

Title:	Student Complaints Procedure
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Approved by:	Senior Management Team
Policy owner:	Chief Operating Officer

WaterBear is a College of Falmouth University and as such its students are students of Falmouth University, studying at WaterBear. All WaterBear policies and procedures have been tailored to best suit the specific requirements of the College, its students and staff. In some instances, Falmouth policies and procedures may be deferred to for additional guidance, or where Falmouth policy has been deemed to cover both the requirements of the University's operations and those of its academic partners.

Key Facts

- This procedure should be read in conjunction with the WaterBear Student Complaints Policy
- This procedure applies to any student, prospective student and applicant of WaterBear in receipt of a direct service from the College.
- You should familiarise yourself with the entirety of this procedure, and we would particularly draw your attention to the following elements which have been updated, amended or changed since the last version of this procedure

Clause(s)	Description
General	Updates to reflect new job titles introduced by the organisation
2.1	If you are unable to resolve your concerns through Step 1, you may make a formal complaint using the Student Complaints Form, which must be submitted to the Complaints Team – complaints@waterbear.org.uk along with supporting evidence. The complaint will normally then be handled by the Head of Education.
3.2	You should make your request for a Step 3 Review by completing a Review Request Form to be submitted to complaints@waterbear.org.uk within ten (10) working days of the completion of Step 2. Review requests which do not use the standard form will not be considered.
3.4	Step 3 Review requests will be considered by an appropriate member of staff who has not previously had any involvement in your complaint, you will

	normally receive the final outcome in a Completion of Procedures letter within sixty (60) working days of the submission of your complaint. If you submitted your request outside of the specified deadline, and have not provided a valid reason for the delay, your Step 3 Review request will be considered out of time, and you will be issued with a Completion of Proceedings letter (see section 4)
3.5	Exceptionally, where the complaint concerns academic standards (e.g. the quality of teaching) or harassment and/or sexual misconduct, or in cases where it is not possible to assign a member of staff that has not previously been involved in the complaint, Falmouth University may decide or be asked to review the complaint under Step 3 of its complaints procedure. This will be after you have completed the first two steps of the WaterBear procedure. You will be notified of this decision in writing and in such cases Falmouth University will issue the Completion of Procedures Letter. You will have recourse to the OIA after Falmouth University's Step 3 procedures have been completed.

Definitions

- “You” and “Your” means any student, prospective student or applicant of WaterBear.
- “We” “Us” “Our” and “The College” means WaterBear Education Ltd.

The Student Complaints Procedure is managed by the Senior Management Team (SMT) for WaterBear, which is responsible for the effective development, implementation and management of the College's policies, procedures and processes.

You can get free, impartial and confidential advice on this policy from the Falmouth & Exeter Student's Union: advice@thesu.org.uk , <https://www.thesu.org.uk/advice/>

1. Step 1 – Early Resolution

- 1.1. In the first instance, you should discuss your complaint with the relevant member of staff directly concerned, where appropriate. If you do not feel comfortable approaching the person most directly concerned, you should speak to your Head of Year, Programme Manager or a member of Student Services
- 1.2. Timescale: you should initiate Step 1 – Early Resolution within eight (8) weeks of the incident that is the cause for complaint.
- 1.3. If you are unable to resolve your concerns through Step 1, or you are unable to conclude Step 1 discussions within twenty (20) working days of raising your concerns, Step 1 should be considered complete, and you should submit a formal complaint (Step 2) to escalate your concerns should you wish to do so.

2. Step 2 – Formal Stage

- 2.1. If you are unable to resolve your concerns through Step 1, you may make a formal complaint using the Student Complaints Form, which must be submitted to the Complaints Team – complaints@waterbear.org.uk along with supporting evidence. The complaint will normally then be handled by the Head of Education.
- 2.2. Timescale: you should initiate Step 2 – Formal Stage within 10 working days of the conclusion of Step 1.
- 2.3. The Student Complaints Form should include as much information as possible, in particular, the following:
 - Full details of the cause for the complaint, including its impact
 - Any action you have taken so far and the date(s) of that action
 - The response you have received
 - The reason for your dissatisfaction or disagreement with that response
 - The remedy you are seeking

All sections of the Complaints form should be completed. If it is not possible to complete a particular section, the reason for this should be noted on the form. Please be aware that where there is no evidence of Step 1 – Early Resolution having been sought, or where there are no compelling reasons as to why early resolution was not possible and/or appropriate, you may be referred back to Step 1 of this procedure. Where a complaint is under consideration at Step 2, the case will be referred to the most appropriate member of staff, for example, the Head of Education for a response. Where possible, this person will be someone who has had no previous involvement in the matter.

