

STUDENT COMPLAINTS REGULATIONS

Title: Student Complaints Regulations RWCMD					
Version	Issue Date	Revision Description	Author	Approved By & Date	Next Review Date
1	2015	First RWCMD	Iestyn Henson	Academic Board June 2015	
2	2018		Iestyn Henson	Academic Board June 2018	
2b	Oct 2019		Iestyn Henson	Academic Board September 2019	
3	Sept 2020		Iestyn Henson	Academic Board June 2020	Annual Monitoring

1. Introduction

1.1 The Royal Welsh College of Music and Drama (hereafter RWCMD or 'The College') is committed to providing high quality education and support to its students. Where appropriate, it does so in close relationship with the University of South Wales, the degrees and diplomas of which are taught at RWCMD. There are many routes through which students can raise any concerns or issues. Feedback regarding the College's provision is welcomed so that the College can develop and enhance the services it provides.

1.2 These regulations apply to:

- Students of the Royal Welsh College of Music and Drama
- Former students, for a period of 3 months after leaving the course to which the complaint relates.
- Students studying on work-placements or engaged in work-based learning.
- Students on an approved leave of absence.

1.3 The College promotes an inclusive environment where different perspectives, values and attitudes are valued, where any unfair treatment or discrimination is challenged and where all staff and students are able to reach their full potential regardless of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation. The College expects all members of staff, students and visitors to share and promote this ethos.

1.4 When a complaint is received, the College seeks to resolve it as quickly, fairly and equitably as possible, whether the complaint is about services provided by

the College, treatment by any staff member, student or visitor, or any other issue. Our focus is on resolution of issues at the earliest point, so that students maintain confidence in their studies and their relationship with the College. It is our hope and expectation that the vast majority of issues which arise will be resolved at the earliest opportunity.

- 1.5 The types of complaints covered by these regulations is detailed in section 8. Information on how raise other complaints are detailed in section 9

2. Advice and Support for Students

- 2.1 Before making a complaint, you can seek support and guidance from a trusted source; this could be a member of academic staff, a member of college administrative staff, Student Services, the Students' Union or the Chaplaincy.
- 2.2 The College Academic Registrar provides authoritative, formal guidance on the applicability and operation of the Student Complaints Regulations.
- 2.3 It is expected that you, your representatives and staff members act reasonably and fairly towards each other and treat the process with dignity and respect. As well as our duty of care to you as a student, we have a responsibility to protect our staff against unacceptable behaviour. Unacceptable behaviour by you or your representatives during this process will be dealt with in accordance with the policies and procedures governing student misconduct, and non-exhaustive list of unacceptable behaviours can be found in that policy.
- 2.4 The College may terminate consideration of a complaint if it considers it to be frivolous or vexatious and you will be informed in writing by the College if this is the case, and will be provided with the right of appeal.
- 2.3 Section A of this document sets out the regulations and procedures. Section B provides information about general principles, the type of complaints covered by these regulations, the types of complaints covered by other policies or regulations and the appeals process. Please read this advice carefully and contact the appropriate member of staff as necessary.

SECTION A

3. Stages in the Handling of Student Complaints

3.1 *Early Resolution*

- 3.1.1 You are reminded that College has a variety of ways in which students can raise issues of concern, including through your course leaders, tutors, by means of Course Boards, and Student Union Representatives. When considering a concern, the emphasis will be on mediation and local resolution. A complaint

is defined as “a concern that is raised by a student either verbally or in writing with a member of staff”.

- 3.1.2 All concerns should be raised no more than 3 months after the last occurrence of the issue. In exceptional circumstances consideration will be given to extending this deadline, where there is good reason supported by evidence; for example, if the student has been ill, in which case any such request should be supported by a doctor’s note.
- 3.1.3 You should raise your concerns directly with the person responsible, or if you still have concerns, or you feel that you are unable to raise concerns directly, with the Student Voice Officer. You may subsequently be referred to another, more appropriate, member of staff depending on the nature of the concern raised. In doing this, The Student Voice Officer may assist in advocacy and in principles of mediation, that is, helping students and other parties in finding a solution which is acceptable to all.
- 3.1.4 It is anticipated that it will be possible to resolve the majority of concerns at an early point. If your concern has not been resolved to your satisfaction, you have the right to proceed to formal stages of complaint and include, where necessary, a formal investigation.
- 3.1.5 Where you believe that your concern has not been addressed under the terms of above, you can complete the Student Complaint (on-line) form at which point a formal record of your concern is recorded. You will be asked, as part of that submission, what steps you took in ‘Early Resolution’.

