

Student Complaints Policy¹

		This policy is effective from	<u>September 2022</u>
Approval body	<u>Academic Council</u>	Approval date	<u>10 November 2022</u>
Owner	<u>Head of Academic Affairs</u>	Next review date	<u>September 2024</u>

1 Introduction

NCAD is committed to providing an excellent education and high-quality services to our students. NCAD continuously seeks to improve the student experience. From time to time problems arise, and students should be supported in expressing their dissatisfaction and seeking resolution to problems encountered. The College takes complaints seriously and endeavours to improve its processes and services by listening to, responding to, recording and resolving students’ dissatisfaction. The following principles reflect the College’s commitment to resolving complaints as quickly as possible with emphasis on local resolution. Students should feel free to raise concerns without risk of disadvantage and are encouraged to seek guidance and advice from a student support professional.

The College’s complaint handling process comprises two levels: review and resolution at a local level and investigation at the College level. The aim of this process is to resolve issues quickly and as close as possible to where the issue arises. Therefore, it is expected that most complaints will be dealt with to satisfactory resolution at the first stage. Where resolution cannot be reached (or in instances where a student feels that they cannot raise the complaint at the local level) a complaint can be made to the College’s Student Complaints Officer. (See 2 below for process flowchart.)

2 Definitions

For the purpose of the complaints handling policy and procedure, the College considers a complaint to be *an expression of significant or sustained dissatisfaction where a student seeks a specific action to address the issue, including an apology.*²

3 Scope

3.1 Complaints

Students may make complaints about any unit, function or service provided by the College or on behalf of the College. The definition of a complaint is necessarily broad and therefore the list provided is intended to guide users and is not intended to be exhaustive. A complaint may relate to the following issues:

- the quality or standard of any service provided or failure to provide a service
- the quality of facilities or learning resources

¹ This policy has been developed on the basis of the UCD Student Complaints Policy.

² UCD acknowledges this definition as an adaptation from the University of Nottingham *Student Complaints Policy*.

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- the failure of the College to follow an appropriate administrative process
- unfair treatment or inappropriate behaviour by a staff member²
- an alleged action or inaction by the College or a member of its staff.

Not every issue raised with the College is a complaint. For example, the following are not considered to be complaints under this policy:

- an appeal seeking a review of an academic decision on assessment, progression, completion or admission. NCAD provides separate appeals procedures to deal with these issues for undergraduate, graduate taught and graduate research students.
- an initial request for information.
- a request under the Freedom of Information Act or Data Protection Act.
- a request for information or an explanation about a regulation, policy or practice.
- a response to an invitation to provide feedback through a formal mechanism, for example questionnaire or online feedback.
- issues raised at student-staff consultative fora.

Where a complaint is deemed to be frivolous, vexatious or where false information is submitted³, the Student Complaints Officer, in conjunction with the Chair of the NCAD Academic Council Committee on Student Complaints, will reject the complaint. In such circumstances the student may complain directly to the Ombudsman/the Ombudsman for Children. In submitting complaints, students are reminded of the College's expectations in respect of student behaviour and conduct as laid out in the NCAD Student Code.

The *Student Complaints Policy* should be interpreted in light of the Children First Act 2015 and NCAD's Child Protection Policy.

3.2 Complainants

Those eligible to make complaints under this policy are students who are currently registered as an NCAD student or within 20 working days of ceasing registration as an NCAD student. Those seeking to submit a complaint beyond 20 working days of ceasing registration are required to include an explanation as to why they did not submit the complaint prior to their registration having ceased.

Where a complaint relates to NCAD's actions in initiating or managing a collaborative relationship the complaint will be considered by NCAD.

Third party complaints on behalf of a student are not normally accepted. However, if a student is unable, because of incapacitation, to raise a complaint on their own, the student may authorise another individual to have access to personal information in order to pursue the complaint on their behalf. If a student is unable, because of incapacitation, to authorise another individual to pursue a

³ The OIA define a complaint as frivolous or vexatious when in the reviewer's opinion, the complaint 'has no serious purpose, or is intended to cause disruption or annoyance,' <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/factors-for-providers-to-consider/>

complaint on their behalf, such event will be dealt with in good faith by the College on a case by case basis.

