



Student Complaints Resolution Procedure 2021/22

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1. Introduction

- 1.1 Although NMITE strives to provide an outstanding experience there may be times when the quality and standard of the educational experience, or wider experience, at NMITE does not meet reasonable expectations. Students are encouraged to make known their concerns as part of NMITE's commitment to continuous improvement, and to make a complaint when appropriate.
- 1.2 Although our advice is that students try to resolve their issues as informally as possible at the point at which the complaint or concern arises, we recognise that this is not always possible and that you may wish to exercise your right to submit a formal complaint.
- 1.3 Please read this Procedure carefully before submitting a complaint, and if you are then unsure of the grounds for your complaint, or the procedures you are required to follow, you can seek advice and support from the Academic Registrar registrar@nmite.ac.uk

2. General Principles

- 2.1 Scope of the Student Complaints Resolution Procedure: this procedure only deals with complaints which relate to concerns about the provision of a service or facility, or the failure to provide a service or facility, and where the standard of the service or facility has fallen below the standard that might reasonably be expected. It does not apply to any of the following:
 - i. Appealing an Admissions decision - please refer to NMITE's Admissions Policy
 - ii. Academic Misconduct - please refer to NMITE's Academic Misconduct Policy)
 - iii. Student Disciplinary - please refer to NMITE's Student Disciplinary Policy (



- iv. Academic Appeals – please refer to NMITE’s Student Academic Appeals Policy
- 2.2 NMITE is committed to the early resolution of complaints wherever possible, via facilitated discussion and/or formal mediation where appropriate.
- 2.3 NMITE is committed to addressing student complaints in a manner that:
- i. encourages informal conciliation and resolution at a local level to the benefit of all parties;
 - ii. treats complaints fairly, transparently and with appropriate seriousness;
 - iii. is carried out in a reasonable and transparent timescale;
 - iv. allows all parties to learn from the experience;
 - v. is in accordance with the policies and practices of both NMITE and The Open University;
 - vi. has due regard to any applicable law.
- 2.4 The Student Complaints Resolution Procedure is established on the concept of reasonable behaviour, which although difficult to define with precision is based on the notion that:
- i. complaints will not be made for frivolous or mischievous reasons;
 - ii. complaints will not be made in an offensive or abusive manner;
 - iii. the stages outlined below will be followed;
 - iv. complaints will be dealt with in confidence and without fear of recrimination;
 - v. the desired result of a complaint which is upheld will result in an improvement in service or resolution of an issue.
- 2.5 NMITE will ensure that using this procedure to resolve issues is fully accessible to all our students (and their appointed representatives) and will signpost students to relevant support services throughout the process.
- 2.6 Although students are encouraged to submit their own complaints, it is recognised that this will not always be possible, and that you may need to ask a representative to assist you. NMITE will accept complaints submitted by a student representative provided that NMITE receives your personal consent, in accordance with the General Data Protection Regulations. You must provide your written consent for the named representative to act on your behalf and must also confirm the accuracy of the documentation that is being submitted on your behalf.
- 2.7 NMITE reserves the right to reject complaints which it judges malicious, frivolous or lack clear grounds for further consideration. In such cases, the reasons will be given in writing to the complainant, a copy of which will also be provided to The Open University.
- 2.8 The making of malicious complaints at any stage of this process may be subject to disciplinary action under the Student Disciplinary Procedures.



- 2.9 It is not possible for anonymous complaints to be processed/investigated under the Student Complaints Resolution Procedure, however, any such feedback will be recorded and used to inform our commitment to continuous improvement as appropriate.
- 2.10 Complaints may arise over a level of service received, an academic matter, and/or the behaviour of a member of staff or a fellow student.
- 2.11 When making a complaint your responsibilities are:
- i. to follow the steps as set out in this Student Complaints Resolution Procedure;
 - ii. to demonstrate mutual respect;
 - iii. to indicate the remedy/remedies you are seeking;
 - iv. to inform the person/people with whom you are raising the complaint that you are doing so under the Student Complaints Resolution Procedure;
 - v. to attend meetings about your complaint if required to do so.
- 2.12 If you have a concern which you wish to raise in order to provide feedback on any aspect of your experience at NMITE, but which you do not feel is a complaint as such, you should bring the matter to the attention of one or more of the Student Representatives, and/or to the Academic Registrar, and/or express your concerns through NMITE's student evaluation and feedback mechanisms.
- 2.13 Complaints lodged over three months after the act or omission, or those lodged over three months after you have withdrawn or graduated will only be considered in exceptional circumstances. All such submissions should be sent directly to the Academic Registrar (and must include evidence as to the cause for such a delay).
- 2.14 A record will be kept of all the complaints received by NMITE, and each complaint must be copied/notified to the Academic Registrar upon receipt.
- 2.15 The Academic Registrar will provide an anonymised summary of all the complaints received, including lessons learned and any associated Action Plans on a quarterly basis to the NMITE Senior Leadership Team, the NMITE Board of Trustees, The Open University, and the student body.

