

COMPLAINTS AND APPEALS POLICY

Policy and procedures for making a complaint to, or
appealing decision of CCL

May 2023

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1. Introduction

- 1.1. This document describes the Policies and Processes for the submission and consideration of complaints and appeals and draws on guidance from the *Good Practice Framework: Handling complaints and academic appeals* as published by the Office for the Independent Adjudicator and other sources.
- 1.2. The Complaints and Appeals process is designed to recognise that, while we strive to provide an outstanding student experience, sometimes things will go wrong and CCL and its staff will make mistakes. We are committed to learning from our mistakes and conducting complaints and appeals in good faith, putting things right in a timely manner when we do make mistakes.
- 1.3. The policy and procedures apply to applicants and students as appropriate to their individual circumstances.
- 1.4. If you require this information in an alternative format, please contact registry@cornelcollegelondon.com.

2. Definitions

- 2.1. The following definitions apply in the complaints and appeals policy and procedure.
 - i. **appeal** is a formal request by a student for the reconsideration of a decision made by a member of staff, Board, Committee or Panel of CCL in relation to your status, progression or achievement as a student (including where permitted under the Admissions Policy, Academic Integrity Policy and Student Conduct Policy).
 - ii. **complaint** expresses dissatisfaction with an aspect of service or treatment that you have received from CCL or the Corndel Group (including in relation to admissions). You may also complain about the conduct of another CCL student.
 - iii. **You/Your** means a registered student, prospective student or applicant of Corndel College London.
 - iv. **We/Us/Our/CCL** means Corndel College London, the Corndel Group and relevant staff.

3. Principles

- 3.1. Our procedures for complaints and appeals are based on the following principles:
 - i. We will make reasonable adaptations to our processes, and explain them, where it is needed to facilitate the engagement of all participants.
 - ii. The complaints and appeals processes are private and confidential to the participants.
 - iii. You must bring a complaint or an appeal on your own behalf unless there is a legitimate and compelling requirement for you to need someone to act on your behalf;
 - iv. Complaints and appeals cannot be made against academic judgement (e.g. in relation to the mark you received);
 - v. You will not be academically disadvantaged or otherwise treated differently for submitting a complaint or appeal in good faith: appeals and complaints are recognised as feedback and provide CCL with the opportunity to enhance the quality the student experience;
 - vi. Anonymous complaints are not normally permitted, and CCL is not able to preserve the anonymity of the person making the complaint as part of any investigation;

- vii. Staff tasked to investigate appeals and complaints shall act impartially and objectively and we will take steps to avoid real or perceived bias and conflicts of interest as far as is reasonable for a provider of our size;
- viii. Where a complaint or appeal is upheld, the remedy will be implemented effectively and efficiently;
- ix. Where CCL reasonably believes the matter to be, or likely to be, subject to criminal or civil legal proceedings before the outcome of our consideration of the matter will pause investigation proceedings are completed so as not to prejudice legal proceedings. This does not affect your ability to pursue redress via legal proceedings as detailed within section 13.8 of the Terms and Conditions.
- x. A successful appeal or complaint cannot result in a change to the assessment or module mark(s) of a student unless that mark was originally miscalculated.

3.2. You must conduct yourself professionally when making a complaint or making an appeal. If you make a complaint or appeal that can objectively be considered malicious, dishonest and/or vexatious, it will not be considered. Examples include, but are not limited to:

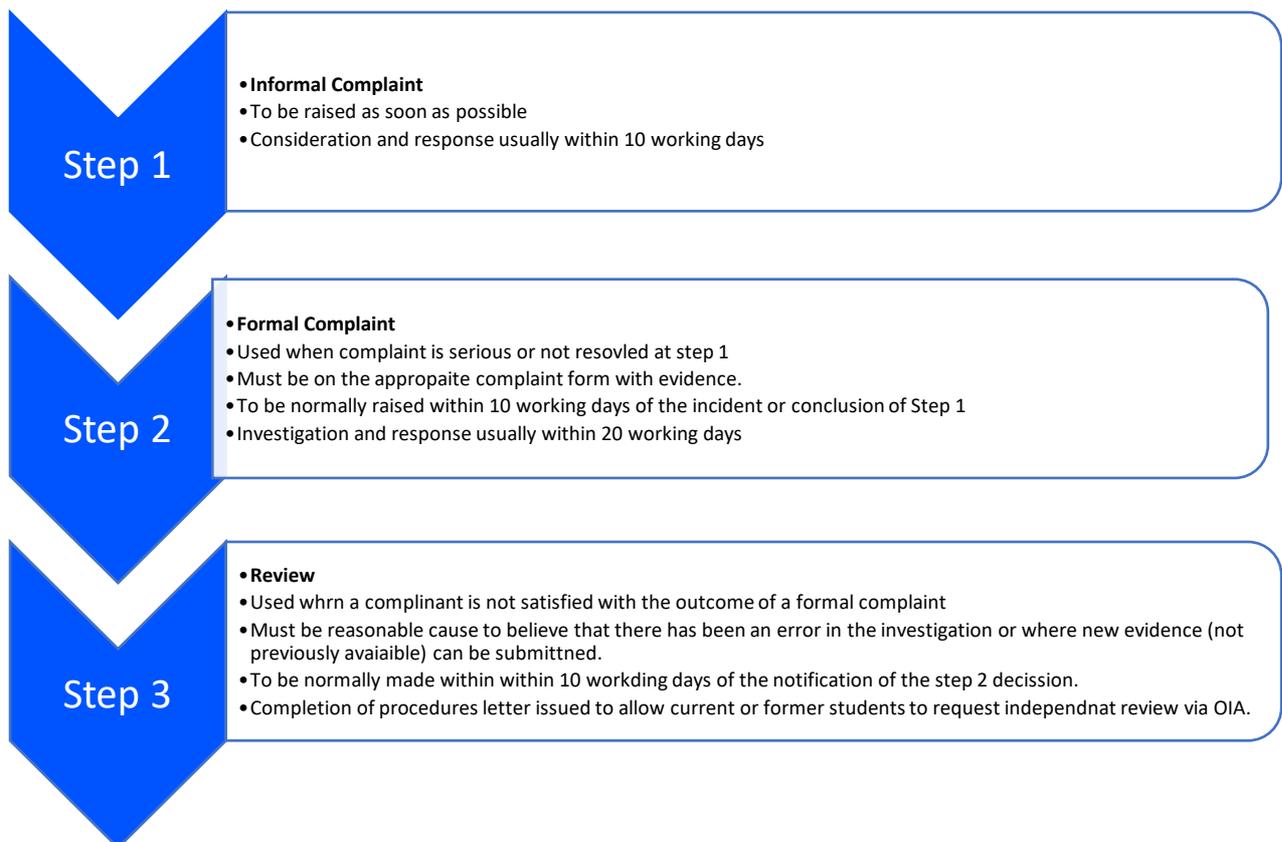
- i. appeals and complaints which are obsessive, abusive, harassing, or repetitive;
- ii. insistence on pursuing unfounded complaints/appeals and/or unrealistic, unreasonable outcomes;
- iii. insistence on pursuing what may be valid appeals in an unreasonable manner (e.g. using abusive language or harassing in nature);
- iv. appeals/complaints which are designed to cause distress, disruption or annoyance;
- v. demands for outcomes which lack serious purpose or value.

If your appeal/complaint is deemed to fall into this category, we will issue a Completion of Procedures letter. Depending on the circumstances you may also be referred under the Student Conduct Policy

4. Complaints Policy and Procedures

- 4.1. A complaint may be made where you have been adversely affected by:
- an act or omission concerning the administration or operation of a regulatory procedure or service provided by CCL (including admissions) or the Corndel Group;
 - the delivery or administration of the programme on which the student is registered, e.g. quality of teaching;
 - the conduct of a member of CCL (or Corndel Group) staff or another registered CCL student;
 - any other matter concerning the operation of CCL which adversely and unfairly affects the student, and which is under CCL's control.
- 4.2. The Complaints policy does **not** apply to complaints in respect of matters which:
- are subject to court or tribunal proceedings and those proceedings have not concluded, or the matter is the subject of court or tribunal procedures that have not been stayed;
 - relate to student employment other than where this falls within a student's learning agreement.

