

Student Complaints Policy and Procedure

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Last amended by: Tim Johnson

1 Introduction

- 1.1 The procedures set out below can be used by students including current students, recent graduates and recently withdrawn students to complain about any service ThinkSpace Education (TSE) provides. TSE aims to deal openly, fairly and effectively with any comment or complaint about its services, and to offer an appropriate remedy to any student who is adversely affected by a service which fails to deliver to TSE's standards.
- 1.2 The Student Complaints Procedure has been established with the aim, where possible, of resolving complaints informally through negotiation between those individuals who are immediately concerned with the matter and where appropriate their immediate line management. TSE recognises, however, that some issues cannot be resolved by informal means and may require the intervention of third parties. The formal stages of the Student Complaints Policy (Stages 1 and 2) are therefore available to students should informal pursuit of a complaint prove unsatisfactory.

2 Underlying Principles

- 2.1 The underlying principles of the TSE Student Complaints Policy, which should be respected by all those involved in the procedure, are that:
 - a) Complaints will be treated seriously, fairly, as expeditiously as possible, in a consistent fashion, with sensitivity and with minimum stress to all parties concerned.
 - b) Confidentiality will be respected throughout.
 - c) Submission of a complaint will not lead to recrimination or affect academic progression provided it is made in good faith and is not malicious or vexatious.
 - d) There is a right for any decision to be subject to further reference to the Office of the Independent Adjudicator (OIA) where all internal stages have been exhausted.
 - e) The use of the Student Complaints Policy does not affect a student's right to pursue legal or government agency remedies outside TSE.
 - f) Nothing will appear on a student's academic record to indicate a complaint has been made.

3 Using This Policy

- 3.1 Complaints may relate to (though not be limited to):
 - a) The teaching and learning experience of the student, e.g. quality of teaching, personal tutor support.
 - b) Online services, e.g. the VLE.
 - c) Administrative services, e.g. student records, finance.
- 3.2 A complaint by a student will not normally be investigated if a period of six months has elapsed since the alleged action which is the basis of the complaint occurred, although TSE may exceptionally allow such

a complaint to proceed providing there is good evidence to support the reason for the delay. Where complaints are received anonymously or from third parties, it will be at the discretion of TSE to determine whether the complaint will be considered and, if so, how.

- 3.3 Where a complaint is made by a former student, the complaint will only be investigated if it is made within a period of six months following the student's departure.
- 3.4 In all instances where a student is unsure as to how or where to raise their complaint, they should seek advice from the Head of Postgraduate Education (HPE).
- 3.5 Where a complaint involving an allegation of misconduct by a member of staff is upheld, this may form the basis of further consideration under the Student Disciplinary Procedure. Whilst the complainant has the right to be told of the outcome of the complaint and any compensatory decisions taken, the complainant has no right to be informed of the outcome of a Disciplinary process.

4 Exclusions and Limitations

- 4.1 This policy and procedure should only be used for the purposes set out above. If your complaint relates to one of the following, then the procedures within the document or information referenced may apply:
 - a) Dealing with disciplinary offences including complaints by students about the behaviour of other students: Student Contract and Code of Conduct.
 - b) Appeals against the outcome of academic decisions (including those made by Arts University Bournemouth (AUB)): contact the HPE, who will be able to guide you to the right process.
 - c) Complaints about the admissions process from applicants: the complaints procedure in the TSE Admissions Policy applies.
- 4.2 TSE will not consider unsubstantiated complaints that it regards as vexatious or malicious. Such circumstances might include students making repeated complaints about the same thing.
- 4.3 TSE will not consider complaints arising from academic judgement.
- 4.4 If your complaint is not based on the grounds specified in this Policy or is not accompanied by appropriate supporting evidence, TSE will inform you that no action will be taken. You will receive a Completion of Procedures Letter and you may take your complaint to the Office of the Independent Adjudicator for Higher Education. If you are unsure as to whether your complaint falls within this policy, please speak to the HPE in advance. In all cases you are strongly encouraged to seek impartial advice concerning your complaint.