3.2 *Formal Investigation*

- 3.2.1 A formal complaint is an expression of dissatisfaction concerning the provision of a course or related academic or administrative service, or a complaint against a member of College staff in relation to these activities, where the complainant has raised the concern with the College under the early resolution stage of its regulations but has not been able to resolve the issue.
- 3.2.2 You should have attempted to resolve your concerns using the early resolution processes set out in these regulations in the first instance. However, it is recognised that there may be certain complaints that are unable to be dealt with by early resolution and, consequently, should be progressed directly to a formal investigation. The College Academic Registrar should be contacted for advice and guidance on such cases. The College Academic Registrar is responsible for making the final decision on any requests for direct access to the formal investigation stage of the regulations.
- 3.2.3 To invoke a formal investigation you must submit a formal investigation ‘Complaint Form’ (found on the College Hub) to the College Academic Registrar.
- 3.2.4 You should complete the Complaint Form, detailing the nature of the complaint, the steps already taken to resolve the complaint and a statement as to why the

complainant remains dissatisfied. It should also detail the reasonable steps that you would wish to see taken to resolve the matter. Appropriate evidence should be submitted with the form where this is available.

- 3.2.5 The College would not expect complainants to submit spurious or vexatious complaints and reserves the right to refuse to consider such complaints. In addition, the College may take action in line with the Policy & Procedure Governing Student Conduct where complaints have been identified as such.
- 3.2.6 The Complaint Form will be logged by Registry staff and discussed with the Director of Administration and Student Experience. An Investigating Officer will be appointed, who shall have no previous knowledge of, or involvement in the case. Internal Investigating Officers shall be a Head of Department level or above.
- 3.2.7 The Director of Administration and Student Experience will consider the nature of the complaint, its perceived seriousness, and the range of potential outcomes. In cases of substantial and serious complaint, consideration will be given to appointing an Investigating Officer who is external to RWCMD, but who is nevertheless suitably qualified and trained. Examples (not exhaustive) of serious complaint are those which might include breaches of dignity policies, and those cases which may result in staff or student disciplinary action.
- 3.2.8 The investigating officer will meet with you to discuss the issue raised. You have the right to be supported at all meetings by a Students' Union representative or friend throughout the process.
- 3.2.9 The investigating officer will then meet with any relevant members of staff and witnesses to discuss the detail of the complaint from their perspective. Any member of staff who is the subject of a complaint has the right to be supported by a colleague or a trade union representative throughout the process.
- 3.3.10 Following completion of the investigation, the investigating officer will prepare a report and present it to the Director of Administration and Student Experience (or nominee), who will include a response on behalf of the College within the report.
- 3.3.11 Where the outcome includes an offer of financial reimbursement/compensation this will be incorporated within the College response to the complaint.
- 3.3.12 If your complaint involves a complaint about another student or a member of staff, whilst you will be told of the outcome of your complaint, it may not be appropriate to share specific details affecting other students or staff members, particularly where disciplinary action is being taken.
- 3.3.13 The investigating officer will seek to resolve your complaint within 40 calendar days. Where the complexities of the case and the need to contact a range of individuals in the course of the investigation make this difficult, you will be kept informed of progress and the reason for any delays.

- 3.3.14 Once you have received correspondence from the College about the outcome of your complaint, you will need to respond to the College within 28 calendar days to confirm in writing whether or not you accept the outcome.
- 3.3.15 If no communication is received from you within the specified timescales, the College will close the case and issue a Completion of Procedures letter. The Completion of Procedures letter will confirm that you have not completed the College's internal procedures.