Complaints Process overview and timelines



General Guidelines for complaints

4.3. The following guidelines should be considered:

- i. Complaints against other people should not be raised in a public forum;
- ii. Where someone's conduct is, or maybe, subject to criminal investigation by the Police, CCLs processes will be paused until the Police confirm that investigations under this policy will not prejudice the outcome of any criminal due process;
- iii. Where other people are the subject of a complaint, the Complaints Policy and Procedure may be used in conjunction with other policies where it is appropriate to do so (e.g. Academic Integrity Policy, Student Conduct Policy);
- iv. Where the complaint concerns the conduct of a member of staff the complaint should initially be directed to the Director of Curriculum and this policy may be used in conjunction with relevant staffing policies where it is appropriate to do so.
- v. Where the complaint concerns a Director of Curriculum it should normally be made to the Academic Registrar. Complaints about the conduct of the Academic Registrar should be submitted to the Principal and the Principal to the Chair of the Board of Governors;
- vi. Complaints may be sufficiently serious to warrant making a formal, step 2, complaint without first making an informal complaint. We may escalate informal complaints to step two or deescalate step two complaints that have been made without recourse to step 1 first;
- vii. In the case of several students making the same or similar complaint, we vary the process, as appropriate and proportionate in order to support an efficient process and timely outcome for the students involved. The principles of the process described in this policy will be maintained.

Step 1: Making an informal complaint

- 4.4. In the first instance, complaints should be raised informally, as soon as practical, with the person concerned, e.g. where the complaint relates to a tutor's teaching methods the matter might be most effectively resolved by discussion with that tutor. Informal complaints can be raised in person or via email (or equivalent).
- 4.5. If discussion with the person concerned is not possible or not appropriate, then an informal complaint may be raised with:
- i. the Professional Development Expert; or
 - ii. the Academic Subject Matter Expert; or
 - iii. the Director of Curriculum; or
 - iv. the Academic Registrar.
- 4.6. On receipt of an informal complaint, and with your consent, the member of staff consulted may refer the complaint to a more appropriate member of staff to address it.

Responding to the Informal Complaint

- 4.7. The person receiving the complaint will consider the matter and respond as soon as possible, normally within 10 working days of the complaint being made. In seeking to resolve the matter they may liaise with other members of staff.
- 4.8. Where the complaint is against another person, this matter will be brought up with them and they will, as a matter of natural justice, be told of the complaint against them, including your name, and given the opportunity to respond to it.
- 4.9. In exceptionally serious cases, such as where disciplinary action may be foreseeable, an informal complaint may be immediately escalated to a formal complaint and the complaints process paused to allow disciplinary processes to take place (e.g. under the Student Conduct Policy or any relevant staffing policy).
- 4.10. If you are not satisfied that the matter has been resolved by the informal processes, you may make a formal complaint (step 2).

Step 2: Making a formal complaint

- 4.11. Formal complaints may be made where:
 - i. You are not satisfied that the matter has been resolved by the informal process;
 - ii. You are asked to lodge a formal complaint because of the possibility of disciplinary action being taken against a member of staff or student(s);
 - iii. because of the serious nature of the complaint, you elect to make a formal complaint without first making an informal complaint.
- 4.12. You must make a formal complaint in writing on the relevant online Complaint Form:
 - i. [Student Complaint Form](#) (Log-in required)
 - ii. [Applicant/Prospective student Complaint Form](#)
- 4.13. Step two formal complaints must be made **within 10 working days** of either:
 - i. A response to the informal complaints; or
 - ii. the occurrence of the event or issues that is the subject of the complaint.
- 4.14. Because of the importance of timely investigation, complaints will not normally be accepted after this unless there is good reason (e.g. the step 1 process was delayed), supported by appropriate evidence, for extending the timescale. In the case of complaints outside of this timescale, the Academic Registrar (or nominee) will consider the reasons given for why the form is late and will decide whether to accept the formal complaint for review.
- 4.15. The complaint should:
 - i. Provide as much detail about the event leading to the complaint and any informal steps taken to resolve it;
 - ii. Be accompanied by any available evidence (e.g. emails, screenshots, contemporaneous notes, links to session recordings etc). **Note:** Evidence not submitted at the time of the complaint but subsequently provided as part of a request for a review of the outcome will only be accepted where there is a reasonable explanation for it not being available originally;
 - iii. Request the outcome that you would like in order to satisfactorily resolve the complaint.

