



Student Complaints Procedure

RESPONSIBLE COMMITTEE: Academic Committee

RESPONSIBLE OFFICER: Academic Director

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INTRODUCTION

1. The SCP may be used by current or recent students (including graduate, undergraduate or visiting students) of Pembroke College who wish to complain about the action (or inaction) of the College, or about the standards of service provided to them by or on behalf of the College. This policy no longer applies to former students once 12 months have elapsed since they ceased to be a student of the University.
2. In certain cases, the SCP will not apply as another College Policy or Procedure is more appropriate, or because the complaint relates to the central University rather than the College.
 - i. Allegations of misconduct by another student of Pembroke College are covered by the Non-Academic Disciplinary Procedure. However, a student who makes a report of alleged misconduct and is dissatisfied with the outcome is able to pursue their complaint under this SCP.
 - ii. Any complaint pertaining to the action or inaction of, or services provided by, the central University are to be dealt with by the University's Student Complaints Procedure.
 - iii. Allegations of misconduct by a student from a college other than Pembroke are handled by the University Proctors, acting under [the University's Student Disciplinary Procedure for Non-Academic Misconduct](#).
 - iv. All complaints of harassment or sexual misconduct (by a student or member of staff of Pembroke College) are covered by [the College's Harassment Policy and Procedure](#).
3. Complaints should be made as close in time to the inciting event as possible, and at the very least promptly, to assist in the finding of a resolution.

AIMS

4. This Procedure aims to set out a clear process whereby a student's complaint can

be investigated and addressed in a transparent and effective manner. When a complaint is upheld the College will seek to make good and remedy any failings that have been identified, either in the conduct of its officials or the processes and policies employed by the College.

5. The College will seek an early resolution to all complaints received, via a fair and transparent processes. It is hoped most cases will be settled without using the procedures set out here through informal discussions between the student and an applicable member of staff or support officer.
6. The College is conscious of its obligations under the Equality Act 2010 and will alter these Procedures when it is deemed necessary to implement reasonable adjustments for any individual concerned.

APPLICATION

7. All complaints will be given full consideration and students will not be disadvantaged for making a genuine complaint. However, the College expects students not to engage in malicious or vexatious complaints, and all complaints will be viewed alongside the College policy on Vexatious and Malicious Complaints. All parties involved in an SCP process are expected to act reasonably and fairly towards each other and to treat the process with respect.
8. The College will not ordinarily consider anonymous complaints but retains the right to do so when it is concerned appropriate to the circumstances. However, it is very unlikely to be possible to investigate an informal complaint on an anonymous basis as the subject of a complaint will have a right to respond. Student complainants will always be advised if the relevant College Officer or Departmental Manager decides that further investigation and action would require that the complainant's identity be disclosed to others, or that the subject of the complaint be informed of the complaint.
9. When processing individuals' personal data under this Procedure, the College will comply with [its own data protection policy](#) and all relevant data protection legislation.
10. The College will strive to meet all the timescales set out in this Procedure, but reserves the right to vary them on a case by case basis due to exceptional

circumstances. In this necessity the College will write to the Complainant setting out the reasons for the change. Financial recompense may be offered in particular circumstances.

11. Complaints may be withdrawn at any stage by the student complainant but in some circumstances, investigations will need to continue regardless so that the College can satisfy itself that no further action is required for the good of the College community.
12. In exceptional circumstances (e.g. severe illness), an informal or formal complaint may be made and/or pursued by another person on behalf of an eligible individual.
13. The student complainant may be accompanied by a current member of the College or a member of staff from the Oxford SU Advice Service for meetings at any stage of the complaint process. The subject of the complaint may also be accompanied by a current member of the College or a union rep.

A: INFORMAL PROCEDURE

14. The informal procedure is intended to encourage discussion and understanding of the issue, and in most cases will lead to its resolution.
15. Complaints should in the first instance be raised informally with the person concerned or with the relevant College Officer. Complaints about academic matters can be raised in the first instance with the Academic Director; complaints about non-academic matters with the Bursar or Operations Bursar; and complaints about the actions or inactions of a College Officer with another Officer uninvolved with the issue (such as the Master, the Bursar, the Academic Director, or the Vicegerent).
16. Where the Officer in receipt of the complaint feels that they are not the most appropriate Officer to deal with the issue, they may, in consultation with the student, transfer the handling of the complaint to another Officer or senior member of the College
17. The informal process starts when a complaint is made either orally or in writing (including email) to a College Officers as set out above.

