

# Sotheby's INSTITUTE OF ART

## STUDENT COMPLAINTS PROCEDURE - LONDON

This procedure is applicable to all SIA - London students registered with the University of Manchester

### Introduction and Principles

1. This procedure has been revised following review against the Office of the Independent Adjudicator (OIA) Good Practice Framework and the Quality Assurance Agency's (QAA) revised UK Quality Code.
2. For the purposes of this document, a student complaint is 'an expression of dissatisfaction by one or more students about a provider's action or lack of action, or about the service provided by or on behalf of the provider.' (OIA definition.)
3. Sotheby's Institute of Art - London is committed to the delivery of a high quality educational experience, whether through face to face or online teaching and learning activities and encourages feedback from students when there is a case for improvement or where there is a cause for concern. Students are defined as those enrolled with Sotheby's Institute of Art - London and the University of Manchester in both award bearing and non-award bearing programmes and courses.
4. Every reasonable effort will be made to deal promptly and efficiently with all complaints, to investigate them thoroughly and objectively and to seek to resolve them satisfactorily. Complaints will be dealt with positively and constructively. If a complaint is upheld, the Institute will seek to provide an appropriate response and will correct any mistakes or misunderstandings and will take any other action as appropriate. If a complaint is not upheld, then the reasons for that decision will be given.
5. The Institute has due regard towards maintaining confidentiality in relation to any student complaint. The content of a complaint may need to be disclosed to members of staff who are involved in putting the Procedure into effect (e.g. Faculty and student representatives). This is in addition to staff whose input may be required to respond to the issues that a student has raised (e.g. persons named in the complaint, the Student Support team, etc). By submitting a complaint the student consents to the disclosure, storage and sharing of information relevant to the complaint within the Institute at all stages of the Procedure. If this presents a problem for the student(s), they may wish to seek advice from the Registrar; not providing consent may however affect the Institute's ability to consider the complaint fully.
6. There are several informal channels by which it is hoped that most concerns can be resolved. For the purposes of this document, a student concern is 'Where a student makes comment (in conversation, writing or via social media) on the provision of learning opportunities made available or any service that the providers may offer'

(QAA UK Quality Code definition). These informal channels are described in paragraph 16 to 19, below. If, however, a student or students wish to pursue a complaint formally, the relevant procedures are described from paragraph 20, below. It is expected that in raising possible issues of complaint, students themselves will have observed their obligations as members of the Institute.

7. The time limits set out in this Procedure will normally be followed. However, where, for good reason, this is not possible, the complainant(s) will be kept informed of progress.
8. The Institute reserves the right to postpone considering, dealing with and/or responding to a complaint when the student is pursuing legal proceedings against the Institute.
9. Students considering making a complaint may seek advice from a number of sources, for example, from a Personal Tutor, a Programme Director / Course Leader or the Registrar.

### **Definition and Scope of the Procedure**

10. The Procedure is designed for complaints in respect of the student's experience at the Institute related to:
  - (a) The provision of programmes or courses, or parts of programmes or courses of study, services or facilities by the Institute;
  - (b) The actions or lack of actions by the Institute or its staff.
11. The Student Complaints Procedure does not cover the following, for which separate procedures exist:
  - (a) Appeals relating to or against academic progress or against expulsion or exclusion on academic grounds;
  - (b) Complaints involving an allegation of misconduct by a student.
12. The Student Complaints Procedure can be used by students for both individual and collective complaints. Complaints by a group of students are often of a general nature where it may be more appropriate for the students to raise the matter with a Student Representative on the relevant Programme or Course committee in the first instance. Complaints may then be made by the group of students if the relevant representation system has not achieved a satisfactory outcome, or if this is not thought by the students to be an appropriate route.

Sotheby's Institute of Art - London will treat all complaints seriously and will deal with them without recrimination.