3.4 Review

- 3.4.1 If, upon receipt of the outcome from the formal investigation, you believe that you have reasonable grounds to consider that your complaint has not been adequately addressed, you can request a review. In order to ensure impartial consideration at the review stage, the review will be undertaken under the administrative jurisdiction of the University of South Wales.
- 3.4.2 A review can only be invoked when the formal investigation has been completed. It is recommended that you seek advice from the Students' Union or from the Student Voice Officer before you seek to progress a complaint to the review stage.
- 3.4.3 To invoke a review the complainant must submit a 'Request for Review Form' (found on the College website) to the Student Casework Unit of the University of South Wales. This form must be submitted within 20 working days of receipt of the response to the formal investigation. You must also provide relevant evidence when submitting the request for review.
- 3.4.4 The review stage will not usually consider the issues afresh or involve a further investigation. The criteria under which a complaint may be considered at the review stage are:
- a) You have evidence that the procedures at the formal investigation stage were not conducted in line with the regulations.
 - b) You can evidence that there were specific issues of the complaint which you raised during the formal investigation which were not considered.
 - c) You have new material evidence that you were unable, for valid reasons, to provide earlier in the process.
 - d) You have evidence that the outcome was not reasonable in the circumstances.
- 3.4.5 Prior to referring the case to a complaint review officer, the Head of Student Casework at the University of South Wales (or nominee) will review the Request for Review Form in order to determine whether you have grounds under which

your complaint can be considered at this stage. One of the following actions may be taken:

- a) conclude that the complaint meets the criteria for further consideration set out in 3.4.4 above, or
- b) dismiss the case.

You will be informed in writing of the decision of the Head of Student Casework at the University of South Wales (or nominee) within 5 calendar days.

- 3.4.6 If a complaint is deemed eligible for review you will be allocated by the Student Casework Unit to a complaint review officer. The complaint review officer will have had no prior involvement with the case and will be independent of the College.
- 3.4.7 In considering the case, the complaint review officer may wish to re-interview the you/staff/witnesses but this is not a requirement.
- 3.4.8 The complaint review officer will review the case and provide an outcome to the Student Casework Unit within 30 calendar days. The complaint review officer may:
 - a) propose an alternative outcome
 - b) uphold the findings of the original investigation.
 - c) Propose that the matter needs to be referred back to the formal stage for reconsideration.
- 3.4.9 The University of South Wales Student Casework Unit will present the report to the Principal of the College who will provide a response to you within 28 calendar days of its receipt. Where the complexities of the case and the need to contact a range of individuals in the course of the investigation make this difficult, you will be kept informed of progress and the reason for any delays. Where there is a recommendation that the case is referred back to the formal stage for reconsideration, this will be done as soon as possible and within 90 days.
- 3.4.10 When the case has been closed, you will receive a completion of procedures letter.

4 Office of the Independent Adjudicator

Following the issue of a Completion of Procedures letter, you may lodge a complaint with the Office of the Independent Adjudicator (OIA). The time limit to bring a claim is 12 months from the date of the Completion of {procedures letter Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can also be obtained from the College Academic Registrar.

5 Monitoring

- 5.1 The College Academic Registrar will monitor the actions taken by the College in relation to recommendations arising from investigations into student complaints. A report will be submitted to Senior Management by means of the annual Student Casework Review.
- 5.2 The Student Casework Review may incorporate recommendations for consideration by the Learning, Teaching and Enhancement Committee, Quality Assurance Committee and Academic Board, as appropriate, on any matters arising from the consideration of complaints that require amendments to regulations.

SECTION B

6. General Principles

6.1 *Timely and transparent procedures*

In the interests of students and the College, all complaints are dealt with in a timely manner and through processes which are open and straightforward.

6.2 *Anonymous complaints*

Complaints made anonymously will not be considered under this procedure, but students should be aware that there are other means by which they may bring things to the attention of the College anonymously, including under the provisions of the Public Interest Disclosure (Whistleblowing) Procedure. Students should seek the advice of the Student Voice Officer or an officer of the Students Union but such complaints would only be considered because of the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources

6.3 *Third party complaints*

The College expects that students with concerns should be responsible for making these concerns known themselves. Only in exceptional circumstances will a complaint from a third party be investigated; the complainant must provide valid reasons for this request together with written authorisation that they are happy for the third party to act on their behalf.

