

Student Complaints Policy

Introduction

1. The Royal College of Art ("RCA") is committed to a transparent and fair approach to dealing with student complaints. RCA defines a student complaint as "an expression of dissatisfaction by one or more students about the College's action or lack of action or about the standard of service provided on or behalf of the RCA".
2. For each complaint the RCA receives from a registered student, the College will review the issue in detail, where appropriate seeking early resolution. Where a complaint is partially or fully upheld, the College will seek to implement a solution that is fair, proportionate and is the best way to resolve the issue(s) that has led to the complaint. Where a complaint is not upheld, the College will explain its decision clearly, and guide the complainants through the process and, ultimately, to the Office of the Independent Adjudicator should the complainant remain unsatisfied. No student will be disadvantaged by virtue of having made a complaint.
3. The principles of this Policy, which apply for all complaints made by students about services offered by Schools, Professional Services or the College as a whole, are that the Policy is fair, efficient and transparent. The Policy provides for three stages, one informal and two formal. These are:
 - (a) Stage One: Informal, local resolution;
 - (b) Stage Two: Formal, detailed investigation and consideration;
 - (c) Stage Three: Review: Review of the decision made at Stage Two and confirmation of the final decision of the College.
4. Where early resolution is not possible, the student should make a formal complaint themselves; this Policy is not intended for use by a third party to make a complaint on behalf of a student or students. Where the issues raised in a complaint affect a number of students, those students may submit a group complaint. In such circumstances, the RCA shall normally ask the group to nominate one or two students to act as group representatives. In such cases the College shall normally communicate through the nominated student representatives only.
5. There is an expectation that all parties involved in a complaint will act reasonably and with due regard to the RCA's Anti-Harassment and Bullying Policy. The College reserves the right to take appropriate action under its disciplinary provisions should any party to a complaint behave unreasonably. This includes the submission of complaints that are frivolous and/or vexatious (see paragraphs 15-19)

Scope of the Policy

6. This policy applies for all students who are currently registered¹ to a programme offered by the RCA. This includes students on an approved leave of absence. It does not include students whose registration has been terminated, or has completed, unless a complaint is submitted within 2 months of the formal date of termination / completion. It does not include applicants to programmes of the College who have not completed the registration process.
7. The Student Complaints Policy ("The Policy") can be used for complaints including, but not

¹ See the College's Academic Regulations for the definition of a registered student.

limited to, the following:

- (a) Failure by the College to meet obligations including those outlined in the programme specifications or the student charter;
 - (b) Misleading or incorrect information in prospectuses, promotional material or other information provided by the College;
 - (c) Inadequate delivery of a programme, teaching or administration;
 - (d) Failure to provide facilities, learning resources or services in accordance with that outlined in published information;
 - (e) Complaints involving other organisations or contractors providing a service on behalf of the College.
8. Any appeal against an academic decision of the College concerning assessment or progression should be considered in accordance with the College's provision for academic appeals rather than this Policy.
9. Any complaint by a student of bullying, harassment and / or victimisation should be addressed in accordance with the RCA Misconduct Policy rather than this Policy.
10. Complaints relating to services provided by collaborative partners or other organisations involved in the delivery of the student's programme should be addressed via the complaints policy of the partner organisation. In such instances, students have the ultimate right of appeal to the College in the case of issues which impact on their programme of study; any such appeal shall be considered in accordance with Stage Three of this Policy.
11. Complaints against the RCA Students' Union (RCASU) shall be referred to the RCASU, to be considered via their own procedures. If, after RCASU procedures have been exhausted, a student feels that consideration of their complaint has not been carried out in a fair manner, they may submit an appeal to the RCA Registrar, which must be received in writing within 14 days from the date of the final decision of RCASU.

Appeals to the Registrar will only be considered if an arguable case is made that the RCASU did not consider the complaint in a fair manner. The Registrar may reject any such appeal, or uphold the appeal and refer the matter back to RCASU to reconsider. On completion of any such reconsideration, the Registrar or the Registrar's nominee will issue a Completion of Procedures letter. Any student who disagrees with the final outcome may then refer their complaint to the Office of the Independent Adjudicator.