13. Students should pursue their own complaints, but may seek support from, for instance Student Support services in submitting a complaint. The effectiveness of this Procedure depends on the Institute being able to collect appropriate information from the parties involved in order to investigate the matter properly. For this reason, anonymous complaints will not usually be dealt with under this Procedure. It is at the discretion of the member of staff receiving an anonymous complaint to determine how

the matter is handled, e.g. by taking no further action or by direction to the Institute's Quality Team

14. The Institute will treat all documentation associated with a complaint from a student or group of students confidentially to the extent possible. Students need to recognise that for the complaints procedure to be effective, the Institute needs to be able to collect appropriate information from the parties involved in order to fully investigate a matter. For example, if there is a complaint made about a member of staff, the Institute will inform that member about the substance of the complaint, so that s/he may respond. The Institute will not consider unsubstantiated complaints that it regards as vexatious or malicious.
15. A student, or group of students, may only use this Student Complaints Procedure if they currently are applying for a programme or course, are registered at Sotheby's Institute of Art – London, or have recently completed a programme or course. The complaint should be made within forty (40) working days of the events or actions (or lack of actions) which have prompted the complaint. The Institute will not normally consider complaints made after this period, unless there is a credible and compelling reason for the delay.

### **Informal Stage: Early Resolution**

16. The informal Early Resolution stage seeks to resolve straightforward concerns locally, swiftly and effectively at the point at which a concern is raised, or as close to that point as possible, at programme or course level. It is expected that the majority of complaints can be resolved through informal means.
17. Students should raise any concerns immediately with a member of staff, with the aim of resolving the issue directly and informally. Where the complaint is of a general nature, but programme or course specific, it might be appropriate for the student to raise the matter at the Programme Committee via his/her Student Representative.
18. Where a student concern has been resolved locally, through Early Resolution, the member(s) of staff involved will communicate the resolution to the student, usually via email, so there is a record of the resolution. The email communication will also be sent to the Institute's Quality Team so they can record and track locally resolved concerns.
19. The Institute's Quality Team will also monitor, action and track any student concerns received through student surveys, raised at Programme Committees or aired on social media.

### **Formal Procedure**

20. Where it has not been possible to resolve matters to the student's, or group of students', satisfaction under paragraph 16, or when the issue is not appropriate to be raised informally in the opinion of the student or students, the student(s) should make a formal complaint. To do this they should complete the Complaints Form and submit it, along with any accompanying evidence to the Institute's Registrar, (access to this document is via Canvas). Types of evidence supporting a complaint may include independent medical evidence, reports by professionals, financial information or

witness statements. In completing the Complaints Form the student should also indicate what outcome they are hoping will resolve the issue and whether they may need any additional support during the complaints process.

21. Students are encouraged to make a complaint as soon as possible after the events or actions (or lack of actions) which prompted the complaint, ideally within 40 working days.
22. The Registrar will acknowledge receipt of the Complaints Form within five (5) working days. If the complaint has been submitted beyond forty (40) working days from the issue that prompted the complaint, without a credible and compelling explanation for the late submission, the student will be issued with a Completion of Procedures letter by the Registrar.
23. The Registrar will convene a meeting of the **Complaints Committee** as soon as possible to consider the complaint and supporting documentation, and will inform the student, or group of students, at least ten (10) working days before the meeting of the date of the meeting and the members of the **Committee**. The student, or group of students, may if s/he/they wish appear before the **Committee** in person and may be accompanied by a friend who is also a registered student of the Institute, acting as an observer only. Attendance by the student(s) is not mandatory. In exceptional circumstances the student(s) may attend the **Committee** via alternative means such as Zoom or other forms of web conferencing.
24. If the student(s) has any objection to (a) the time or date of the meeting, and/or (b) the membership of any person or persons participating on the **Complaints Committee**, the student(s) may by written request to the Registrar to ask for (i) an alternative time and date and/or (ii) an alternative member or membership of the **Complaints Committee**. This request should be received no later than five (5) working days before the date that the meeting is due to be held and give the reason(s) for the request. Registrar has the power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Complaints Committee** as appropriate.
25. Subject to the provisions of this Procedure, the Chair shall determine all issues of procedure at the meeting of the **Complaints Committee**. The **Complaints Committee** shall give the student(s) opportunity to present his/her/their case at the meeting.
26. The **Complaints Committee** will include the Institute's Senior Officer for Quality Assurance and Validation (Chair) or Nominee, two members of staff and/or academic faculty not associated with the case, and a Student Representative from a different cohort to the complainant(s). No staff or faculty member to whom the complaint is directed or who may be involved in the actions or inactions related to the complaint will serve on this **Committee**. The Registrar will attend as secretary, but shall not vote.
27. The **Complaints Committee** will reach its conclusions and recommendations by a majority of its members. The Chair may vote and shall have, in addition, a casting vote. Any decision will be reached by the **Committee** at the time of meeting. It is not expected that further communication take place either verbally or electronically after the meeting.

