University of Sussex International Study Centre

Student Appeals and Complaints Policies

September 2019
5.4 **Student Appeals Policy**

The Centre’s policies and procedures have been developed with reference to the QAA Quality Code Advice and Guidance on Concerns, Complaints and Appeals.

Procedures also align to the regulatory framework of The Office for Students (OfS) and the Student Complaints Scheme from the Office of the Independent Adjudicator (OIA).

### 5.4.1 Stages of Student Appeals

An academic appeal can be made where any student feels that an academic procedure has not been followed or feels their performance has been affected due to circumstances surrounding or leading up to assessments, examinations, or presentations. Appeals can also be raised against a formal disciplinary hearing outcome in the same way (under Sussex ISC Student Disciplinary Policy), and against an Academic Misconduct Panel decision (under Sussex ISC Academic Misconduct Policy).

The two stages of appeal are:

**Stage 1 – Academic Appeals to ISC Appeals Panel**
- on submission of Stage 1 Appeals Form
- for academic appeals in the first instance
- for AMP appeals in the first instance

**Stage 2 – Academic Registrar Appeals Review** (if the appeal is not upheld by the ISC Appeals Panel and you wish to escalate the appeal for review)
- on submission of Stage 2 Appeals Form
- for academic appeals after unsatisfactory outcome at stage 1
- for AMP appeals after unsatisfactory outcome at stage 1
- for disciplinary appeals after a sanction (at any stage) or disciplinary hearing at Stage 4

### 5.4.2 What Can Be Appealed Against

There are three types of appeal under this policy.

i. a) Appeals related to the Academic Misconduct Panel (AMP)

These appeals can be raised once the AM Panel has issued their decision and a penalty has been issued. The Academic Misconduct Policy should be read in full to understand the effect a penalty may have on a student's academic progress.

ii. b) Appeals relating to Progression

Appeals on other grounds are usually those that prevent a student from continuing your studies, for example, that stops progression to the next semester within the USISC or to the University of Sussex, or which terminate a student’s studies (for instance due to lack of payment or poor attendance).

iii. c) Disciplinary Hearing Outcome Appeals

Appeals are also conducted following a sanction or unsatisfactory outcome after a Stage 4 Disciplinary Hearing, under the Sussex ISC Student Disciplinary Policy.
Disciplinary outcomes, however, are the only appeals which do not have right of appeal through the University of Sussex procedures in the Student Appeals Policy. Disciplinary appeals are closed at Stage 2, and open for students to appeal directly to the Office of the Independent Adjudicator (OIA). Please see the Sussex ISC Student Appeals Policy for further information.

5.4.3 Issues excluded from the policy

- Appeals purely against academic judgement (i.e. the grade itself) will not be heard. Students who do not understand why they have received a lower mark than expected should contact the person responsible for the class and ask for feedback on their performance.
- Staff behavioural issues – processed under the Sussex ISC Student Complaints Policy.
- Exceptional circumstances – processed under the Sussex ISC Exceptional Circumstances Policy.
- Reasonable adjustments – processed under the Sussex ISC Reasonable Adjustments Policy.
- Frivolous appeals, or appeals that have already been reviewed and rejected, will also not be heard. Rejected appeals should be referred to the Stage 2 Appeals process.

N.B. Academic Appeals and Complaints are not mutually exclusive and both can be made if necessary. It is advised that any issues relating to assessments of any kind be reported in the first instance to tutors or invigilators at the time where issues are immediate and/or ongoing.

If in doubt you can see your Personal Tutor or Subject Leader for more information.

5.4.4 What are the grounds of appeal?

   i. a. Appeals against Academic Misconduct Panel (AMP) decisions

Appeals can be made against a penalty and/or decision from the AMP. Though the AMP process requires that all evidence should ideally be gathered and submitted at the time of initial tutor concern form submission, there may be times where it is not reasonably available before the AMP convenes, but may be brought to light under an appeal.

Where further evidence can be produced regarding an AMP decision, it should be provided via this process.

   ii. b. Appeals against Exam Board decisions

Where progression is affected, or there is another decision (not AMP or the grade itself) that prevents a continuation of study, but that is felt unfair due to procedural errors or student performance affected by them, then the following conditions will be examined upon an appeal being raised.

All appeals against a decision of an assessment board (Internal Assessment Board (IAB), Programme Assessment Board (PAB) etc.) i.e. if the board decides the student cannot progress, must be made on at least one of the following grounds:

   i) Procedural irregularities in the assessment process. These can include, but are not restricted to:

- alleged administrative error which could have led the assessment board to reach a different conclusion to that which they might have reached had the error not been made.
- exams that have been produced poorly or the content is written incorrectly as to (unintentionally or intentionally) bias the outcome – this could include questions written in a way that have no, or cannot possibly lead to, correct answers (e.g. in mathematics).
Where a student's performance has been affected due to any or all of the following:

- inadequate assessment, prejudice or bias on the part of the examiners, for example, how the exams are organized
- undue stress or confusion has been created as to affect performance
- staff behaviour, particularly in formal controlled assessments or examinations affected
- where medical, personal or other circumstances which affected a student's performance of which the examiners were unaware at the time of the assessment

All progression appeals should be raised as soon as possible after the official grade is published, however, it is possible that situations where there have been poorly written exam or assessment questions, or staff behaviour has been adversely affecting a student, these are reported as soon as possible to a tutor (if verbally reported should be followed up with a written report) – in the case of exams an invigilator or official member of staff can receive these complaints.

