

Student Complaint Procedure, Pembroke College

(the Procedure)

Introduction

This procedure applies to all matriculated student members (undergraduate, postgraduate and semester students) wishing to express their dissatisfaction with the College's actions, lack of action, or standard of provision supplied for or on behalf of the College. Separate procedures exist for complaints regarding University, rather than College, provision. In addition, separate procedures apply to students participating in the College's international programmes such as the Pembroke King's Programme.

The student complaint procedure should not be used in situations where existing specific and more appropriate College procedures exist, for example, in relation to harassment or sexual misconduct by another student, or standard disciplinary procedures where another student has broken College Rules.

The main steps of the procedures include an initial attempt at informal complaint resolution with progression onwards, if necessary, to a more formal investigation of the complaint with a final resolution that can be reviewed if necessary.

The procedure is confidential and personal information relating to the complainant will be used, shared and stored only according to the conditions set out in the Appendix. Further advice about the procedure can be obtained from your Tutor, the Senior Tutor, or from the Student Union Advice Service.

1. Glossary of key terms

1.1. In this procedure the following terms shall have the meanings set out below:

Case Handler	A member of the College who determines whether a complaint is eligible to be investigated and who conducts any subsequent investigation under the Formal Resolution stage
Complainant	The Student who has made a complaint under this procedure
Complaint Officer	A trained member of staff who decides whether a complaint is upheld or dismissed under the Formal Resolution stage
Completion of Procedures Letter	A letter that confirms the end of the University's internal proceedings following which a student may be able to raise a complaint with the Office of the Independent Adjudicator
Reviewer	A trained senior College member who decides whether a complaint is upheld or dismissed under the Review Stage

2. Scope and Principles

2.1 This procedure applies where a student member of the College wishes to express dissatisfaction, either about the College's action or lack of action, or the standard of service provided by or on behalf of the College. The procedure has three stages: Informal Resolution, Formal Resolution and Review.

2.2 This procedure cannot be used to make a complaint relating to the following:

- a) University provision, for which the student should consult the relevant University complaint procedures (www.studentcomplaints.admin.cam.ac.uk);

- b) A decision made by an academic body regarding student progression, academic assessment or awards, for which the student should consult the University examination review and examination allowances procedures.

In addition, certain matters are covered by other procedures of the College and/or the University, and the College reserves the right to refer the matter to those procedures for investigation and appropriate resolution. These include:

- c) Complaints against one or more members of the College or University (which may instead be addressed through relevant disciplinary procedures: for College disciplinary matters see <http://www.pem.cam.ac.uk/wp-content/uploads/2014/08/Rules-and-Regulations-17.pdf>. For University disciplinary matters see www.studentcomplaints.admin.cam.ac.uk
- d) Complaints relating to serious harassment or sexual misconduct perpetrated by other students, which with the Complainant's permission be handled under the University Procedure for the handling of student cases of harassment and sexual misconduct. See <http://www.pem.cam.ac.uk/wp-content/uploads/2012/06/Pembroke-College-Harassment-and-Sexual-Misconduct-Procedures.pdf>

- 2.3 Before making a complaint, Complainants should read the procedure. All Complainants are encouraged to seek support from a College Tutor, a member of the Students' Unions' Advice Service, or other advisor of the student's choosing.
- 2.4 A Complainant may be invited to attend a meeting under paragraph 3.2, 4.8 and 4.11 as part of this procedure. A Complainant who is invited to attend a meeting will be entitled to choose whether or not to attend the meeting, noting that non-attendance may affect the acceptance of grounds for a Review of any formal complaint decision on the basis of incomplete evidence. The Complainant is also entitled to be accompanied by someone of the Complainant's choosing, providing that such attendance is notified reasonably in advance of the meeting. During any meeting, the Complainant is entitled to ask for breaks during the meeting, to allow an opportunity for the Complainant to consult any accompanying person in private.
- 2.5 This procedure is an internal process and does not have the same degree of formality as a court of law. It is not necessary or appropriate for Complainants or the College to be legally represented at any meetings that form part of the procedure, except in exceptional circumstances.
- 2.6 This procedure can only be used by a student who has themselves been affected by the subject matter of the complaint. Complaints should be made by Complainants themselves in order to ensure their views are accurately represented, unless a compelling case is made to demonstrate that the Complainant cannot act on their own behalf, and the College has received a statement in writing that the Complainant is prepared for the third party to act on their behalf in full. In this circumstance, the College will communicate only with the authorised representative and therefore any reference in this procedure about communication to or from a Complainant refers instead to the Complainant's authorised representative.
- 2.7 Group complaints can be submitted, but a single group representative must be identified with whom the College will correspond and who will be responsible for liaising with the other Complainants. In such cases, references in this procedure to the 'Complainant' shall be construed as referring to more than one person. The College may separate group complaints where it considers that the issues raised impact Complainants differently or where Complainants are seeking different remedies.
- 2.8 The College reserves the right to make a judgement on whether or not to accept formal complaints that are made anonymously. Anonymous complaints will not normally be

