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## INTRODUCTION

1. American Hotel Academy (AHA) Complaints Procedure sets out the process for which a complaint can be raised by a student, and the procedures for investigating and responding to the complaint.
2. American Hotel Academy and Arden University are committed to providing all students with a high-quality education and student experience. However, we recognize that there may be instances where students have legitimate concerns or complaints regarding their course, the services or facilities provided by AHA. American Hotel Academy takes all complaints seriously and deals with them in confidence and without fear of recrimination or disadvantage.
3. This procedure is designed to ensure that all student complaints are heard and responded to in a manner that is timely, fair, transparent and based on consideration of the relevant evidence. It will safeguard, as far as reasonably possible, the interests and well-being of the student making the complaint and staff of American Hotel Academy or Arden University who may be named or otherwise involved in the complaint.
4. This procedure has been developed in accordance with the Office for the Independent Adjudicator for Higher Education's 'Good Practice Framework for Handling Complaints and Academic Appeals'.



## PRINCIPLES AND SCOPE

5. Through the Complaints Procedure, American Hotel Academy commits to:
  - Treat complaints with the seriousness they require/deserve
  - Respond to the needs of students and provide clear information, advice and support
  - Clearly define a complaint and explain the process in clear and easy to understand language
  - Deal with complaints in a timely manner
  - Ensure that complainants will not be disadvantaged as a result of raising a

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complaint

- Handle complaints confidentially and only involves those directly involved in the investigation or those that are required as part of the resolution.
  - Answer all aspects of a complaint and ensures the response is clear, using the feedback received to improve the student experience
6. A student (or group of students) raising a complaint should:
- Be respectful and courteous in the submission of a complaint
  - Seek a resolution that is reasonable and proportionate
  - Provide a full explanation of their complaint in a timely fashion, with supporting evidence
  - Co-operate with the procedure as far as reasonable to do so
7. This procedure applies to:
- Complaints arising from a student's educational experience, other than disputes relating to assessment and examinations (see below);
  - Complaints in respect of academic and/or administrative support or other services provided by American Hotel Academy or Arden University.
  - Complaints relating to facilities or learning resources;
  - Complaints regarding alleged harassment by staff of American Hotel Academy or Arden University.
  - Complaints arising from alleged discrimination by staff of American Hotel Academy or Arden University in relation to gender, race, disability, sexual orientation or otherwise.
8. This list is not exhaustive. Complaints falling outside those listed above will be considered and investigated at the discretion of AHA and Arden University.
9. This procedure does not apply to:
- Candidates wishing to appeal against an academic decision; separate procedures exist for such appeals. Candidates should also note that appeals against the academic judgement of examiners cannot be accepted.
  - Disciplinary matters: these will be dealt with in accordance with separate

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procedures in place within American Hotel Academy.

10. Complaints can be raised by existing Undergraduate or Postgraduate students, on all modes of study. Complaints can also be raised by students on approved periods of suspension (Leave of Absence) or recent graduates.
11. Where appropriate, groups of students can make a collective complaint. In such circumstances, the group should nominate a spokesperson. Each member of the group should provide their name and student registration number and consent to participate in the group complaint. They must also be able to demonstrate that they have been personally affected by the complaint.
12. Separate complaints procedures are in place for applicants.



#### DEFINITION OF A COMPLAINT

13. We have adopted the following definition for a student complaint from the Office of the Independent Adjudicator for Higher Education's 'Good Practice Framework for Handling Complaints and Academic Appeals'.
14. A student complaint is defined as:

*'An expression of dissatisfaction by one or more students about a University's action or lack of action, or about the standard of service provided by or on behalf of the University'*

#### TIMESCALES

15. Complaints should be raised as soon as reasonably possible. Students who wish to raise a complaint should invoke the Early Resolution at AHA (Informal) within one calendar month of the incident.
16. However, where it is clear early resolution is not appropriate or possible, the academy will proceed immediately to the formal stage. Students will be directed promptly to the relevant procedure.
17. Students who wish to raise a formal Stage Two complaint should do so within three

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calendar months of the incident.