28. The **Complaints Committee** will notify the student(s) in writing within ten (10) working days of the meeting of its conclusions and recommendations, which will set forth the reasons for its conclusions and recommendations. If there is a delay in reaching a conclusion because of, for example, the need for clarification of matters with the complainant(s) or other relevant persons or for further information, the **Complaints Committee** will so notify the student(s) in writing. In such event, the **Complaints Committee** will reconvene within thirty (30) working days of the original meeting date. The student(s) may attend the reconvened meeting. The **Complaints Committee** will notify the students(s) in writing within ten (10) working days of the reconvened meeting of the outcome.
29. The **Complaints Committee** should be aware that complaints processes are likely to be stressful for the students concerned and should attempt to minimise unnecessary pressure on students and offer them appropriate support, while striving to fulfil its duties in line with this Policy.
30. The possible conclusions of the **Complaints Committee** include:
- a. The **Complaints Committee** decides that the complaint is without substance, the Chair will write to the student informing them that the complaint has been dismissed. The student will be informed of their right to review under the Review Stage of the Complaints Procedure and the time limit for doing so. If it is concluded that the complaint is trivial, vexatious or malicious, they may recommend that disciplinary action should be taken against the complainant. At this point, a completion of procedures letter will be issued to the student by the Registrar.
  - b. If the **Complaints Committee** upholds or partially upholds the complaint, the Chair will write to the student notifying them that the complaint has been upheld in whole or in part. The Chair will inform the student of the recommended remedy and timescales for this which have been agreed by the Institute. The recommendations of the **Complaints Committee** may also include any re-payments or compensation, which the committee deems appropriate, if the criteria in the Institute's Refunds and Compensation Policy are met, and may also indicate whether an apology is required. The student will be informed of their right to review and time limit for doing so if they remain dissatisfied. If the student does not take the complaint to the Review Stage within the given time scale then the Institute will close the case. At this point, a completion of procedures letter will be issued to the student by the Registrar.

## Review

31. If the student or group of students is dissatisfied with the response set forth in the written correspondence, the student, or group of students, has the right to ask for a review of the decision. Reviews will only be taken against the conclusions and recommendations, on one or more of the following grounds:
- (a) Procedural irregularity; and/or
  - (b) The outcome was not reasonable on the basis of the evidence available.

- (c) Availability of new evidence which could not reasonably have been expected to be presented at the original **Complaints Committee** meeting.
32. The student(s) may submit a request for a review, including a statement of the grounds on which the Review is being made and any new supporting evidence. The Review should be submitted in writing to the Registrar, to be received within fifteen (15) working days of the date of the conclusions and recommendations letter sent to the student(s). A request for a review received after this time, without good cause shown for its late submission, shall only be granted at the discretion of the Registrar.
33. The Registrar may dismiss a review in writing to the student within five (5) working days if they consider the review to be outside the scope outlined in paragraph 30. In such cases, a Completion of Procedures Letter will be issued by Registrar.
34. The Registrar shall convene a **Review Panel** to hear the Review request of the student(s). The **Review Panel** will not re-hear the case afresh, but will consider whether the initial conclusions and recommendations were fair by:
- (a) Reviewing the procedures followed; and
  - (b) Establishing whether the outcome was not reasonable on the basis of the evidence available
  - (c) Establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented at the original **Complaints Committee** meeting and whether this evidence is material and substantial to the conclusions and recommendations.
35. The following Institute officers shall serve on the **Review Panel**:
- (a) One nominated member drawn from the Academic Board (Chair); and
  - (b) Two members of the academic staff, drawn from the Institute.
- The **Review Panel** shall have a quorum of three members. The Registrar shall attend as secretary, but shall not vote.
36. No person shall be a member of the **Review Panel**:
- (a) who served on the **Complaints Committee** which dealt with the matter(s) under review, or was otherwise involved in the proceedings; or
  - (b) who is party to or is a potential witness at a hearing before the **Review Panel**; or
  - (c) who has taught the student(s) or assessed the student's or group of students' work; or
  - (d) who has been in any manner closely connected with the case; or
  - (e) in respect of whom a conflict of interest would arise or is likely to arise if he/she were to be a member of the **Review Panel**.