5.4.5 Implications for progression

i. a. AMP Appeals

Due to the nature of Academic Misconduct, if a penalty has been issued then it is on the grounds the student has breached regulations and committed misconduct.

When an academic appeal is pending, the appellant should normally be allowed to attend classes (subject to the agreement of the Exam Board - IAB or PAB), so as to not prejudice their studies. The AMP grade should be treated as the official grade until the appeal is concluded.

Where an appeal relating to the final modules is pending, the student will not normally be allowed to progress. Once the outcome of the appeal is given, if the appeal is upheld the student will be allowed to progress.

The Sussex ISC Academic Misconduct Policy should be referred to for further information about how AMP penalties can affect progression.

ii. b. Progression Appeals

When an academic appeal is pending, the appellant should normally be allowed to attend classes (subject to the agreement of the Exam Board - IAB or PAB), so as to not prejudice their studies. However, where an appeal is not upheld the student may then be asked to leave classes.

Where an appeal relating to the final modules is pending, the student will not normally be allowed to progress. Once the outcome of the appeal is given, if the appeal is upheld the student will be allowed to progress.

iii. c. Disciplinary Appeals

An appeal following a decision under Stage 4 of the Sussex ISC Disciplinary Policy are appealed directly to the Academic Registrar. The disciplinary process may affect progression depending of the severity of the sanction or the outcome of a Stage 4 hearing. These circumstances are taken into account at the time of the Disciplinary, and sanctions such as suspensions or exclusions to class are considered against the disciplinary case regarding risk, health and safety of any and all concerned.

5.4.6 Stage 1: Academic Appeals to ISC Appeals Panel

The two types of appeal that can be processed at the ISC Appeals Panel are AMP Appeals and Progression Appeals.
The guiding principles for an appeal hearing are:

- timely decision making
- openness and transparency of decision-making
- proper recording of the reasons for the decision
- the impartiality of the decision makers
- the possibility of review
- the availability of representation, and
- the opportunity for both sides to have their views taken into account

Students are allowed to request help from their Personal Tutor to complete the form if they wish, but the form must be initiated and submitted by the student themselves via their academic email account.

i. Timing and format of Appeals

Stage 1 Appeals

Academic Misconduct Panel (AMP) appeals:

- should be submitted on the Stage 1 Appeals Form to the Centre Director
- should be raised within 10 working days of the AMP decision email being received by the student
- should be initiated by the student, unless circumstances require special assistance. In these cases a nominee can be put forward to handle the case on behalf of the student

Progression Appeals:

- should be submitted on the Stage 1 Appeals Form to the Centre Director
- should be raised within 10 working days of the formal publication of assessment results by the Exam Board.
- should be initiated by the student, unless circumstances require special assistance. In these cases a nominee can be put forward to handle the case on behalf of the student

All appeals should be lodged with the correct form and all available supporting evidence, including any correspondence from Centre staff received by the student.

A Stage 1 appeal submitted by the appropriate deadline will be heard within 30 working days of its receipt by the Sussex ISC Appeals Panel unless there are abnormal circumstances surrounding the case.

Stage 2 Appeal Review

Academic Misconduct Panel (AMP) and Progression appeals:

- should be submitted on the Stage 2 Appeals Form to the Academic Registrar
- should be raised within 2 weeks of the Appeals Panel outcome letter being received by the student
- should be initiated by the student, unless circumstances require special assistance. In these cases a nominee can be put forward to handle the case on behalf of the student

Disciplinary Appeals (escalated directly to Stage 2 Appeals)

- should be submitted on the Stage 2 Appeals Form to the Academic Registrar
- should be raised within 2 weeks of the Disciplinary Panel Hearing outcome letter being received by the student
- should be initiated by the student, unless circumstances require special assistance. In these cases a nominee can be put forward to handle the case on behalf of the student
A Stage 2 Appeal submission will be acknowledged by the Academic Registrar within 10 working days of the Stage 2 Appeals form, and the outcome notified within 30 days of the submission receipt.

5.4.7 Appellant Representatives

The appellant may nominate a representative in their place to manage their appeal at each stage, and that representative will then be communicated with in the appellant’s stead. The student will not be permitted to take part in the process if they nominate a representative, and will receive the outcome of each stage on completion.

5.4.8 Submitting Appeals

The appeals form (at both stages) should be completed as fully as possible, and any evidence forwarded with it. All supporting documentation must be attached to the email as addressed on the form. Please ensure all attached documents are in a readable format (Open Office, PDF or Office formats are preferred).

Where an appeal is based on circumstances that the student might reasonably have been expected to have brought to the attention of the ISC before the meeting of any progression (or related) board, such as an ongoing medical or personal circumstance, the student should explain why these were not brought to the notice of the ISC at an earlier date.

Failure to operate to the timescales defined in these procedures does not of itself constitute grounds for an appeal decision to be invalid, but any delay in proceedings will be communicated as soon as possible.

5.4.9 Procedure for the Hearing of Academic Appeals

On receipt of the documentation the Chair will send out an acknowledgement to the student within five working days of receipt of an appeal form and will judge whether there are grounds for appeal (as indicated above).

i. No grounds for appeal

If there are no grounds for appeal, for example, if the Appeal Form contains objection to the grade itself, or relates to an issue that should be raised via a different policy (e.g. the Exceptional Circumstances Policy) then the appeal will be rejected and the student informed.

The Chair can request further information from the student (and reassess in the same manner), or can instead state there are no grounds for appeal.

