St Mellitus College

2025/26 Academic Complaints Policy and Procedure

A. INTRODUCTION

1. This policy should be read in conjunction with the Common Awards Complaints Procedure for Students on academic complaints: **Student guidance on Academic Complaints**

2. St Mellitus College aims to provide a high standard and quality of service in respect of its academic provision, but recognises that occasionally things do go wrong. As part of its commitment to enhancing the student experience, this procedure has been established to deal with academic complaints from students.

   SMC takes student feedback seriously and proactively seeks the opinions of students informally through the Formation Group system and formally through the Common Awards Management Committee, student surveys, and Senior Students. Many questions, concerns or suggestions are raised and dealt with effectively through student feedback mechanisms.

   However, where resolution through informal and formal Student Feedback mechanisms is not possible, the student may choose to follow the Student Complaints Procedure, detailed below.

3. Students who have a complaint to make should follow the procedure below:
   (i) **for minor matters in relation to module or programme design and delivery:** students should speak with the Module Leader or Programme Director in the first instance;
   (ii) **For matters of significance relating to any staff member or tutor,** students should contact the Dean/Principal. (In the event of the complaint relating to the Dean/Principal they should contact the Chair of the Board of Trustees. If the complaint relates to a Centre Director students should contact the Chief Operating Officer. This arrangement is implicit in the remainder of this document.)

Please note:

Words that are italicised and with a capitalised first letter in the remainder of this Procedure (such as the word '*Complainant*') are defined and explained in the section called 'Definitions' in the last section of this Procedure

B. PRINCIPLES

1. Complaints will be dealt with efficiently and promptly; however, if the issues are very complex, this may result in a delay to the outcome of the investigation.

2. Complaints will be investigated objectively and independently.

3. It is expected that the student concerned will pursue the complaint personally; complaints submitted by a third party will not normally be accepted.

4. The standard of proof in the investigation of complaints is the balance of probabilities, that is, that the matters alleged in the complaint can be shown as more likely to be true (than not true)..

5. *Complainants* will be given reasoned outcomes in written form.

6. If a complaint is upheld, St Mellitus College will seek to provide an appropriate response and correct any mistakes or misunderstandings.

7. St Mellitus College will use its best endeavours to make changes in response to the recommendations of *Investigators.*

8. *Complainants* will not be disadvantaged, penalised, or victimised for making a complaint. However, St Mellitus College (at Stage 2) or Durham University (at Stage 3) reserves the right to take action against a Complainant if Misconduct by the Complainant is disclosed in the course of an investigation. Where a complaint is shown to be frivolous, vexatious or motivated by malice, it will be dismissed, and disciplinary action may be taken against the complainant. .

9. *Investigators* and *Reviewers* will use their best endeavours to meet the deadlines set out in this Procedure. If it seems likely that a deadline cannot be met, a *Complainant* will be informed, given reasons, and provided with a revised date that is anticipated for completion.

10. All complaints will be dealt with in confidence. However, *Complainants* should note:

    a. The *Respondent* of a complaint (whether about an individual or section of St Mellitus College at Stage 2) will be informed of the complaint and has the right to respond to it;
    b. *Respondents* will be informed of the outcome of a complaint;
    c. *Third Parties* will be consulted if, in the opinion of the *Investigator* or *Panel of Investigators*, their views or opinions may be relevant to the investigation of a complaint.

11. Wherever possible, academic complaints should be dealt with informally at the local level (Stage 1), as matters that are dealt with informally at an early stage have the best chance of being resolved quickly and to the satisfaction of all parties. For serious complaints, the student may write directly to the Dean without having followed the informal or formal stages of this procedure set out below. In such cases the Dean/Principal shall decide whether or not to conduct his or her own investigation into the complaint or whether it should more appropriately be referred to an earlier stage in the procedure.

~~12. The time limits set out in this procedure will normally be followed. However, where, for good reason, this is not possible, the complainant will be kept informed of progress and the reasons for any delay.~~

C. SCOPE OF THE PROCEDURE

1. This Procedure may be used by:

    a) Individual students who are or who have recently been formally registered on the approved Common Awards programmes at St Mellitus College.
    b) Groups of Students who are or have recently been registered on approved Common Awards programmes, who wish to complain about the same matter and who jointly submit a complaint.

