

# SPI Learners' Complaints Policy and Procedure



ATHROFA PADARN SANT  
ST PADARN'S INSTITUTE

## Document Control Table

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1	09 July 2019	Kathryn Delderfield	
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3	18 June 2022	Kathryn Delderfield	<ul style="list-style-type: none"> <li>Clarification on what complaints come under this policy</li> <li>Separation out and revision of confidentiality information</li> <li>Additional information in section 7</li> <li>Expansion of information about appealing to the OIA.</li> </ul>
3.1	21 August 2023	Gareth Longden	<ul style="list-style-type: none"> <li>Update to Common Awards information about complaints and appeals.</li> </ul>

			<ul style="list-style-type: none"> <li>Change of name to SPI Learner’s Complaints Policy and Procedure to reflect fact that complaints about academic provision can be brought under this policy. Appeals against marks are dealt with under the Academic Appeals policy.</li> </ul>
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## **SPI Learners’ Complaints Policy and Procedure**

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### **2. Introduction**

This policy is intended to apply to all complaints by learners except those that are addressed under the Academic Appeals Policy.; the Academic Appeals Policy addresses complaints about the award of marks for assessed work. Examples of a complaint that might be addressed under the St Padarn’s Complaints Policy might be a specific concern about the provision of a module, the behaviour of a member of staff or other learner or the provision of facilities.

### **3. Policy**

St Padarn’s expects that all those involved with its activities will treat each other with fairness, dignity, and respect, and that its delivery, processes, and

administration should be excellent. However, it is recognized that from time-to-time issues may arise. These may be between learners, learners, and staff or with the delivery, processes, and administration (issues between staff are dealt with under the Representative Body of the Church in Wales Grievance policy). It is important that problems are resolved as quickly and as fairly as possible.

#### **4. Confidentiality**

St Padarn's will be mindful of its obligations under relevant data protection regulations and the Equality Act 2010 in relation to any information shared about the complaint.

All parties involved in the complaint will be reminded of the confidentiality associated with the procedures outlined below. Information associated with the case will be disclosed to as few people as possible.

Where there is risk of harm, or a criminal offence has been alleged information may need to be referred onto the Church in Wales Safeguarding Team or the local police authority.

#### **5. Informal Resolution**

In the first instance, wherever possible, an issue should be raised informally with the other party concerned in order to seek a quick resolution. If the issue is with a St Padarn's process, service, or delivery of work the matter should be raised with the person responsible for that area.

It is recognized that there are some circumstances where this might be difficult, in particular if the complaint is about abusive or discriminatory behaviour, or there is a balance of power in the relationship between a learner and St Padarn's Staff member. In such cases the complainant may want to go directly to the Principal.

## 6. Formal Complaint

If a complaint cannot be settled informally, the learner should raise it formally with the Principal who will then appoint a senior member of staff to apply the Complaints Procedure.

**N.B.** If the complaint is against the Principal, then the matter should be raised with the Chair of the Executive Board of St Padarn's (contact details available on Church in Wales website).

## 7. Complaints Procedure

- 7.1** The complaint must be set out in writing and sent to the Principal / Chair of the Executive Board giving as much detail (specific incidents, dates etc) as possible.
- 7.2** The Principal / Chair will appoint a senior member of staff who will arrange a formal meeting to take place, usually within **5 working days**, in order to discuss the complaint. The senior member of staff would normally have had no direct involvement in the issue.
- 7.3** The complainant has the right to be accompanied at this meeting by a fellow learner or staff member.
- 7.4** If the complaint is against an individual the other party against whom the complaint is alleged also has the right to be heard. The member of staff investigating the complaint will arrange a meeting for this purpose. The party against whom the complaint is alleged has the right to be accompanied by a staff member or trade union representative or a person of similar responsibility during the process.
- 7.5** The senior member of staff will write to the complainant with his/her response to the complaint within 5 working days of the hearing. If the complaint is against another individual, they also will be sent a copy of the response.
- 7.6** If it is not possible to respond to your complaint within that time, an explanation will be given for the delay and all parties concerned will be informed when a response can be expected.