18. Students who have recently left the Academy, either through withdrawal or as a recent graduate, may raise a formal complaint up to three calendar months after their graduation or withdrawal from the programme and within 3 calendar months of the incident.
19. Complaints received outside 6 months of the matters by which the complaint arose will be out of time and not normally considered unless relating to harassment and/or discrimination (where no time limit applies).

### **TIMESCALE FOR COMPLETION**

Complaints will be dealt with and responded within 90 days from receipt of a formal stage complaint by the Compliance Officer. The Academy reserves the right to make a reasonable extension to this timescale during student break periods, i.e. summer break.



Students who wish to make a complaint must invoke the Informal Stage within two weeks of the incident that has given rise to the complaint., in writing, usually via email [academic@americanhotelacademy.ro](mailto:academic@americanhotelacademy.ro) Formal responses are usually provided within twenty days of receipt or escalation.

### **Priority complaints**

In certain instances, it may be necessary to facilitate swift resolution. On receipt of a formal complaint, the Compliance Officer will assess whether priority action is required. Such cases will be dealt with within 10 days from receipt of a formal stage complaint.

### **SUSPENSION OR TERMINATION OF A COMPLAINT**

1. If a student's complaint overlaps with another/other academy's regulations or policies, advice should be sought from the Chief Registrar. The progress of any complaint through any stage of this procedure may be suspended for a reasonable period.
2. In exceptional circumstances, American Hotel Academy or Arden University may terminate a complaint at any stage, where the student's behaviour or investigation is deemed unacceptable or disruptive, or where a complaint is deemed to be vexatious or malicious. In such cases, AHA or Arden University may invoke the Student Disciplinary

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Procedure. Examples of unacceptable or disruptive behaviour include (but are not limited to):

- Audio/visual recording of meetings without written permission from appropriate staff
- Threatening, intimidating or aggressive behaviour towards any member of staff connected with the investigation process
- Any attempt to interfere with the investigation process
- Sending excessive communication, in any form, to staff involved in the investigation process
- Providing false or manufactured evidence or information as part of the investigation process

## STAGE ONE AT AMERICAN HOTEL ACADEMY

### A. EARLY RESOLUTION AT LOCAL STAGE



1. Wherever possible, American Hotel Academy would wish to see any complaint resolved as close as possible to its point of origin, and without formality. This stage can involve conciliation, mediation, or other informal face-to-face measures in the spirit of seeking an outcome that is in the best interests of all parties. Every effort should be made to resolve the complaint at the informal stage in partnership with the student.
2. Students should raise a complaint with the member of staff most directly concerned with the matter, or the person who can best resolve it. For example, if the complaint relates to an aspect of study or teaching, in the first instance a student should discuss face-to-face the matter with their Lecturer or the Programme Manager or via e-mail. (Lecturer/Programme Manager e-mail address or via [quality@americanhotelacademy.ro](mailto:quality@americanhotelacademy.ro))
3. If the matter relates to a service department (for example, Library, IT, Careers Service, Financial Services) then it should be discussed with the Compliance Officer. Wherever appropriate, any party can request for a staff mediator to meet with a student. Such requests should be made to the Compliance Officer face-to-face or via e-mail [compliance@americanhotelacademy.ro](mailto:compliance@americanhotelacademy.ro)

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4. Stage 1 complaints are not formally recorded by the Academy. However, a mutually agreed note may be placed in the student's file as evidence of the complaint and subsequent resolution.
  
5. Resolution may be achieved by provision of an on-the-spot explanation of why the issue occurred and/or an apology. Where possible, a student should be provided with detail of action that will be taken to prevent an incident recurring. In some cases, it may be appropriate to provide a student with a written outcome. Where a written outcome is provided, this should normally be done within 5 working days of any meeting.
  
