Complaints and Appeals Policy

Complaints and Appeals Policy
Sponsor: Chief Operating Officer
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1. Introduction

1.1 MLA College aims to treat all complaints and appeals appropriately, fairly and with regard to applicable law, and in line with the MLA College Equality, Diversity and Inclusion Policy.

1.2 Both the MLA College academic appeals and student complaints procedures give due consideration to the needs of MLA College students to raise issues of concern with the assurance that such issues will be treated in confidence and with impartiality.

1.3 MLA College has designated contacts to provide confidential advice and support to students who are considering or making a complaint or an academic appeal.

- Student Experience Team: provides independent advice and guidance on complaints and appeals processes, including support with submitting a complaint or appeal – Contact student.experience@mla.ac.uk

- Complaints Officer: oversees the operation of the Student Complaints Procedure and provides procedural guidance to students – Contact student.complaints@mla.ac.uk

- Appeals Officer oversees the operation of the Academic Appeals Procedure and provides procedural guidance to students – Contact student.complaints@mla.ac.uk

Students are encouraged to seek advice before submitting a formal complaint or appeal. Seeking advice will not disadvantage a student or affect the outcome of their case.

1.4 MLA College however reserves the right to exclude or remove a student from a programme if they make repeated, unfounded or vexatious appeals and/or complaints regarding the programme and/or its delivery where, in the opinion of MLA College, their conduct is considered to be dishonest or frivolous. Making repeated and/or unfounded false, malicious and vexatious appeals and/or complaints may be considered misconduct and result in the application of the Student Conduct Policy.

1.5 Former students may complain or appeal, according to the timelines set out in this policy.

2. Student Appeals

2.1 MLA College defines an appeal as '***a request for a review of a decision taken by an individual or body (i.e. one of the MLA College committees) charged with determining applications for admission and making decisions about students' progression, assessment, and awards'***. Appeals are normally, but not exclusively, related to decisions of the Assessment and Awards Board (i.e. results), decisions of Extenuating Circumstances Committee, the Academic Offences Panel or the Fitness to Study Panel, disciplinary decisions, decisions on the provision of reasonable adjustments, or decisions on admissions or registration. However, appeals cannot be made against academic judgment.

2.2 Appeals relating to a decision as part of the Admissions process follow a separate procedure, as detailed in Section 5, and within the MLA College Admissions Policy.

2.3 MLA College has a designated Appeals Officer to oversee the academic appeals process and to offer impartial procedural guidance to students. Contact – student.complaints@mla.ac.uk

2.4 **Should I Appeal? -** You have the right to appeal any decision made by MLA College as outlined in paragraph 2.1. Additional guidance provided at Annex A may be helpful to you in deciding whether or not you want to appeal.

2.5 **The Appeals Process** - The MLA College appeals procedure consists of three stages as shown in Annex B: Overview of the MLA College appeals process.

2.6 Before making an appeal students are encouraged to seek advice and guidance from a trusted source, such as the Student Experience Team, or their tutor. Contact – student.experience@mla.ac.uk.

2.7 All MLA College staff are encouraged to deal with issues raised by students in a timely and effective manner in line with MLA College's appeals process. Appeals should be raised in the first instance at Stage 1 (Informal Appeal) of the procedure with the exception of appeals against disciplinary decisions and Fitness to Study Panel decisions which must start at Stage 2. Stage 1 appeals should be raised as soon as possible and normally no later than 14 calendar days after receiving the decision.

2.8 If no resolution is reached at Stage 1, students have the right to raise their issue to Stage 2 (Formal Appeal), using the 'Student Appeals Form' – within 14 calendar days of the Stage 1 outcome. If it is determined that the student has demonstrated valid grounds for appeal in their Student Appeal Form for Stage 2 (as outlined in the Student Appeals Procedure), their appeal will be reviewed by a Senior Academic, or member of Professional Services staff.