The appellant will also be advised of their right to appeal to the Academic Registrar should the Chair decide there are no grounds.

ii. Grounds for appeal

If there are grounds for appeal, the Chair will then convene an Academic Appeals Panel. The Chair is not permitted make an independent decision regarding an appeal outcome without convening a Panel. Any unavoidable delays in addressing the appeal (e.g. the absence of the individual(s) required to provide a response) will be notified at as early a date as possible.

The Academic Appeals Panel may consult colleagues or investigate the appeal as appropriate, including contacting any relevant persons noted in the Appeal documentation. For Academic Misconduct the AMP Chair should be consulted where necessary. In particular, the Chair will wish to consult any person named in the appeal, and supply them with the appeals documentation for comment.
iii. Academic Appeals Panel

The Sussex ISC Academic Appeals Panel (AAP) is chaired by the Centre Director. Two other members should include the DoC or the DoQI (or their nominees where they are not available or where there is impartiality conflict).

Nominees on the AAP can include any members of Centre Management that the chair wishes to request. Where the nominees are Heads of Subject only those Heads who have not been involved in any stage or process regarding a specific appeal can be invited, for fairness and impartiality. For example, Heads of Subject involved in a student’s AMP may not be involved with the same student’s appeal case.

The Chair can convene a Panel when necessary on the submission of the Academic Appeals form, and within the timeframes set out for each type of appeal.

The AAP is permitted to invite the student to a meeting to discuss the case prior to a formal hearing. It is important to advise the student at this stage that if the appeal is escalated to Stage 2 – Academic Registrar Review, they will not be permitted to meet with the Registrar under ISC regulations, and so if they wish to discuss the case directly, they must meet with the Panel when they are invited.

The case is judged by the AAP on the basis of the written appeal and evidence received from the student, meetings with the student, and all other requested information from other persons by the Panel.

The student is permitted to be accompanied to an Appeal Hearing by a person of their choice (at that person’s agreement), but they must inform the Chair they intend to be accompanied and by whom. This person may not be the formal representative of the student (see Appellant Representatives above), and will have no bearing on the evidence of the case.

The hearing itself will ensure:

- the appellant (or their representative) is invited to speak on the appeal (or remote attendance may be permitted)
- if the appellant submits a wish to introduce new grounds for appeal (for example, if these details were not available prior to the Panel) the Panel should decide whether the grounds are admissible
- the Panel members are allowed to put questions to the appellant (or their representative)

Record keeping

5.4.10 Panel Decision

The chair will inform of the decision to:

- The student
- The Head of Subject
- The Subject Leader
- The Subject Tutor
- The ISC Exams Office
- The Head of Progression Support
- The Personal Tutor

The outcome can be communicated to the parties above simultaneously or independently. Where anyone above is involved directly (i.e. subject of a complaint or similar) in the student’s appeal the Chair will pursue action to inform those individuals of the outcome separately.

i. Outcomes
a. Appeals Upheld

If the Appeal is upheld the Panel will decide the best course of action for the type of Appeal raised by the student, taking into account the desired outcome from the student, e.g. the student wishes to have the AMP outcome reversed and the original grade to stand.

The student will be notified of the outcome by the Chair, and correspondence will be forwarded to all parties in Section 5.4.10. This correspondence will include clear justification for any upheld decision.

b. Appeals Partially Upheld

If the Appeal is Partially Upheld, which means some of the objections were sound, but others were decided to be invalid due to possible lack of evidence, incorrect policy followed, or other circumstances, the Panel will decide the outcome of the successful objections within the appeal, and apply a course of action, taking into account the desired outcome from the student.

The parts of the appeal not upheld will also be detailed.

The student will be notified of the outcome by the Chair, and correspondence will be forwarded to all parties in Section 5.4.10. This correspondence will include clear justification for any overturned decision in favour of the student, and also clear justification for decisions not overturned.

Right of further appeal against any objection not upheld should be followed as in section 5.4.13.

c. Appeals Not Upheld

Where an appeal is not upheld at all by the Panel the student will be notified of the outcome by the Chair, and correspondence will be forwarded to all parties in Section 5.4.10. This correspondence will include clear justification for all decisions of the Panel relating to each objection from the student within their appeal documentation.

5.4.11 Record Keeping

The Appeals Panel Chair should keep a full record of each Stage 1 appeal including the Stage 1 appeal form, details of any discussions with the appellant/relevant members of staff, records from the Appeals Committee, relevant email exchanges and written communication. This information may be required for any future investigation. The appeal itself should be logged on the Student Appeals Spreadsheet, and a closed file kept by the Chair.

Upon completion of Stage 1, the Head of Centre/Centre Director (or nominated Professional Services staff member) should upload the full case file to the secure appeals repository on Huddle (including scans of any hard copies). The title of the file should be comprised of the following in the order specified:

- Prefix - an identifier specific to the ISC/IC. For example, 'RHUL'/'LJMU'/'LUISC'
- Name – student name (full)
- Case number – for example, ‘001’/’002’/’003’ and so on. (Case numbers should be specific to the case not the student).

The Academic Office will, on a regular basis, use the case files uploaded to the secure Huddle repository to maintain a central log of all formal appeals.

5.4.12 Resolutions

When an appeal points to procedural irregularities in the assessment process, appropriate recommendations to address these may be made to the tutor or nominee by the Panel Chair.
Any other resolutions that can be reasonably implemented by the Centre following an upheld appeal should be communicated to the relevant member of Centre management.

5.4.13 Timescale for Appeals Decisions

The student will be informed in writing of the decision of the Sussex ISC Student Appeals Panel by the Chair within seven working days of the decision being made. The student will also be advised of their right to appeal to the Academic Registrar.