Students under 18 years of age may authorise their parent/guardian to pursue a complaint on their behalf.

Anonymous complaints will not be considered under the *Student Complaints Policy*.

The normal expectation is that students will submit a complaint relating to their own experiences only. However, in the event of a number of students being impacted upon by the same issue, the College has the possibility of allowing collective consideration. In such cases, NCAD will put in place the procedures necessary to ensure compliance with GDPR requirements.

3.3 Alternative Complaint Policies and Processes

The College provides separate policies and processes for certain categories of complaint. Students should seek the advice of the Student Complaints Officer for guidance about which is the appropriate complaint mechanism. Alternative complaint processes are subject to the same complaint handling principles outlined in section 4 (and appendix 2).

- Complaints of bullying and harassment are dealt with under the [Dignity and Respect Policy](#).⁴
- Complaints about the conduct of students are normally handled under the [NCAD Student Code](#).
- Complaints under the Equal Status Acts 2000 and 2004 may be made pursuant to the procedures set out at [Irish Human Rights and Equality Commission](#).
- Complaints relating to non-compliance with legislation where, under the legislation, the College must appoint a special inquiry officer. For example, the Disability Act, 2005.
- In the event that matters of a staff disciplinary nature arise they will be dealt with separately, at the discretion of the College, through the agreed staff disciplinary process.

Where a student wishes to make a complaint about services/activities carried out by persons on behalf of the College in the performance of duties, work or other College activity, the student shall, where possible, raise the complaint with the service provider in the first instance. Where this is not possible, the student shall raise the complaint directly to the Student Complaints Officer who may then refer the complaint to the relevant body for resolution.

Where a complaint involves an individual member of staff, that member of staff has a right to respond as part of the complaints handling process at local and College stages. It is acknowledged that some situations can involve a combination of issues, some of which are complaints and others are not. In such circumstances more than one College process may be applicable. In such circumstances the Head of Academic Affairs shall decide which of the College's processes should have priority or be the most appropriate in the circumstances and may direct the continuation of

⁴ Under NCAD policy, bullying/harassment is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others that could reasonably be regarded as undermining the individual's right to dignity at their place of study/work.

some processes and the suspension of others pending the outcome of the former.

In addition, where the Investigating Officer and the Student Complaints Officer agree that the matter would be more appropriately dealt with by An Garda Síochána or another statutory body, the Student Complaints Officer will inform the student and the respondent. In such cases the matter will be suspended by the College, pending the outcome of the external investigation.

4 Complaint Handling Principles

The purpose of the Student Complaints Policy and Procedure (appendix 1) is to support students and staff in situations where a student makes a complaint about their experience at NCAD. In this, the policy sets out the following principles that govern how NCAD handles complaints:

4.1 Alternative Complaint Policies and Processes

- **Accessible and user-focused:** clearly communicated, easily understood and places the complainant at the centre of the process.
- **Simple and timely:** involves limited steps and wherever possible seeks early resolution to the satisfaction of all.
- **Robust and fair:** provides thorough evidence-based investigations in which the complaint handling principles are consistently applied.
- **Supports improvement:** analysis of outcomes will support improvements in service quality and decision-making.

4.2 Timelines

To enable prompt resolution complaints should be raised as soon as problems arise. The College expects that complaints will normally be raised within 15 working days, starting from when the complainant first became aware of the problem. The College will exercise discretion in consideration of complaints beyond this time limit.

The College will respond to and deal with complaints as quickly as possible. At the local level heads of Department/School should ensure that their staff acknowledge and respond to complaints promptly. It is expected that complaints will be resolved within 15 working days of receipt of complaint at local level, and within 15 working days of receipt of complaint for review by the Head of Department/School. At the College level complaints will be acknowledged within 5 working days and full responses should normally be provided no later than 30 working days after receipt of complaint.

