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COMPLAINTS POLICY & PROCEDURE

Metanoia Institute

Version Control

Document title: COMPLAINTS POLICY & PROCEDURE	No of pages: 10
Version Number: 3	Date first published: -
Approved by: Academic Board	Last review date: September 2025
Date originally approved: -	Due for next review: September 2027

Contents

1. Introduction 3

2. Informal Student Complaint - Early Resolution (Stage 1) 4

3. Formal Student Complaint (Stage 2) 6

4. Formal Student Appeal (Stage 3) 9

5. External Oversight (Stage 4) 10

Appendix 1 - Complaints Process..... 11

1. Introduction

1.1 This Complaints Policy and Procedure has been developed in accordance with the principles established by “UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals” published by the Quality Assurance Agency for Higher Education (QAA); and the “Good Practice Framework: handling student complaints and academic appeals” developed by the Office of the Independent Adjudicator for Higher Education (OIA).

1.2 This policy applies to:

- all students at Metanoia Institute including those on validated programmes, Institute Diploma and Certificate programmes, clinical and professional courses.
- Students who are no longer enrolled on a programme can make a complaint within **3 months** of their leaving date.

1.3 Metanoia’s complaints policy and procedure is designed for situations where a student is dissatisfied with the decisions and/or actions of Metanoia Institute, or its staff, in relation to programme content and/or delivery, learning and teaching, administrative policies, procedures and processes and/or the conduct of a member or members of staff. **A complaint must normally be made within 3 months of the event or if it relates to a series of events, within 3 months of the last event in the series.** Complaints made after three months, may exceptionally be accepted by the Registrar where a compelling reason is given for the delay in making the complaint, for example a period of serious illness.

1.4 Students may make a complaint after graduation where the matter complained about occurred within the three-month window as set out above in 1.3.

1.5 A complaint is different from an **academic appeal** whereby a student raises a concern about an assessment issue and is covered by the Academic Appeals Policy and Procedure.

1.6 Where there are concerns about another student’s behaviour the Student Code of Conduct provides guidance on how to report this. Applicants with a complaint about the admissions process should refer to the Admissions Policy and Procedure for guidance on the admissions complaints process.

1.7 Our Complaints Policy seeks to provide guidance for individual students regarding the processes involved in submitting a complaint to the Institute. You may also find it helpful to refer to the Student Complaints guidance for an overview of the procedure (Appendix 1).

1.8 Students are reminded that if problems arise, all parties are encouraged to try to resolve these as soon as possible. We are committed to learning from complaints, and to identifying enhancements to the overall student experience wherever possible. Complainants can be

assured that all concerns and complaints will be treated seriously and with discretion. If a student wishes to make a complaint, they should be assured that doing so will not adversely influence their progress, studies or their learning, teaching or training experience.

- 1.9 We will consider complaints brought by a group of students. All members of the group must be named when the complaint is raised, however a single member must be nominated as the representative. The Institute will communicate directly with this individual during the complaints process and they will need to liaise with the rest of the group.
- 1.10 We will not normally investigate anonymous complaints unless they are supported with compelling evidence and there is a good reason for us to do so. The outcomes of any such complaint may be necessarily limited.
- 1.11 Metanoia Institute is committed to providing a fair and efficient complaints procedure. Complainants will not be disadvantaged in any way because they have used this complaints procedure. However, should a complaint be found to be vexatious or malicious, the Institute may take action under the Student Disciplinary Procedure.
- 1.12 We will restrict the circulation of personal information relating to a complaint to the people directly involved in its investigation and resolution. Where students request anonymity, this may impair the Institute's ability to fairly investigate the matter and may therefore, limit the actions it may take and/or the resolutions available.
- 1.13 Students are expected to follow this complaints procedure should they be dissatisfied with any aspect of their learning experience or service delivery. Letters/emails of complaint sent directly to a member of the Senior Leadership Team will be referred back to this procedure without exception. This approach underpins good practice as set by the Office of the Independent Adjudicator for Higher Education.

2. Informal Student Complaint - Early Resolution (Stage 1)

- 2.1 In most cases, we expect and aim to resolve problems at an early opportunity and in the simplest way. The process we use is described by Early Resolution (Stage 1). Although this stage is informal, we would recommend that students keep their own record of the key events, times, and people involved, both in relation to a complaint and, the steps taken to try and resolve it. We will also keep such records.
- 2.2 In the case of serious allegations, including allegations of mismanagement, sexual harassment or discrimination, the matter may be referred directly to Stage 2 of this procedure.