accepted, as this may limit the investigation and communication of the outcome. Exceptionally, an anonymous complaint may be considered if there is a compelling case, supported by evidence, for the matter to be investigated.

- 2.9 Complainants will not be disadvantaged for raising a valid complaint. The College will act reasonably in considering complaints under this procedure and decisions will be made fairly and transparently. The Case Handler, Complaint Officer and Reviewer will have had no material involvement in the matters raised as part of the complaint or in the earlier stages of the procedure and will act independently and impartially
- 2.10 Case Handlers, Complaint Officers and Reviewers will be appointed by the Master. The Complainant will be advised of who will take on these roles and be given the opportunity to raise any concerns with the person making the appointment relating to real or potential conflicts of interest.
- 2.11 Any reference in this procedure to a College officer or other named role includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer under this procedure.
- 2.12 Complainants are required to raise a complaint as soon as possible and within the required timeframe (see paragraph 3.1, 4.1 and 5.1), to ensure effective remedies can be provided without further disadvantage to the Complainant. Complaints or evidence submitted outside this timeframe will not be accepted unless there is a valid reason for delay, supported by evidence, which will be judged on a case-by-case basis by the Case Handler, Complaint Officer or Reviewer, as appropriate. Delays as a result of revising or studying will not normally be accepted as a valid reason for delay.
- 2.13 The College aims to process any formal complaint through Formal Resolution and any Review within 90 calendar days. The 90 calendar day timeframe requires Complainants to comply with any timescales set down in this Procedure. There will occasionally be circumstances when, for good reasons, the College will need to extend the timeframe and in these circumstances the Complainant will be notified and kept updated as to the progress of their complaint.
- 2.14 The College will only share the information and evidence submitted in a complaint with members of staff where it is strictly necessary in order to process, investigate and consider the complaint. All information received from a Complainant will be handled sensitively and in accordance with the Policy on the use of personal information under the Student Complaint Procedure.
- 2.15 The Case Handler, Complaint Officer or the Reviewer may terminate consideration of a complaint if it is considered to be frivolous or vexatious. Examples of vexatious complaints are those which are obsessive, harassing or repetitive; insist on pursuing unrealistic or unreasonable outcomes and/or requests which are designed to cause disruption or annoyance. If a complaint is terminated then the Complainant will be issued with a Completion of Procedures letter.
- 2.16 Complainants, their advisors and staff of the College are required to communicate respectfully and reasonably at all times whilst using the procedure. Abusive or threatening behaviour and language including unreasonable persistence, unreasonable demands, lack of co-operation or any aggression or threat of aggression will not be tolerated. If, following a warning, a Complainant behaves in an unacceptable manner; the Case Handler, Complaint Officer or the Reviewer may terminate the Complainant's request without further consideration. If a request is terminated then the Complainant will be issued with a Completion of Procedures letter.

2.17 When using this procedure, Complainants are encouraged to provide details and evidence of any disability and/or any reasonable adjustments which may be appropriate in light of their disability. Where it may be helpful and following the consent of the Complainant, an appropriately trained staff member may be asked to provide a decision regarding reasonable adjustments. When notified of a disability, the College will always consider whether reasonable adjustment to the procedure are required, based on the needs of the individual.

3. Informal Resolution

3.1. Complainants should raise complaints, in writing or in person, with their College or Graduate Tutor, or with the staff member concerned as soon as possible and normally within 28 days of the matter occurring, to ensure that the matter can be investigated properly.

3.2 Following being informed of a complaint, the College staff member should respond to the complaint in a timely manner and normally within 21 calendar days of its receipt. The response should be in writing and should include information about raising a formal complaint if the Complainant remains dissatisfied with the response. Where a response cannot be provided within 21 calendar days, the staff member will write to the Complainant within that period to indicate the reasons for delay and when a response is likely to be provided. The staff member may invite the Complainant to a meeting as part of an investigation, but is not obliged to hold such a meeting.

