Student Complaints Procedure

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Management Office

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What is the purpose of this Procedure?

At Heartwood Education, we strive to achieve the highest standards in provision of services but recognise that concerns or complaints may arise from time to time. This Procedure outlines the process to follow to raise complaints and the process through which these will be considered.

Who does the Procedure apply to?

The Procedure applies to students who are registered with us, or to those who have recently finished their studies, as long as complaints are raised within the timeframe specified in the Procedure. Further details are provided in Appendix A

What is a complaint?

A complaint is an expression of dissatisfaction by one or more students about Heartwood's action or lack of action, or about the standard of service provided by Heartwood. Examples of matters that would be considered under this Procedure include:

- The quality and standard of a service provided by Heartwood, including learning and teaching provision.
- Failure to follow a process or procedure.
- Unfair treatment or inappropriate behaviour by a member of staff (including external training clinics).

Matters which are governed by other Procedures, or where services are governed by a different complaints process, cannot be considered through this Procedure. Further details are provided in Appendix A.

A complaint differs from an academic appeal. An academic appeal is a request for a review of a decision made by the Exam Team/External Examiner regarding student progression, assessment and award. The Student Complaints Procedure cannot be used to challenge the marks awarded by markers before ratification, by the External Examiner.

What information do I need to provide?

Heartwood Education expects that any student raising a complaint will provide sufficient information and evidence to enable a complaint to be investigated, and where appropriate, to meet with the person appointed to review their complaint or to provide further information where required. Failure to do so may result in the termination of a complaint investigation.

What is the process and what timescales apply?

The complaints procedure consists of three stages. ***The forms that must be completed at each stage are linked below.***

- Stage 1 (First stage response)
- Stage 2 (Formal investigation stage and response)
- Stage 3 (Review stage and response)

Heartwood Education encourage informal resolution to be attempted initially wherever possible and if appropriate. Informal resolution is possible at any stage of the procedure with the agreement of all parties.
Heartwood Education sets timescales for each stage of the Procedure to ensure that appropriate investigations can be undertaken. In exceptional circumstances, extensions to timeframes will be considered.

Stage 1 Timescale
A complaint must be raised within 20 working days of the event or circumstances which are its cause. If the complaint relates to a series of connected events, the complaint should normally be notified within 20 working days of the most recent event.

Stage 1 Process
You should make the initial contact with the relevant member of staff who is responsible for the mater being complained about. For example, if the complainant refers to an academic matter, the first point of contact would normally be the module leader. If an informal resolution has not been successful or if, this is not possible, you should contact the admin team for advice about the best point of contact. You will need to provide information about what happened, including specific examples, the action or outcome you are seeking and provide any relevant evidence or documents to support your complaint. Stage 1 Complaints Form

The Stage 1 review will normally be concluded within 15 working days of receipt of the complaint, and you will be informed of the outcome in writing. If there is a delay in the process you will be informed, and a reason provided.

Heartwood Education is required to keep a record of Stage 1 complaints to enable trends and themes to be monitored.

In exceptional circumstances, it may be appropriate for complaints to progress directly to Stage 2 of the Procedure without first attempting resolution at Stage 1.
Examples of when this might be appropriate include complex complaint issues which may require a longer period of investigation.

Stage 2 Timescale
If, having received a response at Stage 1 of the Procedure, you believe there are reasonable grounds for dissatisfaction, you can progress to Stage 2. A Stage 2 complaint must be submitted within 10 working days from the date on which the Stage 1 response was provided.

Stage 2 Process
A Stage 2 complaint must be submitted in writing, using the Stage 2 Complaints Form Which should be sent, along with any associated evidence, to complaints@heartwoodteam.net.

Upon receipt, the admin team will forward your complaint to the Director of Studies for review. If it is not possible to progress the complaint further, you will be advised in writing within 10 working days. If it is appropriate for the complaint to progress the Director of Studies may either investigate the matter raised themselves or appoint an independent person to investigate your complaint. The person appointed will be a member of the Heartwood Education team but will be someone who is not specified in your complaint. You will be advised of the name and contact details of the investigator.