12. Complaints relating to a student's designated fee status shall be considered in accordance with the College's Fee Status assessment procedure.
13. Complaints raised anonymously are not normally considered. Exceptionally, however, an anonymous complaint may be considered at the discretion of the Registrar when there is a compelling reason, supported by evidence, for the matter to be investigated. This will normally only be where the student has a clearly arguable case that, by revealing their identity, they could be subject to unfair treatment. Students should be aware that raising a concern anonymously could impede the investigation and communication of the outcome.
14. If an academic appeal and complaint relating substantially to the same issue are submitted, the appeal will not be dealt with until the complaint outcome has been determined. The complaint outcome will inform consideration of the appeal.

Vexatious / Frivolous Complaints

15. The RCA is committed to treating complainants with respect, ensuring that they are not disadvantaged for having submitted a complaint. The College understands that submitting complaints can cause anxiety, and therefore seeks to treat complaints received in good faith. However, where a complaint is demonstrably vexatious and/or frivolous, the College reserves the right to pursue appropriate disciplinary action against the complainant, in accordance with its Student Misconduct policy.
16. A frivolous complaint is defined as a complaint made that is without foundation, or a complaint made on a basis that a reasonable person would not consider as grounds for a complaint. A vexatious complaint is defined as a complaint made with the sole intention of causing disruption and/or distress to the subjects of the complaint and/or the College as a whole.
17. Examples of frivolous or vexatious complaints include the following:
 - (a) Complaints which are obsessive, harassing or repetitive;
 - (b) Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes;
 - (c) Complaints which are designed to cause disruption or annoyance;
 - (d) Demands for redress which lack any serious purpose or value.
18. The RCA may terminate consideration of a complaint if it considers it to be frivolous or vexatious. In such instances, the College will write to the student to explain why it is terminating consideration of the matter. The College may also, in such circumstances, take action against the complainant in accordance with its Misconduct Policy. Any decision to terminate consideration of a complaint shall be taken by the Registrar.
19. Where the RCA terminates consideration of a complaint on the grounds that it is frivolous or vexatious, the College shall issue a Completion of Procedures letter to the complainant, which shall include confirmation of the reasons for termination of the consideration.

Confidentiality and Record Keeping

20. The RCA will seek to do all within its power to limit the disclosure of information as is consistent with conducting a fair investigation and the implementation of any recommendations following investigation into the complaint. However, if a student names another member of the College then the person(s) named will normally have the right to know the complaint made against her/him in order to be able to reply to the complaint. This is consistent with the duties owed to the College's staff and students. If a student refuses to name a person who is relevant to their complaint, the College will not normally be able to consider or investigate the case.
21. Once a student has made a formal complaint, records will not be held on the student file, but kept securely in a separate complaints file held by the Registry. Records will be retained as required for a reasonable period.

Timescales

22. This Policy outlines timescales within which the RCA aims to work, including the timescales by which formal complaints must be submitted. Formal complaints will only be accepted outside of these timescales if there is a good reason for the delay; such complaints will be accepted only at the discretion of the Registrar.
23. The RCA shall endeavour to respond to complaints within the timescales outlined. On occasion it may be necessary to extend these deadlines; it is not possible to gauge, for all cases, how long an investigation into the issues may take, and on occasion there may be circumstances beyond the College's control that prevent the complaint being considered in accordance with the stated timescales. In such cases, revised deadlines will be communicated clearly to all parties.
24. Complaints should be submitted within 3 months of the events occasioning the complaint, in accordance with Stage One of this Policy. Complaints submitted in accordance with subsequent stages of this Policy should be submitted within 30 days of completion of the previous stage.
25. If a student initiates legal proceedings against the RCA, any procedures provided for under this Policy will be paused until legal proceedings have been completed.