2. When a group of students raises a complaint of a general nature where it is more appropriate for the students to raise the matter with a nominated student as a group representative, St Mellitus College will ask the group to do that. St Mellitus College will communicate only with the group representative and expects the group representative to liaise with the other *Complainants* in the group. Complaints may be made by a group of students if the relevant representation system has not achieved a satisfactory outcome or this is not thought to be an appropriate route.

What is this Procedure for?

3. **'Academic complaints'** can relate to any aspect of the approved academic provision including (but not restricted to) complaints from students concerning their experience of:
    a. the arrangements for, or delivery of, teaching or assessment for the academic programme;
    b. the adequacy of supervision for modules that are a formal and assessed part of the academic programme;
    c. the academic support that is part of the academic programme;
    d. assessed placements that are a formal part of the academic programme;
    e. administrative or support services that relate to the academic programme;
    f. information or publicity in relation to the academic programme;
    g. the infrastructure for academic programmes, including learning resources and teaching spaces.

4. The above is not a definitive or exhaustive list; academic complaints may relate to other areas of academic provision or support where these are perceived to have had a negative impact on the student's academic programme or progress.

5. In cases of doubt as to whether a student complaint might be considered to be an 'academic complaint', members of staff and students may wish to contact the Common Awards Team for advice if required.

What is this Procedure not for?

6. This Procedure does not cover the following (for which other procedures exist):

(a) Appeals relating to Board of Examiners or other relevant committee or officers' decisions relating to examinations, assessments, or academic progress or against expulsion or exclusion on academic grounds (including decisions about Academic Progress Notices) - please see the **Academic Appeals policy** available on Moodle. Information on Durham University's approach to formal academic appeals is available here.

(b) Complaints involving an allegation of misconduct by a student - please see the relevant St Mellitus College non-academic complaints policy on Moodle;
(c) Complaints relating to the behaviour of an individual - please see the St Mellitus College non-academic complaints policy on Moodle;
(d) Complaints involving an allegation of sexual violence -
(e) please see the St Mellitus College non-academic complaints policy on Moodle;
(f) Complaints about admissions decisions – please see the St Mellitus College **Admissions Policy on the website (complaints clause is within that document);**

D. STAGES OF THE PROCESS

Overview

1. The complaints process has 3 Stages:

LEVEL 1: Investigation of the complaint at TEI level
STAGE 1: Informal resolution (TEI)
STAGE 2: Formal resolution (TEI)

LEVEL 2: Referral to the University *(if the complaint cannot be resolved at TEI level)*
STAGE 3: University review (Durham University)

Stage 1: Informal Stage: TEI

2. Most complaints can be resolved informally and, where practicable, a complaint should be dealt with as close as possible to the point at which it arises. A student who wishes to complain should, therefore, initially discuss the matter with those directly responsible. If the student is unhappy about approaching the person directly responsible, they may seek counsel from their Centre Director (who can delegate this responsibility as necessary, and this is implicit in the rest of this document).

3. When appropriate, students may also seek advice and support from:

(a) the Common Awards team within the Academic Quality Service of Durham University (procedural advice);

(b) Durham Students' Union which offers independent advice or advocacy

4. Students should raise a complaint in writing to the relevant Centre Director no more than 28 days after the event that the complaint concerns unless there is good reason for the delay. Students must clearly note in the email that they are intending to submit an informal complaint by sending the email.

5. Upon receipt, the Dean/Principal, Academic Registry Team, and Senior Team will be informed, and the relevant Centre Director will take responsibility for the investigation of the complaint, including liaising with the student to ensure the complaint is handled in a timely manner.

6. The staff member dealing with the complaint should, if possible, have a face-to-face discussion with the student concerned to come to an understanding of the exact nature of the student's dissatisfaction and to explore what outcome the student seeks.

7. The student will receive a written or verbal acknowledgement of their complaint within 5 working days.

8. If appropriate, the Dean/Principal, or designated officer, should initiate mediation as part of the informal resolution.