2.3 Steps to follow:

- 2.3.1 A student should discuss their complaint as soon as possible directly with the person concerned within three months of the event to which it relates (or if it relates to a series of events, within 3 months of the last event in the series). Alternatively, they may wish to speak to the Registrar (registrar@metanoia.ac.uk) who can advise who they should speak to in the first instance. All Staff and Tutors must alert the Registrar of informal complaints for recording purposes and an administrative record of communications will be kept.
- 2.3.2 If a student feels unable to approach the person concerned in the informal way detailed above, they may also contact the relevant Head of Programme or manager of the service who will make notes about the complaint and speak with any members of staff concerned. The Registrar must be informed of these communications.
- 2.3.3 If the complaint is against/involves the Head of Programme, please refer the matter to the relevant Associate Director of Education. Please contact the Registrar (registrar@metanoia.ac.uk) for guidance, if you are unsure who to approach.
- 2.3.4 Where appropriate, and if agreed by the parties involved, a facilitated meeting can be set up to discuss the complaint and to see if it is possible to resolve it at this stage. This would be coordinated by the Registrar or their nominee.
- 2.3.5 A facilitator will be appointed by the Registrar from outside of the student's programme and, if the issue related to a service, from outside of the service area. The role of the facilitator is to bring together the complainant and the relevant staff member in order to facilitate a dialogue to support finding a resolution to the issues raised in the complaint.
- 2.3.6 The role of the facilitator is to arrange the facilitated meeting and to support and assist the parties to have a productive conversation. The facilitator may ask questions and make suggestions in order to help the parties reach an agreed resolution. The facilitator will not act as an arbitrator and is not able to propose or impose an outcome.
- 2.3.7 Where an agreed outcome is reached by the parties, the facilitator will prepare a summary of the agreed resolution which all parties will sign. The facilitator will provide the parties with a copy of the resolution agreement, which they should treat as confidential. A copy of the resolution agreement will also be provided to the Registrar to be held in the case file to document the successful resolution of the matter.
- 2.3.8 If after discussions the complainant is still not satisfied that the matter has been resolved, they may then make a Stage 2 formal complaint.

2.3.9 The facilitator has the discretion to end the meeting at any time should they consider it appropriate, for example where the parties continually talk over each other or where one or more of the parties becomes highly distressed. The complainant may then make a Stage 2 formal complaint.

3. Formal Student Complaint (Stage 2)

3.1 In the event that Stage 1 does not lead to a resolution, or if the complaint is serious and the complainant wishes to pursue the matter formally in the first instance, then the following procedure will apply; this allows for further and more structured investigation.

3.2 Steps to follow:

3.2.1 In order for a complaint to be considered, the Student Complaints Form Stage 2, **must** be submitted directly to the Registrar (**this can be done via Moodle or contact the Registrar, registrar@metanoia.ac.uk, if you are unable to access Moodle for a form to be emailed**). The purpose of the form is to help focus on the key areas of the complaint and on what outcome(s) a complainant is seeking. It also gives a clear, formal record of the complaint. In exceptional cases, the Registrar, at their discretion may accept a letter or email in place of the completed Student Complaint Form where there is a good reason that the complainant is unable to access or use this form.

3.2.2 The Registrar or their nominee will appoint a staff member who is familiar with the operation of this Complaints Policy and is from outside the student's programme and the area complained about to act as an investigator, this will normally be a senior member of another programme team or another service manager. They will begin to investigate on the basis of the information provided by the student in the Complaint Form.

3.2.3 Where the complaint includes an allegation of behaviour which may be considered misconduct by a member of staff, the Registrar or nominee will inform Metanoia's Director of People and Culture in order to ensure staff are supported and that appropriate employment regulations and legislation are followed during the investigation.

3.2.4 The investigation will be conducted as the investigator deems appropriate in all the circumstances of the case. More extensive details of the complaint may be sought from the complainant which could include a face-to-face meeting or a response in writing. The meeting may be in person or via video call and may be supported by an independent note-taker. Summary notes of the discussion will be provided to the complainant. The complainant may be accompanied by a staff member or another student of their choosing to act as a supporter. The supporter should not participate directly in the meeting and

should not answer questions on behalf of the complainant. Complainants should respond to requests for additional information within 10 working days.

- 3.2.5 The details from the complainant will then be forwarded to the subject of the complaint, or the relevant service manager, for responses which may be received either in writing or verbally. This should be completed within 10 working days.
- 3.2.6 The investigator may also speak to other staff or students who can supply relevant information or clarifications. Staff or students may be accompanied to any investigatory meeting by a staff member or student to act as a supporter.
- 3.2.7 The investigator will prepare a report summarising the evidence. In addition, they may recommend an outcome which will be either
 - (i) Complaint dismissed.
 - (ii) Complaint upheld.
 - (iii) Complaint partially upheld.

In the case that options (ii) or (iii) are being recommended, they may also suggest remediation which may be offered. Any remediation should seek, as far as practicable, to return the student to the position they would have been in had the matter complained about not occurred. The investigator may recommend that a panel is convened if they are unable to establish all of the facts of the case and/or recommend an outcome.

- 3.2.8 The report and the recommendations will be considered by the Academic Registrar or their nominee who has not been involved in the complaint. If, the investigator recommends referral to a Panel or having reviewed the evidence, the Academic Registrar is unable to confirm the investigators recommended outcome due to insufficient information or significant ambiguity, they will normally convene a hearing.
- 3.2.9 In the event that a hearing is convened it will be heard by the Academic Registrar or their nominee acting as Chair and two other senior staff members who has not been involved in the complaint.
- 3.2.10 The complainant will be given 10 working days notice of a hearing. They will be advised of the Panel membership.
- 3.2.11 The hearing may be in person or virtual, as determined by the Chair.
- 3.2.12 All parties will be provided with the investigator's report prior to the hearing.
- 3.2.13 The Chair will determine the order of the hearing. Normally the complainant will be able to give a verbal statement and then asked questions by the Panel. The staff member or

representative of the service complained about will be able to make a statement and then asked questions by the Panel. The Panel may then also invite any other relevant individuals to give a statement and be asked questions.