2.9 The formal stage of the academic appeals procedure, including any internal MLA College review, will be completed within a maximum of 40 calendar days from the date of receipt of a Stage 2 (Formal) appeal.

This timeframe includes:

- Investigation of the appeal; and
- Any internal review undertaken by MLA College where a student remains dissatisfied with the initial formal outcome.

Where MLA College has completed its internal procedures and the student remains dissatisfied, a Completion of Internal Procedures Letter will be issued.

MLA College may extend this timeframe where there are compelling and justifiable reasons, and the student will be informed in writing where this applies.

2.10 At any stage, if an appeal is upheld, MLA College will undertake to offer the appropriate remedial action, depending on the nature of the appeal.

2.11 Where a student has exhausted all stages of the College's internal complaints or appeals procedures and has received a Completion of Internal Procedures letter, they may escalate the matter to The Open University (OU), as the awarding body. Escalation must be made in accordance with the OU's complaints procedures and within the timescales specified by the OU. Further information about this process is available in the OU Validation Partnership (OUVP) Handbook. Students will also be provided with information on how to do this at the conclusion of the College's procedures.

2.12 Where a student has exhausted MLA College's internal academic appeals procedures and remains dissatisfied with the outcome, they may request a review by the awarding body, The Open University (OU).

2.13 The request for a review must be made by the student within 21 calendar days of the date of issue of MLA College's Completion of Internal Procedures Letter, in accordance with the OU's published procedures.

2.14 The OU will consider whether the case meets the criteria for review and, where appropriate, will undertake its own review of the appeal. Details of how to request a review and the applicable timescales will be provided to the student in the Completion of Internal Procedures Letter and are also available in the OU Validation Partnership Handbook.

Following completion of the OU's procedures, if the student remains dissatisfied, the Completion of Procedures Letter issued by the awarding body enables the student to refer the matter to the Office of the Independent Adjudicator for Higher Education (OIA).

3. Student Complaints

3.1 MLA College defines a complaint as '***an expression of dissatisfaction by one or more students about MLA College's action or lack of action, or about the standard of service provided by, or on behalf of MLA College'***. If a complaint is considered to be an appeal as defined in section 2 above, then the appeals process will apply and the student will be notified of this.

3.2 Complaints relating to a decision as part of the Admissions process follow a separate procedure, as detailed in Section 5, and within the MLA College Admissions Policy.

3.3 When handling complaints, MLA College is committed to resolving concerns promptly, fairly, and as close to the point of origin as possible. Wherever appropriate, students are encouraged to seek early resolution (informal resolution) of their complaint before submitting a formal complaint.

3.4 Early resolution is intended to address straightforward concerns quickly and locally, and may include, for example:

- discussion with the relevant member of staff or service team;
- clarification or explanation of a decision or process; or
- informal mediation facilitated by an appropriate member of staff.

3.5 Early resolution aims to achieve a timely outcome and improve the student experience. Participation in early resolution is voluntary and does not prevent a student from submitting a formal complaint if the matter remains unresolved or if they feel it is inappropriate to pursue an informal approach.

3.6 MLA College has a designated Complaints Officer to oversee the complaints process and to offer impartial procedural guidance to students. Students can contact student.complaints@mla.ac.uk if they wish to initiate the Complaints process. The operation of the complaints process is monitored through an annual report to the Academic Board and, where appropriate, to the College Executive Group.

3.7 Before making a complaint, it is recommended that students seek advice and guidance from a trusted source, such as the Student Experience Team, or their tutor. The Complaints Officer will be pleased to provide impartial advice regarding the Student Complaints procedure. All MLA College staff are encouraged to deal with issues raised by students in a timely and effective manner.

3.8 Complaints should be raised as soon as possible and normally no later than 28 calendar days after the issue arising. Every effort will be made to resolve complaints informally at source in the first instance. The department at the source of the complaint should respond to the Stage 1 complainant as soon as possible and within 28 calendar days of MLA College's receipt of the informal complaint.

