

## Pembroke College: Student Complaints Procedures (SCP)

### A. INTRODUCTION

1. The SCP may be used by graduate, undergraduate or visiting students of the College who wish to bring to the attention of the College matters of serious concern or dissatisfaction. The SCP sets out how those matters will be investigated and responded to.
2. Most cases will be settled without using the procedures set out below by the means of the student complainant discussing their concern with the applicable member of staff or their line manager. If a student does not know who to discuss their concern with, they may confidentially consult the Master's EA.
3. Where this has not been possible or has not resolved the issue, student complainants should follow an **informal** procedure (see Section B) and if necessary then proceed to the **formal** procedure (see Section C).
4. All complaints will be given full consideration and students will not be disadvantaged for making a genuine complaint. However, the College expects students not to engage in malicious or vexatious complaints. All parties involved in an SCP process are expected to act reasonably and fairly towards each other and to treat the process with respect.

#### Who may make a complaint?

5. Those eligible to make a complaint under the SCP are:
  - Current students of the College (undergraduate, graduate or visiting students);
  - Students currently temporarily suspended by the College
  - Former students of the College where the complaint relates to a matter that arose whilst they were either a current student or a suspended student (noting that, under paragraph 6 below, complaints should normally be made as soon as possible and at least within three months after the event).
6. The complaint should be raised as soon as possible after the action or lack of action which prompted it. If there has been a delay, the student complainant should explain why this is the case. The College will only exceptionally consider complaints made more than three months after the event.

#### When does the SCP apply?

7. A complaint under the SCP may relate to:
  - the College's academic provision;
  - the College's pastoral or welfare provision;
  - the College's domestic provision;
  - the College's financial provision;
  - the College's provision for people with disabilities

#### When does the SCP not apply?

8. A complaint about any of the following should **not** be made via the SCP:
  - criminal allegations, which should be reported to the Police;

- another student of the college, which should be referred to the Dean under the College's Disciplinary Procedures;
- bullying or harassment (which should be handled under the College's Harassment Policy and Procedure);
- a person who is not a member of the College, an employee of the College or an individual providing teaching or a service on the College's behalf;
- a service which is not provided by the College;
- a private dispute with a member of the College (i.e. a matter not arising from the member's role at the College);
- a matter affecting a wider circle of students, where there is no special individual impact on the complainant (please raise instead via the relevant JCR or MCR Committee member, or subject representative);

### **Anonymity**

9. An informal complaint may be made on a student's behalf via a student or staff representative from the College if that student wishes to remain anonymous, and may also be made in confidence.

10. However, it is very unlikely to be possible to investigate an informal complaint on an anonymous basis as the subject of a complaint will have a right to respond. Student complainants will always be advised if the relevant College Officer or departmental manager decides that further investigation and action would require that the complainant's identity be disclosed to others, or that the subject of the complaint be informed of the complaint.

12. Formal SCP complaints may not be made anonymously, and any individual who is the subject of such a complaint will need to be informed of the identity of the complainant.

### **Withdrawal of a complaint**

13. Complaints may be withdrawn at any stage by the student complainant but in some circumstances, investigations will need to continue regardless so that the College can satisfy itself that no further action is required for the good of the College community.

### **Support**

14. In exceptional circumstances (e.g. severe illness), an informal or formal complaint may be made and/or pursued by another person on behalf of an eligible individual.

15. The student complainant may be **accompanied** by a current member of the College or a member of staff from the Oxford SU Advice Service for meetings at any stage of the complaint process. The subject of the complaint may also be accompanied by a current member of the College or a union rep.

### **Records**

16. Records of both informal and formal complaints under the SCP, any resulting report and supporting documentation, and the outcome must be retained by the College in line with the Data Protection Act 2018 for five years. Student complainants are therefore asked not to include unnecessary personal information, particularly about third parties, in their complaints.

17. Governing Body will annually review the number of complaints and a summary of outcomes in the Unreserved section of business, to allow consultation with JCR and MCR representatives.

## **B. STAGE ONE: INFORMAL**

18. The informal procedure is intended to encourage discussion and understanding of the issue, and in most cases will lead to its resolution.

19. The informal process starts when a complaint is made in writing to one of the College Officers as set out below.

20. Where an attempt has already been made to resolve an issue informally outside this process, then the College and the student may agree that it would be appropriate to move straight to the formal procedure.

21. The complainant should raise the issue as soon as possible in writing with the College Officer who seems the most appropriate to deal with it:

- academic matters: Academic Director
- pastoral / welfare matters: Academic Director
- domestic (including accommodation, catering and security) matters: Home Bursar
- financial matters: Bursar
- disability matters: Home Bursar, Academic Director

22. Where the subject of the complaint is one of the above Officers, or the Master, then an issue can be raised with the Vice-Gerent.

23. The College Officer to whom the complaint is directed should normally arrange a meeting with the complainant within ten working days.

24. Where the Officer in receipt of the complaint feels that they are not the most appropriate Officer to deal with the issue, they may, in consultation with the student, transfer the handling of the complaint to another Officer or senior member of the college.

25. The Officer should:

- seek to understand the issue and, if it falls for them to address it under this process, conduct any relevant inquiries. The Officer may involve the subject of the complaint where they consider that this is required, and after having notified the complainant;
- offer advice, whether to the complainant or to the subject of a complaint, or to both; if the complaint is found to have merit, try to find a remedy satisfactory to both parties and/or effect mediation/conciliation where the relevant parties agree; and;
- record the complaint, the actions taken and the outcome in a written response to the complainant. If the subject of the complaint has been involved, they should also be informed of the outcome in writing.