4.3 Confidentiality

All complaints will be handled with sensitivity and discretion, and access to information about individual investigations will only be shared with those with a legitimate access requirement. All staff and students who become aware of any of the issues involved in a formal complaint are required to keep this information confidential, except insofar as is necessary to progress, investigate or respond to the complaint. Data collected as part of a complaint will be treated in accordance with Data Protection legislation and will be retained in keeping with the College's records retention

schedule.⁵

5 Roles and Responsibilities

All Staff

All staff should be aware of the College's student complaint policy and process and how to handle and record complaints at the local resolution stage. As the majority of complaints are likely to be dealt with locally, staff should be appropriately equipped to respond to complaints, including being given appropriate authority, training and supervision. Staff need clear guidance from their head of unit about the type of complaints they can deal with directly and those that should be escalated.

See [Complaint Handling – Guidelines for Staff](#).

Head of Area / Department / School

Local responsibility for the implementation of this policy (i.e. Stage 1) lies with the head of the area. The head of the area will receive appropriate training and guidelines. Responsibilities of heads of area in respect of complaint handling include:

- Ensuring staff within their area have been provided with information and guidelines on complaint handling, including good practice guidelines and other relevant publications that may be produced by the Office of the Ombudsman/Office of the Ombudsman for Children.
- Ensuring that the area complies with the recommendations for resolution made by the Investigating Officer.
- Ensuring that student complaint records are established and maintained and that data in relation to complaints is provided and reported to the Academic Council Committee for Student Complaints (in the form of an annual report), investigating officers or the Student Complaints Officer as required.
- Heads of Area / Department / School may delegate consideration of a stage 1 complaint to a relevant staff member. However, the Head of Unit/School retains responsibility and must approve the findings and proposed response.

Student Complaints Officer

The Student Complaints Officer is responsible for managing student complaints made at stage 2 of the process and complaints which cannot be appropriately handled at the local level (i.e. stage 1).

The Student Complaints Officer will:

- Manage complaints received by their office through the process (including logging and tracking of complaints through to completion).
- Review complaints to ensure that they fall within the scope of the policy and refer complainants to alternative processes, as relevant, and make determinations on complaints ineligible for consideration under this process.
- Liaise and communicate with complainants, respondents and Investigating Officers relating to complaint investigations and their outcomes.

⁵ UCD acknowledges adaptation from the University of Edinburgh *Student Complaints Procedure*; University College Cork, *Student Complaints Policy and Procedure*.

- Track the implementation of recommendations arising from complaint investigations by seeking reports from relevant areas.
- Report incidents of non-compliance with outcomes of an investigation to the Chair of the Academic Council Committee for Student Appeals and Complaints.
- Produce information and reports for the Academic Council Committee for Student Appeals and Complaints and support and liaise with the Chair of the Committee as necessary.
- Ensure that a record of the nature of the complaint, the time taken to deal with it and the outcome will be maintained.
- Maintain and update the Student Complaint Procedure as required.

Investigating Officer

The Investigating Officer is a suitably trained staff member responsible for the conduct of the complaints investigation and is responsible for leading the investigation and co-ordinating the response to the complainant. This includes preparing a written report, including any recommended procedural changes to service delivery. Investigating Officers must have a clear remit to investigate effectively and reach robust decisions on more complex complaints. This also requires clear direction and support from the Academic Council Committee for Student Complaints on the extent and limits of discretion and responsibilities in investigating and recommending resolutions to complaints. The Investigating Officer will submit all reports and recommendations to the Academic Council Committee for Student Complaints for final decision.

The Investigating Officer will have had no prior involvement with a case, including at stage 1.

Academic Council Committee for Student Complaints

Primary functions of the Committee in relation to Student Complaints include:

- Provide oversight of student complaints management and operation of student complaints handling.
- Report to Academic Council annually.
- Approve and maintain a panel of Investigating Officers.
- Make final decisions in all student complaint cases.
- Monitor and review the student complaint policy and procedure, making recommendations for revisions where relevant.
- The Committee may delegate any of its functions to the Chair of the Academic Council Committee for Student Complaints.

The Chair of the Committee will also liaise with the Student Complaints Officer on issues arising in relation to individual cases where necessary.

Complainant

In submitting a complaint in relation to an issue they have encountered, complainants are required to:

- Familiarise themselves with the Student Complaint Policy and Procedures and associated documentation.
- Refrain from pursuing complaints that are frivolous or vexatious in nature, or which include false information.
- Include relevant supporting documentation when submitting a formal complaint.
- Pursue resolution of their complaint in a manner that upholds the Dignity and Respect of all members of the College Community⁶
- Maintain the confidentiality of the outcome of the complaint process.
- Take note of guidelines provided to complainants in relation to outcomes sought.