9. Every reasonable effort will be made to deal promptly and efficiently with all complaints, investigate them thoroughly, objectively and independently and seek to resolve them satisfactorily. If a complaint is upheld, SMC will seek to provide an appropriate response and correct any mistakes or misunderstandings, taking any other action as appropriate. If a complaint is not upheld, reasons for that decision will be given in a timely manner. The procedure will take no longer than 8 weeks.

10. As matters that are dealt with informally at an early stage have the best chance of being resolved effectively, the formal stage of this procedure should normally only be applied if informal procedures have been exhausted and the complainant remains dissatisfied.

11. At the conclusion of any informal resolution attempts, the student will be informed of the formal complaint procedure (Stage 2) and deadline for submitting a formal complaint.

<u>Stage 2: Formal Stage: TEI</u>

1. If the Stage 1 procedures have been exhausted, and the *Complainant* is not satisfied with the response, they may initiate a formal complaint to the Dean/Principal.

2. If a complaint is received at Stage 2, without prior consideration at Stage 1, St Mellitus College will normally try to resolve the complaint using informal mechanism in the first instance where appropriate.

3. Except in exceptional circumstances at the discretion of St Mellitus College , St Mellitus College will not consider complaints under this Procedure if:

    - Complaints are made more than 28 Days after the actions and services to which the complaints refer or more than 28 Days following unsatisfactory outcome of an informal attempt at resolution;
    - The *Complainant* does not personally raise the complaint;
    - The complaint is anonymous;
    - The complaint is frivolous, vexatious, or motivated by malice.

4. A complaint may be made even if legal, court, or tribunal proceedings have been commenced, or if a Police investigation into a matter related to the complaint is being undertaken. In such cases, however, St Mellitus College will usually suspend the investigation of a complaint pending the outcome of the legal, court, or tribunal proceedings or the Police investigation

5. Students are not permitted to initiate more than one formal procedure simultaneously for the same or related matters.

6. If a student wishes to make a formal complaint, the student should contact the Dean/Principal in writing.

7. The information to be included in the complaint by the student is as follows:
    a) details of the complaint;
    b) a statement of the *Action* already taken to try and resolve the complaint informally and why the response given is considered unsatisfactory;
    c) any supporting information or evidence;
    d) the form of resolution or redress sought.

8. Within 7 Days of receiving a Complaint, the Dean/Principal will acknowledge receipt of the complaint and undertake some of or all the following:

    a) Ask the *Complainan*t to complete fully, correct, clarify, simplify, shorten, or provide better evidence of some of or all the matters complained about;
    b) Ask the *Complainant* if the *Complainant* would like the complaint to be dealt with by mediation and conciliation, that is, by a voluntary process where an impartial, independent third party helps the parties involved in the complaint to resolve issues confidentially and subject to an agreed timescale (see Durham University Mediation Service);
    c) Interview the *Complainant*;
    d) Advise the *Complainant* of a different procedure to follow;
    e) In most cases, send the *Complaint* to an appropriate person (or, if the complaint is about more than one issue, to appropriate people) in the area or service which is the subject of the complaint;
    f) Take such other action which, in the opinion of St Mellitus College, is helpful or reasonable for addressing the complaint;
    g) Initiate an investigation of the complaint.

9. Complaints will be investigated by a party independent of the source or focus of the complaint (the *Investigator*). Under normal circumstances, the Principal would investigate the complaint,

although this responsibility might be delegated to an appropriate member of core staff. Note, however:

a) If the complaint relates to the Dean/Principal of St Mellitus College, another independent party will investigate the complaint; for example, the Chair of the governing body;

b) Depending on the nature of the complaint, it might be more appropriate for the Centre Director of the relevant centre to investigate the complaint.

10. The *Investigator* may:

(a) Ask to interview the *Complainant* and other relevant parties as part of the Formal Stage;
(b) Take other appropriate action to investigate the complaint expeditiously and fairly, taking into consideration the nature of the complaint

11. When appropriate, a *Complainant* may seek advice and support from:

(a) the relevant Centre Director who may delegate to another member of staff or support service;

(b) the Common Awards team within the Academic Quality Service of Durham University (procedural advice);

(c) Durham Students' Union which offers independent advice or advocacy.