3.9 As shown in Annex C: Overview of the MLA College Complaints Process, if the complainant is not satisfied with the outcome and wishes to proceed to Stage 2, the complaint should be forwarded to MLA College's Complaints Officer normally within 28 calendar days of receiving the outcome of Stage 1.

3.10 At **Stage 2** (formal stage), the Complaints Officer will allocate the complaint to an Investigating Officer who is a senior member of MLA College staff who has had no previous involvement with the

complaint. This stage of the student complaints procedure, including any internal MLA College review, will be completed within a maximum of 40 calendar days from the date the formal complaint is received.

3.11 **Stage 3** is undertaken by an external independent reviewer, normally a member of the MLA College Board of Directors, who sits outside of MLA College's management structure. The purpose of the review is to ensure that the correct procedure has been followed by MLA College, and the outcome is reasonable. The review will not re-investigate the complaint unless new evidence has been presented.

3.12 At any stage, if a complaint is upheld, MLA College undertakes to offer appropriate remedial action, depending on the nature of the complaint, and meet where appropriate incidental expenses necessarily incurred by the complainant.

3.13 Where a student has exhausted all stages of the College's internal complaints or appeals procedures and has received a Completion of Internal Procedures letter, they may request a review by the awarding body, The Open University (OU), if they remain dissatisfied. Any further escalation must therefore be made in accordance with the OU's published procedures and within the timescales specified by the OU. Further information about the awarding body review process is available in the OU Validation Partnership (OUVP) Handbook. Students will be provided with information on how to do this at the conclusion of the College's procedures.

3.14 **Final Arbitration** - Following completion of the awarding body's review procedures, a student may be able to have their complaint independently reviewed by the Office of the Independent Adjudicator for Higher Education (OIA), subject to the OIA's eligibility criteria.

3.15 Access to the OIA requires the student to have received a Completion of Procedures Letter issued by the awarding body, not by MLA College. The Completion of Procedures Letter confirms that all internal and awarding body processes have been concluded and enables the student to submit a complaint to the OIA.

3.16 Complaints must normally be submitted to the OIA within 12 months of the date of the awarding body's Completion of Procedures Letter. Further information about the OIA process is available at: https://www.oiahe.org.uk/.

4. Completion of Procedures

4.1 For both student complaints and appeals, a Completion of Internal Procedures Letter will be issued, or offered, to the student complaining or appealing at the end of the internal procedures, when there are no matters outstanding and the final decision has been reached by MLA College regarding the matter raised.

4.2 The Completion of Internal Procedures Letter will confirm one of the following complaint/appeal outcomes:

a) Justified;

b) Partially justified;

c) Not justified.

4.3 The Completion of internal procedures letter will confirm the conclusion of MLA College's internal complaints or academic appeals procedures and will include the following information:

- the date on which MLA College's internal procedures were completed;

- a summary of the issues raised and considered;
- details of MLA College's final decision and any actions taken;
- confirmation of the procedures and regulations applied; and
- clear information on the student's next steps, including how to request a review by the awarding body.

The letter will also provide appropriate signposting to the Open University Validation Partnership (OUVP) Handbook for further information about the awarding body review process and subsequent external adjudication.

Where applicable, the letter will explain that, following completion of the awarding body's procedures, a student may be able to have their complaint or appeal independently reviewed by the Office of the Independent Adjudicator for Higher Education (OIA), subject to the OIA's eligibility criteria.

4.4 Completion of Internal Procedures Letters will be issued no more than 28 calendar days after the completion of MLA College's internal procedures, or the request by the student, as appropriate. Completion of Procedures Internal Letters will not be issued while there are still outstanding matters under the same procedure, for example, where MLA College is awaiting reconsideration of results by an Assessment and Awards Board following a successful appeal.

4.5 The escalation route for complaints and academic appeals is as follows:

Step 1 – MLA College Procedures

The student's complaint or academic appeal is considered in accordance with MLA College's published procedures.