6 Related Documents

- [NCAD Dignity and Respect Policy](#)
- [NCAD Assessment Appeals Policy](#)
- [NCAD Student Code](#)

⁶ See Appendix 1 Student Complaint Procedures for more information on expectations around complainant behaviour.

Appendix 1: Student Complaint Procedure⁷

1 Introduction

As set out in our Student Complaint Policy, NCAD is committed to providing an excellent education and high-quality services to our students, but recognises that, from time to time problems may arise. The College takes complaints seriously and endeavours to improve its processes and services by listening to, responding to, recording and resolving students’ dissatisfaction. The following procedures set out the range of options available to students in seeking resolution, in accordance with the College’s complaint handling principles as articulated in the Complaint Policy.

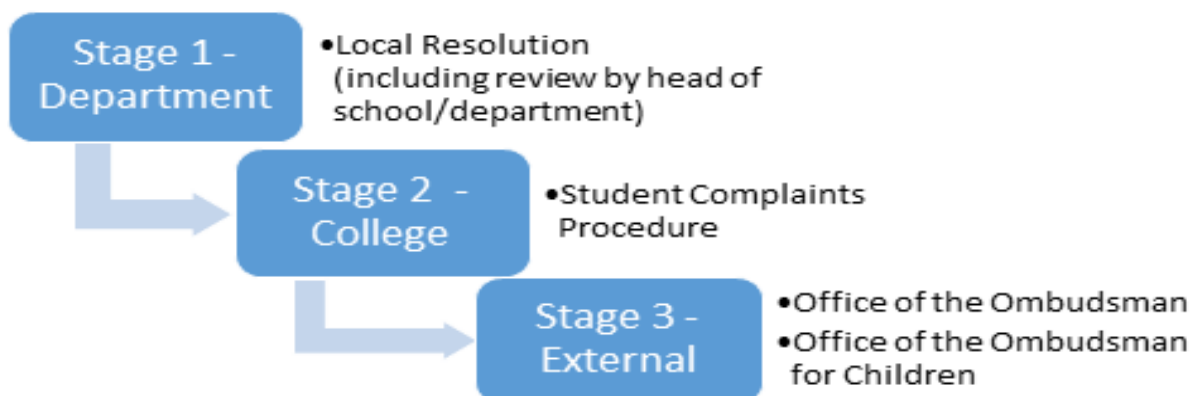
NCAD is committed to the promotion of an environment for work and study which upholds the dignity and respect of the individual and which supports every individual’s right to study and/or work in an environment which is free of any form of harassment, intimidation or bullying. Students are supported by the College in expressing dissatisfaction but are expected to conduct themselves in a courteous and respectful manner, and to refrain from unreasonable demands or persistence.

Should a complainant engage in behaviour that is deemed unacceptable, this will be drawn to their attention and they will be given the opportunity to modify their behaviour. Should unacceptable behaviour persist, the College may be required to restrict or suspend contact with the complainant, and/or have recourse to the Student Code as appropriate.⁸

The following procedures should be read in conjunction with the Student Complaint Policy.

2 Process (see flowchart below)

The aim of the College’s complaint handling process is to resolve problems quickly and as close as possible to where the issue arises. It is expected that most complaints can be dealt with to satisfactory resolution at the first stage (at the School/ Department / service provider where the issue arises). Where resolution cannot be reached a complaint can be made to the College’s Student Complaints Officer.



⁷ This procedure has been developed on the basis of the UCD Student Complaints Procedure.

⁸ UCD acknowledges adaptation from the University of Edinburgh *Student Complaints Procedure*; Kingston University *Student Complaints Procedure*; Office of the Independent Adjudicator *Good Practice Framework*.

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2.1 Stage 1 - Local Resolution / Area Review

Students are advised to raise concerns as soon as possible (and no later than 15 working days) after becoming aware of an issue, directly with the area (school, department, area or service provider) in which the issue has occurred. At this stage complaints may be made face-to-face, by phone, by email or letter or using the specified local process. Students should explain the nature of their complaint clearly and concisely, provide as many relevant details as possible and indicate what outcome they seek.

