

G31 Complaints from students are carefully considered and, if appropriate, shall be investigated by the Head of Student Conduct and Appeals.

Student complaints

- G31.1 King's College London is committed to considering and investigating genuine complaints from students. The College defines a complaint as an expression of dissatisfaction that warrants a response and the associated procedure provides a clear mechanism for that to happen. The College will review what led to the complaint and where appropriate seek an early resolution. Outcomes can also be used to improve services to all members of the College.
- G31.2 The majority of cases are resolved through informal (Stage One) discussions without the need for a formal complaint to be made. To facilitate this, the College emphasises the importance of seeking a resolution through informal discussions at the earliest opportunity. Where a complaint relates to the provision or delivery of a programme or part of a programme students should normally use their programme representative system in the first instance.
- G31.3 Group complaints are permitted. In the first instance a group should raise any issues with the programme lead via their student representative, or a nominated member of the group. If the matter is not resolved, the nominated student will submit the complaint and communicate with the College on behalf of the group. The outcome of the complaint will apply to all members of the group.
- G31.4 It is expected that all parties involved in a complaint will act reasonably and fairly and treat the process in a respectful manner. If inappropriate behaviour is displayed, action may be taken.
- G31.5 The College may pause or stop the consideration of any complaint submitted where the student is suspected to be in breach of Academic Regulation G27 or G29, and action should be taken under those regulations.

Scope

- G31.6 The student complaints procedure can be used for complaints within the following areas, the consequences of which have an alleged adverse effect on the student wishing to complain:
- provision or delivery of programmes or parts of programmes;
 - inadequate supervision on a research degree programme;
 - inadequate services or facilities of the Faculty;
 - decisions, actions or perceived lack of action taken by a member of College staff;
 - decisions, actions or perceived lack of action taken by a central College service; or a member of staff acting on its behalf;
 - complaints relating to discrimination, harassment or bullying.
- G31.7 The Student complaints procedure *does not* cover the following areas:
- Complaints arising from action taken under Academic Regulation G27.
 - Complaints arising from matters related to fitness to practise, academic progression, assessment or examination. Students are referred to the appeals procedures of the

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respective regulations; G28 Academic Progress, G29 Fitness to Practice, T44 Taught Programme Academic Appeals and R17, Research Degree Programme Academic Appeals. Students cannot use the Student complaints procedure following an unsuccessful appeal under the regulations listed above.

- c. Complaints relating to services provided by collaborative partners or other organisations involved in the delivery of the student's programme. In such instances, students are referred to the complaints procedure of the partner organisation, but have the ultimate right of appeal to the College in the case of issues which impact on a student's programme of study. Therefore, if students are dissatisfied with the outcome once they have exhausted all stages of the complaints procedure at the partner organisation, they have a right to appeal to the College for a review of their complaint at Stage Three of the Student complaints procedure.
- d. Complaints against King's College London Students' Union. Students are referred to KCLSU Student Complaints (non-election) Procedure.
- e. Complaints relating to a student's fee status. Students are referred, in the first instance, to the King's Admissions Office's Procedure for contesting fee status decisions for enrolled students.

G31.8 Complaints relating to the activities of another student (including complaints related to bullying, harassment and discrimination by another student) will be investigated as allegations of misconduct under Misconduct Regulations. Any further action under this procedure will be paused pending the outcome under that regulation.

G31.9 Complaints relating to the activities of a member of staff (including complaints related to bullying, harassment and discrimination by a member of staff) will be initially investigated under this regulation. However, if there is evidence of behaviour which warrants investigation under the Human Resources Disciplinary procedure, then any further action under this regulation shall be paused, pending the outcome of that procedure.

G31.10 In certain circumstances complaints may be investigated in conjunction with other departments or with due regard to other College regulations and procedures. If the investigator determines that this would be appropriate, the student shall be informed of this. If a complaint is referred for consideration under another procedure any further action under this regulation shall normally be paused, pending the outcome of the other procedure.

G31.11 The scope of the Student complaints procedure extends to former students of the College, provided that any time limitations are observed.

Complaints made without foundation (frivolous), in bad faith (vexatious) or anonymously

G31.12 Examples of frivolous or vexatious complaints include the following:

- a. complaints which are obsessive, harassing, prolific or repetitive;

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- b. insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes;
- c. insistence on pursuing what may be meritorious complaints in an unreasonable manner;
- d. complaints which are designed to cause disruption or annoyance;
- e. demands for redress which lack any serious purpose or value.

