

Open College of the Arts (OCA)

Student Complaints and Non-Academic Appeals Procedure From August 2023

Version no	Status	Owner	Approved by	Date of approval	Next Review Date
1	Approved	Craig Dewis	OMG	01/06/2018	
2	Approved	Craig Dewis	OCA Board	7 June 2022	1 July 2023
3	Approved	Craig Dewis	CQC	July 2023	June 2024

1. The purpose of the procedure

- 1.1. OCA undertakes to provide high quality services in respect of delivering academic courses, supported by appropriate tutors, staff, and resources. We recognise that sometimes things go wrong and, when they do, we welcome the opportunity to put them right as soon as possible. Sometimes students or enquirers do not receive a response or decision they had hoped for from the College and believe it to be wrong. If you have a query or a problem with any aspect of your relationship with the College or if you have grounds to believe that a decision we have made in relation to you is incorrect, you are encouraged to contact us promptly so that we can try to put things right. We may not always be able to meet your expectations and we hope that you will understand why that is the case but, if you feel that we have not responded appropriately to your query or concern, you will have the opportunity to raise it as a formal appeal.
- 1.2. This document outlines the procedure by which students at OCA may make complaints relating to their experiences at OCA, how OCA will consider complaints and the mechanisms through which concerns can be resolved. The procedure comprises an informal, a formal, and a review stage. The review stage is considered by our awarding partner, The Open University.
- 1.3. The procedures aim to be simple, clear, and fair to all parties. Complaints and Appeals (both informal and formal) will be handled sensitively and with due consideration for confidentiality. No student who brings a genuine complaint

or appeal under this procedure will be disadvantaged by the College, regardless of the outcome.

- 1.4. If you are a disabled student and you would like to receive this procedure in an alternative format please contact the Learner Support team learnersupport@oca.ac.uk. You should also contact the Learner Support team if you wish to discuss any reasonable adjustments to these procedures to take into account your disability and any additional support you may need in raising and pursuing your complaint or appeal due to your disability.

2. Who does this procedure apply to?

- 2.1. This procedure applies to all students on courses at OCA including undergraduate, postgraduate, short course, and foundation courses.

3. Linked and other policies and legislation

- 3.1. This procedure is subject to [Terms and Conditions](#).
- 3.2. This procedure should be read in conjunction with OCA's [Academic Regulatory Framework](#), and [Refund and Compensation Policy](#).
- 3.3. There is a separate procedure that covers student behaviours detailed in OCAs [Student Code of Conduct Policy](#) and [Fitness to Study Policy](#).

4. General Principles

- 4.1. Students have a right to raise concerns about their experience and for those concerns to be listened to fairly and consistently.
- 4.2. Complaints dealt with through this procedure are considered in three stages; informal, formal, and review.
- 4.3. No student who raises concern through this procedure will be disadvantaged for doing so. If you feel that you are being disadvantaged as a result of raising a complaint, please speak to the Complaints Management Team who will investigate.
- 4.4. Your complaint or appeal will be dealt with in confidence and the detail will only be shared with staff who need to know in order to investigate and respond to the issues you have raised. All concerns raised will be investigated with due consideration for confidentiality. The rights of all parties will be respected during any investigation.
- 4.5. OCA may not be able to meet expectations in resolving concerns, and where this is the case, to give a clear rationale for why.
- 4.6. OCA endeavours to learn from concerns raised and to implement change as appropriate.
- 4.7. OCA understands that the submission of complaints or appeals may be an emotional experience, and as such OCA staff will treat any complaint respectfully and aim to resolve concerns quickly and effectively.
- 4.8. OCA expects the same consideration for OCA staff dealing with complaints and may refuse to deal with complaints where members of staff are subjected to verbal, physical, and/or emotional abuse.
- 4.9. It is expected that students complete the complaints and/or appeals process, including escalation to review by the Office of the Independent Adjudicator before any legal proceedings are undertaken.