12. In any meeting held with St Mellitus College staff under this Procedure, a *Complainant* has the right to be accompanied by a named supporter on request or a Durham Students' Union representative. St Mellitus College does not normally permit legal representation at such meetings but will consider – at its sole discretion - requests by *Complainants* for legal representation at the meetings in exceptional cases. The decision as to whether to permit legal representation will be taken by the Principal and will be at St Mellitus College's discretion. The complainant must inform the person conducting the investigation in advance and in writing if they wish to be accompanied and they must provide the name of the proposed person.

The possible outcomes of Stage 2 include:

(17) St Mellitus College does not consider it necessary for students to seek independent legal advice in respect of complaints. It is entirely at students' discretion and cost if they choose to do so.

(18) Provisions should be made for hearings to be held in very exceptional circumstances (for example, in particularly complex cases, or those involving disciplinary issues). Where exceptionally, in the view of St Mellitus College a hearing is required, clear processes should be communicated to all parties to ensure fairness and transparency and to maximise the opportunities to resolve the complaint.

(19) St Mellitus College will use its best endeavours to ensure that the *Complainant* receives a written Investigation Report that sets out the reasons for the decision within 42 Days of receipt of the completed Complaints Form. Students will be kept up to date about the progress of any

complaints process and informed if there is any reason why it will take longer than 42 Days to complete the process.

(20) Possible outcome recommended in the *Investigation Report* include:

(a) The complaint (or part of it) is upheld or dismissed. If a complaint is dismissed reasons will be given to the student in writing;

(b) A resolution reached in co-operation with the student, department or service area which is the subject of the complaint (following conciliation or mediation if appropriate);

(c) Compensation may be recommended;

(d) An apology given;

(e) Recommendations for change are made to the relevant decision-making body of St Mellitus College;

(f) Such other outcomes as the Investigator or Panel of Investigators considers appropriate in the circumstances.

(21) When a complaint is upheld, St Mellitus College, will explain how and when it will implement any remedy.

(22) The *Investigation Report* will also give information about:

(a) The *Complainant*'s right to request a University Review of the outcome of the investigation of the complaint;

(b) The grounds on which a *Complainant* may request a *Review;*

(c) The time limit for requesting a *Review;*

(d) The procedure for requesting a *Review*;

(e) Where and how to access support.

(23) Durham University will ask St Mellitus College to conduct an internal *Review* following on from any complaints that reach Stages 2 or 3 to identify whether there are any areas of practice or provision that might be improved.

24. A copy of the letter to the *Complainant* informing them of the outcome of their complaint will be retained in accordance with St Mellitus College's *Data and Record Retention Policy*.

Stage 3: Review Stage: University

1. If the *Complainant* remains dissatisfied once the TEI's informal and formal procedures are exhausted, the *Complainant* must be informed of their right to request a *Review* by the University. The *Complainant* may request a Review of the Formal stage *Investigation Report* by directly contacting the Durham University's Common Awards office (common.awards@durham.ac.uk) within 14 Days of receiving the Investigation Report.

2. Reviews are to be requested using the Common Awards Complaints proforma

3. The only grounds of requesting a Review are:

(a) The identification of a procedural irregularity during the Formal Stage; or
(b) Provision of new material evidence together with a valid reason why it was not previously submitted; or
(c) The outcome of the Formal Stage was unreasonable in all the circumstances of the case.

4. The *Complainant* must provide the following information:
    a. details of the complaint (including relevant correspondence from Stages 1 and 2, and any further new supporting documentation);
    b. details of why the student remains dissatisfied;
    c. details of the form of resolution or redress sought.

5. The University will determine whether to *Review* the complaint to ascertain whether St Mellitus College's policy and processes had been implemented correctly. If procedural irregularities are identified, the complaint might be referred back to St Mellitus College for re-investigation.