The Centre, and the Academic Registrar for Stage 2 Appeals, will retain a confidential record of formal appeals.

When an appeal points to procedural irregularities in the assessment process, appropriate recommendations to address these may be made to the tutor or nominee by the Panel Chair.

5.4.14 Stage 2: Academic Registrar Appeal

The types of appeals that can be processed at Stage 2 are AMP and Progression appeals, for review of Stage 1 outcomes (whether upheld or not), and disciplinary appeals as a means of escalation.

i. Grounds of appeal to the Academic Registrar

If a student is dissatisfied with the outcome of the Stage 1 appeal, they have the right to escalate the appeal to the Academic Office for an Independent Appeal Review. All such, appeals must be made on at least one of the following grounds:

- new material evidence which the student was unable, for valid reasons, to provide at earlier stages;
- bias or prejudice on the part of those who dealt with the appeal at the Appeals Committee;
- a consideration of whether the outcome was reasonable in all the circumstances;
- breach by the ISC/IC Appeals Committee of the procedure set out in the Complaints & Appeals Policy.

ii. Timing and format of appeals to the Academic Registrar

An appeal to the Academic Office (Stage 2) may be lodged only after written notification has been given of the outcome of a Stage 1 appeal.

All appeals to the Academic Office, together with any supporting documentary evidence, must be lodged in writing (to academicregistry@studygroup.com) within a period of 10 working days from the date on the letter informing the appellant of the outcome of the Stage 1 appeal. Appeals received after this period will not be accepted without the prior agreement of the Academic Office, and in any event only where good reason is given for such an extension.

Appeals to the Academic Office should be set out in writing on the Stage 2 Student Appeal Form and should be addressed to the Academic Registrar. As well as setting out in full the grounds on which the appeal is founded, the appellant should also state the outcome(s) sought (e.g. a further attempt at failed examinations).

The appeal to the Academic Office must be supported by copies of the Stage 1 Student Appeal Form, the response received from the ISC/IC Appeals Committee and all available and appropriate evidence (e.g. medical certificates). Copies of these may, if necessary, be obtained from the ISC/IC Administration Office.

An acknowledgement of receipt will be sent to the appellant within 5 working days. Any unavoidable delays in addressing the appeal (e.g. the absence of the individual(s) required to provide a response) will be notified at as early a date as possible.
iii. Procedure for Independent Review Appeal

The Academic Office will check a) whether the appeal is based on acceptable grounds and b) whether the appeal has been submitted within the required timeframe (see above). If not, the appellant will a) be informed in writing that the complaint will not be heard because there are no grounds, (and will be advised of their right to complain to the Office of the Independent Adjudicator (OIA) or relevant Partner University for validated provision, as appropriate) or b) be informed in writing that the appeal will not be heard because it was submitted outside the permitted timeframe without reasonable cause.

If the Stage 2 appeal has been submitted on acceptable grounds and within the permitted timeframe, the Academic Office will appoint an independent and senior member of staff from the Study Group network to review the appeal. The senior member of staff will not be directly connected to the ISC/IC in question to ensure impartiality.

The review stage (Stage 2) will not usually consider the issues afresh or involve a further investigation. An appeal must have been considered at the Stage 1 level before it can be escalated to the review stage.

The Independent Reviewer may request additional information/clarification from the ISC/IC Appeals Committee in order to assist in their review and may, at their discretion, convene a small panel (of suitably independent staff) to assist them in their decision.

Key questions the Independent Reviewer may consider:

- Were the relevant procedures followed during the Stage 1 appeal?
- Was the outcome reasonable in all the circumstances?
- Has the student received clear reasons why the academic appeal was rejected at Stage 1?
- If new material evidence has been provided, has the student given valid reasons for not supplying this earlier?

If the appeal is not upheld the outcome of the review should be communicated to the student in writing by issuing a Completion of Procedures (COP) letter as soon as possible and within 20 working days of receipt of the Stage 2 appeal. The letter should include a clear explanation and outline the reasons for the decision in straightforward language. (see the Office of the Independent Adjudicator’s website for COP Letter Guidance)

The COP letter should also advise the student about their right to submit a complaint to the Office of the Independent Adjudicator (OIA), the time limit for doing so and where to access advice in this regard, (or for validated provision, the student’s right to escalate the appeal to the partner University).

If the Stage 2 appeal has been submitted on the basis of new material evidence and the Independent Reviewer is satisfied that the appellant has given valid reasons for not supplying the evidence earlier, the appeal will be referred back to the ISC/IC Appeals Committee for further consideration, giving them the opportunity to review their initial decision in light of the new evidence. The Independent Reviewer will inform the appellant of the referral in writing within 20 working days of receipt of the Stage 2 appeal.

If the Independent Reviewer upholds the Stage 2 appeal, (the Independent Reviewer may overturn the Appeals Committee’s decision made at Stage 1), the appellant should be informed in writing with an explanation of how and when any remedy will be implemented. (The letter should be issued within 20 working days of receipt of the Stage 2 appeal).

If the appeal is upheld, a COP letter may be issued if requested by the student but will not be issued otherwise.

5.4.15 Frivolous or Vexatious Appeals

The Provider reserves the right to terminate consideration of an appeal if it is considered to be
frivolous or vexatious. Examples of such appeals include:

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

Should the Provider determine (at Stage 1 or Stage 2) that an appeal is frivolous or vexatious, the appeal handler will inform the student in writing (within 20 working days of receipt of the Stage 1 or Stage 2 appeal) that consideration has been terminated and the reasons for this decision. The student will also be informed of their right to escalate the matter to the Director of Learning, Teaching & Quality Enhancement (UK & Europe) for further consideration if they remain dissatisfied, and the method by which to do so.