3.2.14 All attendees may be accompanied to the hearing by a staff member or student to act as a supporter. The supporter should not have had any previous involvement in the case, and should not have a vested interest in the outcome. Supporters may not normally directly participate in the hearing or speak to the Panel. No party may normally be accompanied by a legal practitioner, unless agreed by the Chair in cases where a compelling reason can be given.

3.2.15 The hearing may proceed in the absence of the complainant if they are unwilling to attend or are unable to do so in a reasonable timeframe.

3.2.16 An independent note taker will be in attendance at any hearing and their summary of the proceedings will be appended to the investigator's report.

3.2.17 Within 10 working days of the hearing, the Panel will determine one of the following outcomes,

- (i) Complaint dismissed;
- (ii) Complaint upheld;
- (iii) Complaint partially upheld.

3.2.18 Where the complaint is upheld, the Panel will consider appropriate remediation or undertakings which are to be made. Any remediations or undertakings should, as far as is reasonably practicable, seek to return the student to the position they would have been in had the matter complained about not occurred.

3.2.19 Where it is found that there were shortcomings in the behaviour of a staff member that could constitute misconduct, the Panel will normally refer the matter to Human Resources for possible consideration under staff disciplinary policy and procedure.

3.2.20 The complainant, at the end of Stage 2 will be provided with an outcome letter and the Investigators report and, if one is held, the notes of the hearing.

3.2.21 The Registrar will be responsible for ensuring that any remediations or undertakings are achieved within the agreed time frame.

3.3 Stage 2 of the Complaints Process will be completed in 40 working days from receiving the Complaints Form. In certain circumstances it may not be possible to meet this deadline, particularly where information may be delayed by staff leave or due to time taken to set up a

hearing. If the decision will take longer, the Institute will regularly keep the student informed of progress.

4. Formal Student Appeal (Stage 3)

4.1 In the event that a complainant is not satisfied with the outcome at Stage 2 they may lodge a formal appeal for a further review of the complaint within 10 working days of the date of the outcome. Any such request will only be considered on the following grounds:

- (i) at Stage 2, the complaint was not considered in line with this Complaints Policy; or
- (ii) the complainant has new material evidence which they were unable, for valid reasons, to disclose at an earlier stage; or
- (iii) the decision made at Stage 2 is unreasonable and not in accordance with the facts of the case
- (iv) there is evidence of bias by the investigator or Panel at Stage 2.

4.2 Steps to follow:

4.2.1 In order for a complaint appeal to be considered, the Student Complaints Form Stage 3 must be completed and submitted to the Registrar (**this can be done via Moodle or contact the Registrar, registrar@metanoia.ac.uk, if you are unable to access Moodle for a form to be emailed**). The purpose of the form is to help focus on the key areas of the complaint responses that are being appealed. It also identifies any specific remedies the complainant is seeking. . In exceptional cases, the Registrar, at their discretion may accept a letter or email in place of the completed Student Complaint Form Stage 3 where there is a good reason that the complainant is unable to access or use this form.

4.2.2 This form must be received by the Registrar within 10 working days from the date on the written outcome of Stage 2.

4.2.3 The Director of Education or nominee from the Senior Management Group will then review the complaint and the investigator's report and, if applicable, the notes of the Panel Hearing.

4.2.4 Within 20 working days following the receipt of the complaint the reviewer will decide whether to uphold or reject the formal appeal.

- 4.2.5 If the appeal is upheld, the complaint will return to stage 2 for re-consideration with an explanation as to why this decision has been made. The resumption of stage 2 may be conducted with the same investigator or Panel as previously or with different ones according to the findings of the review of the appeal. The reviewer will write to the student to inform them that their complaint is being re-considered.
- 4.2.6 If the appeal is rejected the reviewer will write to the student to explain why.
- 4.2.7 Once the Institute's internal procedures have been concluded a Completion of Procedures (CoP) letter will be issued.

5. External Oversight (Stage 4)

- 5.1 If a complainant is, or was, a student on a Higher Education course awarded by Metanoia Institute or Middlesex University, then they may be able to lodge a complaint with the Office of the Independent Adjudicator (OIA). This route is not available to complainants who are raising concerns relating to admissions onto any course or to students who are not on a programme leading to an undergraduate or a postgraduate award.
- 5.2 Complaints to the OIA will only normally be considered for students who have fully completed the Institute's procedures and have a Completion of Procedures Letter. Complaints to the OIA must be raised within 12 months of the date on the Completion of Procedures letter.
- 5.3 Information, eligibility rules and how to request an external review are available at: www.oiahe.org.uk. Complainants may contact the OIA electronically, by telephone or by mail using the details found at <https://www.oiahe.org.uk/contact-us/>

Appendix 1 - Complaints Process