5. What does this procedure cover?

- 5.1. This procedure covers complaints made by students regarding dissatisfaction with the provision of a course of study, and/or associated support services.
- 5.2. This does not include academic appeals, or decisions taken that are academic in nature.
- 5.3. A complaint is deemed to cover concerns about the provision or failure to provide a specific service, or a failure to observe reasonable standards in providing a service.
- 5.4. Concerns regarding academic judgement and the marks awarded at assessment are not appealable under this procedure. The grounds for academic appeals are covered in the [Academic Regulations](#).
- 5.5. Students may request an appeal of an administrative decision taken in relation to their studies that is not academic in nature. This would cover decisions relating to admissions, financial support, and reasonable adjustments that are not academic in nature, for example.
- 5.6. Concerns relating to the conduct of other students are dealt with under the [Student Code of Conduct](#).
- 5.7. Concerns raised may fall into multiple categories, in which case OCA will advise which elements are to be considered under which procedure.

6. Timeframes for Complaints

- 6.1. Complaints and an appeal of an administrative decision must be made within 28 days of the instance occurring or of the student being notified of a decision being made.
- 6.2. Once a complaint or appeal has been received, OCA has 28 days from the date of receipt to respond.
- 6.3. Any complaints or appeals received after 28 days have passed will not be considered unless the student can evidence extenuating circumstances that prevented them from submitting within 28 days.
- 6.4. Details of complaints and appeals are retained for the length of study with OCA plus one year.
- 6.5. Specific timeframes are set out in section 9 covering the Complaints Handling Procedure.

7. How to raise concerns

- 7.1. Concerns may be raised with OCA either verbally or in writing. Where possible OCA will request for a complaints form to be completed and submitted; this is in order to capture as much background information as possible which helps in responding to the concerns.
- 7.2. When raised, concerns will be recorded by staff members and forwarded to the appropriate department to respond to.
- 7.3. Complaints cannot be made anonymously; this is in order for any issues to be investigated fully. If you wish to raise anonymous concerns, please use the feedback mechanisms provided.

- 7.4. Group complaints may be accepted. To submit a group complaint a spokesperson for the group must be appointed to act as liaison between the group and OCA. All complainants must provide their written consent for the spokesperson to speak on their behalf and this authorisation must be submitted with the complaint documentation. A group complaint may only be considered if the same issue affects all members of the group in the same way. One response will be issued in response to the complaint.
- 7.5. Complaints may cover a number of different areas of concern, these will be considered as one, and one response provided.
- 7.6. Third-party complaints will not be accepted, except where a student has appointed a third party to act on their behalf.
- 7.7. Complaints directed to senior members of OCA, including the Principal and/or Directors, will be considered normally under OCA's Complaints Handling Procedure and passed to the Complaints Management Team for investigation.
- 7.8. Complaints involving one or more members of OCA staff will be dealt with exclusively by the Complaints Management Team, excepting where the complaint is made about a member of the Complaints Management Team, in which case a senior member of staff will be appointed to act as investigating officer.
- 7.9. The Complaints Management Team is led by the Head of Student Services and comprises members of support teams at OCA trained in complaints handling.

8. Ineligible Complaints

- 8.1. OCA may reject complaints and appeals without review if they are deemed to be ineligible according to the following criteria:
 - 8.1.1. The complaint has been submitted more than 28 days after the event as set out in paragraph 6.1 and there are no exceptional circumstances to extend the timeframe.
 - 8.1.2. The complaint reveals no facts, evidence, or circumstances which could reasonably support a complaint against OCA.
 - 8.1.3. The issues raised in the complaint have been addressed through other means.
 - 8.1.4. The complaint is pursued in a manner likely to cause distress, disruption, delay or unreasonable expense.
 - 8.1.5. The complaint contains unsubstantiated accusations against OCA staff alleging discrimination, harassment, fraud, dishonesty, conflict of interest, sexual misconduct, other serious misconduct.
- 8.2. Where a complaint is deemed to be ineligible, OCA will inform you by email that the complaint will not be pursued and the reasons why. If you disagree with the decision not to consider your complaint you must write to complaints@oca.ac.uk within 10 working days of the notification, setting out your reasons for why it should be considered. This will be considered by the Complaints Management Team who will determine if the complaint should be considered or rejected.