To escalate the matter, the student should re-submit full documentation (all formal appeal forms completed at Stage 1 and/or 2, all supporting evidence and the appeal handler’s letter confirming that consideration of the appeal has been terminated) to academicregistry@studygroup.com for the attention of the Director of Learning, Teaching & Quality Enhancement (UK & Europe). The student should specify that they are escalating the matter for further consideration.

Any escalations to the Director of Learning, Teaching & Quality Enhancement (UK & Europe) must be made within 10 working days of the date of the original appeal outcomes letter and an acknowledgement of receipt will be provided.

The Director of Learning, Teaching & Quality Enhancement (UK & Europe) will provide the student with written confirmation of their decision within 20 working days of receipt of the escalation. In the event of any delay, the student will be informed in writing.

If the escalation has not been upheld the outcome should be communicated to the student in writing by issuing a Completion of Procedures (COP) letter as soon as possible and within 20 working days. The letter should include a clear explanation and outline the reasons for the decision in straightforward language. (see the Office of the Independent Adjudicator’s website for COP Letter Guidance).

The COP letter should also advise the student about their right to submit a complaint to the Office of the Independent Adjudicator, the time limit for doing so and where to access advice in this regard.

If the escalation has been upheld, (the Director of Learning, Teaching & Quality Enhancement (UK & Europe) may overturn the appeal handler’s original decision), the student should be informed in writing (within 20 working days), with an explanation of how and when any remedy will be implemented.

If the escalation is upheld a COP letter may be issued if requested by the student but will not be issued otherwise.

5.4.16 Record Keeping

The Academic Office should keep a full record of each Stage 2 appeal including the Stage 2 appeal form, details of any discussions with the appellant/relevant members of staff, relevant email exchanges and written communication. This information may be required for any future investigation.

Upon completion of Stage 2, the Independent Reviewer should provide the Academic Office with the full case file in order for it to be stored securely and all relevant updates to be made to the central log.

5.4.17 External Student Appeals
i. **University of Sussex**

If a student is unsatisfied with the outcome of an academic appeal, that is, an appeal that relates only to academic decisions regarding progression, assessment and awards, but does not include to the Sussex ISC Student Disciplinary Procedure appeals, they can appeal directly to the University of Sussex.

The student should write to the university’s Secretary of the Academic Board within 21 calendar days of the notification of the outcome (completion of procedures letter) from Stage 2 – Academic Registrar Appeals.

ii. **Office of the Independent Adjudicator**

Once a student's appeal has been considered through the above appeals process, including the University of Sussex, they have the right to lodge a complaint with the OIA should they remain unsatisfied with the final decision.

The Office of the Independent Adjudicator for Higher Education (OIA) is an independent body set up to review students’ complaints against Universities (and other qualifying Education providers) within England and Wales.

The OIA will only consider complaints from students who are (or were, for former students) on a Higher Education course and who have completed the provider’s internal complaints or appeals process.

The OIA will only consider student complaints received within 12 months of the completion of the provider’s internal complaints or appeals processes.

The OIA will not consider complaints about academic judgement, frivolous or vexatious complaints or complaints that have been dealt with before by the OIA. There are other restrictions to the types of complaints the OIA will consider and full details can be found on the OIA’s website (see below).

For full details of the OIA’s processes and procedures (including their complaint form), please refer to the OIA’s website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

### 5.6 Student Complaints Policy

The Centre’s policies and procedures have been developed with reference to the [QAA Quality Code Advice and Guidance on Concerns, Complaints, and Appeals](https://www.qaa.ac.uk/quality-code/advice-guidance/concerns-complaints-appeals).

Procedures also align to the regulatory framework of The Office for Students (OfS) and the [Student Complaints Scheme from the Office of the Independent Adjudicator (OIA)](https://www.ofs.gov.uk/).

Students who raise complaints should note that:

- they will not suffer any disadvantage as a result of making the complaint;
- everyone who responds to, investigates or adjudicates upon complaints is required to do so impartially and will not be permitted to act in any matter in which they have a material interest or in which any potential conflict of interest may arise;
- privacy and confidentiality will be respected as far as possible at all stages of the process;
- complaints will be considered on their own merits and on their particular facts and
circumstances so that natural justice may be done.

5.6.1 Overview

Complaints under Sussex ISC policy encompass various issues or experiences of students in connection with the standards of services or staff at the ISC, or those provided on behalf of the ISC.

Complaints deal with non-academic issues, and have both informal and formal stages as follows:

Stage 1 – Informal Complaint
Stage 2 – Formal Complaint – for unresolved Stage 1 complaints
Stage 3 – Independent Network/Cluster Review - for unresolved Stage 2 complaints

Students may speak to their Personal Tutor (or any other Centre staff they are comfortable with) at any time to discuss any concerns or complaints they are unsure about raising, or for a discussion of this policy.

Academic appeals (including academic misconduct) and disciplinary appeals are dealt with under the Sussex ISC Appeals Policy.

5.6.2 General Principles

Student complaints are normally considered to be complaints from current students at ISC Sussex on courses validated by the University of Sussex. However, we will consider a complaint under this process from former students who left the Centre up to six months previously. Otherwise the complaint will be considered under the process for individuals who are not staff or students.

As a general principle the Centre expects that complaints will be dealt with informally in the first instance. Many complaints can be dealt with quickly and effectively in this manner without the need to follow formal procedures; this complaints procedure has been designed with this in mind.