G31.13 The College may terminate consideration of a complaint if it considers it to be without foundation or in bad faith. In such instances the College will write to the student to explain why it is terminating consideration of the matter. Where it is found that a student has raised a complaint of this nature, or used false information, the College will consider taking disciplinary action under Academic Regulation G27. If a complaint is investigated at this stage a student can contest this decision but is not able to submit additional evidence.

G31.14 Any contestation submitted must be submitted to HoSCA within 5 working days of the date of notification of the decision. The HoSCA will consider whether the decision to reject the complaint was made in accordance with these regulations. If the contestation is accepted the complaint will be considered in the usual way under these regulations.

G31.15 The College will not consider anonymous complaints.

Confidentiality and record keeping

G31.16 The College will do all in its power to limit the disclosure of information as is consistent with conducting an investigation and the provisions of the Human Rights Act, the General Data Protection Regulation, the Freedom of Information Act and any other relevant legislation.

G31.17 If a student makes a formal complaint, a record will not be held on their student file but kept securely in the Student Conduct and Appeals Office.

Duty to Make Reasonable Adjustments

G31.18 In accordance with the Equality Act 2010 the College will consider any reasonable adjustments to these regulations to take into account the needs of individual students.

Victimisation: declaration of intent

G31.19 Subject to the above the College undertakes that any student seeking to use this procedure will not be treated less favourably in her/his subsequent academic career, or College life, as a result of action taken to pursue a complaint.

G31.20 If a Student wishes to make a complaint about the Student Conduct and Appeals Office (SCAO) it will be investigated under this regulation. However, the SCAO will not deal with the complaint at Stages Two and Three. Students should refer to the Student Conduct and Appeals Office Complaints Policy for further details.

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Mediation

G31.21 At any point during Stage One or Stage Two of this procedure, a student may request mediation, run by the King's Legal Clinic. It will be for the Clinic to ascertain whether the complaint is suitable for mediation, and their decision in this regard is final. If mediation is deemed appropriate, and the other party/ies agree to participate, consideration of the complaint under this procedure will be paused whilst mediation takes place. If mediation is unable to resolve the complaint, consideration of the complaint under this procedure will be resumed.

Stage One: local informal resolution

G31.22 Complaints should, in the first instance, be raised informally with the relevant person, at the earliest opportunity. Often, this will be the student's Personal Tutor, Graduate Tutor, Senior Tutor, Supervisor or Programme Tutor. If the complaint is concerned with the delivery of a service by a central College Department, the student should raise the matter informally with the relevant manager or Head of Department. If the complaint is concerned with a staff member who would ordinarily be the first point of contact, the student should complain to their line manager, or seek advice from the persons listed on the Student Conduct and Appeals webpages.

G31.23 The relevant person, as defined above, will listen to and discuss the nature of the complaint. Although they will not carry out a formal investigation, they can advise on how the matter could be resolved, and will normally keep informal notes.

G31.24 If the complaint requires a more thorough investigation or is particularly complex, the relevant person may refer the student to Stage Two of this procedure.

Stage Two: formal investigation

G31.25 Students who are dissatisfied with the outcome of informal resolution may submit a Stage Two Complaint, for a formal investigation by the Faculty/Department to be undertaken.

G31.26 Students should submit a Stage Two Complaint Form to the Head of Student Conduct and Appeals (HoSCA) within 3 months of the incident complained about or the last event in a series of incidents. Complaints received after this deadline will only be accepted at the discretion of the HoSCA.

G31.27 The HoSCA will appoint an investigator in the Faculty/Department responsible for the issues complained about. In exceptional circumstances HoSCA may appoint an external investigator where it is deemed appropriate to do so.

G31.28 The investigator will look into the circumstances of the complaint, as well as considering the College's procedures. The investigation may involve interviewing the student making the complaint and others directly involved, as well as seeking opinion and information from anyone with an interest in, or knowledge of, the matter being complained about.

G31.29 The investigator will consider the merits of the complaint and if, upheld in part or in full, will make proposals for the resolution of the complaint and may recommend further appropriate action

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G31.30 The decision of the investigator shall normally be communicated in writing to the student and the HoSCA, within 25 working days of receipt of the Stage Two complaint.