37. The Registrar shall inform the student(s) in writing at least ten (10) working days in advance of the hearing of the date, time and place of the hearing, and the names of the members of the **Review Panel**.
38. If the student or group of students has any objection to (a) the time or date of the hearing, and/or (b) the membership of any person or persons participating on the **Review Panel**, the student(s) may by written request to the Registrar. This request should be received no later than five (5) working days before the date that the hearing is to be held and ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Review Panel**, giving the reason(s) for the request. The Registrar has power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Review Panel**.
39. Subject to the provisions of this Procedure, the Chair shall determine all issues of procedure at the hearing of the **Review Panel**. The **Review Panel** will give the student(s) the opportunity to present his/her/their case at the hearing. In exceptional circumstances the student(s) may attend the **Review Panel** via alternative means such as Zoom or other forms of web conferencing.
40. The student(s) may be accompanied at the hearing of the **Review Panel** by a friend or Student Representative if s/he is a registered student at the Institute, acting as an observer only.
41. Attendance by the student(s) at the **Review Panel** is not mandatory.
42. Conclusions and recommendations may be made by a majority of the **Review Panel**. The Chair may vote and shall have, in addition, a casting vote. The **Review Panel** may elect an alternate Chair.
43. The **Review Panel** shall conduct its business in accordance with the rules of natural justice. The **Panel** will reach a decision in private. If the Panel decides that the review request should be upheld, it may make any recommendations which it sees fit to resolve the situation. It may reject the review if it finds that it was unfounded or that the Institute had responded appropriately at an earlier stage.
44. The **Review Panel** shall inform the student in writing within ten (10) working days of the hearing of the **Panel's** decision on the review, together with reasons for the decision. A Completion of Procedures Letter will be issued by Registrar.
45. The **Review Panel** shall send a copy of the decision of the Review to the Institute's Director at the same time as it sends the decision to the student.
46. The **Review Panel** has the power to adjourn a hearing to another date, as it thinks fit.
47. Following receipt of the decision of the **Review Panel**, if the student(s) feel the complaint has not been handled properly or fairly they have the right to seek a further review by the Institute's validating partner, the University of Manchester, subject to the regulations and policies of the University. The student should refer to the University of Manchester's Teaching and Learning Support Office for details of procedures for review, and for the relevant staff contacts, which are set forth at:

<http://www.tlso.manchester.ac.uk/Reviews-complaints/>

<http://documents.manchester.ac.uk/display.aspx?DocID=28682>

48. In the event that a student has sought a review by the University of Manchester and the issue remains unresolved, to their satisfaction, the student is entitled to ask the OIA (Office of the Independent Adjudicator) to review his/her/their complaint about the outcome of the Institute's complaints process. The OIA is an independent body set up to review student complaints about higher education providers in England and Wales. The student should make any such complaint to the OIA within 12 months of the date of issuing of a Completion of Procedures Letter by the University of Manchester. For further information go to:

<https://www.oiahe.org.uk/students/>

### **Director's Powers**

49. In the event that it proves impracticable to convene the **Complaints Committee** or the **Review Panel** because of the unavailability of a sufficient number of individuals who are eligible to serve on such a **Committee** or **Panel**, the Institute's Director may appoint such other person or persons to serve on such **Committee** or **Panel** as they see fit.