## **C. STAGE TWO: FORMAL**

26. The formal procedure will normally be used only when the informal procedure has not achieved a resolution or the student complainant is not satisfied with the suggested resolution. This must be done within fifteen working days of the complainant being informed of the outcome of an informal complaint by the relevant College Officer.

27. Where the student complainant has adopted the formal approach immediately, the Officer may refer the complaint back for informal resolution. This does not stop the student complainant from making a further formal complaint in the event that they are dissatisfied with the outcome of informal procedures.

29. A formal complaint must be made in writing. It should be directed to the most appropriate College Officer:

- academic matters: Academic Director
- pastoral / welfare matters: Academic Director
- domestic (including accommodation, catering and security) matters: Home Bursar
- financial matters: Bursar
- disability matters: Home Bursar, Academic Director

30. Where the subject of the complaint is one of the above Officers, or the Master, then an issue can be raised with the Vice-Gerent.

31. If the relevant officer is away from the office at any time during this process, then the complaint should be addressed to the Master's EA, who will direct it towards an appropriate deputy, who may be a college officer or other senior member of the college.

32. The written complaint must include:

- a description of what gave rise to the complaint including dates and times;
- if applicable, the name of the person or body within the College about whom or which the complaint is being made;
- details of steps already taken to try to resolve the complaint;
- if applicable, an explanation of why the student complainant is dissatisfied with the outcome of the informal procedure.

33. The College Officer to whom the complaint is directed must within ten working days of its delivery acknowledge receipt of the formal complaint and either confirm that a more detailed investigation will follow; or notify the student complainant (with an explanation) that the complaint falls outside the process.

34. Where the Officer in receipt of the complaint feels that they are not the most appropriate Officer to deal with the issue, they may, in consultation with the student, transfer the handling of the complaint to another Officer or senior member of the college.

35. Where a complaint is to proceed to the formal complaint procedure, the subject(s) of a formal complaint shall be entitled to see the written complaint and to respond in writing within ten working days.

36. The College Officer must notify both the subject(s) of the complaint and the Vice-Gerent, who will, within ten working days of the notification, convene a panel of three drawn from the membership of Standing Committee, designating one member as the Chair of the Panel.

37. The student complainant and any subject(s) of the complaint will be informed of the identities of the panel before appointments are confirmed and given an opportunity to object to any member within five working days; alternative member(s) may be appointed if the Vice-Gerent feels the grounds for objection are reasonable. These may be drawn from any senior members of the college.

38. The panel may make enquiries as they see fit, which may include requesting further information of, or interviewing, the complainant and other persons who may have relevant information.

39. The person who is the subject of the complaint will be entitled to appear before the panel if they so choose, and may be accompanied by an appropriate third party, such as a union representative or a Peer Supporter. The complainant may also be accompanied by a current member of college or Oxford SU representative.

40. Notes will be taken of all interviews. The Chair may wish to have the proceedings audio-recorded, with the permission of that particular interviewee. The investigation will be conducted as swiftly as the subject matter and the academic calendar allows (ideally within twenty working days of the panel's appointment).

41. The panel will produce a written report setting out the details of their enquiries, their recommendations and any supporting documentation or evidence. Copies of this will be provided to the complainant and to any person or body who or which is the subject of the complaint within ten working days of the panel completing their enquiries. Both parties will be invited to submit written comments or objections within a further five working days, upon the expiry of which the relevant College Officer will be provided with copies of the report and any supporting documentation or evidence, along with any written comments or objections made.

42. The Officer will consider the complaint and make a decision as to remedies or action to be taken, basing their decision on the report and documentation provided. The student complainant and the subject(s) of any complaint will be notified of the outcome of the formal SCP, along with the reasons for it, within ten working days of the Officer receiving the panel's report.

#### D. REVIEW

43. If the student complainant or the subject of the complaint is dissatisfied with the outcome of the formal SCP, they can request a review by writing to the Master. This should be done within ten working days of the date of the letter from the College Officer informing the complainant and the subject of the complaint of the outcome of the formal SCP.

44. If the Master is the subject of the complaint, a review should be requested via the Vice Gerent, or another college officer if there is a conflict of interest

45. A review will be undertaken by the Master (or the Vice Gerent, or another college officer, if the complaint involves the Master) and will only consider:

- whether the appropriate procedures were followed at the formal stage;
- whether the outcome of the formal stage was reasonable in all the circumstances;
- any new and material evidence which the complainant was unable, for valid reasons, to provide earlier in the process.

46. The subject(s) of any complaint, or the complainant, as the case may be, must be notified that a review has been requested and the grounds for that request. The subject of the complaint is entitled to submit a response to those grounds. Should any new and material evidence be presented, the subject of the complaint will be entitled to view it and provide a written response.

47. A review may overturn the outcome of the formal SCP, without the need for the complaint to go through the formal SCP again.

48. The outcome of the review stage will be communicated in writing, along with the reasons for the decision, to the student complainant and any subject(s) of the complaint, within twenty working days of delivery of the request for a review, at which point the reviewer will also issue a Completion of Procedures notice to the complainant.

#### **E. OIA REVIEW**

49. Once the College's internal review stage has been completed, the student complainant is entitled to complain to the Office of the Independent Adjudicator (OIA), an independent review body set up by Parliament, and ask the OIA to review the outcome of the College's complaints process. A request for OIA review should normally be submitted to the OIA within three months of the date of the written communication of the outcome of the review stage (Section D).

50. The OIA looks at issues such as whether the College followed its procedures, whether these procedures were reasonable and whether the College's decision was reasonable in all the circumstances.