- 7.7** In their response the senior member of staff dealing with the complaint will draw a conclusion and make recommendations. Even where a complaint is not upheld there may be learning that can be drawn from the experience.
- 7.8** The response will also be sent to the Principal / Chair who will assess the recommendations and ensure that the appropriate action takes place. Where a complaint against an individual is upheld, this may include invoking the disciplinary process.
- 7.9** The senior staff member will write a summary and the summary and recommendations of the response will be sent to the Senior Leadership Team and discussed to ensure the outcomes of the complaint are used to improve student experience.
- 7.10** If the complainant is not satisfied that the matter has been resolved, or if the appointed member of staff fails to deal with the written complaint, then the complainant has the right to appeal.

It is understood that the complaints process can be stressful for all involved. Appropriate support will be given to the complainant, and if the complaint is against an individual then they also should be offered appropriate support.

## **8. Appeal Procedure**

- 8.1** If the complainant feels that the matter has not been adequately resolved and there is a right of appeal, the complainant must inform the Principal / Chair in writing within **10 working days**.
- 8.2** The Principal / Chair will arrange your appeal within **10 working days** of receiving written notification.
- 8.3** The complainant may be accompanied by a fellow learner or staff member at the appeal.
- 8.4** The Principal / Chair will make a decision regarding the appeal within **10 working days**.
- 8.5** If it is not possible to respond to the appeal within that time, an explanation will be given for the delay and the complainant will be told when a response can be expected.

**8.6** The decision of the Principal / Chair will close the St Padarn's Complaints process. If the complainant is studying on an accredited course with St Padarn's they may choose to take their complaint to the relevant accrediting university or the Office of the Independent Adjudicator. It is only possible to make an appeal to one of these bodies once the internal procedures have been exhausted.

**8.7** Information on the appeals processes for St Padarn's validating universities can be found below:

**For Cardiff University please see:**

<https://www.cardiff.ac.uk/public-information/students-applicants/complaints>

**For UWTSD please see:**

<https://www.uwtsd.ac.uk/academic-office/academic-quality-handbook/>

**For Durham University please see:**

<https://www.dur.ac.uk/departments/academic/common-awards/students/complaints-appeals/>

**8.8** In the event that you are not satisfied with the outcome of your complaint, you are entitled to take the issue to the **Office of the Independent Adjudicator (OIA) for Higher Education**. You can do this either after the completion of the St Padarn's Complaints Process, or, if you have appealed to the validating university, you can make a complaint on the **completion of university processes**.

The OIA was set up under the Higher Education Act 2004 to provide 'an independent learner complaint scheme'. All Higher Education Institutions in England and Wales are required to comply with the scheme, which is free to learners. The time limit for bringing a complaint to the OIA is 12 months following the completion of the appeals process. The complaints which the OIA will consider include, but are not limited to:

- Academic Appeals
- Extenuating Circumstances
- Teaching and Facilities

- Accommodation
- Research supervision
- Welfare
- Discrimination (but see \* below)
- Bullying and harassment
- Placements
- Procedural irregularities
- Unfair practices
- Disciplinary matters - including plagiarism\*

In considering issues related to discrimination the OIA does not act as a court. It does not investigate or make legal findings in the same manner as a court. However, it is appropriate for the OIA to refer to the law and guidance on discrimination to form an opinion as to good practice and to decide whether the provider has acted fairly. The OIA cannot consider complaints/appeals concerning:

- Admissions
- Academic judgement
- Matters which are already are or have been the subject of Court or Tribunal proceedings unless the proceedings have been 'stayed' or adjourned.

In order to make an Academic appeal to the OIA, you will need to:

Request a '**Completion of Procedures Letter**' from St Padarn's, or the validating University if you have been through their appeal process, to submit with your appeal to the OIA. This must be requested within one month of your appeal being upheld. If your appeal is not upheld the completion of procedures letter will be issued automatically within **28 days** of the completion of the internal processes. This letter can be requested from the university after the appeals procedure has been completed. Full details of the procedure are available from the OIA website: <http://www.oiahe.org.uk>