Responding to the formal complaint

- 4.16. We will appoint an Investigating Officer to investigate your formal complaint. They may be employed by CCL or the Corndel Group and they will have no material interest in the outcome of the complaint. They will decide the most appropriate procedure to investigate the complaint.
- 4.17. You will receive an acknowledgement of the receipt of the complaint within five working days. The written outcome of the investigation into the formal complaint will usually follow within 20 working days of receipt of the complaint.
- 4.18. Where the complaint is against another person, this matter will be brought up with them and they will, as a matter of natural justice, be told of the complaint against them, including your name, and given the opportunity to respond to it. The response will usually take longer to allow time for the operation of other relevant Policies (e.g. Student Conduct Policy). We will advise you of the anticipated timescale when we acknowledge your complaint.
- 4.19. To effectively investigate your complaint, we may contact you for further information or clarification. Where requests for additional information are required, this may delay the timeline for the response.
- 4.20. The test for whether a complaint is upheld or not is based on the balance of probabilities as reasonably perceived by the investigating officer. They will be informed findings reached under other policies/procedures as applicable in reaching the decision.
- 4.21. We will set out our findings and proposed resolutions (if appropriate) to the complainant. The outcomes of a complaint may include the complaint being:
 - i. **upheld in whole** with a statement as to the remedy;
 - ii. **upheld in part** with a statement as to the remedy and an explanation regarding those parts dismissed;
 - iii. **not upheld** with a statement as to the reasons.
- 4.22. In proposing remedies when we uphold (or uphold in part) a complaint, we will take account of, but not be bound by, your requested resolution. While there may be circumstances where financial redress is appropriate, it is not our preferred approach. Resolutions we may offer, include, but are not limited to one or more of the following:
 - i. Providing a full and frank apology
 - ii. Repeating, or providing additional, teaching;
 - iii. Providing access to additional learning resources/facilities
 - iv. Financial redress where it is the most appropriate outcome.
- 4.23. If you are satisfied with the written response the complaint is deemed to be resolved upon implementation of any necessary resolution.
- 4.24. If you are not satisfied with the step 2 outcome you may be eligible to request a review under step 3.
- 4.25. The Academic Registrar (or nominee) will be responsible for ensuring that any recommendations or agreed actions arising from complaints are communicated to the relevant CCL staff and for recording and confirming the action taken.