9. Complaints Handling Procedure

9.1. Informal Consideration

- 9.1.1. A complaint should be raised with the relevant department or area within 28 days of the concern or incident occurring. This is the informal stage.
- 9.1.2. You should provide as much information as possible in your complaint, explaining the reasons for your dissatisfaction, and providing appropriate evidence.
- 9.1.3. Staff in the relevant department or area will take all reasonable steps to resolve your concerns locally.
- 9.1.4. If for any reason, staff are unable to resolve your complaint within ten working days, staff will inform you that your case will be passed to the Complaints Management Team.
- 9.1.5. Staff should issue you with a Complaints Outcome Notice within 10 working days of when you make your complaint, detailing what actions they have taken, or not, to resolve your complaint. You will be unable to escalate your complaint without this notice.
- 9.1.6. If you do not receive a Complaints Outcome Notice within 10 working days of when you raised your concern, contact the Complaints Management Team to discuss escalation.
- 9.1.7. If once you have received your Complaints Outcome Notice you do not feel your complaint has been resolved you may escalate your concerns for formal review by submitting the Student Complaints Form to complaints@oca.ac.uk.
- 9.1.8. If you choose to escalate your complaint for formal review, you will also need to explain why the informal stage has not resolved your complaint, and submit any new evidence you wish to be considered in support of your claim.

9.2. Formal Investigation

- 9.2.1. Once received, the Complaints Management Team will confirm receipt within five working days, and confirm if your complaint has been accepted for review (see section 8). This is the start of the formal stage.
- 9.2.2. If accepted, your case will be reviewed by one of the team and a response to the complaint provided within 15 working days. If for any reason review of the case will take longer than 15 working days, a member of the team will be in touch to advise of new timescales for a response.
- 9.2.3. As part of the investigation the reviewing officer will review all of the information provided as evidence and should also request evidence from the respective department as appropriate so as to build a clear picture of events.
- 9.2.4. The reviewing officer will contact you with a response outlining the actions they have taken, or not, to resolve your complaint. This is referred to as the Decision Letter. This will contain the origin of the

complaint, timeline of events, details of what has been taken into consideration in making the decision, and the outcome. If your complaint is not upheld, the Decision Letter will set out the reasons why.

- 9.2.5. If on receiving a Decision Letter, you do not feel that the issue has been resolved, you may appeal the decision. You will not be able to appeal unless you have received a Decision Letter.

9.3. Review of procedures

- 9.3.1. To request a review of your case, you must write to the [Student Casework Office](#) at the Open University (OU) within 28 days of the date of the Decision Letter, explaining why you do not believe the complaint has been resolved, and:
- 9.3.2. Set out one or more of the following grounds on which you believe the University should review its decision:
- 9.3.2.1. that relevant evidence has not been taken into account; or that irrelevant evidence was taken into account; or
 - 9.3.2.2. that any relevant University regulations, policies or procedures have not been applied correctly; or
 - 9.3.2.3. that the reasons for the decision were not fully and clearly communicated to you; or that there was bias, or
 - 9.3.2.4. the likelihood of bias in making the decision; or
 - 9.3.2.5. that the decision was made by a person or body without the necessary responsibility or authority; or
 - 9.3.2.6. that the procedure followed was not fair or adequate; or
 - 9.3.2.7. that the decision made was not fair or reasonable in all the circumstances.
- 9.3.3. Submit any new evidence which has not previously been submitted in support of your complaint.
- 9.3.4. Where new evidence or a new element of complaint is introduced at the Review stage, to be eligible for further consideration you should provide a valid reason to explain why this could not have been provided earlier in the process. Failure to meet these requirements will result in the request for review not being accepted.
- 9.3.5. The Student Casework Office will acknowledge the request for review within 3 working days of its receipt. Within 10 working days of the acknowledgment, a Casework Manager will write to advise you whether or not the review request has been accepted. If it is not accepted, you will be advised of the reasons for that decision. You will be given a further opportunity to resubmit your request for a review within 28 days of the decision letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
- 9.3.6. Where a request for a review meets the requirements in paragraph a above, on behalf of the Vice Chancellor's Delegate a Casework Manager will carry out a thorough review of your complaint. The review will not be a reconsideration of your complaint, but will look at

all of the matters raised in the grounds of your review and determine whether the complaints process has been followed correctly. A draft report will be provided to the Vice Chancellor's Delegate in respect of the review of your case. This will include:

- 9.3.6.1. A summary of your complaint and grounds for review
- 9.3.6.2. The background to your complaint
- 9.3.6.3. A decision as to whether your complaint is Upheld, Partly Upheld or Not Upheld
- 9.3.6.4. An explanation of the reasons for the decision
- 9.3.6.5. Recommendations for resolution where appropriate
- 9.3.7. The Vice Chancellor's Delegate will consider the draft report completed by the Casework Manager. Once they have approved the report, and within 15 working days of the date of the eligibility letter, the report will be sent to you and copied to the Senior Authority.
- 9.3.8. If the Senior Authority's decision is confirmed following the review, a Completion of Procedures letter will be sent to you with the Vice Chancellor's Delegate's report.
- 9.3.9. The Open University will make every reasonable effort to meet the time limits as stated in this procedure; however, for complex cases, additional time may be required to ensure a thorough review of a submission. Where an exception to the standard time limit is needed, you will be notified of this in writing and you will be kept informed of when you can expect to receive an outcome response.

10. Making an administrative appeal

- 10.1. As described in paragraph 5.5, students may appeal an administrative decision taken in respect of their studies that is not academic in nature. This would cover decisions relating to admissions, fee liability and financial support, exceptional circumstances, and reasonable adjustments not academic in nature.
- 10.2. You can appeal any decision where you believe that not all of the evidence provided has been considered, where the rules have not been applied correctly, the decision has not been communicated correctly, or bias in making the decision. In making an appeal you cannot simply disagree with a decision that has been made, you must be able to demonstrate why or how one or more of the above factors has occurred.

10.3. Informal Consideration

- 10.3.1. To request an appeal of any administrative decision you should notify the department where the decision has been made as soon as possible and no later than 28 days after the decision has been made (see section 6), and set out the reason(s) why the decision is not correct, providing evidence where possible.
- 10.3.2. The department receiving the request/appeal shall respond to the request with an outcome within 10 working days of the request, setting

out the outcome to your request (whether it is upheld, partially upheld, or not upheld), and any action that has been or will be taken in response. This is called the Outcome Notice.

- 10.3.3. Following receipt of the outcome notice, if you do not believe the issue to be resolved you may request the Complaints Management Team to consider the decision and process by contacting complaints@oca.ac.uk (marked for the attention of the Complaints Management Team). You must do so within 28 days of receiving the Outcome Notice, and set out the reason(s) why the decision is incorrect and why the previous review (see 10.1.2) has not resolved the situation.

10.4. Formal Investigation

- 10.4.1. Once received, the Complaints Management Team will confirm receipt within five working days, and confirm if your administrative appeal has been accepted for review (see section 8).
- 10.4.2. If accepted, your case will be reviewed by one of the team and a response to the complaint provided within 15 working days. If for any reason review of the case will take longer than 15 working days, a member of the team will be in touch to advise of new timescales for a response.
- 10.4.3. As part of the investigation the reviewing officer will review all of the information provided as evidence and should also request evidence from the respective department as appropriate so as to build a clear picture of events.
- 10.4.4. The reviewing officer will contact you with a response outlining the actions they have taken, or not, to resolve your complaint. This is referred to as the Decision Letter. This will contain the origin of the complaint, timeline of events, details of what has been taken into consideration in making the decision, and the outcome. If your complaint is not upheld, the Decision Letter will set out the reasons why.

10.5. Review of procedures

- 10.5.1. To request a review of your case, you must write to the [Student Casework Office](#) at the Open University (OU) within 28 days of the date of the Decision Letter, explaining why you do not believe the administrative appeal has been resolved, and:
- 10.5.2. Set out one or more of the following grounds on which you believe the University should review its decision:
- 10.5.2.1. that relevant evidence has not been taken into account; or that irrelevant evidence was taken into account; or
 - 10.5.2.2. that any relevant University regulations, policies or procedures have not been applied correctly; or