3. The Stages of the Student Complaints Resolution Procedure

There are three possible stages included within the Student Complaints Resolution Procedure at NMITE:

- Stage 1 Informal Resolution
- Stage 2 Formal Departmental Investigation & Resolution
- Stage 3 Formal Institutional Review & Final Resolution



3.1 Stage 1 – The Informal Resolution Stage

- 3.1.1 NMITE encourages students to raise issues as soon as they become aware of them to enable straightforward complaints to be resolved as quickly as possible using local resolution. Stage 1 can also be used for difficult interpersonal matters where early resolution strategies such as facilitated discussion may be beneficial prior to escalation to a formal complaint.
- 3.1.2 You should contact the area of NMITE in which your problem arose. You can do this in person, by email or in writing to register your complaint. You will receive email confirmation of the receipt of your complaint within 2 working days*.
- 3.1.3 An identified member of NMITE staff will contact you within 5 working days* to work with you to try and resolve your complaint as swiftly as possible.
- 3.1.4 The outcome of your Stage 1 complaint will be communicated to you via your NMITE email address within 20 working days* of you having raised your complaint. This communication will address the key elements raised in your complaint and explain the reasons for the determinations made, including any agreed resolutions.
- 3.1.5 If you are unhappy with your Stage 1 outcome you can then submit a Stage 2 complaint, which must be submitted within 10 working days* of receiving your Stage 1 outcome, otherwise your complaint will be closed.

(* 'working days' are defined as a Monday to Friday working week, excluding UK Public Holidays)

3.2 Stage 2 – The Formal Departmental and Resolution Stage

- 3.2.1 Stage 2 is the next step if you are dissatisfied with the outcome of informal resolution attempted at Stage 1, or where informal resolution is not possible or appropriate due to the complexity or seriousness of the case.
- 3.2.2 Please note: the issues that have led to a Stage 2 complaint will normally have already been considered under Stage 1, unless there are exceptional circumstances therein which indicate that Stage 1 would be inappropriate.
- 3.2.3 If your complaint is about the content or quality of your academic programme and/or a service or facility provided by NMITE you should complete the Stage 2 Complaints Form and send it to registrar@nmite.ac.uk
- 3.2.4 Where the complaint relates to the quality of your academic programme your complaint will also be copied to The Open University upon receipt.

Examples of services and facilities include the following:

- Estates and Facilities (e.g. residential maintenance, grounds etc.).
- Finance (e.g. tuition fees, accommodation fees etc.).
- Information Services (e.g. the Library, learning resources etc.).
- Information Technology (IT infrastructure, Wi-Fi etc.);
- Marketing (e.g. website, marketing materials).



- Registry (e.g. academic regulations, registration etc.).
- Student Services (e.g. student accommodation, student funding, counselling etc).

- 3.2.5 You will need to provide full details of the complaint and the resolution you are seeking including all relevant supporting evidence/documentation. You are also encouraged to seek advice and assistance prior to completing the Stage 2 Complaint Form– for example, from Student Support Services or your Personal Tutor.
- 3.2.6 Your Stage 2 complaint will be allocated to a member of staff who has not previously been associated with the issue/complaint itself or the Stage 1 process. You will receive confirmation of receipt of your Stage 2 complaint to your NMITE email address within 2 working days* and will be informed as to who is investigating your complaint.
- 3.2.7 The appointed member of staff will investigate your complaint and you will receive a written response via email within 30 working days* of your full complaint submission. (Where it is not possible to adhere to this timeframe, the reasons for the delay and the revised date for completion will be sent to you in writing before the expiry of the original 30 working days*).
- 3.2.8 If your complaint includes serious allegations of misconduct against another individual or individuals, it may be that the relevant staff or student disciplinary process may need to be used for investigation or determination of the outcome in conjunction with this Procedure. This would be communicated to you at the earliest possible opportunity, as it may affect the timescales for completion of the Stage 2 process.
- 3.2.9 The outcome of your Stage 2 complaint will be communicated to you via your NMITE email address and will provide both the outcome and a full explanation for the determination made on each of the elements raised in the complaint. This communication will also include any agreed resolutions.
- 3.2.10 If you are not happy with your Stage 2 outcome, and providing you satisfy certain criteria, you can then submit a Stage 3 Review Complaint, which must be submitted within 10 working days* of receiving your Stage 2 outcome, otherwise your complaint will be closed and you will receive a Completions of

(* 'working days' are defined as a Monday to Friday working week, excluding UK Public Holidays)

3.3 Stage 3 – The Formal Institutional Review and Final Resolution Stage

- 3.3.1 Stage 3 provides a route of appeal to a higher body for a review of the process(es) undertaken at Stage 2, to ensure that the appropriate procedures were followed, and that the decision made at Stage 2 was reasonable.
- 3.3.2 All parties involved in the investigation and determination of an outcome of a complaint under Stage 3 will be offered appropriate support by NMITE to ensure adherence of our duty of care towards students and staff.