The investigator will investigate the complaint and will normally produce a report with evidence for Director of Studies (or nominee) to consider. It is anticipated that reviews of most Stage 2 complaints will be completed within 30 working days of the appointment of an investigator. If there is any delay in the process (i.e. if the review is not completed within 30 working days), you will be informed, and a reason provided.

On receipt of the investigator's report, the Director of Studies (or nominee) will decide whether the complaint should be upheld, partially upheld or rejected and send you an outcome letter which including a rationale for the decision and any actions required. In some instances, the outcome letter will incorporate details of the investigation findings.
A copy of the complaint outcome will be logged within Heartwood Education and forwarded to the General Manager.

Stage 3 Timescale

Review Panel

The Panel will consist of:

- A senior manager not party to the complaint (Chair of the Panel);
- A member of academic staff not party to the complaint;
- The complainant will be invited to attend the meeting; Please be prepared to answer any questions from the Panel.

As a minimum the following documentation will be provided to the Panel meeting:

1. the Stage 3 complaint form and any associated documentation;

2. the Stage 2 complaint, Stage 2 outcome letter, investigator's report.

Documentation will be circulated to all parties at least 5 working days before the Panel meeting.

Procedure Followed at Stage 3 Panel Hearing

The process which will normally be followed during the meeting is available in Appendix B.
You will normally be advised of the outcome after the Panel has considered evidence. It will also be communicated in writing to you, normally within 5 working days. If any aspect of the complaint is upheld or partially upheld, the Panel will consider possible means of redress. Exceptionally the Chair of the Panel may need to undertake further consultation before a final decision can be reached. The written response shall state whether the complaint has been upheld, partially upheld or rejected. If the complaint is not upheld or partially upheld, the outcome letter will constitute a 'completion of procedures' letter.

Can I make an anonymous complaint?

Anonymous complaints will normally not be dealt with under this Procedure. Exceptionally, an anonymous complaint may be considered if Heartwood Education determines that there is a compelling case, supported by evidence, for the matter to be investigated. You should be aware that in most circumstances, raising a concern anonymously may hinder an investigation and communication of any outcome.

Can I submit a complaint directly to the General Manager?

If a complaint is made directly to the General Manager, or any other senior manager who is not a designated post holder within this Procedure, the complaint will be passed to the admin team where staff will ensure that the complaint is referred to the most appropriate person in line with this Procedure.

Who gets to see information about my complaint?

Heartwood Education adopts the principle of releasing information only to those who need it for the purposes of investigation or responding to the complaint. Heartwood Education has to balance the respective rights of students and staff. Where a member of staff is named in a complaint, that individual is entitled to know what is being claimed and who is making the complaint. This information is shared with the staff member either through informal communication (typically at stage 1) and/or by providing them with a copy of the complaint (typically at stages 2 and 3). Members of staff named in a complaint have the right to respond through this Procedure.

Whilst you will be notified of the outcome of your complaint, if you have made a complaint about a member of staff, it may not be appropriate to share specific details affecting the staff member, particularly where disciplinary action is being taken.

What do I need to know about evidence?

It is important to provide evidence to support the complaint you are raising but be aware that t Heartwood Education will not normally accept the use of covert audio or video recordings (recordings made without the knowledge of another individual) as evidence to support a complaint.
Where evidence related to third parties is submitted in evidence (including GP letters, hospital communications etc) Heartwood Education reserves the right to seek to confirm the authenticity of the evidence including, but not restricted to, contacting those third parties named.

What if I am a disabled student and need reasonable adjustments to enable me to engage with this Procedure?

If you identify individual needs, reasonable adjustments may be made to the Procedure. Please contact the admin team via complaints@heartwoodteam.net

I'm concerned that I may be treated unfairly if I submit a complaint, what can I expect?

Heartwood Education will ensure you will not be treated less favourably because you raised a complaint through this Procedure.

What standards of behaviour does Heartwood Education expect from students using the Procedure?