6. If a student is not satisfied with the conclusion of the informal resolution or where informal resolution is not possible or appropriate, s/he should refer to **Stage 1: Formal Complaint Procedure**.



## **B. FORMAL COMPLAINT - Formal Resolution at American Hotel Academy**

1. This stage applies where:
  - A student declines to engage with any form of informal resolution at local stage
  - Where early resolution is not possible due to the character, seriousness, or complexity of the complaint.
2. In this stage complaints will be investigated as quickly as possible, whilst recognising the need for a thorough investigation.
3. To progress a complaint to **Formal Resolution at American Hotel Academy**, students are required to complete a [Complaint Form](#). Students who require assistance in completing this form may seek assistance from Compliance Officer and subsequently disseminated to the appropriate manager.
4. [Complaint forms](#) should only be submitted to the Compliance Officer where they will be given a registration number.
5. The Compliance Officer will acknowledge receipt of a [Complaint Form](#), normally within 5 working days. This acknowledgement shall be copied to the Academic Director or another department manager if applicable.
6. The Complaint Form should detail the grounds for the complaint, together with a statement of what has been done by the student to attempt resolution. Students



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should raise all matters of complaint and put forward all supporting evidence at this stage, as there is no provision to raise a new complaint or evidence at Stage 2 or 3 at Arden University.

7. Submission of a completed form shall constitute formalisation of a complaint, and all future correspondence regarding the complaint shall be kept on record.
8. During all stages of the procedure, students may be accompanied to meetings by a member of the Academy - usually a fellow student.
9. To avoid a conflict of interest, a student may not be accompanied by an academic or administrative staff member.
10. Where no attempt has been made at early resolution, the complainant must explain why. Should the reason be deemed unsatisfactory, the Academic Director may refer the matter for first consideration at **Stage 2**.
11. The Compliance Officer will arrange for the matter to be considered by an Investigating Committee. Staff undertaking **Stage 1 Formal Resolution** AHA investigations must be able to do so without actual or perceived conflicts of interest.
12. The Compliance Officer will, in the first instance:
  - Contact the student to confirm that they will be conducting the investigation;
  - Advise any relevant members of staff of the nature of the complaint;
  - Obtain any relevant documentation from Stage 1;
  - Invite the student to a meeting to review and clarify the terms of the complaint;
  - If the student chooses not to attend a meeting, confirm to the student in writing the issues to be investigated.
13. The purpose of conducting an investigation is to establish the facts relevant to the complaint and to provide a full, objective and proportionate response to the student representing the Academy's clear position.
14. The exact form of a **Stage 1 Formal Resolution** investigation is at the discretion of the Investigating Committee. A personal hearing with the student will always be offered as part of the process of evidence gathering, at which the student has a right to accompaniment. The person against whom the complaint is raised is also entitled to a personal hearing and may be accompanied by another member of the Academy. These meetings shall be undertaken separately and may be conducted by telephone or video-conferencing software where appropriate. A record of all meetings, whether face-to-face or conducted remotely, must be taken by a member of the Investigating Committee.