6.4 *Submission in good faith*

The College presumes all complaints are submitted in good faith and will not disadvantage any student for bringing forward a complaint. However, the College would not expect students to submit spurious or vexatious complaints and may take action in line with the Policy & Procedure Governing Student Conduct where complaints have been identified as such.

Examples of such complaints include but are not limited to:

- Complaints which are obsessive, harassing or repetitive
- Insistence on pursuing non-meritorious complaints and/or unrealistic outcomes
- Insistence on pursuing what may be meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose of value

6.5 *Submission of evidence*

Complaints must be supported by corroborating evidence upon submission. Complaints which do not submit such evidence will not be considered, unless a good reason for the lack of evidence has been provided.

If a complainant submits any evidence which turns out to be false, they will be dealt with under the Policy and Procedure Governing Student Conduct.

6.6 *Timeliness of submission*

All concerns should be raised no more than 3 months after the last occurrence of the issue from which the concern arises. In exceptional circumstances the College Academic Registrar (or nominee) will consider extending this deadline where there is good reason supported by evidence (for example a family bereavement, in which case a death certificate should be provided).

6.7 *Students' engagement with the process*

It is expected that the student raising the concern will engage with the process in a timely manner. If you fail to respond to a request for further information or a meeting within timescales specified by the member of staff dealing with the case, without good reason (for example an incapacitating illness, in which case a doctor's note should be provided), the College Academic Registrar (or nominee) will suspend or close the case.

6.8 *Impartiality in investigation*

Complaints are normally investigated by Senior College staff who have no knowledge of or interest in the complaint. Serious complaints may be investigated by an Investigating Officer appointed from outside RWCMD.

6.9 *Privacy*

Investigation of complaints is made with due regard to the privacy of all parties. The complaint is only disclosed to those immediately involved and/or those whose participation is necessary for a resolution. All parties respect the confidentiality of the process.

6.10 Confidentiality

Confidentiality will be respected in conducting all aspects of the complaints regulations. However, any member of staff about whom a complaint is made will have the right to be informed of the complaint and its nature and have access to any relevant evidence.

If the student raising the concern requests that their identity be kept confidential, this is respected up to the point when disclosure is necessary to progress or resolve the issue, in which case they will be informed in advance of the disclosure.

The College will not disclose any information to third parties regarding investigations and outcomes from student complaint cases unless legal exceptions under the Data Protection Act apply.

6.11 Complainant representation

The complainant is allowed to be accompanied to any discussions, meetings or hearings, for example by a friend or representative of the Students' Union. At least 24 hours before the meeting, the complainant should advise the College of the name and status of the person accompanying them.

6.12 Complaints including elements of appeal

Where a complaint also contains within it an element of an academic appeal it is possible for the complaint, or aspects of the complaint, to be reclassified and processed using the Academic Appeals Regulations, if appropriate. The complainant will be notified as soon as possible.

6.13 Group complaints

Complaints may be submitted by individuals or groups. Where a complaint is submitted by a group of students, one of the group should be nominated as the main contact and to act as a spokesperson. Each member of the group must confirm in writing that they wish the nominated individual to act in this capacity and that the complaint reflects their concerns. The nominated spokesperson will receive updates on the complaint on behalf of the group. All members of the group will be invited by the spokesperson to any meetings arranged to discuss the complaint and receive a copy of the outcome letter. The spokesperson for the complaint should inform the investigating officer 24 hours in advance of who will be accompanying them.

6.14 Complaints by students on placement

Students who wish to make a complaint about an aspect of their experience whilst on placement should, in the first instance, contact their Head of Department who will advise on the process in liaison with the College Academic Registrar. Whether the complaint will be dealt with by the College or the placement provider will depend on the circumstances of the complaint. If the complaint is more

appropriately dealt with through the placement provider's own complaints procedure, complainants will be assisted by an appropriate member of staff in the College in taking this forward.

6.15 Fairness

Students will not be disadvantaged in any way as a result of bringing a complaint in good faith.