Step 3: Reviewing the outcome of a formal complaint

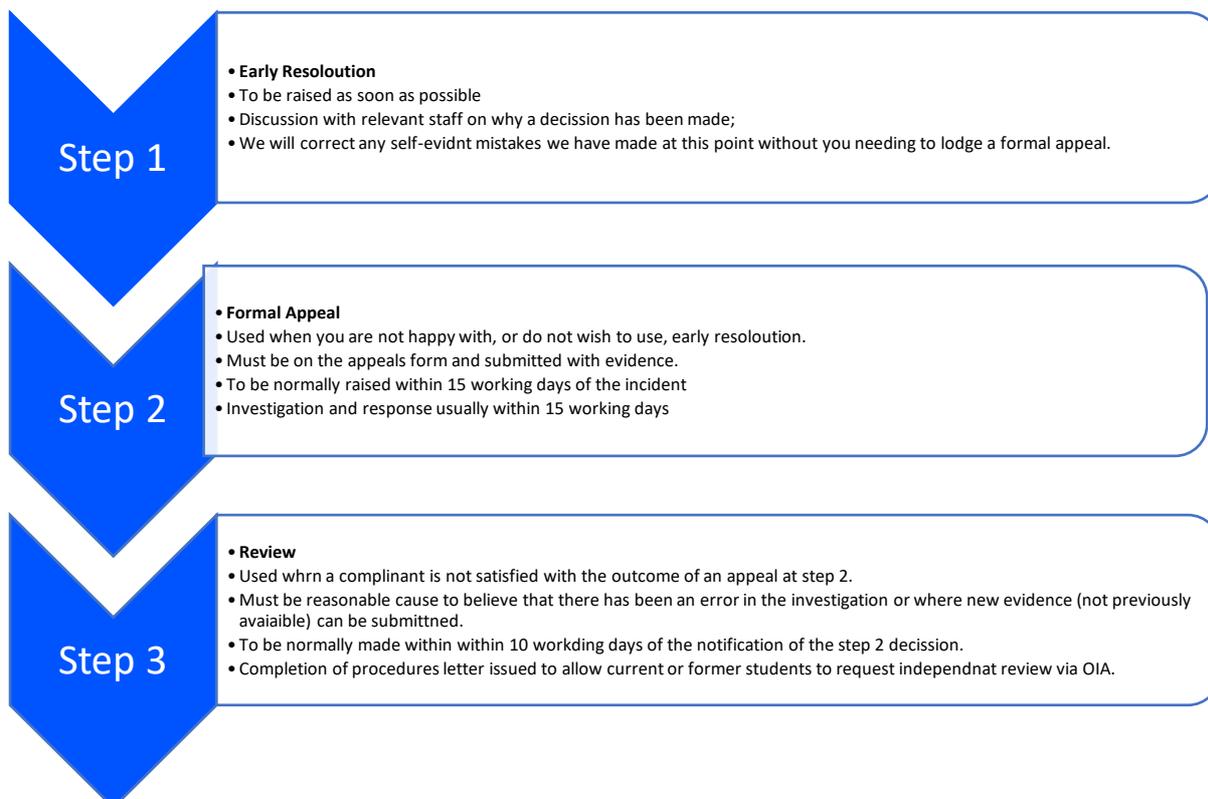
- 4.26. Step 3 reviews are conducted by the Academic Registrar, unless it relates to the provision provided in conjunction with a validating partner, in which case students can ask the partner to conduct the step (stage 3) review.
- 4.27. If the review is conducted by the validating partner, their process and procedures will apply. Students can receive advice about which policy applies by emailing registry@corndelcollegelondon.com.
- 4.28. If the matter relates to CCL or Corndel Group provision/services alone, to be eligible to request a review under step 3 you must reasonably be able to:
 - i. Identify the possibility that procedural irregularities occurred in the investigation of the formal complaint; and/or
 - ii. Demonstrate that new evidence that has become available that was not considered in the original investigation **and** provide a reasonable explanation for why it was not available at the time.
- 4.29. The request for the review must be sent to the Academic Registrar within **10 working days** of the notification of the outcome of the formal complaint. It will only be considered outside this timeframe if there are reasonable reasons, supported by appropriate evidence, for the late submission.
- 4.30. Requests for review may be rejected if there is insufficient information within the request for a review to establish that there is a possibility that the original outcome was flawed. Where the appeal does not reasonably satisfy at least one of the grounds and is rejected, we will issue a Completion of Procedures Letter upon request (see section 6 for more information).
- 4.31. A review of an investigation is not a re-investigation. The Academic Registrar (or Principal's nominee) will review the conduct of the investigation to ensure that it has been conducted appropriately and the outcome is reasonable, proportionate, and consistent with relevant policies and procedures.
- 4.32. We may contact you for further information or clarification. Where requests for additional information are required, this may delay the timeline for the response.
- 4.33. The review may:
 - i. **confirm the outcome** of the formal complaint; or
 - ii. **uphold the review request** and substitute a new decision for that of the original investigator.
- 4.34. You will be notified of the outcome of the review in writing by the Academic Registrar (normally by email) within 20 working days of receipt of the request for a review. We will let you know if, for any reason, there is likely to be a delay in the process.
- 4.35. Following completion of the review, our internal complaints procedure shall be deemed to have been completed, and a Completion of Procedures Letter will be issued, usually as part of the response (see section 6 for more information).

5. Student Appeals Policy and Procedure

- 5.1. An appeal is a request for a review of a decision about you reached through the application of a CCL policy, procedure or regulation. Examples of decisions you can appeal against include, but are not limited to:
- i. The results agreed at an Assessment Board, which includes the results of an Extenuating Circumstances application
 - ii. A decision reached by an Academic Misconduct Panel
 - iii. A decision reached a disciplinary process
- 5.2. Where your award is delivered in partnership with validating body, Appeals will be considered by CCL at in line with their policy at steps one and two. Any requested review will be conducted by the Partner.
- 5.3. Students can receive advice about which policy applies by emailing registry@corndelcollegelondon.com.

Appeals Process overview and timelines

- 5.4. Whether it is a Partner's or CCL's policy that applies, the overview of the process is outlined below.



Grounds for Appeal

- 5.5. Where a partner's appeals policy and process applies, the grounds for appeal will be assessed determined by their policy.
- 5.6. Where CCL's Policy applies, you may only appeal our decisions under the following grounds:
- i. there has been an administrative or procedural error of that has affected the outcome of the decision (including where there is new evidence available, which for good reason was not previously able to be considered); or
 - ii. Where your performance in assessment was adversely affected by extenuating circumstances which you were unable, or for valid reasons, unwilling to declare before the assessment board made its decision (late extenuating circumstances).
- 5.7. You may not appeal the decision of an Assessment Board (or other decision-making body) on the grounds of alleged defective judgement or non-competence of a properly convened and constituted meeting. In the case of an Assessment Board this would constitute a challenge to academic judgement. Academic judgement is a judgment that is made about a matter where the opinion of an academic expert is sufficient. Academic judgement may relate to, but is not limited to:
- Assessment marks;
 - Assessment feedback;
 - Degree classifications;
 - Academic misconduct;
 - Research methodology;
 - Course content and/or learning outcomes
- 5.8. Where you are dissatisfied with the delivery of the above (e.g. the quality of assessment feedback) you can use the complaints process.