For complaints, this will normally include the following internal stages:

Stage 1 – Informal Resolution;
Stage 2 – Formal Investigation; and
Stage 3 – Independent Review.

For academic appeals, the stages set out in MLA College's Academic Appeals Procedure will apply.

Once all internal procedures have been completed, MLA College will issue a Completion of Internal Procedures Letter confirming the outcome and the conclusion of MLA College's procedures.

Step 2 – Awarding Body Review

Where the student remains dissatisfied following completion of MLA College's procedures, they may request a review by the awarding body, The Open University (OU), in accordance with the OU's published procedures and within the applicable timescales.

Upon completion of its review, the awarding body will issue a Completion of Procedures Letter.

Step 3 – Independent External Review

Following receipt of the awarding body's Completion of Procedures Letter, the student may be able to have their complaint or appeal independently reviewed by the Office of the Independent Adjudicator for Higher Education (OIA), subject to the OIA's eligibility criteria and timescales.

5. Complaints and Appeals (Admissions and Applications)

5.1 If an applicant believes that, in the processing of their application, the actions of MLA are not in line with expected standards then an applicant may make a complaint. A complaint relates to the operation of the College's admission and application process and/or its outcome, or the actions or behaviour of a member of staff involved in the admissions process. Should an applicant wish to make a complaint, they are should submit their complaint in writing (via info@mla.ac.uk) to the Director of Admissions and Compliance who will acknowledge the complaint, investigate and respond on behalf of the College. A complaint should be made within 28 days and will be responded to within 10 days. If an applicant is dissatisfied by the outcome they should respond via email within 28 days and the complaint will be reconsidered by the Chief Operating Officer within 10 days. Applicants will receive a written response.

5.2 If an applicant believes that, in the consideration of their application, the actions of MLA College are not in line with expected standards then an applicant may make an appeal. An appeal should relate to the process of decision making rather than the decision itself which is a question of academic judgment. There is no automatic right of appeal against a decision on whether or not to offer a place. Should an applicant wish to appeal, they are advised to put their concerns in writing (via info@mla.ac.uk) to the Director of Admissions and Compliance who will acknowledge the complaint, investigate and respond on behalf of the College. An appeal should be made within 14 days and will be responded to within 10 days. If an applicant is dissatisfied by the outcome they should respond via email within 28 days and the appeal will be reconsidered by the Chief Operating Officer within 10 days. Applicants will receive a written response.

5.3 MLA College reserves the right to exclude an applicant who is considered, on justifiable grounds, to be unsuitable for a place on a particular programme according to individual circumstances.

6. Additional Information and Support

6.1 Advice and guidance on complaints and academic appeals is available throughout the process from:

- Student Experience Team: student.experience@mla.ac.uk
- Complaints Officer: student.complaints@mla.ac.uk
- Appeals Officer: student.complaints@mla.ac.uk

6.2 Issues may be raised which fall into the category of both a complaint and an appeal. In such circumstances, MLA College will inform and advise the student complaining/appealing on which specific matters will be considered under which procedure. In such circumstances, MLA College may suspend the consideration of an appeal until the complaints procedure has been completed or vice versa. A formal complaint cannot be raised whilst a matter is in the process of being considered as an appeal.

6.3 MLA College will keep all parties informed throughout the processes.

6.4 Students can seek support from the Student Experience Team (student.experience@mla.ac.uk) throughout the complaints process.

Annex A to MLA College's Complaints and Appeals Policy

Should I Appeal?

You have the right to appeal any decision made by MLA College as outlined in paragraph 2.1. The following notes may be helpful to you in deciding whether or not you want to appeal.

Assessment and Awards Boards

It is possible that you may perform badly in an assessment for a variety of reasons but be unaware of it. The reasons include misreading a question, omitting key points in an answer, or simply misunderstanding the instructions.