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15. All parties shall be given at least 3 working days' notice of a meeting with the Compliance Officer. A meeting may be postponed if a student can provide good reason for non-attendance. Failure or inability of a student to attend a re-arranged meeting will not preclude the investigating officer from reaching a conclusion.
16. Audio and/or visual recording of meetings is not normally permitted. If, due to exceptional circumstances it is agreed in advance that a student is permitted to record a meeting, the recording is confidential and must not be copied or disseminated in any way.
17. Where it is deemed necessary by a Stage 1 Formal Resolution Reviews, specialist advice may be sought on any aspect of the complaint from within the Academy, including advice from Legal Services.
18. A Stage 1 Formal Resolution investigation may necessitate consideration of documentary evidence. Any documentary evidence supplied by either the complainant or the respondent(s) shall be provided to both parties unless the Compliance Officer considers there a compelling case for confidentiality. It may be appropriate to preserve confidentiality in relation to the identity of witnesses where there is reasonably perceived to be a need to protect any student or staff from the risk of intimidation or retribution.
19. The possibility of engaging in mediation to seek early resolution may be proposed by any party at any point during a **Stage 1 Formal Resolution** investigation at AHA. Mediation provides both parties with an opportunity to understand what is driving the complaint and may be more likely to result in a swift and mutually satisfactory conclusion.
20. If all parties agree to the process of mediation, a meeting will be arranged between the parties concerned. Impartial and independent mediators will be drawn from a pool appointed by the Academy. The Investigating Committee team will make contact to arrange mediation within 5 working days of any request being received.
21. Following completion of an investigation, the Compliance Officer shall produce a written report outlining the process followed, detail of any evidence gathered, and recommended outcome, for consideration by the Academic Director. Ultimate responsibility for determining the outcome of the formal stage of the complaint's procedure rests with the Academic Director or the appropriate department manager, and reports and outcomes shall remain provisional until approved by the Academic Director /Department Manager.
22. Where a complaint is not upheld, a student must be informed in writing of the reasons. This written outcome should include information regarding:
  - Grounds for progressing a complaint to the Review Stage;

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- Time limit for progressing a complaint to the Review Stage Procedure for progressing a complaint to the Review Stage;
- Sources of further support and guidance;

23. Where a complaint is upheld, the outcome must provide explicit detail of what action the Academy will take to resolve the issue and any timescales for implementation.

24. In making a judgement, the Academic Director has authority to:

- Acknowledge culpability or fault
- Identify actions to rectify the cause(s) of the complaint, and appropriate timescales for implementation.



In making a judgement, the Academic Director may not:

- Change Academy policy or procedures (although reviews may be proposed as a consequence of complaints)
- Take direct disciplinary action against Academy staff (although they may forward the case to the Academy's standard disciplinary procedures)
- Change or in any way amend a previous academic judgement
- Make arrangements detrimental to other students.

25. If a complaint results in disciplinary action being taken against a member of staff or a student of the Academy, the Academy's disciplinary procedures will be used for this purpose. The complainant may be called to give evidence at any disciplinary hearing. Once disciplinary procedures have been invoked, these will take precedence over the complaint procedure.

## **STAGE TWO: Formal Complaint at Arden University**



1. Only if a student is not satisfied with the outcome of the Stage 1 Formal Complaint at American Hotel Academy should they proceed with the Stage 2 - Formal Complaint at Arden University. The Academy will then close the matter and issue the student a Completion of Procedures letter.
2. A Stage Two Formal Complaint at Arden University should be submitted in writing, usually via the Complaints Inbox (complaints@arden.ac.uk). Stage Two Formal complaints can also be submitted from the complaints form on the 'Support' page on iLearn, iLearn Home: Support (rdi.co.uk).
3. Receipt of Stage Two Formal Complaints will be acknowledged within two working days.

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4. The Student Voice Officer will allocate the Stage Two Formal complaint to the appropriate senior staff member responsible for the area in which the complaint relates to. If the complaint relates to more than one department, the Student Voice Officer will consult with the relevant senior staff members to decide who will take a lead on investigation and resolution.
5. During investigation of the complaint, additional information or evidence may be requested from the student. In such cases, the student will be notified in writing and given at least five working days to respond.
6. A response to the complaint will be provided within 20 working days of receipt of the complaint. In some cases, where complaints are complex and require detailed investigation, it may not be possible to meet these timescales. In such cases, the student will be notified in writing of the reason for the delay and a revised timeframe for a response will be provided.
7. If there is a genuine need for a response to be provided in a shorter timescale than this, the student must make this clear, including the reason, at the point of submitting the formal complaint.
8. The outcomes available are as follows:
  - a. That the complaint be upheld in whole or in part;
  - b. That the complaint be rejected
9. The student will be issued with a formal response confirming the outcome of the investigation into the student complaint.
10. If the complaint is upheld, the formal response will include details of the action that will be taken to address the complaint.
11. If the student is not satisfied with the outcome, they should refer to Stage Three: Review of Outcome.