Stage One: Local, Informal Resolution

26. Students are advised to seek the support of the RCASU and/or Student Support, who will advise on how to deal with problems as they arise and, where possible, suggest methods of achieving a swift resolution to all parties to the complaint.
27. The first stage of the Complaints Policy is the local, informal resolution stage. The principles that this stage are based upon include clarity and transparency, alongside early resolution and the opportunity for the subject of any complaint to resolve the issue before formal, independent consideration.
28. The complainant should, in the first instance, raise their complaint with the officer with responsibility for the service which is the subject of the complaint. The complainant should indicate that they are making an informal complaint, in accordance with this Policy. If it is not clear who the subject of the complaint should be, then the student should submit their complaint to the Dean of the School, or Head of the Professional Service that is the subject of their complaint. The Dean / Head may then refer the complaint to an appropriate person within their School / Service.
29. The complainant may submit their complaint to the Dean of the relevant School or Head of the Professional Service if they do not wish to contact the subject of the complaint directly. However, the complainant should note that it will not normally be possible to consider anonymous complaints, and that the subject of any complaint has the right to hear the complaint and respond (see paragraph 13).

30. The person considering the complaint should then review the case made by the complainant, and make their response, within 10 working days² of receipt (although see paragraph 31). The response shall be in writing, detailing the subject's understanding of the grounds for complaint, the subject's response, and noting the complainant's right to proceed to the next stage of the Complaints Policy if they remain dissatisfied.
31. The subject may request a meeting with the complainant to discuss the matter. Any such meeting should take place within 15 working days of receipt of the complaint. The subject shall offer at least three different times for a meeting, which shall be between 9.30 – 5.30, between Monday – Friday on days when the College is open, and shall take place on the College premises. In such instances, the subject's response to the complaint shall be issued in writing within 10 working days of the meeting.
32. The complainant is entitled to be accompanied at such a meeting by a registered student or member of staff of the College, or elected representative from the Students' Union. Where a complainant chooses not to attend such a meeting then the subject may terminate their consideration of the complaint.
33. If, following completion of Stage One of this Policy, the complainant remains dissatisfied, they may proceed in accordance with the steps outlined in Stage Two of the Policy. The complainant may proceed to Stage Two of this Policy if no outcome has been proposed within 20 working days of submission of their initial complaint.

Stage Two: Formal Consideration

34. Students submitting a complaint in accordance with Stage Two of this Policy should submit their complaint on a Stage Two Complaint Form (available on the College intranet) to the Registrar, or the Registrar's nominee (as advised on the RCA Student Complaint intranet pages). If the complaint relates to the service provided by the Registry or Student Support then the complaint will be referred to the Executive Director (Operations), who will nominate an appropriate individual to oversee the complaints process, taking the place of the Registrar for subsequent steps.
35. The complainant must give sufficient detail about the complaint to enable the Registrar to make a judgement as to an appropriate course of action. This normally includes detail about the issue that has prompted the complaint; the identity of the parties to the complaint and the steps taken by the complainant to resolve the complaint informally. The complainant must also state clearly their preferred remedy to the complaint, and must supply any appropriate evidence to substantiate their case.
36. The Registrar shall, within 10 working days of receipt of the Stage Two Complaint Form, refer the complaint to the subject of the complaint for a response, to be submitted to the Registrar within a further 10 working days. The response shall be forwarded verbatim to the complainant who shall be required to confirm to the Registrar, within 20 working days, whether they wish to proceed with the complaint.

² "Working days" do not include weekends or days when the College is closed. Working days do include days that are not in term time, but when the College is open. Should an individual be unavoidably away from the College (for example on holiday or on sick leave) then the complaint should be re-directed to the Dean of School, Head of Service or as directed in the subject's out-of-office email response. (See also paragraph 22)