Step 1: Early Resolution of appeals

- 5.9. In all cases (e.g. where CCL or a Partner's Policy and process apply), before submitting an formal appeal (step two) you should discuss your concern with a relevant member of staff. Your PDE is a good place to start and if they can't help, they can signpost you to the most appropriate person. A discussion in this way can help you to understand why we made the decision you are unhappy with.
- 5.10. If as part of your conversation with us at this stage we think we have made a mistake, we will do our best to put it right without you having to fill out any forms.
- 5.11. The Academic Registrar (or nominee) has delegated authority from Academic Board and the Partner to make decisions on behalf of an Assessment Board and/or other CCL decision-making body at this stage. Where we have made a mistake, any new decisions will be made within the context of the regulations, policies and procedures in force at the time.

Step 2: Formal Appeal

- 5.12. If you are unsatisfied with the response at, or elect not to use, step 1 (early resolution) you may submit a formal appeal.
- 5.13. The appeal must [be on the required form](#) and be submitted **within 15 working days** of when we communicated our decision to you (e.g. we published confirmed marks or wrote to you with a decision).
- 5.14. The formal appeal form should:
 - i. Provide as much detail about the decision you are appealing, why and any informal steps taken to resolve it;
 - ii. Be accompanied by any available evidence (e.g. emails, screenshots, contemporaneous notes, links to session recordings etc). **Note:** Evidence not submitted at the time of the appeal but subsequently provided as part of a request for a review of the outcome will only be accepted where there is a reasonable explanation for it not being available originally;
- 5.15. If you are appealing against a decision that prevents you from continuing your studies into the next level, at our discretion you may be permitted to provisionally continue with your studies while your appeal is under consideration on the clear understanding that this is without prejudice to the outcome of the appeal. We are unlikely to allow you to continue your studies during an appeal if we do not believe it is in your best academic interests to do so or if your continuation may pose a risk to your own wellbeing and safety or that of other members of our community.
- 5.16. If your appeal relates to the award granted to you by an Assessment Board, we will not make any award until the appeals process is completed.
- 5.17. You will receive an acknowledgement of the receipt of your appeal within five working days. The written outcome of the investigation into the formal appeal will usually follow within 15 working days of receipt of the appeal. You will be informed if, for any reason, there is likely to be a delay in the process.

- 5.18. Your Step 2 appeal will be reviewed by the Academic Registrar or their nominee against the relevant policy (either CCL's or our Partner's). They may determine in the first instance that your appeal does not warrant a full investigation, according to the following criteria:
- i. **Early resolution:** your appeal is based on an administrative error (or similar) that can be rectified with immediate effect. In such cases, the appeal is considered as being referred to Step 1 – Early resolution: the issue will be corrected, and your appeal will be closed.
 - ii. **Ineligible:** your request does not fall under the Appeals Policy and Procedure. You may be directed to the appropriate alternative policy/procedure through which to pursue your request (e.g. Complaints Policy) The original decision will stand, and you will be issued a Completion of Procedures letter.
 - iii. **Out of time:** Your appeal does not meet the timeframe requirements and you have not provided a valid reason for the delay. Your appeal will not be investigated further and will be closed. The original decision will stand, and you will be issued a Completion of Procedures letter (see below).
- 5.19. All eligible appeals will be investigated by the Academic Registrar (or nominee) to determine whether there is sufficient evidence to prove your grounds for appeal. The outcome of your Step 2 appeal will be either:
- i. **Upheld:** Your appeal demonstrates valid grounds, and the original decision will be reviewed in light of your successful appeal; or
 - ii. **Not upheld:** Your appeal does not demonstrate valid grounds, and the original decision will stand. The original decision will stand, and you will be issued a Completion of Procedures letter (see section 6).
- 5.20. The Academic Registrar (or nominee) acts with delegated authority from Academic Board and is authorised to make decisions on behalf of an Assessment Board and the Partner. Where your formal appeal is upheld, new decisions will be made within the context of the CCL's regulations, policies and procedures in force at the time.