18. Where an attempt has already been made to resolve an issue informally outside this process, then the College and the student may agree that it would be appropriate to move straight to the formal procedure.
19. Where the subject of the complaint is one of the above Officers, including the Master, then an issue can be raised with the Vicegerent.
20. The College will aim to respond to a complaint within 10 working days. Where appropriate, the initial response will be for the College Officer to arrange a meeting with the Complainant to understand the context of the complaint before proposing an informal resolution.
21. The aim of the informal process is to reach a mutual agreement on an informal resolution of the complaint. This can take a variety of forms dependent on the content of the complaint, but could include: the emendation of a College policy; an apology on behalf of the College; or some other mutually-agreed resolution. It is also possible that both parties may agree that no further resolution is necessary.
22. The informal process of the complaint will end with the College Officer handing the complaint documenting in writing what has been agreed, or (if no agreement has been reached) the College's proposed informal resolution. The student will be invited to either accept or reject this proposal.
23. If an informal resolution cannot be agreed then the student has the option to raise a formal complaint under the procedure detailed in section B of this Procedure.

B: FORMAL PROCEDURE

25. The formal procedure will normally be used only when the informal procedure has not achieved a resolution or the student complainant is not satisfied with the suggested resolution. This must be done within 10 working days of the complainant being informed of the outcome of an informal complaint by the relevant College Officer.
26. A formal complaint should be raised in writing (including an email) to the Vicegerent. In this the student should set out with maximum clarity the circumstances of the initial complaint, the reasons for their dissatisfaction with the informal complaint resolution, and the resolution or remedy they are seeking.

27. The presumptive preference is always to first attempt an informal resolution to a complaint, However, if the student can demonstrate clear evidence why the informal process is not a suitable avenue of resolution for their complaint, then the student may adopt the formal approach immediately. In this instance, the College Officer may refer the complaint back for informal resolution. This does not stop the student complainant from making a further formal complaint in the event that they are dissatisfied with the outcome of informal procedures.
28. Where the subject of the complaint is the Vicegerent, then the issue can be raised with either the Bursar or the Master.
29. If the relevant officer is away from the office at any time during this process, then the complaint should be addressed to the Head of Governance, who will direct it towards a designated College Officer (DCO) or other senior member of the College.
30. The Vicegerent (or DCO) must acknowledge receipt of the formal complaint within ten working days of its delivery and either confirm that a more detailed investigation will follow; or notify the student complainant (with an explanation) that the complaint falls outside the process.
31. Should the Vicegerent (or DCO) feel they are not the most appropriate Officer to deal with the issue, they may, in consultation with the student, transfer the handling of the complaint to another Officer or senior member of the College.
32. If the Vicegerent judges a complaint to have been made improperly, they will reject the Complaint at this stage of the SCP in line with section E of this Procedure. Should this judgement be made, the Complainant will have the right to request a Review by the Master (Section C).
33. Where a complaint is to proceed to the formal complaint procedure, the Vicegerent (or DCO) will, within ten working days of the decision, appoint a panel of three drawn from the membership of Standing Committee, designating one member as the Chair of the Panel. In exceptional circumstances it is permissible for no more than one of the Committee to be an external member (ie not a Fellow of the College). The Vicegerent, Master, Dean, and Bursar may not serve on Standing Committee. The Head of Governance will act as Secretary to the Standing Committee. If they are unavailable, a suitable member of College staff with no previous involvement in the Complaint will be appointed as Secretary.

34. The Secretary of the Committee will inform the student complainant of the identities of the panel before appointments are confirmed and given an opportunity to object to any member within five working days; alternative member(s) may be appointed if the Vicegerent feels the grounds for objection are reasonable. These may be drawn from any senior members of the College.
35. The Chair of the Committee will determine whether further information is required or an investigation needs to be carried out ahead of the Standing Committee meeting. Should an investigation be necessary, the Chair of the Committee will appoint an investigator. This may be either a senior College Officer or a suitably-qualified external individual. The timescales set out in the Procedure may necessarily alter if an investigation needs to be undertaken. The Secretary of the Committee will inform the Complainant that an investigation is taking place, clarifying the scope and terms of that investigation.
36. In the event of an investigation, the Investigator will conduct their investigation in line with the principles of this Procedure and to the best of their individual judgement. At the conclusion of the investigation, a report will be produced for Standing Committee, which will be sent to the complainant and anyone else deemed suitable by the Panel, no less than 10 working days before the Committee meets.
37. Within 10 working days of the Vicegerent receiving the formal complaint (unless an Investigation causes timescales to alter), the Committee secretary will inform the complainant in writing, setting a date for the Committee meeting and asking if there is any additional information they may wish to add to their written statement. The complainant is also entitled to provide the names of witnesses they may propose calling and the reasons for calling them. The Committee may also choose to seek closer clarification of the desired resolution of the complainant to ensure the satisfactory completion of the Procedure is more likely.
38. The complainant may ask the Chair of the Committee for a representative to attend the Committee meeting in their stead: this request should be made at least 5 days before the meeting. This representative would ordinarily be a member of the Oxford Student Union or College JCR who has received appropriate training.
39. The person who is the subject of the complaint will be entitled to appear before the panel if they so choose, and may be accompanied by an appropriate third party, such as a union representative or a Peer Supporter.
40. The calling of witnesses is at the absolute discretion of the Chair of Standing Committee. Witnesses are not to be expected as standard in the sitting of the Standing