37. If the complainant wishes to proceed with the complaint, the Registrar shall make one of the following decisions, within 10 working days of notification from the complainant of their wish to proceed:
- (a) to appoint an investigator, who shall be either a Dean or Director of one of the Professional Services³. The investigator shall take any appropriate steps, including, but not limited to, a review of the evidence, interviewing the parties and requesting further evidence, to form a judgement on the complaint, which shall be in accordance with the judgements outlined in paragraphs 48-50 of this Policy;
 - (b) To convene a panel and hold a hearing to review the complaint (see paragraphs 40-42);
 - (c) To uphold, or partially uphold, the complaint, making recommendations for an appropriate remedy, for consideration by the Executive Director (Operations);
 - (d) To refer the complaint back to the complainant;
 - (e) To reject the complaint.
38. Where an investigator is appointed, all parties shall be permitted to view and comment upon all evidence considered by the investigator, including reports of any interviews held by the investigator with parties or witnesses to the complaint.
39. The Registrar may refer the complaint back to the complainant, or reject the complaint, on the following grounds:
- (a) The complainant has not taken sufficient steps to resolve the complaint informally;
 - (b) The complainant has not supplied evidence that might reasonably be expected to support the complaint;
 - (c) The complainant's preferred remedy is unreasonable and / or unrealistic;
 - (d) The complaint is vexatious and / or frivolous (see paragraphs 15 - 19)
40. Where the Registrar convenes a panel to hold a hearing into the complaint, the panel shall consist of:
- (a) Either a Dean of School or Director of one of the Professional Services⁴;
 - (b) Two further staff members, who will each be either a member of the Academic Staff at tutor grade or above or a member of Professional Services staff at Grade 6 or above;
 - (c) A member of the Student Support team⁵
- No members of the panel will be drawn from the School(s) or professional service(s) that are the subject of the complaint. Panels to hear complaints relating to academic provision shall normally include at least one member of the academic staff of the College.
41. The Registrar will appoint a Secretary to the panel, normally chosen from staff of the Registry, Student Support or the Academic Development Office.

³ Where it is not otherwise possible to convene a panel within the timescales outlined within this Policy, a Head of Programme may fulfil this role

⁴ Where it is not otherwise possible to convene a panel within the timescales outlined within this Policy, a Head of Programme may fulfil this role.

⁵ Where it is not otherwise possible to convene a panel within the timescales outlined within this Policy, or Student Support is the subject of the complaint, a member of staff with responsibility for supporting students in a pastoral role may fulfil this role.

42. The Hearing will be convened no fewer than 10, and no more than 20, working days from the decision to convene a panel. The complainant shall be offered at least two different times for a meeting, which shall be between 9.30 – 5.30, between Monday – Friday on days when the College is open, and shall take place on the College premises. The student, subject of the complaint or any witnesses may participate via video conferencing or other appropriate technology at the discretion of the Chair.
43. The Stage Two complaint form will be submitted to the Panel and all parties to the complaint, no later than 5 working days before the date of the Hearing. In addition, parties to the complaint will be invited to submit additional documentation, for circulation to the panel and parties to the complaint no later than 5 working days before the date of the Hearing.
44. The complainant and subject of the complaint shall normally be expected to attend the hearing to give evidence (see paragraph 42). Any other persons may be asked to attend the Hearing to give evidence, at the discretion of the Chair. The complainant and subject may request that the Chair invite additional witnesses; any such request must be received in writing by the Secretary to the Hearing, no later than 5 working days before the Hearing. If the witnesses decline to attend the Hearing then it will continue unless the Chair considers their attendance essential.
45. The complainant(s) may be accompanied by another student, member of staff or RCASU representative, but that person will only be permitted to speak on the complainant's behalf at the discretion of the Chair. The complainant must notify the Secretary to the Hearing no later than 5 working days before the Hearing of the identify of any person accompanying them to the Hearing.
46. Evidence or statement(s) will not normally be given in the presence of the other parties involved in the dispute, but shall be submitted to all parties to enable them to comment upon it when meeting with the panel. Where a panel meets with parties at the same time, cross-examining by the parties is not permitted, but questions may be permitted through the Chair, at the Chair's discretion.
47. All parties shall be permitted to view all evidence considered by the panel. Parties shall normally be interviewed separately by the panel, but shall have access to transcripts and / or summaries of interviews with the other parties to comment upon.
48. The panel may either:
 - (a) Uphold the complaint
 - (b) Partially uphold the complaint
 - (c) Reject the complaint.
49. If the panel either upholds, or partially upholds the complaint then it will make recommendations on the appropriate remedy. These recommendations shall be subject to approval by the Executive Director (Operations), who may approve the recommendation(s) or refer the recommendation(s) back to the Panel, with guidance.
50. The panel may make recommendations following consideration of a complaint, even where the complaint is rejected. Recommendations shall be considered by the appropriate School / Professional Service, who shall submit their response to the Registrar. An annual report,

detailing formal complaints received, outcomes, recommendations and responses shall be submitted to the Senior Management Team, Academic Standards Committee and Senate, with a summary report to the Council.