Step 3: Review

- 5.21. If you are dissatisfied with the outcome at Step 2 you may request a review of the procedure undertaken at Step 2.
- 5.22. If you are studying an award provided in conjunction with a partner, you may apply to them for the Step three review. Students can receive advice about which policy applies by emailing registry@corndelcollegelondon.com.
- 5.23. Where the CCL policy applies you can request a review on the following grounds:
- i. a material error or irregularity in the conduct of Step 2 of the Appeals Procedure; and/or
 - ii. you have material new evidence that has become available since the commencement of Step 2 that you were unable, for valid reasons, to provide by the original Step 2 appeals deadline
- 5.24. You must request for a Step 3 Review by emailing registry@corndelcollegelondon.com **within 10 working days** of the completion of Step 2. The request must fully detail the grounds the review is being requested and provide any new evidence, along with a clear and reasonable rationale as to why the evidence was not available as part of step 2.
- 5.25. You will receive an acknowledgement of the receipt of the complaint within 5 working days. Your request will be reviewed by us to ensure it meets the criteria for review. We may ask you

for more information or determine that it is ineligible for review, for example because your request is based on a difference of opinion rather than a potential irregularity within the process. In this case the original decision will stand, and you will be issued a Completion of Procedures letter (see section 6 below).

- 5.26. Step 3 Review requests received by the deadline will be considered by the next available Cases Panel. Cases Panel's meet as required and we may hold your review to be considered at a panel alongside similar review requests. In any case we will convene a Cases Panel within 30 working days of receipt of an eligible request for review.
- 5.27. If you submit your request outside of the specified deadline, and have not provided a valid reason for the delay, your Step 3 Review request will be considered out of time, and you will be issued with a Completion of Procedures letter (see section 6 below)
- 5.28. The Cases Panel will review the decision made at Step 2 and make a decision which will be either:
 - i. **Upheld:** Your review request demonstrates valid grounds, and the Step 2 decision and/or the original decision being appealed against will be further reviewed in light of those grounds; or
 - ii. **Not upheld:** your review request does not demonstrate valid grounds, and the Step 2 decision and the original decision being appealed against will stand and you will be issued a Completion of Procedures letter (see below).
- 5.29. You will be notified of the Step 3 Review outcome with reasons for the decision within ten (10) working days of the meeting.
- 5.30. In the case of the Cases Panel upholding your review request, the matter will be considered to have been referred to stage 2 for a resolution in accordance with 5.15 (above). If you are unhappy with the outcome of that further referral you may request a completion of procedures letter (see 6.1 ii).

6. Completion of procedures Letters for Complaints and Appeals.

- 6.1. A Completion of Procedures letter will be issued in the following circumstances:
 - i. Where your complaint or appeal was submitted outside of the specified and relevant deadline (e.g. step 2 or step 3 of either the complaints or appeals processes and procedures) and you were unable to evidence a valid reason for missing the deadline;
 - ii. Where we or you decide that you do not have grounds to proceed with a Step 3 Review of your complaint or appeal and you request a Completion of Procedures letter within 40 working days of whichever is later of:
 - a) either a step 2 outcome; or
 - b) our confirmation that we do not consider you have grounds for a step three review (which ever is later)
 - iii. Where step three of the complaints or appeals procedure has been completed, marking our final decision on the matter.
 - iv. Where your appeal has been deemed to be malicious, dishonest and/or vexatious in accordance with section 3.2. In this case the letter will confirm that our procedures have not been completed.

7. Taking issues to The Office of the Independent Adjudicator for Higher Education (OIA)

- 7.1. Should you decide to raise your case with the OIA, you must do so within 12 months of receipt of your Completion of Procedures letter, using the OIA's complaint form. The OIA will normally only consider cases which have been through our own procedures first.
- 7.2. Further details can be found on the OIA website at www.oiahe.org.uk

8. Monitoring, Evaluation and Review

The Academic Registrar shall provide an annual report to Learning Teaching and Enhancement Committee on the use and outcomes of the Complaints and Appeals Policy and Procedure. The report shall thematically summarise complaints and appeals received, the action taken in relation to each, and a commentary on the effectiveness or otherwise of the procedures and any recommendations for change.