4. Formal Resolution

4.1 Where a Complainant is dissatisfied with the outcome or the timeliness of the Informal Resolution; or declines to engage with Informal Resolution, or where Informal Resolution is inappropriate as the issues raised are serious or systemic, the Complainant can raise a complaint under Formal Resolution. Complainants should raise a complaint by submitting a letter or email to the Master's Secretary normally within 28 days of either (a) the informal response to the complaint; or (b) the matter of complaint first arising, where the Complainant reasonably considers Informal Resolution is inappropriate. The Master or their Deputy will acknowledge receipt of the complaint and will notify the complainant of the appointment of a named Case Handler, Complaints Officer and a Reviewer, normally within 7 days.

4.2 The Case Handler shall determine on a case-by-case basis whether the period of 28 calendar days should run from a later date in recognition of a Complainant's further reasonable attempts at Informal Resolution; or whether it is reasonable for the Complainant not to have attempted Informal Resolution.

4.3 The complaint should set out the Complainant's concerns clearly and succinctly and provide all relevant evidence to substantiate the issues raised. The Complainant should also outline what in their view would constitute a suitable outcome and remedy for their complaint. Evidence may include independent medical evidence, reports by professionals, financial information or witness statements.

4.4 A Case Handler will consider the submitted Complaint and evidence and will make one or more of the following determinations:

- a) the complaint in whole or in part is eligible to be investigated using this procedure;
- b) the complaint in whole or in part should be referred for consideration under an alternative procedure;

- c) the complaint in whole or in part is ineligible to be considered by the College, for example because it is out of time, is not a matter that can be resolved by the College, lacks substantive content, or is considered malicious, vexatious or frivolous;
 - d) the Complainant should attempt Informal Resolution before investigation of the complaint under this stage of the Procedure.
- 4.5 Where a determination is made under paragraphs (b)-(d), the reasons for this and information about the options available to the Complainant will be provided in writing to within 7 calendar days. If the Complainant disagrees with the determination under paragraph 4.4, the reasons for the disagreement should be provided by the Complainant, in writing and within 7 calendar days of receiving the decision, to the named Complaint Officer who will review the determination within a further 14 calendar days. Where a complaint cannot be considered further by the College a Completion of Procedures letter will be issued. Where matters raised within the complaint would be more appropriately considered under alternative College procedures, the Case Handler will inform the Complainant about which matters will be considered under which procedure. In some circumstances, it may be necessary to suspend one procedure pending the completion of another.
- 4.6 Some requests may require the College to take swift action, for example where the issues raised have detrimental consequences for the Complainant's or another College member's health and safety (including mental health) or where external time limits apply for example, in meeting regulatory requirements for the completion of courses. If this is the case, this procedure may be expedited.
- 4.7 Where a determination is made under paragraph (a) the Complainant will be informed and the Case Handler will conduct an investigation, requiring written statements and evidence from witnesses and Institutions concerning the events and applicable procedures, as appropriate.
- 4.8 A Case Handler may or may not meet individually with the Complainant, staff who attempted to informally resolve the complaint or witnesses as part of the investigation, or collect further evidence, at the Case Handler's discretion and where the Case Handler believes it to be beneficial to do so. Where a meeting does take place a note-taker will be present. The written notes taken will be presented to those in attendance at the meeting for factual clarification, following which the notes will become the formal record of the meeting.
- 4.9 The Case Handler shall prepare a report containing the process that they have followed, the information they have gathered, the conclusions that have been drawn and any recommendations. The Case Handler should also consider whether mediation or conciliation might be effective at this stage.
- 4.10 Following investigation, the Case Handler will provide all of the materials to a Complaint Officer, appointed as described in 2.10.
- 4.11 The Complaint Officer will consider all of the materials provided. In exceptional circumstances the Complaint Officer may request further written statements, or hold a meeting with any individual involved in the complaint, or hold a hearing. The Complainant will receive all of the materials considered by the Complaint Officer at least 7 calendar days an advance of any meeting or hearing.
- 4.12 Following consideration, the Complaint Officer will have the power to make one or more of the following decisions:
- a) that further steps should be taken to resolve the complaint informally (for example, through mediation with the agreement of both parties);
 - b) to uphold a complaint in whole or in part and where appropriate require such remedies as necessary;