6.16 Improving

The College will ensure that information gathered is used to improve services for students and the student experience

7. Principles Relating to the Handling of Student Complaints

- 7.1 Students making the complaint must be made aware that, in the interest of fairness, those who are either themselves the subject of the complaint, or responsible for the provision or service complained about, will be invited to comment on the complaint at the earliest opportunity.
- 7.2 Students making the complaint will be allowed reasonable time to seek advice for any meeting which forms part of the process, whether at the early resolution or formal stages of the regulations.
- 7.3 At the formal investigation and review stages, every effort should be made to come to a resolution acceptable to all parties, including through informal discussion and agreement, should that be the complainant's wish.
- 7.4 If the complaint refers to Academic Staff, it should be referred to the Principal; if it relates to an administrative department, it should be referred to the Vice-Principal; if it relates to the Vice-Principal it should be referred to the Principal; if it relates to the Director of Academic Administration and Student Experience, it should be referred to the Principal; if it relates to the Principal, it should be referred to the Chairperson of the Board of Directors.
- 7.5 It is recognised that where a case is complex the deadlines for investigation may be extended in consultation with the College Academic Registrar. The complainant will be kept informed of progress and the reason for any delays.

8. Complaints Covered by these Regulations

8.1 Academic matters

- 8.1.1 Academic matters mean specific concerns a student may have about the provision, teaching or delivery of academic courses and related services, including complaints about the conduct and management of academic appeals. These could include:
 - Failure by the College to meet obligations including those outlined in course / student handbook and student charter

- Misleading or incorrect information in the College's prospectus, promotional material or other documentation published by the College
- Poor quality of facilities, learning resources or services directly provided by the College or partner provider

8.1.2 Students who have concerns regarding academic matters should raise them, through these regulations, at the time when the issue first arises. Complaints about the provision and conduct of academic courses cannot be retrospectively used as grounds for an appeal against the decision of an assessment board.

8.2 *Students' experience*

Students may complain about any aspect of their experience at the College, including their learning and relationships with the administration or support services.

8.3 *Discrimination*

Students may complain about discrimination by the College, in contravention of the College's Strategic Equality Plan and Equality Statement.

8.4 *Malpractice or impropriety*

Students may complain about concerns relating to malpractice or impropriety in the conduct or management of the College, the disclosure of which is deemed to be in the public interest.

9. Complaints Falling Under Separate Regulations

9.1 *Academic appeals*

Representations by students against decisions made by assessment boards are handled under the Academic Appeals Regulations. Students wishing to submit an appeal may seek advice from the Students' Union or the Director of Academic Administration and Student Experience and should address their submission to the Student Casework Unit at the University of South Wales.

9.2 *Harassment*

Allegations of harassment by a student shall fall under the Policy & Procedure Governing Student Conduct and allegations of harassment by a member of staff fall under the University of South Wales Dignity at Work Policy. Students believing they are being harassed in any way can seek the advice of the Student Voice Officer or Students Union. The online reporting form or can be completed to report harassment

9.3 *Allegations of misconduct*

Allegations of misconduct by any student or member of staff are governed by the Policy & Procedure Governing Student Conduct and the Staff Disciplinary Procedures respectively. Students wishing to raise such allegations must bring them to the attention of the College Academic Registrar, who will then act under these separate regulations/procedures. The student making the initial complaint will be informed of the eventual outcome.

10. Complaints about the Students' Union

- 10.1 Students are encouraged to bring to the attention of Students' Union Officers any issues that they may have. Complaints regarding the Students' Union should be directed to the Trustees of the Union.

APPENDIX

Advice and Support for Students

It is recognised that bringing such a complaint can cause pressure and support is available to students through Student Services, Student's Union and Chaplaincy services.

Advice and Support for Staff

- A It is recognised that dealing with student complaints or being the subject of a complaint can cause pressure for staff. The Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer formal and informal confidential advice and support.
- B A member of staff who is the subject of a complaint has:
- the right to be supported by a colleague or a trade union representative throughout the process
 - the right of reply to any such complaint
 - access to relevant documentation presented as part of the complaint.
- C The Human Resources (HR) department may, dependent on the outcome, be notified of complaints against members of staff. If a complaint made against a member of staff is of a serious disciplinary nature, advice will be sought from the Vice Principal in relation to suspending the student complaints procedure pending the outcome of an investigation by HR.

Revision – For Implementation Academic Year 2020-21