaint is upheld, the manager concerned will be asked to respond to the Head of Center and to the Chair of the Complaints Review Panel within 15 working days of receipt of the report, stating what action has been taken or is proposed in the light of the Panel's recommendations. The Complainant will also be notified of action taken or action proposed in response to the Panel's recommendations.

4.5.12 The procedure of the Complaints Review Panel hearing shall be as specified in paragraph 6 below.

4.5.13 As far as is practicable, confidentiality shall be preserved in the investigation of the complaint. However, information provided by the complainant may be used when a complaint is investigated.

4.5.14 Once the Stage 3 procedure has been completed, Achiever Point Academy will issue the complainant with a *Completion of Procedures Letter*. This letter will be issued by the Operations Manager. The letter will notify the complainant of the outcome of their complaint and any changes or adjustments that may have been made as a result of the complaint.

## **5 Procedural rules for the Complaints Review panel**

5.1 The hearing shall take place in private on the premises of Achiever Point Academy on a date fixed by the Chair in consultation with members of the Panel.

5.2 The complainant may be accompanied at the hearing by one friend but not a paid legal representative. Where several students are bringing the same complaint, they shall appoint two of their number (each accompanied by one friend who cannot be one of the complainants) to attend the hearing. Both the complainant and their friend will have the opportunity to address the panel and ask questions

5.3 After the date of the hearing has been fixed the Operations Manager shall, at least seven days before the hearing, write to the complainant(s):



- a) notifying the date of the hearing;
- b) requesting six copies of any written submissions from the complainant, to be submitted at least two full working days before the hearing date;
- c) requesting the complainant(s) to provide the name(s) of any other friend(s) who will accompany them at the hearing and the name(s) of any witness(es) they would like to call (It is the responsibility of the complainant(s) to notify such friend(s) or witness(es) of the hearing);
- d) requesting the complainant(s) to provide details of any reasonable adjustments that may need to be made for the hearing in order to accommodate the complainant if they have a declared disability.

5.4 At all times following the lodging of a complaint under the formal complaints procedure, a member of Achiever Point Academy staff who is concerned or named in the complaint or whose conduct is by implication called into question by the complaint has the right to be represented by a friend, who shall normally be another member of staff of Academy APA .

5.5 The Operations Manager will circulate all the information received to the Panel and to the parties involved at least two working days before the date of the hearing.

5.6 Written information not received in advance shall not be considered by the Panel unless the Panel decides, in exceptional circumstances, to receive such evidence.

5.7 If the complainant does not appear at the date and time scheduled for the hearing, the Complaints Review Panel shall consider whether any reasons advanced for nonattendance are valid, and:

- a) if members so judge, adjourn proceedings to a later meeting;
- b) if no reasons are advanced, or if they are judged invalid, proceed in the complainant's absence.

5.8 The Panel will decide whether or not any particular witness should be called.

5.9 A Secretary shall be appointed to service the Panel and for producing the report on behalf of the Panel.

5.10 The Chair has the power to regulate the procedure of the hearing within the spirit of these rules, having regard to the need to maintain informality and reasonable progress of the proceedings.

5.11 Time limits may be departed from only at the discretion of the Chair. If a complaint lapses as a result of failure to keep to a time limit, the complaint cannot be recommenced. Time is calculated on working days throughout the year.

5.12 In exceptional circumstances the Panel may consider documents or hear evidence in the absence of the parties.

5.13 The decision and any recommendations made by the Complaints Review Panel is final. There is no further recourse for the complainant within Achiever Point Academy's Complaints Policy and Procedure.

## **6 Office of the Independent Adjudicator (OIA)**

6.1 If the complainant remains dissatisfied with the outcome of his or her complaint following the informal and formal procedures of Achiever Point Academy the complaint may be referred to an independent external body called the Office of the Independent Adjudicator (OIA) <http://www.oiahe.org.uk>. The OIA is an independent body set up to review student complaints. It is a free service for students and deals with individual complaints against higher





education institutions in England and Wales. For the OIA to consider a complaint the complainant must present Achiever Point Academy's Letter of Completion together with a fully completed OIA Complaint Form (<http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>) to the Office of the Independent Adjudicator. Guidance on eligibility and the rules of the IOA is given at <http://oiahe.org.uk/media/42281/guidance-note-scheme-eligibility-march-2013.pdf>. The Complainant has one calendar year from the date of Achiever Point Academy issuing the Letter of Completion to refer a complaint to the Office of the Independent Adjudicator.

## **7 Role of awarding bodies**

7.1 Where a student is on a course whose award is made by one of Achiever Point Academy's awarding bodies the student may only appeal on academic matters to the awarding body. This means that the matter raised by the student would be dealt with under the Academic Appeals Procedure.

7.2 Each awarding body may adopt a slightly different approach to how an academic appeal is dealt with.

## **8 Reporting of Formal Complaints to Academic Board**

8.1 The Operations Manager shall keep a record of all formal complaints that are made. This will include formal complaints that are progressed through the Complaints Procedure and those which are resolved informally at some stage in the Complaints Procedure. The Operations Manager shall keep a record of the types of complaints, those making complaints and how each complaint was resolved.

8.2 The Head of Centers shall make an annual report, as detailed in 8.3 below, in the July of each year for consideration by the Autumn meeting of Academic Board. The annual report will also be considered at the next appropriate meeting of the Senior Management Team.

8.3 The Head of Centers shall report annually to Academic Board on formal complaints (Stage 2 and Stage 3) received. The report will include:

the number of formal complaints lodged and the number satisfactorily addressed at Stage 2;

the number of complaints that proceed to Stage 3;

the number of complaints that proceed to a Complaints Review Panel; and number proceeding to independent review.

Data concerning equal opportunities monitoring shall also be provided. Any overall recommendation(s) arising from the reviews will be drawn to the attention of Academic Board.

## **9 General principles underlying the complaints Policy and Procedure**

Achiever Point Academy's Complaints Policy and Complaints Procedure recognizes the importance of the protection of the rights of those wrongly accused. Malicious or frivolous accusations will be viewed as a serious matter by Achiever Point Academy and could lead to disciplinary action, or legal proceedings.