### **STAGE THREE: REVIEW OF OUTCOME**

12. If a student is not satisfied with the outcome of the Stage Two investigation of the

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complaint, they may request a review of the outcome within 10 working days of the written confirmation received following Stage Two: Formal Complaint.

13. A request for review may only be considered on the following grounds:
  - a. There is evidence of procedural irregularity at Stage Two: Formal Complaint
  - b. There is new material information available which, for valid reasons, was not provided earlier in the process.
  - c. The outcome/resolution of the Stage Two was unreasonable
  
14. A Stage Three Complaints Review form should be completed and submitted to [quality@arden.ac.uk](mailto:quality@arden.ac.uk) within ten working days of dispatch of the formal response to the Stage Two: Formal Complaint.
  
15. Students should provide full details of the grounds on which the review is being requested and indicate within their correspondence why the outcome of the Stage Two: Formal Complaint was not satisfactory.
  
16. The Head of Quality or nominee will acknowledge receipt of the request within five working days of receipt.
  
17. The Head of Quality or nominee will undertake an initial evaluation to check that the request has been submitted within the appropriate timescales, meets the criteria and is in the required format with supporting evidence where applicable.
  
18. The Head of Quality or nominee will nominate a review panel. This will be senior staff members that were not involved in the original consideration of the complaint to review the concerns raised.
  
19. The review panel may request additional information or evidence from the student, in which case the student will be notified in writing and given at least five working days to respond.
  
20. The outcomes available are as follows:
  - a. That the complaint be upheld in whole or in part and a resolution offered;

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b. That the complaint be rejected



21. The student will be notified in writing of the outcome of the review within 20 working days of receipt of the original review request. The decision of Stage 3 Review outcome is final and a Completion of Procedures letter will be issued including details of the students right to appeal to the Office of the Independent Adjudicator for Higher Education (OIAHE)
22. In the event of a complaint being upheld whole or in part, recommendations should be made in respect of remedial action required. A report on the matter and any actions arising will be referred to the next meeting of the Quality and Standards Committee.

### INDEPENDENT ADJUDICATION

23. Students who have been issued with a Completion of Procedures letter may complain to the Office for the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied with the University's final decision, providing the complaint is eligible under the OIAHE's rules of the complaints scheme as detailed on their website <http://www.oiahe.org.uk/>. Complaints must be made within 12 calendar months of the date of the Completion of Procedures letter.
24. Students studying for a Degree Apprenticeship may submit a request to the Education & Skills Funding Agency (ESFA) to review whether the University has handled the complaint in line with its procedures. Complaints about providers should be sent by email to [complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk) or by post to Complaints team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.

### RECORDING AND MONITORING

25. American Hotel Academy and Arden University are committed to continuous improvement and constructive handling of complaints to ensure that similar situations do not re-occur. Complaints are monitored to identify trends, areas of good practice and where improvements can be made. This information will also be used to review and continuously improve the Student Complaints Procedure.
26. The AHA link Tutor will submit quarterly reports to Arden Student Experience

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Committee and Quality and Standards Committee detailing all upheld complaints and actions to be implemented to prevent a reoccurrence of the complaint. Recommendations from this report will be used to enhance the quality of the student experience by informing the future development of the Academy practices, procedures and activities. Monitoring reports will not contain any personally identifiable information.

27. The University's Director of Student Experience shall liaise with AHA's Link Tutor and, where required, agree on an action plan to be put in place for resolution by the next reporting period. AHA's Link Tutor is responsible for implementing an agreed action plan.

28. A summary of actions taken in response to student complaints raised will be made available to staff and students periodically.