- 2.4. Where a complaint involves alleged misconduct of a WaterBear student it will be referred to the SMT to determine if any immediate action is required under the Student Disciplinary Policy and Procedure. In some instances, it may be necessary to make this referral at Step 1, for example, when the allegation is considered to be serious, but a student does not wish to put their complaint in writing
- 2.5. Where a complaint involves alleged misconduct of a member of staff, it will be referred to the SMT to determine whether any immediate action is required under the College's Staff Disciplinary Procedure. In some instances, it may be necessary to make this referral at Step 1, for example, when the allegation is considered to be serious, but the student does not wish to put their complaint in writing.
- 2.6. Once your complaint is received, you will normally be sent an email acknowledging the receipt of your complaint within five (5) working days

- 2.7. Whilst it is anticipated that the investigation will be completed and a formal response issued within forty (40) working days, this period may need to be extended depending on the nature and complexity of the complaint.

3. Step 3 – Review

- 3.1. If you are dissatisfied with the outcome of Step 2 you may request a review of the procedure undertaken at Step 2, on the following grounds:
- A material error or irregularity in the conduct of Step 2 of the Complaints Procedure and/or
 - You have material new evidence that has become available since the commencement of Step 2 that you were unable, for valid reasons, to provide by the original Step 2 complaint deadline
- 3.2. You should make your request for a Step 3 Review by completing a Review Request Form to be submitted to complaints@waterbear.org.uk within ten (10) working days of the completion of Step 2. Review requests which do not use the standard form will not be considered.
- 3.3. Once received, you will normally be sent an email acknowledging receipt of your Step 3 Review request within five (5) working days.
- 3.4. Step 3 Review requests will be considered by an appropriate member of staff who has not previously had any involvement in your complaint, you will normally receive the final outcome in a Completion of Procedures letter within sixty (60) working days of the submission of your complaint. If you submitted your request outside of the specified deadline, and have not provided a valid reason for the delay, your Step 3 Review request will be considered out of time, and you will be issued with a Completion of Proceedings letter (see section 4)
- 3.5. Exceptionally, where the complaint concerns academic standards (e.g. the quality of teaching) or harassment and/or sexual misconduct, or in cases where it is not possible to assign a member of staff that has not previously been involved in the complaint, Falmouth University may decide or be asked to review the complaint under Step 3 of its complaints procedure. This will be after you have completed the first two steps of the WaterBear procedure. You will be notified of this decision in writing and in such cases Falmouth University will issue the Completion of Procedures Letter. You will have recourse to the OIA after Falmouth University's Step 3 procedures have been completed.

- 3.6. If you decide you do not have grounds to proceed with a Step 3 Review you can request a Completion of Proceedings letter from the College within forty (40) working days of the Step 2 outcome notification.

4. Completion of Proceedings Letter

- 4.1. The completion of Step 3 marks the conclusion of the College's internal processes and you will be issued with a Completion of Proceedings letter.
- 4.2. A completion of proceedings letter will also be issued in the following circumstances:
- Where your Step 1 or Step 2 complaint was submitted outside of the specified timescales, and you were unable to evidence a valid reason for this: **or**
 - Where your Step 3 Review request was submitted outside of the specified deadline, and you were unable to evidence a valid reason for missing the deadline
 - Where your complaint has been deemed to be malicious, dishonest and/or vexatious.

5. Office of the Independent Adjudicator for Higher Education (OIA)

- 5.1. WaterBear subscribes to an independent scheme for the review of student complaints provided by the Office of the Independent Adjudicator (OIA). If, following receipt of your Completion of Procedures letter, you are dissatisfied with the outcome of your complaint, you may be able to apply to the OIA for a review of your case.
- 5.2. Please be aware that prospective students and applicants are not able to have recourse to the OIA under their rules.
- 5.3. Should you decide to raise your case with the OIA, you must do so within 12 months of receipt of your Completion of Proceedings letter, using the OIA's complaint form. The OIA will normally only consider cases which have been through the College's own procedures first.
- 5.4. Further details can be found on the OIA website at www.oiahe.org.uk . The OIA's contact details are: Office for the Independent Adjudicator, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 1AB, Tel: 0118 959 9813, email: enquiries@oiahe.org.uk