Heartwood Education expects all students to comply with the standards of behaviour set out in the Student Code of Conduct at all times. During the complaints process, Heartwood Education expects all parties to act reasonably and fairly towards each other and treat the process with respect. Where students (or supporters) demonstrate behaviour deemed to be aggressive, offensive or abusive during this process, consideration of complaints will be terminated.

Do I need to attend meetings associated with this Procedure?

All parties (students and staff) are encouraged to attend all meetings convened under this Procedure and to engage with any investigations. Attendance by video link will be accepted.
At stage 3, if you (or a member of staff) does not attend a meeting without providing good reason in advance, the Chair may decide that the meeting can proceed. In this instance, the complaint will be considered on the basis of the evidence available at the time of the hearing (both written information and that provided by those attending the meeting).
If, for good reason, any party (student or staff member) is unable to attend a hearing, a request to defer the meeting until a later date can be made.
A request to defer the meeting may only be made on one occasion.

Can someone else attend meetings with me?

All parties (students or members of staff) can be accompanied to meetings and hearings arranged through this Procedure. Ther person accompanying must be either a student or staff member of Heartwood Education.

Can I record meetings held through this Procedure?

The audio recording of meetings held under this Procedure is not permitted, subject to such reasonable adjustment unless agreed by the Heartwood Education where required under the Equality Act 2010.

What if a post holder specified in this Procedure is unable to take action?

If any post-holder of Heartwood Education who is specified in this Procedure (the Specified Post-holder) for any reason declines, fails or is unable to take action that is their responsibility under this Procedure, then the General Manager is able approve the appointment of a substitute who will be as close as possible to the specified post holder in terms of their position within Heartwood Education.

What burden of proof is used in decision making through this Procedure?

When a complaint is considered through this Procedure, you are responsible for providing evidence and information to support your complaint. In reaching a decision about a complaint, Heartwood Education will consider all available evidence and information and reach a decision on the balance of probabilities.

Appendices

Appendix A: Matters which cannot be considered through the Procedure

Appendix B: Process to follow during a Stage 3 Complaint Panel

APPENDIX A: Matters which cannot be considered through the Student Complaints Procedure

Complaints which

- have already been considered or which are outside the scope of the Procedure;
- are made without providing relevant or appropriate information;
- are malicious, vexatious, frivolous, repetitive or harassing;
- are without merit or where outcomes are deemed to be unreasonable;

will not be considered under this Procedure.

In addition, the Procedure cannot be used to consider the following:

- Disagreement with a policy or regulation, rather than its application — such concerns should be raised through student representation forums.
- matters relating to assessment performance and academic judgement; appeals against Assessment Board decisions (see Academic Appeals Procedure);
- Freedom of Information and Data Protection matters;
- complaints relating to the admissions process ;
- decisions reached through other processes including the Student Misconduct Procedure, Fitness to Practise Procedure;
- matters which are the subject of criminal investigation or legal proceedings until such time as those proceedings are concluded;

APPENDIX C: Stage 3 complaint panel process

The following process should normally be followed during a stage 3 complaint panel
1. the Chair will ensure that introductions are made and the role of each person present is clear;
2. the Chair will outline the process which will be followed;
3. the Chair will ask the student to declare any factors such as health issues which may affect engagement with the hearing;
4. the Chair will invite the student to outline the reasons for the stage 3 complaint;
5. panel members may ask questions;
6. the Chair will invite the Director of Studies(or nominee)to respond to any of the issues raised by the student;
7. Panel members may ask questions;
8. the student or Director of Studies (or nominee)may call witnesses to present evidence;
9. the student or Director of Studies (or nominee)shall question their witness(es);
10. any questions for the witness(es) shall be addressed through the Chair;
11. witnesses withdraw from the meeting once their evidence has been heard and there are no more questions;
12. commentary deemed by the Chair to be irrelevant, frivolous or vexatious will not be heard and will not be recorded;
13. both the student and Director of Studies (or nominee) shall have the right to make final submissions to the Panel. The student will speak first, followed by the Director of Studies (or nominee);
14. both parties will be asked to withdraw whilst the Panel reaches a decision.