- 10.5.2.3. that the reasons for the decision were not fully and clearly communicated to you; or that there was bias, or
- 10.5.2.4. the likelihood of bias in making the decision; or
- 10.5.2.5. that the decision was made by a person or body without the necessary responsibility or authority; or
- 10.5.2.6. that the procedure followed was not fair or adequate; or
- 10.5.2.7. that the decision made was not fair or reasonable in all the circumstances.
- 10.5.3. Submit any new evidence which has not previously been submitted in support of your administrative appeal.
- 10.5.4. Where new evidence or a new element of administrative appeal is introduced at the Review stage, to be eligible for further consideration you should provide a valid reason to explain why this could not have been provided earlier in the process. Failure to meet these requirements will result in the request for review not being accepted.
- 10.5.5. The Student Casework Office will acknowledge the request for review within 3 working days of its receipt. Within 10 working days of the acknowledgment, a Casework Manager will write to advise you whether or not the review request has been accepted. If it is not accepted, you will be advised of the reasons for that decision. You will be given a further opportunity to resubmit your request for a review within 28 days of the decision letter or 10 working days of the acknowledgement of your request by the Student Casework Office, whichever is longer.
- 10.5.6. Where a request for a review meets the requirements in paragraph a above, on behalf of the Vice Chancellor's Delegate a Casework Manager will carry out a thorough review of your administrative appeal. The review will not be a reconsideration of your administrative appeal, but will look at all of the matters raised in the grounds of your review and determine whether the administrative appeals process has been followed correctly. A draft report will be provided to the Vice Chancellor's Delegate in respect of the review of your case. This will include:
 - 10.5.6.1. A summary of your administrative appeal and grounds for review
 - 10.5.6.2. The background to your administrative appeal
 - 10.5.6.3. A decision as to whether your administrative appeal is Upheld, Partly Upheld or Not Upheld
 - 10.5.6.4. An explanation of the reasons for the decision
 - 10.5.6.5. Recommendations for resolution where appropriate
- 10.5.7. The Vice Chancellor's Delegate will consider the draft report completed by the Casework Manager. Once they have approved the report, and within 15 working days of the date of the eligibility letter, the report will be sent to you and copied to the Senior Authority.
- 10.5.8. If the Senior Authority's decision is confirmed following the review, a Completion of Procedures letter will be sent to you with the Vice Chancellor's Delegate's report.

- 10.5.9. The Open University will make every reasonable effort to meet the time limits as stated in this procedure; however, for complex cases, additional time may be required to ensure a thorough review of a submission. Where an exception to the standard time limit is needed, you will be notified of this in writing and you will be kept informed of when you can expect to receive an outcome response.

11. Further escalation

- 11.1. Students studying a degree with OCA, having followed the complaints and/or administrative appeals process as described in section 9 or 10 above, can escalate the matter to Office of the Independent Adjudicator for Higher Education (OIA) if they are not satisfied with the outcome of the complaints process. This is an independent process for review of complaints.
- 11.2. Submission of cases to OIA must happen within 12 months of receipt of the Completion of Procedures notification. OIA have specific requirements for dealing with complaints which should be consulted before submitting a case.
- 11.3. Details on the process are available on the OIA website <http://www.oiahe.org.uk/>. Alternatively, OIA can be contacted at its registered office:

Office of the Independent Adjudicator for Higher Education, Second Floor Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB
Telephone: 0118 959 9813
Email: enquiries@oiahe.org.uk

12. If you need support

- 12.1. If you require any support with this policy you should contact the Information Advice and Guidance team at studentadvice@oca.ac.uk or 01226 777593 to discuss at the earliest opportunity. If you require this policy, and/or the complaints form in alternative formats please contact learnersupport@oca.ac.uk for assistance.
- 12.2. For assistance with submitting a complaint, you may wish to contact the OCA Student Association and speak to a Student Representative.
- 12.3. Alternatively you may wish to appoint an advocate to support you in the process and/or present your concerns on your behalf. To appoint an advocate, you must inform complaints@oca.ac.uk with the name and contact details of the advocate.

13. Control of the policy

- 13.1. This policy was authored by Craig Dewis, Head of Student Services in consultation with OCA Staff and given approval through OCA Oversight Management Group in July 2023.

14. Reviewing the policy

- 14.1. OCA will work closely with the Student Association to gather student feedback on the outline of the policy, its intentions, the administration of the policy, and a review of all these points in practice. These will then be fed into the next review point for the policy.
- 14.2. The next review date is June 2024. If you would like to raise any issues around this policy then you should contact either the Learner Support team directly at learnersupport@oca.ac.uk, or if you are a student, you might also wish to raise these with the appropriate OCASA representative.