6. The request for a *Review* will be acknowledged within 7 Days and a *Reviewer* appointed to conduct the Review.

7. An *Investigator* who *has had no previous involvement with the complaint and who is independent of the Complainant* will review the *Investigation Report* as *Reviewer.*

8. A Reviewer may seek further information as part of the *Review*; however, a *Reviewer* will not usually consider the issues afresh or undertake a further investigation. The *Reviewer* may consult with members of St Mellitus College and/or Durham University staff if he or she deems it appropriate in particular cases. Complete confidentiality cannot be always guaranteed if effective action is to be taken on an academic complaint, especially if there is risk or danger for staff or students involved . Therefore, students are asked to sign a disclaimer on the University's complaints proformas authorising the investigating authority to consult others and share information on a need to know basis. Staff dealing with complaints must, however, ensure that information disclosed by the student appealing is only disclosed to third parties on a need to know basis. Normally no information is disclosed to anyone outside the University, including the student's parents, without the express permission of the student.

9. The Common Awards team will use its best endeavours to ensure that the *Complainant* receives a *Review Report* within 28 Days of a request for a *Review* being received. If there is likely to be a delay, the *Complainant* will be informed of the reason and a revised timescale given.

10. If a *Reviewe*r upholds one or more aspects of a *Review*, the *Complainant* will be provided with information about outcomes, which may include a new Investigation of the complaint by an *Investigator* not previously involved with the complaint or *Complainant.*

11. There are no other opportunities for the complaint to be pursued within the University.

12. During Stage 3, when appropriate, a *Complainant* may seek advice from:

    a) the relevant Centre Director who may delegate to another member of staff or support service;

b)the Common Awards team within the Academic Quality Service of Durham University (procedural advice);

c) Durham Students' Union which offers independent advice or advocacy.

13. In any meeting held with University staff under this procedure, a *Complainant* has the right to be accompanied by a named supporter on request or a Durham Students' Union representative. The University does not normally permit legal representation at such meetings but will consider requests by *Complainants* for legal representation at the meetings. The decision as to whether to permit legal representation will be taken by the University Secretary (or the University Secretary' s nominee) and will be at the University's sole discretion. The complainant must inform the person conducting the investigation in advance and in writing if they wish to be accompanied and they must provide the name of the proposed person.
14. The University does not consider it necessary for students to seek independent legal advice in respect of complaints. It is entirely at students' discretion and cost if they choose to do so.
15. The *Complainant* will be given a *Completion of Procedures* Letter by Durham University and informed of the right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), the time limit within which to do so, and where and how to access advice and support. Students have a maximum of 12 months to bring their complaint to the OIA.

16. Information about the OIA and the procedure for submitting complaints can be obtained from from the OIA website: www.oiahe.org.uk.

Definitions

- 'Action' is an action (or lack of action) in relation to a matter concerning a student
- 'Complainant' is a student who completes and submits a complaint to their TEI
- 'Complaint Form' is a TEI Complaint Form for students
- 'Completion of Procedures Letter' is a letter which the University will send to a *Complainant* when the *Complainant* has reached the end of the University's internal processes for complaints and where there is no further avenue for the *Complainant* internally to pursue a Complaint.
- 'Day' means calendar day.
- 'Formal Stage' is the investigation of a complaint by an *Investigator* or *Panel of Investigators*
- 'Investigation Report' is a report of the outcome of investigations by an *Investigator* or *Panel of Investigators*
- 'Investigator' is a person selected and appointed to investigate complaints.
- 'Office of the Independent Adjudicator for Higher Education' is an independent body set up to review students complaints about higher education providers in England and Wales. See Office of the Independent Adjudicator for Higher Education
- 'Principal' is the designated executive authority of the TEI or Centre.
- 'Respondent' is the person or section of the TEI who or which is the subject of a complaint.
- 'Review' is a review of an *Investigation Report* conducted by a *Reviewer*.
- 'Reviewer' is an *Investigator* who had been appointed to review an *Investigation Report*.
- 'Review Report' is a *Reviewer's* report of a R*eview*.

- 'Service' is a student's experience of the standard of service provided by or on behalf of the TEI.
- 'TEI' is a Theological Education Institute who partner with Durham University under the Common Awards Scheme
- 'Third Party' is any party who is not a student or a member of the TEI or University community

Document Information

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