To ensure consistency of assessment, the assessment process includes moderation (i.e. second marking) of a sample of scripts to ensure consistency in marks and feedback. It also incorporates scrutiny by independent External Examiners who are specialists in the subjects examined, and who are usually either experienced academics or practitioners. They are not members of the MLA College staff. A sample of assessments are made available to the External Examiners, and particular attention is paid to borderline cases to ensure that no injustice has occurred. MLA College also has processes in place to ensure results are free from arithmetical or administrative errors.

Appeals that are based on any of the following will not be considered:

- heavy workload in the workplace as part of normal employment commitments;
- the effect of the result on your employment;
- any difficulty you may envisage due to a later than anticipated programme completion date; or
- any effect on your family life.

Extenuating Circumstances Committee

The Extenuating Circumstances Committee will consider appeals relating to the handling or outcome of an extenuating circumstances decision in accordance with the MLA College Extenuating Circumstances Policy.

Appeals based solely on the late submission of extenuating circumstances will not normally be accepted where it would have been reasonably possible for the student to submit the information within the specified timeframe. However, MLA College recognises that there may be exceptional circumstances in which a student was unable to disclose relevant information at the appropriate time. In such cases, late submissions may be considered where the student can demonstrate that circumstances prevented earlier disclosure.

Students are encouraged to refer to the MLA College Extenuating Circumstances Policy for further information about acceptable grounds, required evidence, and relevant timescales.

Academic Offences Panel

When considering each case, the Academic Offences Panel will consider the intent to deceive, the extent of misconduct, your response to the right of reply, and the evidence gathered, as well as any previous academic misdemeanours before deciding whether a penalty is appropriate. In short, the Panel will seek to assess whether there is an attempt to cheat the learning process.

Appeals that are based on any of the following will not be considered:

- heavy workload in the workplace as part of normal employment commitments;
- the effect of the result on your employment;
- any difficulty you may envisage due to a later than anticipated programme completion date; or
- any effect on your family life.

Disciplinary Procedure

Matters relating to student conduct and disciplinary decisions are handled under the MLA College Student Conduct and Disciplinary Procedure, which sets out the appropriate process, grounds for appeal, and relevant timescales.

Provision of Reasonable Adjustments

Requests for, or decisions about, reasonable adjustments are managed under MLA College's Reasonable Adjustments Policy. This policy sets out how students can request adjustments, what evidence may be required, and how decisions are reviewed.

Admissions Decision

Decisions relating to admission to a programme, including the granting of exemptions or recognition of prior learning, are made in accordance with MLA College's published entry requirements, Academic Regulations, and approved admissions criteria.

Where an applicant does not meet the standard published entry requirements, the application will normally be reviewed by the Programme Manager, who will consider relevant academic qualifications, the level and content of prior study, and any other evidence submitted as part of the application. Decisions are based on verifiable and certified information provided by the applicant.

An applicant who believes that an admissions decision has not been made in accordance with published criteria or procedures may request a review of the decision. Any such review will consider whether the correct process was followed and whether the published criteria were applied fairly and consistently. It will not involve reassessment of academic judgement.

Requests for review of admissions decisions should be submitted in accordance with Section 5 of this policy, and MLA College's Admissions Policy.