Actions under local resolution include review by the relevant head of area/school/service provider, where a complainant is not satisfied with the initial response received. The Student Complaints Form: Head of Unit Review should be completed in such cases.

When reviewing complaints, the head of unit or their nominee should:

- Where possible, hold face-to-face discussions separately with the student, and any relevant member of staff.
- Review any documentation supplied by the student, and any information provided by any relevant member of staff.
- Determine, based on the available information, whether the complaint should be upheld, with reference to the specific action to address the issue sought by the student.
- Communicate formally in writing the outcome of the review to the student within 15 working days. The communication should inform them that if they are dissatisfied with the outcome of this process they may submit a complaint to NCAD's Student Complaints Officer for formal investigation. It should also provide information on how they may do so and the timeframe within which the complaint must be raised (15 working days from the date of the email sent informing them of the outcome).
- Where the timeframe of 15 working days for resolving the complaint cannot be met, inform the student and respondent outlining the reasons for the delay and when it is anticipated that the outcome will be available instead.

2.2 Stage 2 - College Level Investigation

Stage 2 of the procedure deals with two kinds of complaints: complaints that could not be satisfactorily resolved at the local level (stage 1), or complaints that have been identified as requiring investigation at College level from the outset. Complaints made at stage 2 are handled by the Student Complaints Officer.

Submitting a Complaint

Stage 2 complaints should be submitted using the Student Complaint Form: College Review. The College will log all complaints and acknowledge receipt of the complaint to the complainant within five (5) working days. Submission of a stage 2 complaint may not automatically result in a College level investigation.

Complaint Review

The Student Complaints Officer will review the complaint to ensure it is within the scope of the policy. Where that matter does not fall under the Student Complaint Policy and process the Student Complaints Officer will advise the complainant of this, and may:

- Direct the complainant to an appropriate alternative process.
- In consultation with the Chair of the Academic Council Committee on Student Complaints, advise that the complaint cannot be considered where the complaint is deemed to be frivolous, vexatious or containing false information.
- Refer the matter back to the school or unit for further consideration where appropriate steps have not been followed at Stage 1.
- Refer the matter to the Chair of the Academic Council Committee on Student Complaints for decision where the complainant is beyond 20 working days of ceasing registration and the Student Complaints Officer is of the view that they have not provided a sufficient explanation as to why the complaint was not submitted prior to their registration having ceased.

Investigation

For Stage 2 complaints that are deemed to meet the criteria for investigation, the Student Complaints Officer will appoint a member of staff (from an approved panel of staff) as Investigating Officer.

The Investigating Officer will:

- Review the complaint, taking account of any documentation supplied by the complainant and information supplied by the relevant area(s) of the College (including where the complaint involves an individual member of staff as respondent).
- Where possible meet with the complainant, the respondent and any staff named in the complaint, or those identified by the Investigating Officer as able to provide information relevant to the complaint.
- Write a report, including recommendations for resolution, and submit this to the Academic Council Committee for Student Complaints for review and final decision, including any decision in relation to financial redress as appropriate.

The Student Complaints Officer will further support the investigation as follows:

- Inform the student and respondent in writing of the outcome(s) of the Investigating Officer's investigation and the final decision of the Committee.
- Inform the student that if they are not satisfied with the outcome they may raise their complaint with the Office of the Ombudsman/Office of the Ombudsman for Children.
- Where the timeframe of 30 working days for resolving the complaint cannot be met, inform the student and respondent outlining the reasons for the delay and when it is anticipated that the outcome will be available instead.

2.3 Outcomes

Recommended resolutions and the decisions of the Academic Council Committee for Student Appeals and Complaints will be detailed in a report to the Student Complaints Officer who will inform the complainant and respondent of the outcomes.

2.4 Office of the Ombudsman

If a student has exhausted the University's internal complaint process and remains dissatisfied with the handling of their complaint they may complain to the Office of the Ombudsman. Students under the age of 18 should refer their complaint to the Office of the Ombudsman for Children.

Information on how to complain to the Office of the Ombudsman and its processes of investigation can be found on the [Office of the Ombudsman website](#).