51. Panels shall normally advise parties verbally of the outcome of their consideration on the day of the Hearing. A full, written, report of the Hearing will be drafted within 10 working days of the Hearing, and submitted to the parties to the complaint, who will be asked to check for factual accuracy. Any suggested amendments from the parties will be considered by the Chair, who will retain the right to reject these amendments. A final report will be submitted to all parties within 20 working days of the Hearing.
52. If, following receipt of the final report of the Hearing, the complainant remains unsatisfied, they may submit a request for a review of the decision to the Director of Academic Development in accordance with Stage Three of this Policy.

Stage Three – Review

53. Students submitting a complaint in accordance with Stage Three of this Policy should submit their complaint on a Stage Three Complaint Form (available on the College intranet) to the Registrar, or the Registrar's nominee (as advised on the RCA Student Complaint intranet pages). The Registrar will arrange for the request to be reviewed by the Director of Academic Development.
54. Any complaint submitted as a Stage Three complaint which has not completed the processes described in Stage Two of this Policy shall be referred back to the complainant.
55. Any request for review at Stage Three must be made on one or more of the following grounds:
 - (a) That the provisions of this Policy were not correctly applied;
 - (b) That the decision of the Registrar, investigator or panel cannot be sustained given the evidence;
 - (c) That evidence has become available that could not reasonably have been presented to the Panel at Stage Two, and that may arguably have led to a different outcome
 - (d) That the recommendations of the Registrar, investigator or panel were not sufficient and/or proportionate in relation to the complaint.

And must be received by the Registrar within 20 working days of issue of the final report of the Stage Two Hearing.

56. It should be noted, in respect of the provision to review a decision on the basis that the decision of the Registrar, investigator or panel cannot reasonably be sustained, that a case must be made that the decision is manifestly unjust, rather than simply that the complainant disagrees with the outcome.
57. The Director of Academic Development will consider the case made by the Complainant, and may seek additional evidence, either from the parties to the complaint or from any other source. The Director of Academic Development will not normally interview parties to the complaint personally.
58. The Director of Academic Development may either uphold or reject the complaint. If the complaint is upheld the Director of Academic Development may either:

- (a) Refer the complaint back to the original Panel, with guidance, to be heard in accordance with Stage Two of this Policy;
 - (b) Require the Registrar convene a new Panel to hear the complaint, to be heard in accordance with Stage Two of this Policy;
 - (c) Apply an alternative outcome.
59. The Director of Academic Development's decision shall be the final decision on behalf of the RCA.

Students with Disabilities

60. The College is committed to taking positive steps to ensuring that students with disabilities are treated no less favourably than other students within its processes. Reasonable adjustments shall be made throughout the processes to support students with disabilities. These may, for example, include permitting representatives to speak on behalf of students or extending timescales for submitting complaints. Any reasonable adjustment will be proportionate and relevant to the disability, and will be approved by the Registrar.

Office of the Independent Adjudicator

61. Once the Director of Academic Development's decision has been taken, any complaint that is not referred back to Stage Two of the Policy shall be considered completed by the College, and a Completion of Procedures letter will be issued. This letter shall confirm the outcome of the process, with any appropriate explanation. The letter shall also give guidance on steps that the student may take to refer the matter to the Office of the Independent Adjudicator ("OIA"), a body independent of the College established to review unresolved complaints from students in higher education, should they remain unsatisfied. Further information on the OIA can be viewed at their website: www.oiahe.org.uk.