Stage Three: appeal

G31.31 Students who are dissatisfied with the outcome of a Stage Two complaint may submit an appeal on either or both of the following grounds:

- a. that there is new evidence that could not have been, or for good reason was not, made available at the time of the investigation by the HoSCA and that sufficient evidence remains that the complaint warrants further consideration;
- b. that evidence can be produced of significant procedural error on the part of the College in investigating the complaint, and that sufficient evidence remains that the complaint warrants further consideration.

G31.32 The Vice-Principal (Education) has discretion to take into account grounds (including grounds of compassion) other than those stated above in deciding whether to allow an appeal to be heard.

G31.33 Students should submit a Stage Three Complaints Form within 10 working days of the Stage Two Complaint outcome. Appeals received after this deadline will only be accepted at the discretion of the Principal.

G31.34 The Principal will normally advise the student in writing of their decision on the appeal within 20 working days of receipt. If it is determined that an appeal should be heard, an Appeal Committee will be arranged, in accordance with the Appeal Committee structure.

G31.35 The student may be represented at the Appeal Committee by another member of the College, a member of the student's professional organisation (where applicable), or a member of the KCLSU.

G31.36 Additionally, the student may be accompanied by a family member or a friend who will not be able to speak on the student's behalf, unless this is a reasonable adjustment, such as a sign language communicator or interpreter.

G31.37 If the student is to be represented or accompanied, the name of the person who is to attend must be received in writing by the HoSCA at least 48 hours in advance of the Committee. The Chair of the Appeal Committee may accept or reject a request, and their decision will be final. The Chair may refuse to permit a representative, friend or family member to attend where 48 hours' notice has not been received.

G31.38 Written notice of the Committee will normally be sent to the student, together with the names of the Committee members and the Chair, and all documentary evidence, at least 10 working days before the Committee date. Any concerns regarding documentation or membership of the Committee should be raised in writing by the student at the earliest opportunity to the HoSCA.

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- G31.39 New evidence that has not already been submitted as part of the appeal will not normally be considered by the Appeal Committee. Should either party wish to submit new evidence this must be done at least 5 working days before the Committee date. The Chair of the Appeal Committee may accept or reject new evidence, and their decision will be final.
- G31.40 The Appeal Committee shall consider the documentary evidence and invite the student and any parties involved in the dispute to give evidence. Other persons shall be asked to attend if the Committee wishes.
- G31.41 The absence of the student or the other party/parties will not prevent the Committee from taking place nor invalidate the proceedings. In the event that a student has indicated they will attend but then cannot do so for good reason, an adjournment would generally be considered.
- G31.42 The Appeal Committee will determine whether there is sufficient reason to challenge the Stage Two Complaint outcome. If there is sufficient reason, the Appeal Committee will consider the merits of the complaint, and if upheld in part or in full, will determine proposals for the resolution of the complaint, and may recommend further appropriate action. If there is insufficient reason, the Stage Two Complaint outcome will stand.
- G31.43 An Appeal Committee will normally reach its decision without adjournment but may adjourn for the purpose of reaching a decision. The Committee will ensure that any adjournment does not unreasonably delay the outcome.
- G31.44 The decision of an Appeal Committee will be reached by a majority vote of the members of the Committee and will be announced as the decision of the Committee. The votes of individual Committee members will be treated as confidential. In the event of a tie, the Chair will have the casting vote.
- G31.45 The decision of the Appeal Committee shall normally be communicated in writing by the HoSCA to the student and other College Officers as appropriate, within 5 working days of the decision of the Appeal Committee.
- G31.46 The decision of the Appeal Committee is final. There is no further right of appeal.

Useful Links

[Office of the Independent Adjudicator \(OIA\)](#)

[Data Protection Policy](#)

[Misconduct \(G27\)](#)

[Academic Progress \(G28\)](#)

[Fitness to Practice \(G29\)](#)

[Taught Programme Academic Appeals \(T44\)](#)

[Research Degree Programme Academic Appeals \(R17\)](#)

[Appeal Committee Structure](#)

[Student Conduct and Appeals webpages](#)

[Glossary](#)

G31 ACADEMIC POLICY

2019/20

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Exemptions: not anticipated. For advice contact appeals@kcl.ac.uk.

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