Committee. The Chair will be mindful that the SCP should be conducted proportionately to the complexity and severity of the complaint, and therefore not unreasonably withhold permission for witnesses to be called. Where expert evidence is required (for example, specialist medical evidence) this is expected to come in writing.

41. Notes will be taken of all interviews. The Chair may wish to have the proceedings audio- recorded, with the permission of that particular interviewee. The formal procedure will be conducted as swiftly as the subject matter and the academic calendar allows (ideally within twenty working days of the panel's appointment).
42. Within 10 working days of the Committee convening, the Committee will produce a written report setting out the details of their enquiries, their recommendations, and any supporting documentation or evidence. Copies of this report will be provided to the complainant and to any person or body who or which is the subject of the complaint by the Committee Secretary. Both parties will be invited to submit written comments or objections within a further five working days, upon the expiry of which the Vicegerent (or DCO) will be provided with copies of the report and any supporting documentation or evidence, along with any written comments or objections made.
43. In their Report, the Committee may choose to uphold the Complaint, uphold some but not all elements of the complaint, or dismiss the complaint in full. If some or all elements of the Complaint are upheld the Committee will determine what ameliorative action(s) should be taken by the College. This could include:
 - An apology on behalf of the College;
 - the revocation of a previous decision
 - A change to College policy to ensure future situations are handled differently;
 - A pledge to undertake a particular future action (for example, provide specialist training to staff in a specific area);
 - Financial compensation.
44. In the event that the complaint relates to a member of College staff (academic or operational/clerical), the Vicegerent will ensure that the Committee's report is shared with the appropriate College Officer or line manager; they will then determine if a disciplinary investigation should take place. Any such investigation would remain entirely separate from the SCP and remain confidential.

C: REVIEW

45. If a student is dissatisfied with the outcome of the formal SCP, they can request a review by writing to the Master (master@pmb.ox.ac.uk). This should be done within 5 working days of receipt of the Standing Committee report.
46. Disagreeing with the decision of the Committee does not in itself constitute justified grounds for a Review. Rather, a Review will be considered if:
- There was a failure to follow the SCP;
 - There was evidence of, or a reasonable perception of, clear bias in the decision;
 - The complainant has new material that they could not reasonably have been expected to provide earlier in the processes, which is likely to have made a material difference to the outcome.
47. If the Master is the subject of the complaint, a review should be requested via another College Officer if there is a conflict of interest.
48. The Master will review the student's stated grounds for Review, along with all relevant evidence from the Standing Committee. If the Master determines that there is insufficient evidence to uphold the review, they will issue a Completion of Procedures letter to the Complainant.
49. If the Master determines that there are sufficient grounds to uphold the review, they will conduct a review within 14 days of receiving notification of the Review. The outcome of the review stage will be communicated in writing, along with the reasons for the decision, to the student complainant and any subject(s) of the complaint, within 20 working days of delivery of the request for a review. Unless the outcome of the review be to refer the Complaint to a fresh Standing Committee, the reviewer will at this stage issue a Completion of Procedures letter to the complainant.
50. The subject(s) of any complaint must be notified that a review has been requested and the grounds for that request. The subject of the complaint is entitled to submit a response to those grounds. Should any new and material evidence be presented, the subject of the complaint will be entitled to view it and provide a written response.
51. A review may overturn the outcome of the formal SCP, without the need for the

complaint to go through the formal SCP again.

D: OIA REVIEW

52. Once the College's internal review stage has been completed, the student complainant is entitled to complain to the Office of the Independent Adjudicator (OIA), an independent review body set up by Parliament, and ask the OIA to review the outcome of the College's complaints process. A request for OIA review should normally be submitted to the OIA within three months of the date of the written communication of the outcome of the review stage (Section C).
53. The OIA looks at issues such as whether the College followed its procedures, whether these procedures were reasonable, and whether the College's decision was reasonable in all the circumstances.