Fitness to Study Panel

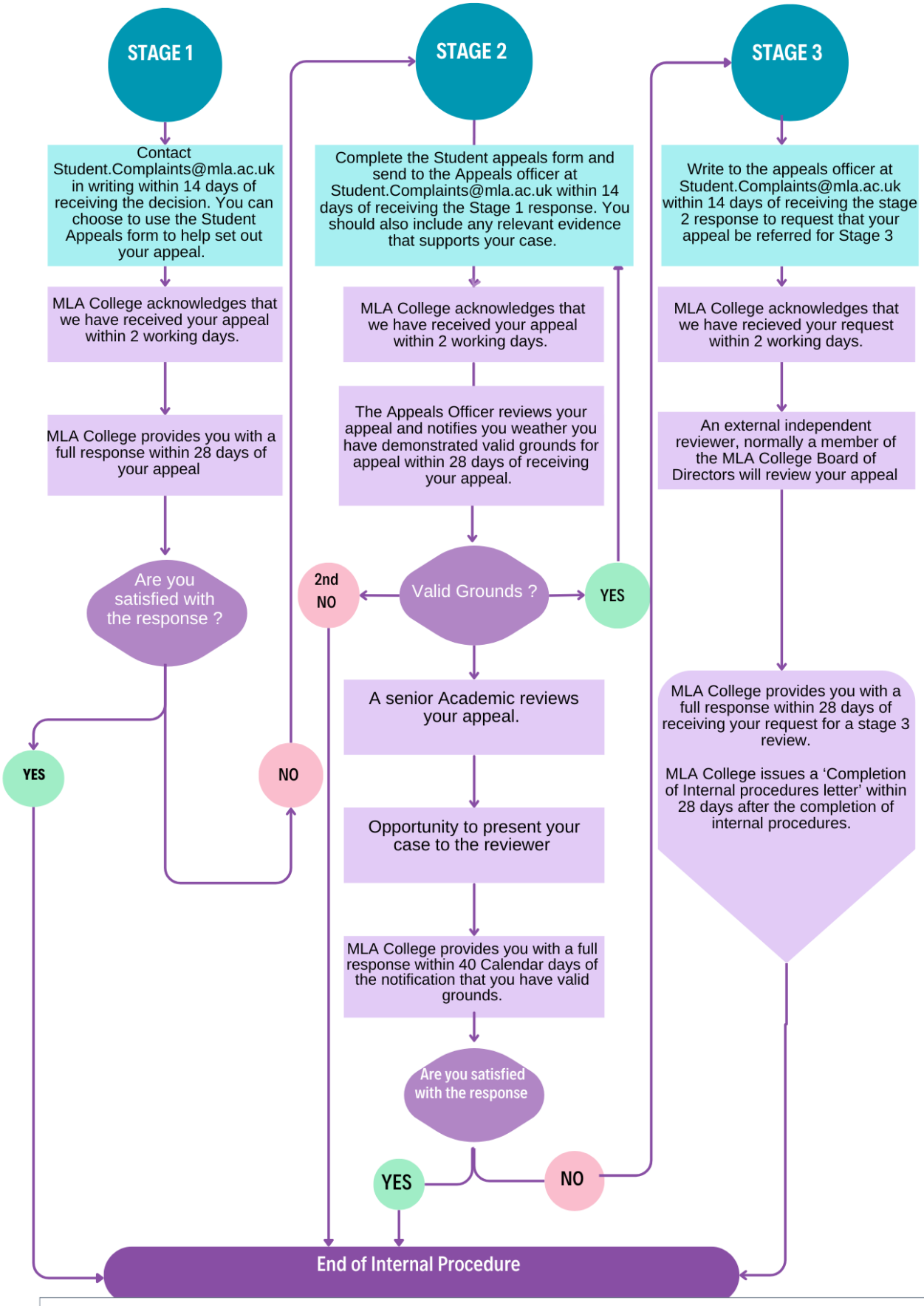
Matters relating to a student's fitness to study are managed under MLA College's Fitness to Study Policy, which sets out the purpose of the process, the roles and responsibilities involved, and the support available to students.

Where a student wishes to challenge a decision made under the Fitness to Study Policy, this may be considered in accordance with the relevant review or appeal provisions set out in that policy, rather than under the Complaints and Appeals Policy.