Complaint Handling - Guidelines for staff

As the majority of complaints are likely to be dealt with locally, staff members require training and guidance in developing good complaint handling skills. The following guidelines are provided to help staff to deal with and respond to complaints when being made in person or via the telephone.

Stage 1: Establish whether the complaint relates to your area of work and whether it is within the authority of your unit to resolve the matter. If not provide the complainant with the contact details of the relevant area. Where possible avoid transferring the complainant from person to person.

To handle complaints effectively staff should try to:

- Treat complainants courteously and professionally at all times.
- Where the complaint is being made in person, provide your own name, greet the person in a positive manner and ask how you can help.
- Listen carefully to what the person has to say and give them enough time to express their complaint in full. Sometimes complainants will feel the need to express their anger about a situation. Listening and acknowledging that you understand the issue may help to alleviate a stressful situation.
- Summarise the complaint back to the person to demonstrate that you have understood, and seek clarifications of points that aren't clear to you. If it is unclear from the initial conversation what remedy is being sought by the complainant, ask what solutions might help.
- If you have sufficient knowledge about the issue, provide relevant information that will assist the complainant to better understand the decision or the action that they are aggrieved about. If you do not have sufficient information, assure the complainant that someone will follow up with them about their complaint as soon as possible, but within 15 working days.
- Manage the expectations of the complainant about what outcomes might possibly be achieved.
- Even if you feel the complaint is unjustified the person's sense of grievance is real and therefore complaints should never be dismissed out of hand. Instead you should endeavour to provide information and give reasons if the complaint has arisen from misunderstanding.
- Where possible take responsibility to resolve the problem on the spot.
- Resolution of the situation might be achieved by a relatively simple action, such as an apology, explanation or the provision of information. If on the spot solutions are not possible outline possible options for redress and seek agreement of complainant of these.
- If you are not in a position or do not have the authority to agree a remedy or action being sought escalate the complaint to an appropriate person for decision (e.g. the head of department).
- If the complainant is not satisfied with your attempts to resolve the matter advise that the

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complaint can be reviewed by the Head of Department or Head of School. Provide complainants with the following information:

- the name and email address of the head of department,
- how to submit their complaint (i.e. by email on the official University form – Student Complaint Form: Head of Department Review), and
- the timeframe within which the complaint must be raised.
- A record of the complaint should be made which should include the following information:
 - each complainant’s name, student ID number, and NCAD email address,
 - a summary of the complaint (what happened, when, where, who was involved and what the impact on the complainant was), and
- the specific action to address the issue sought by the student.

Local Complaint Handling Checklist	
<input type="checkbox"/>	Listen effectively (where the complaint is made by phone or in person)
<input type="checkbox"/>	Demonstrate empathy
<input type="checkbox"/>	Understand the complainant’s needs and the remedy sought
<input type="checkbox"/>	Ask the right questions
<input type="checkbox"/>	Offer an apology, where appropriate

Student Complaint Form: Stage 1

Request to a Head of Department or Head of School to review a complaint

Request addressed to: _____**Student name:** _____**Student ID number:** _____**Programme and stage the student is studying:** _____**Email address:** _____**Date:** _____

Please review my complaint described below. I have read the College's Student Complaints Policy, and I confirm that I have already tried to resolve the matter locally.

My complaint is:**In an attempt to resolve my complaint locally, I have already communicated with the following:****This is what happened and why it did not resolve my complaint:****This is the evidence supporting my complaint (copies of relevant documents should be attached):****To resolve my complaint, I would like the following to happen:**

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Student Complaint Form: Stage 2

Submission to Student Complaints Office

Student name:

Student ID number:

Programme and stage the student is studying:

Email address:

Date:

Please provide a summary of your complaint:

What action have you taken to pursue the complaint to date, including the specific action you originally sought, to address the issue?

Please provide a brief explanation of the issues you consider to be unresolved:

Please explain how you would like your complaint to be resolved:

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If you are submitting a complaint more than 15 days after the last related incident (including the outcome of the review by the Head of Department or School), please provide a brief explanation for the delay:

If you wish to submit supporting documentation for consideration, please tick here to indicate what you have submitted is complete.

Student's name: _____
Student's signature: _____ **Date:** _____