It is advisable in the first instance for students to contact their Personal Tutor to discuss informally any issue or complaint they have about the Centre or staff. Students are not restricted, however, in whom they raise their informal concern, and can contact any member of staff with whom they feel comfortable.

Where a student is dissatisfied about their academic provision on a taught course, it is expected they initially raise the matter constructively with their Academic Tutor, Personal Tutor or Subject Leader. If still dissatisfied, they should seek to raise the matter with the Director of Curriculum and consider requesting assistance in the process from either a student representative or one of the student services staff.

The Centre is committed to providing a high quality service to its students, who are encouraged to let it know when there is cause for concern or a need for improvement. However, complaints which are frivolous (unfounded, trivial) or malicious (with vindictive motivation) will be rejected.

Students should be assured that they will not be in any way disadvantaged by raising a complaint. We will handle the complaint respecting your privacy and confidentiality except where information including documents has to be shared or discussed to progress the complaint. This handling will comply with UK GDPR regulations.

The following list indicates examples of the type of complaint covered by the procedure:

- Poor teaching or supervision
- Misleading information in prospectuses or in advertising or promotional material
- A failing in a Centre or University service, academic or non-academic
- Inadequate facilities
• The behaviour of a member of Centre staff

It is important to remember that complaints will not always result in the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence or circumstances beyond our control which affect the level of service provided.

5.6.3 Exemptions to Student Complaints

The following are not covered by the procedure:

• A request for a review of a decision of an academic body (e.g. Exam Board) regarding student progression, assessment and award. This is defined as an Academic Appeal and is dealt with under the separate Sussex ISC Student Appeals Policy.

• Complaints against another student. These are dealt with under the separate Sussex ISC Student Disciplinary Policy.

However, the Centre continues to also reserve the right to decide, in a given case, which internal procedural route (appeals, complaints, disciplinary, etc.) is most suited to handle the issues presented by a complainant, and not to allow the re-examination of issues that are/ have been appropriately reviewed by one process, to also be reviewed by another process in a way that duplicates and does not add specific value.

The complaints procedure has three stages, and all related student documentation can be found on the VLE on the student Canvas site.

5.6.4 Stages of Student Complaints Procedure

Students are expected to put their name to a complaint they make, and anonymising complaints can only happen if there is a very strong reason for it, and the investigator agrees it is appropriate. However, it cannot be promised that names will be kept anonymous indefinitely, as it may make it impossible for the complaint to be investigated fairly.

i. Stage 1 – Informal Complaint

Wherever possible students should immediately communicate complaints to the member of staff involved or responsible for their concerns, or with one of the support services below, with the aim of resolving the problem directly and informally:

• Personal Tutor (PT)
  • Students may discuss complaints informally with their PT before/instead of raising it with the member of staff concerned if they wish

• The Designated Safeguarding Lead (DSL) (or Deputy)
  • If students are seriously worried about their welfare or safety due to staff or Centre facilities they can discuss their complaint or concern with the DSL first

• A member of the Progression Support Team

• Subject Leaders

• Any of the Student Services team (at Reception)

• One of the Student Representatives

It may be more appropriate to raise an informal concern directly with the Centre Director in the first instance, instead, where students may feel the issue is inappropriate to discuss with another staff member (for example, if the person they are complaining about is a senior manager).
Stage 1 will generally be an oral process and a formal written record will not be made. However, a log that an informal discussion was held will be kept on the Centre Student Complaints Spreadsheet to ensure we have accurate support records.

Stage 1 complaints are intended to be resolved quickly and satisfactorily, and the focus will remain on resolution between the aggrieved party and the subject of the complaint.

Some questions that may be asked to ensure the complaint is dealt with efficiently and a resolution is sought quickly might be:

- What specifically is the concern about and which area(s) of the Provider is/are involved?
- What outcome is the student hoping for and can it be achieved?
- Is the concern straightforward and likely to be resolved with little or no investigation?
- Can it be resolved on the spot by providing, where appropriate, an explanation, an alternative solution or an apology?
- Can someone else assist in seeking resolution, for example where an informal administrative resolution is required?
- Would it be helpful to use confidential mediation or conciliation, and are the student and provider willing to do so?
- What assistance or support can be provided to the student in taking this forward?

If the student remains dissatisfied with the response to a complaint at Stage 1 they should use Stage 2 of the process. Students are also advised to keep all records (emails, journal entries) of any discussion with staff to assist with any later investigation if they still have concerns.

ii. Stage 2 – Formal Complaint

Where it has not been possible to resolve matters informally at Stage 1 students should write to the Centre Director, submitting a completed Stage 2 Student Complaints Form (provided on the student VLE).

So that the complaint can be properly investigated they must give as much detail as possible about what has happened. They should complete the form as fully as possible and forward it with any relevant documentation. They should also include what attempts they have already made to resolve the complaint, including names of anyone you have spoken to regarding it, and what you would like the outcome to be.

Students can speak to Personal Tutors if they need help filling out this form, but they must submit it themselves from their academic email.

Process

1. Students need to submit a formal Stage 2 complaint to the Centre Director within three months of the conclusion of the informal Stage 1 phase. Complaints received later than this will not normally be considered.

2. The Centre Director will forward an acknowledgement of the receipt of the complaint within five working days.

3. In some cases students may be contacted for further information or clarification during the investigation stage. They will be able to bring a friend or another person to any meeting to provide them with support. They have the right to request a meeting with the person investigating their complaint, to discuss the issues in person.
4. Students will be informed of the result of their complaint in writing and will be provided with the reasons for the outcome. It is our aim to resolve most complaints at Level 2 within 28 calendar days. Students will be informed if there is likely to be any delay in the process.