- 3.3.3 In summary, you may submit a Stage 3 Review so long as you meet one or more of the following criteria:
- i. there is evidence of procedural irregularity or bias at Stage 2.
and/or,
 - ii. the outcome of Stage 2 is considered unreasonable based on the evidence presented.
and/or,
 - iii. there is additional material evidence, which it was not possible to present at Stage 2.
- 3.3.4 You should complete a Stage 3 Review form and send it to registrar@nmite.ac.uk. It must include copies of the correspondence in relation to the conclusion of your Stage 2 process. You are also encouraged to seek advice and assistance prior to completing the Stage 3 Review Form – for example, from Student Support Services or your Personal Tutor.
- 3.3.5 You should send your completed Stage 3 Review form to registrar@nmite.ac.uk – to be marked for the attention of the senior member of staff indicated below:
- President and CEO for HR, Registry and Student Services.
 - Chief Academic Officer for all academic matters and learning and teaching.
 - Chief Operating Officer for Estates, Finance, IT, Marketing, and Planning.
 - Chief of External Engagement for Fundraising and Partnerships.
- 3.3.6 You should make your Stage 3 submission within 10 working days* of receipt of the outcome of Stage 2 (unless suitable evidence can be provided to support the delay of your submission, e.g. medical evidence).
- 3.3.7 If your Stage 3 complaint is about a member of the Senior Leadership Team (as listed in 3.3.5 above) your submission should be marked “Private and Confidential”, for the attention of the Chair of the Board of Trustees, and sent by post to NMITE, Gardner Hall, Venns Lane, Hereford, HR1 1DT.
- 3.3.8 If it is decided that your grounds for submitting a Stage 3 Complaint do not meet the grounds or circumstances set out above, the recipient of your Stage 3 submission will inform you of that decision and the reasons in writing, normally within 10 working days* of receipt of your Stage 3 Complaint.
- 3.3.9 If it is decided that you have valid grounds for the progression of a Stage 3 Complaint, the member of the Senior Leadership Team will convene a Stage 3 Review Panel to adjudicate on the case.
- 3.3.10 A Stage 3 Review Panel will be chaired by the identified member of the Senior Leadership Team and will normally consist of one senior member of NMITE staff, not previously involved in responding to any other Stage in your complaint, and a student representative.



- 3.3.11 You will be informed via email of the Stage 3 Review Panel and be invited to attend to present your case. You may have a friend, or a fellow student accompany you to provide appropriate support, guidance, or representation. However, the friend may not be a lawyer acting in a professional capacity.
- 3.3.12 You may present relevant written evidence to the Stage 3 Review Panel, either in addition to or in lieu of your attendance, and this must normally be provided 5 working days* in advance of the hearing, unless suitable evidence can be provided to support the delay of your submission (for example, medical evidence).
- 3.3.13 After you have presented your case, you and your representative will be asked to leave the meeting and the Stage 3 Review Panel will then consider all the evidence submitted and determine the decision on the Stage 3 Complaint and any appropriate remedy to be undertaken.
- 3.3.14 You will be informed in writing of the outcome of your Stage 3 Review Panel within 10 working days* of the Panel finalizing its decision, or receive a written indication of the likely timescale within 10 working days* of the date of the Stage 3 Review Panel.
- 3.3.15 The decision of the Stage 3 Review Panel will be provided to you in writing via email and will conclude NMITE's internal procedure
- (* 'working days' are defined as a Monday to Friday working week, excluding UK Public Holidays)

4. Completion of Procedures, The Open University, and the Office of the Independent Adjudicator (OIA)

- 4.1.1 If you remain dissatisfied with the outcome of your Complaint, and you have completed all of NMITE's internal procedures, you have the right to make a complaint directly to NMITE's validating partner, The Open University. Details of how to do this can be found in Section 6 of the Open University handbook.
- 4.1.2 The OIA is an independent body set up to review student complaints about higher education providers in England and Wales; their service is free for students.
- 4.1.2 If you are dissatisfied with the decision of The Open University, you may be able to complain to The Office of the Independent Adjudicator (OIA), provided the complaint is eligible under OIA rules, that the internal procedures have been concluded and the Completion of Procedures letter has been provided.
- 4.1.3 Information about the role of the OIA and the procedure for submitting complaints can be obtained from the OIA website: www.oiahe.org.uk

Please note: Referrals to the OIA normally have to be made within twelve months of the date of issue of the Completion of Procedures Letter.