- c) to dismiss a complaint in whole or in part where it is found that:
 - i. the substance of the complaint was not justified; and/or
 - ii. the College acted reasonably and in line with its procedures and written documentation; and/or
 - iii. the Complainant has not been substantively disadvantaged by any variation of College procedures or written documentation.
- 4.13 The Complainant will receive confirmation in writing of the Complaint Officer's decision, along with the reasons for the decision and copies of all relevant material considered by the Complaint Officer at the conclusion of the investigation.
- 4.14 Regardless of the decision made, the Complaint Officer may make observations and recommendations to the College for consideration following the outcome of a complaint. This would usually take the form of a report to the relevant Head of Department in the first instance.
5. Review
- 5.1 The Complainant should confirm to the Complaint Officer whether they accept the outcomes of the formal complaint or whether they remain dissatisfied.
- 5.x If a Complainant is dissatisfied following the Formal Resolution decision, the Complainant can submit a Request for Review form within 14 calendar days of the Formal Resolution decision and evidence being provided to them. Alternatively, if the Complainant is dissatisfied with the decision but does not believe the reasons for the dissatisfaction would meet the grounds for a Review, the Complainant can request a Completion of Procedure letter.
- 5.2 The Review will not usually consider issues afresh or involve a further investigation. A Review can only be requested on the following grounds:
 - a) procedural irregularities that occurred during Formal Resolution, which were material or potentially material to the decision reached; and/or
 - b) the Formal Resolution decision is unreasonable, in that no reasonable person could have reached the same decision on the available evidence; and/or
 - c) the availability of new evidence, which materially impacts the complaint outcome and which, for valid reasons, could not have been submitted at an earlier stage.
- 5.3 A Review of the Complaint is a two-stage process. On receipt of a written or emailed Request for Review, the Reviewer, appointed as in 2.10, will consider whether there are grounds for a Review, based on a cursory review of the Request and the evidence provided. If the Reviewer does not consider that the Request is eligible for review, the College will issue a Completion of Procedures letter.
- 5.4 If the Reviewer accepts there are valid grounds for Review, they will then consider in detail the Complainant's Request, the information considered during Formal Resolution, the decision and any new information. The Reviewer may request further information.
- 5.5 Following investigation, the Reviewer will have the power to either:
 - a) uphold the complaint in whole or in part and require such remedies as necessary; or
 - b) dismiss the request for Review and confirm the Complaint Officer's decision.
- 5.6 The Complainant will receive the Reviewer's decision and the reasons for the decision, in writing, normally within 28 calendar days of submitting the Request for Review. This is the final stage of the College's internal process and therefore the Complainant will be issued with a Completion of Procedures letter. If a Complainant chooses to raise a complaint with

the OIA, the Reviewer's decision will still be enacted unless a review outcome from the OIA recommends otherwise.

Senior Tutor
11th June 2018

Appendix: Policy on the use of personal information under the Student Complaint Procedure

A copy is to be provided to the Complainant at the earliest contact and published on the College's website.

1. In order to deal with a Complainant's request it will be necessary for the College to process a Complainant's personal data in accordance with this policy. The overall purpose of processing personal data in the context of the investigation and resolution of student complaints is to decide what steps can appropriately be taken in response to such complaints. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, responding as part of an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. Such persons may include:

- staff handling, investigating and considering the complaint;
- individuals named or involved in the complaint, such as students, staff or external bodies;
- authorised representatives of other external bodies involved in the complaint;
- the College's legal advisors;
- relevant staff in the University; and
- a Complainant's authorised representative.

Documentation generated in the course of an investigation under the procedure will be disclosed in full to the Complainant except where information relates to an individual who has not explicitly consented to the disclosure of personal data.

2. The College will seek the Complainant's written consent before notifying the Complainant's College Tutor or Graduate Tutor that a complaint has been submitted so that they are aware of the complaint and able to assist in providing support.
3. The College will seek the Complainant's explicit written consent before liaising with appropriate staff members, regarding support and any reasonable adjustments for disabled students.
4. Following completion of the procedure, the complaint, the documentation generated in the course of the investigation and the decisions made under the procedure, will be retained securely by the College for 3 years after you complete your studies. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any complaint is subsequently submitted under this procedure by the same Complainant, this information may be taken into account by the Case Handler, in reaching a decision under paragraph 2.14 or 4.4 of the procedure. The information may also be used if relevant for the purposes of conducting disciplinary proceedings or referral for consideration under another procedure under paragraph 2.14 or 4.4 of this procedure.
5. Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under data protection legislation as applicable at the time or otherwise.
6. Any questions or concerns about this policy should be directed to the Senior Tutor in the first instance.