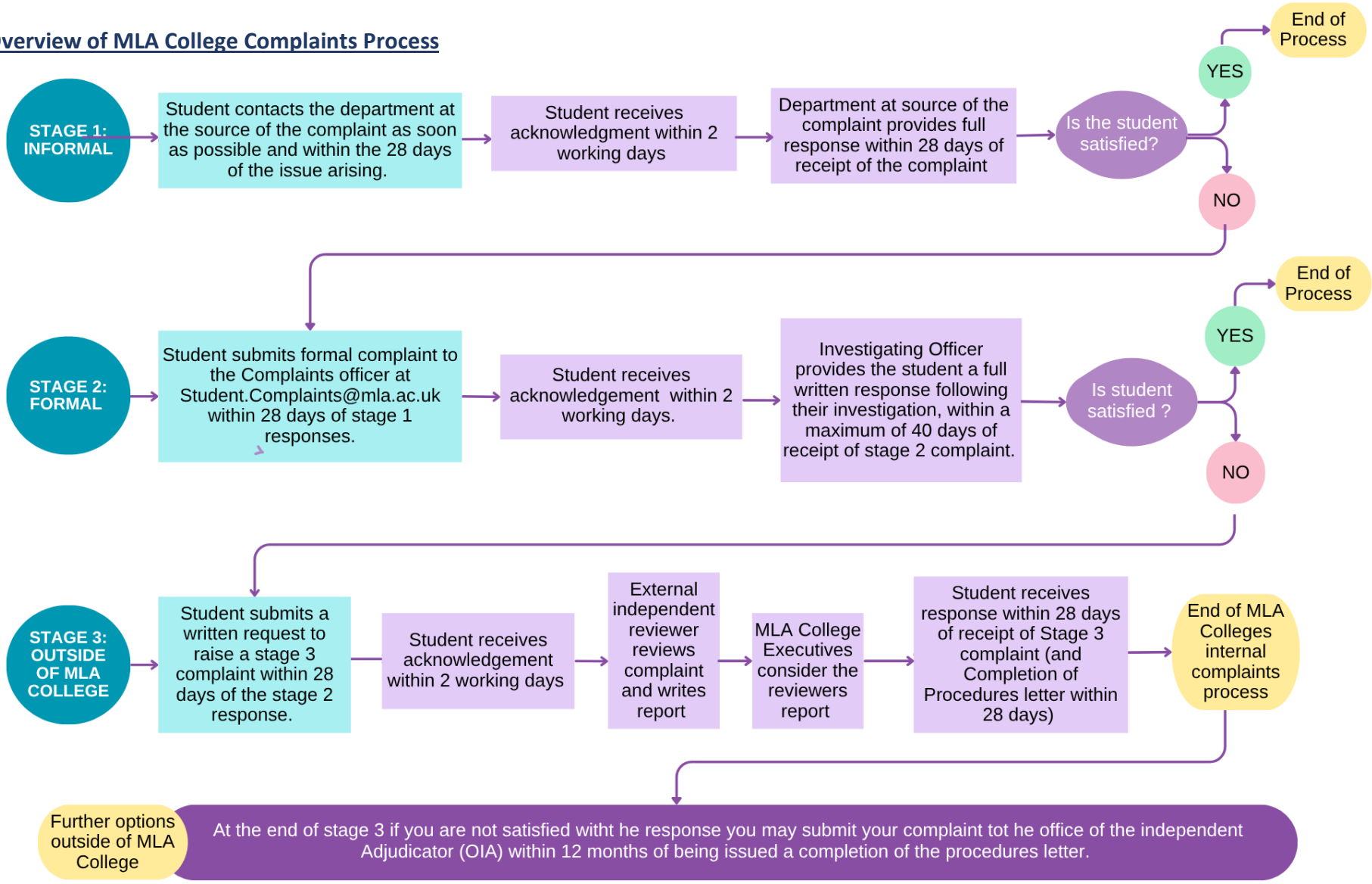
Students are advised to refer to the MLA College Fitness to Study Policy for full information about procedures, decision-making, and any available review or appeal routes.

Annex B to MLA College's Complaints and Appeals Policy

Overview of MLA College Appeals Process



Following completion of MLA College's internal procedures and the issue of a Completion of Internal Procedures Letter, students who remain dissatisfied may request a review by The Open University. Following receipt of the Open University's Completion of Procedures Letter, students may refer the matter to the Office of the Independent Adjudicator (OIA).

Annex C to MLA College's Complaints and Appeals Policy

Overview of MLA College Complaints Process