E: IMPROPER COMPLAINTS

54. The College believes absolutely in a presumption of good faith and therefore takes all complaints seriously unless there is good reason to do otherwise. However, if a complaint is considered improper then the College will cease to provide consideration of that complaint through the SCP.
55. Improper complaints may include:
 - Complaints which are vexatious or malicious in motivation (as judged by the College policy on Vexatious and Malicious Complaints);
 - Complaints which concern issues that are legitimately trivial;
 - Complaints which pursue non-meritorious ends;
 - Complaints which seek to reignite complaints that have been previously completed;
 - Complaints which are in character clearly retaliatory with no beneficial or meritorious aim.
56. If the Vicegerent considers the Complaint to be improper, they will write to the Complainant to inform them of the decision not to progress the complaint and explain the reasons behind this.

57. A student whose complaint has been deemed improper may request a review by the Master. This request must be made in writing within 7 days of the Vicegerent's decision, and must set out the reasons why the complainant considers the Vicegerent's decision to be incorrect. The Master must respond to this request for a review within 5 days, setting out either:
- To uphold the decision of the Vicegerent not to progress with the complaint, and thence to issue the complainant with a Completion of Procedures Letter;
 - Instruct the Vicegerent to refer the complaint to a Standing Committee as detailed above.
58. The Vicegerent may refer complaints that are deemed improper to the Dean for potential consideration under the Non-Academic Discipline Procedure.

F: COMPLAINTS ABOUT COLLEGE ACCOMODATION

59. If the College has failed to fulfil its obligations in respect of the provision of accommodation under a student's License to Occupy, the remedy for a complaint can include a refund of some or all of the student's rent for the affected period in cases where this is proportionate and appropriate.
60. The period for which a rent refund may be appropriate is from the date on which the student first notified the College of an issue, up to and including the date on which the issue was resolved or alternative accommodation was offered (regardless of whether or not the student chose to accept the alternative offered).
61. It is essential that students notify the College of any issues at the earliest opportunity, primarily so that any problems can be addressed promptly, but also because a rent refund will not be offered for any period when a student was aware of an issue but chose not to notify the College, and during which the College could not reasonably have done anything to rectify the problem.
62. If a room is uninhabitable or not fit for purpose, the College will normally offer a full refund of rent for the days in question. If a room is fit for purpose but some element of the College's service is materially impaired such that the College is not fully complying with its obligations under the License to Occupy, the College will normally offer a partial refund of rent for the days in question. It is unlikely that a

rent refund will be offered for minor issues that do not materially impair the service that the College delivers or affect the College's ability to comply with its obligations under the License to Occupy.

63. Any potential rent refunds will be assessed to ensure that the College is being fair and proportionate across all comparable cases, and to ensure that any proposed remedy is reasonable. Except in the case of Reasonable Adjustments or other factors relating to the Equality Act 2010, the fact that an individual student finds a particular issue subjectively more upsetting than average is unlikely to influence any proposed rent refund.
64. The College has the right to relocate students to alternative accommodation where necessary, although this is not exercised unreasonably. The fact that a student is unhappy with alternative accommodation (including where this means living in a different part of the College site from their friends) is not a reason for a full or partial refund of rent.
65. The following are also unlikely to constitute reasons for a full or partial refund of rent:
- issues caused by other students, for example noise or mess (although the College will take reasonable steps to ensure appropriate behaviour and cleanliness from all residents);
 - issues reasonably beyond the College's control, such as street noise, roadworks, power cuts, or wildlife activity;
 - low-grade issues that are integral to old buildings (e.g. occasional noisy pipes or floorboards; creaking windows);
 - simply not liking a particular room without a material reason.
66. Where a full or partial refund of rent is reasonable and proportionate, the College will always look to propose this at the informal stage rather than requiring students to submit a formal complaint.
67. Any concerns or complaints about College accommodation should be addressed to the Operations Bursar.

G: RECORDS

68. Records of both informal and formal complaints under the SCP, any resulting report and supporting documentation, and the outcome must be retained by the College in line with the Data Protection Act 2018 for five years. Student complainants are therefore asked not to include unnecessary personal information, particularly about third parties, in their complaints.
69. Governing Body will annually review the number of complaints and a summary of outcomes in the Unreserved section of business, to allow consultation with JCR and MCR representatives. At least once per year, a report will be provided to Governing Body detailing the nature and outcome of any complaints received, suitably anonymised and redacted to preserve student confidentiality. This report will also include details of any changes to improve future process and operations