Some complaints may be required to be dealt with more swiftly than others, for example:

- Complaints involving a threat of serious harm
- Cases where the impact of the issues raised has detrimental consequences for the student’s mental health or where the student displays significant distress
- Complaints relating to disability support
- Issues of serious and repeated service failure and/or significant delay
- Issues of a highly sensitive nature

Record Keeping

The Centre Director should keep a full record of each formal complaint including the Stage 2 complaint form, details of any discussions with the complainant/relevant members of staff, relevant email exchanges and written communication. This information may be required for any future investigation. This log should be kept on the Student Complaints Spreadsheet.

Upon completion of the case, the Centre Director (or nominated Student Experience staff member) should upload the full case file to the secure complaints repository on Huddle (including scans of any hard copies). The title of the file should be comprised of the following in the order specified:

- Prefix - an identifier specific to the ISC/IC. For example, ‘RHUL’/’LJMU’/’LUISC’
- Name – student name (full)
- Case number – for example, ‘001’/’002’/’003’ and so on. (Case numbers should be specific to the case not the student).

The Academic Office will, on a regular basis, use the case files uploaded to the secure Huddle repository to maintain a central log of all formal complaints.

iii. Stage 3 – Independent Cluster/Network Director Review

If the complainant remains dissatisfied with the outcome of the investigation of their formal complaint and they wish for there to be a) a review of procedures followed at the formal stage 1, b) a review of whether the outcome was reasonable, or c) if they wish to submit new material evidence which they were unable, for valid reasons, to provide earlier in the process, they may escalate the complaint to the independent Cluster/Network Director who will review the steps taken and decision made by the Centre Director.

The student should complete a Stage 3 Student Complaint form and submit it to the Academic Office (academicregistry@studygroup.com) within 10 working days of the date on the Stage 2 outcomes letter from the Centre Director. The Academic Office will acknowledge receipt, undertake administrative arrangements with respect to the Stage 3 complaint and notify the student of any anticipated delays.

The Academic Office will check a) whether the complaint is based on acceptable grounds (as indicated above 6.1) and b) whether the complaint has been submitted within the required timeframe (see above). If not, the complainant will a) be informed in writing that the complaint will not be heard because there are no grounds, (and will be advised of their right to complain to the Office of the Independent Adjudicator (OIA)) or b) be informed in writing that the complaint will not be heard because it was submitted outside the permitted timeframe without reasonable cause.
If the Stage 3 complaint has been submitted on acceptable grounds and within the permitted timeframe, the Academic Office will appoint an independent Cluster/Network Director from the Study Group network to review the complaint. The Cluster/Network Director will not be directly connected to the ISIC/IC in question to ensure impartiality.

The review stage (Stage 3) will not usually consider the issues afresh or involve a further investigation. A complaint must have been considered at the Stage 2 level before it can be escalated to the review stage.

The independent Cluster/Network Director may request additional information/clarification from the relevant Centre Director in order to assist in their review and may, at their discretion, convene a small panel (of suitably independent staff) to assist them in their decision.

Key questions the independent Cluster/Network Director may consider when a Stage 3 escalated complaint is received could include:

- Were the relevant procedures followed during the Stage 2 Formal Complaint process?
- Was the outcome reasonable in all the circumstances?
- Has the student received clear reasons why the complaint was rejected at Stage 2?
- If new material evidence has been provided, has the student given valid reasons for not supplying this earlier?

The independent Cluster/Network Director will provide the complainant with written confirmation of the outcome of their review within 20 working days of receipt of the escalated complaint (Stage 3 form).

If the complaint has not been upheld the outcome of the review should be communicated to the student in writing by issuing a Completion of Procedures (COP) letter as soon as possible and within 20 working days. The letter should include a clear explanation and outline the reasons for the decision in straightforward language. (see the Office of the Independent Adjudicator's website for COP Letter Guidance)

The COP letter should also advise the student about their right to submit a complaint to the Office of the Independent Adjudicator, the time limit for doing so and where to access advice in this regard (see below).

If the Stage 3 complaint has been submitted on the basis of new material evidence and the Independent Cluster/Network Director is satisfied that the appellant has given valid reasons for not supplying the evidence earlier, the appeal will be referred back to the Centre Director for further consideration, giving them the opportunity to review their initial decision in light of the new evidence. The Independent Cluster/Network Director will inform the appellant of the referral in writing within 20 working days of receipt of the Stage 3 complaint.

6.12 If the complaint is upheld, (the independent Cluster/Network Director may overturn the Centre Director's decision made at Stage 2), the complainant should be informed in writing with an explanation of how and when any remedy will be implemented. (The letter should be issued within 20 working days of receipt of the escalated complaint – Stage 3 form).

If the complaint is upheld a COP letter may be issued if requested by the student but will not be issued otherwise.

Record Keeping

The Academic Office should keep a full record of each Stage 3 complaint including the Stage 3 complaint form, details of any discussions with the complainant/relevant members of staff, relevant email exchanges and written communication. This information may be required for any future investigation.

Upon completion of Stage 3, the Independent Cluster/Network Director should provide the Academic Office with the full case file in order for it to be stored securely and all relevant updates to be made to
5.6.5 Office of the Independent Adjudicator

The Office of the Independent Adjudicator for Higher Education (OIA) is an independent body set up to review students' complaints against Universities (and other qualifying Education providers) within England and Wales.

Once a student's complaint has been considered through the above complaints process (both stages 1, 2, and 3) or appeals process (see below), they have the right to lodge a complaint with the OIA should they remain unsatisfied with the final decision.

The OIA will only consider complaints from students who are (or were, for former students) on a Higher Education course and who have completed the provider's internal complaints or appeals process.

The OIA will only consider student complaints received within 12 months of the completion of the provider's internal complaints or appeals processes.

8.5 The OIA will NOT consider complaints about academic judgement, frivolous or vexatious complaints or complaints that have been dealt with before by the OIA. There are other restrictions to the types of complaints the OIA will consider and full details can be found on the OIA's website (see below).

For full details of the OIA's processes and procedures (including their complaint form), please refer to the OIA's website: www.oiahe.org.uk

5.6.6 Frivolous or Vexatious Complaints

The Provider reserves the right to terminate consideration of a complaint if it is considered to be frivolous or vexatious. Examples of such complaints include:

- Complaints which are obsessive, harassing or repetitive
- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable 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 or value

Should the Provider determine (at Stage 2 or Stage 3) that a complaint is frivolous or vexatious, the complaint handler will inform the student in writing (within 20 working days of receipt of the Stage 2 or Stage 3 complaint) that consideration has been terminated and the reasons for this decision. The student will also be informed of their right to escalate the matter to the Director of Learning, Teaching & Quality Enhancement (UK & Europe) for further consideration if they remain dissatisfied, and the method by which to do so.

To escalate the matter, the student should re-submit full documentation (all formal complaint forms completed at Stage 2 and/or 3, all supporting evidence and the complaint handler's letter confirming that consideration of the complaint has been terminated) to academicregistry@studygroup.com for the attention of the Director of Learning, Teaching & Quality Enhancement (UK & Europe). The student should specify that they are escalating the matter for further consideration.

Any escalations to the Director of Learning, Teaching & Quality Enhancement (UK & Europe) must be made within 10 working days of the date of the original complaint outcomes letter and an acknowledgement of receipt will be provided.
The Director of Learning, Teaching & Quality Enhancement (UK & Europe) will provide the student with written confirmation of their decision within 20 working days of receipt of the escalation. In the event of any delay, the student will be informed in writing.

If the escalation has not been upheld the outcome should be communicated to the student in writing by issuing a Completion of Procedures (COP) letter as soon as possible and within 20 working days. The letter should include a clear explanation and outline the reasons for the decision in straightforward language. (see the Office of the Independent Adjudicator's website for COP Letter Guidance).

The COP letter should also advise the student about their right to submit a complaint to the Office of the Independent Adjudicator, the time limit for doing so and where to access advice in this regard.

If the escalation has been upheld, (the Director of Learning, Teaching & Quality Enhancement (UK & Europe) may overturn the complaint handler’s original decision), the student should be informed in writing (within 20 working days), with an explanation of how and when any remedy will be implemented.

If the escalation is upheld a COP letter may be issued if requested by the student but will not be issued otherwise.

5.6.7 Record Keeping

The Academic Office should keep a full record of each escalation including all relevant submission forms, details of any discussions with the complainant/relevant members of staff, relevant email exchanges and written communication. This information may be required for any future investigation.

Upon completion of the escalation, the Director of Learning, Teaching & Quality Enhancement (UK & Europe) should provide the Academic Office with the full case file in order for it to be stored securely and all relevant updates to be made to the central log.

5.6.5 External Review

i. University of Sussex

If a student is unsatisfied with the outcome of a complaint, where appropriate, they can take their complaint to the University of Sussex. The University will only consider certain complaints directly affecting:

1. the quality of a student’s learning opportunities, and/or;
2. the academic standards of its awards

Inclusion under this policy could be delivery of teaching and learning, or associated resources (e.g. library provision). Academic judgement, matters relating to pastoral provision, accommodation, finance or other isolated provisions are not included in this policy.

Where the criteria 1 and/or 2 above have been met, the student should write to the university’s Director of Planning, Governance and Compliance within 21 calendar days of the notification of the ISC complaint outcome (completion of procedures letter) from Stage 2 – Academic Registrar Appeals. Complaints can be considered by the Director of Planning, Governance and Compliance where:

- There were procedural irregularities in the complaint’s investigation
- There is fresh evidence not reasonably available at an earlier stage
- The findings were against the weight of the evidence

It is important to note, that where a student has taken a complaint to the University of Sussex, the
university will hold ultimate responsibility for that complaint. Should the complaint be then taken to the OIA, it is the university’s processes that would be reviewed, and not those of the ISC.

ii. Office of the Independent Adjudicator

Once a student’s complaint has been considered through the above complaints process they have the right to lodge a complaint with the OIA should they remain unsatisfied with the final decision.

The Office of the Independent Adjudicator for Higher Education (OIA) is an independent body set up to review students’ complaints against Universities (and other qualifying Education providers) within England and Wales.

The OIA will only consider complaints from students who are (or were, for former students) on a Higher Education course and who have completed the provider’s internal complaints or appeals process.

The OIA will only consider student complaints received within 12 months of the completion of the provider’s internal complaints or appeals processes.

The OIA will NOT consider complaints about academic judgement, frivolous or vexatious complaints or complaints that have been dealt with before by the OIA. There are other restrictions to the types of complaints the OIA will consider and full details can be found on the OIA’s website (see below).

For full details of the OIA’s processes and procedures (including their complaint form), please refer to the OIA’s website: www.oiahe.org.uk