5 Preparing Your Complaint

- 5.1 Think carefully about what your complaint involves: what you want to say, what evidence you have and what impact the issue has had on you. Also consider what you think the outcome of your complaint should be.
- 5.2 If the complaint involves a group of students all affected by the same set of circumstances, then it may be sensible to make a collective complaint through a single spokesperson. In such circumstances the spokesperson must always express the views of the group and relay and copy all correspondence to the group. When following the Informal stage, make sure that the member of staff you will be discussing your complaint with is aware of all the parties involved in the collective complaint. If you are following the Formal stage, then each student must provide their name and contact details on the Student Complaint Form.
- 5.3 TSE will endeavour to make sure that knowledge of your complaint is limited to only those staff that need to know in order to be involved in the complaints process and that they treat the information in confidence. Please apply a similar degree of confidentiality — we encourage you to seek impartial advice but be mindful of not talking more widely about your complaint than is necessary.
- 5.4 It is important that your complaint is submitted in a timely fashion. The longer the delay, the less likely it is that TSE will be able to properly investigate your complaint. We ask that all complaints are submitted

within six months of the issue occurring, unless there are exceptional reasons, including in the case of former students.

6 Informal Procedure

- 6.1 Students should try to resolve matters of concern informally first through approaches to appropriate personnel such as Team Leaders, the Student Support Manager, or the HPE. In many instances, these people will be best placed to respond to the complaint and to resolve it quickly and effectively. If the complaint is not satisfactorily resolved after this discussion, the student has the right to address the issue through the formal stages of the process.
- 6.2 The relevant staff member involved in the informal procedure will record the actions taken to consider and resolve the concern, the decision reached, and brief details of what was communicated to the student, and when. This information can then be made available to those dealing with any formal complaint should the student decide to make one.

7 Formal Procedure: Stage 1

- 7.1 The Formal Procedure is used where a student is dissatisfied with the outcome of the informal procedure, or where informal procedures are not suitable due to the nature, complexity or seriousness of the case.
- 7.2 The formal stages begin when a student makes a complaint in writing by completing the Student Complaint Form. Subject to Section 4 above, the completed form, together with any written evidence, should be sent to the HPE within six months of the occurrence of the matters which relate to the complaint. Written evidence may include independent medical evidence, reports by professionals, financial information or witness statements.
- 7.3 The HPE will log the complaint and issue an acknowledgement of receipt to the student.
- 7.4 An investigation into the matters complained of will be undertaken promptly by the HPE, or by a person nominated to act on their behalf. In the interests of transparency, the student will be informed who will be investigating their complaint. In order to investigate the complaint, the investigator may need to request further information from the student and so may ask to meet with them.
- 7.5 The HPE will provide a written response to the parties involved within 10 working days of the completion of any investigation, which itself should be completed no later than 20 working days after the receipt of the completed complaint form. If it is not possible to complete the investigation within this time period, the student will be advised in writing of the reasons for the delay together with a deadline by which it is expected that the investigation will be completed. Following completion of the investigation, the written response sent to the student will outline the process followed, the information gathered, the conclusions drawn and any remedies proposed. If the complaint is not upheld, the letter will explain why there are no grounds to take the matter further and that no action will be taken. The written response will be accompanied by copies of the information considered and a copy of the investigation report.
- 7.6 A record will be kept by the HPE of all formal complaints received and a copy of each written response will be retained by the HPE on the same day that it is issued to the student. No records will be held on the student's file.
- 7.7 If the student is satisfied with the written response of the HPE, the complaint is deemed to be resolved. If the student is not satisfied with the written response they may refer the matter to Stage 2 of the Student Complaints Policy and Procedures. The student will be given information on how to proceed to Stage 2 of the Procedures, the deadline for doing so and where to access support within the written response from the HPE referred to above.

8 Formal Procedure: Stage 2

- 8.1 The Formal Procedure: Stage 2 is where the student can appeal within TSE for a review of either the process of the formal complaint to ensure that appropriate procedures were followed, or the decision on the basis that it was perceived to be unreasonable.
- 8.2 In order to invoke Stage 2 of the formal Student Complaints Policy and Procedures, the student must complete the published Student Complaint Appeal Form. The completed form together with any written evidence should be sent to the Director within 15 working days of the date of the Stage 1 outcome letter, clearly outlining the reasons for taking matters to Stage 2.
- 8.3 Within 15 working days from receipt of the Student Complaint Appeal Form, the Director will review the complaint and the associated evidence. Further evidence may be requested at this stage. The outcome of the review will find either:
- a) That there are no grounds for taking the matter further — if this is the case, the Director will advise the student accordingly in writing; or
 - b) That there are grounds for consideration and further investigation, where appropriate — if this is the case, the Director and an independent member of Academic Board will consider the complaint.
- 8.4 If the complaint relates to the HPE or the Director, the Director or HPE will forward the complaint to the Chair of the Board of Directors who will appoint another member of the senior team to undertake the review together with the independent member of Academic Board.
- 8.5 The outcome of the review will be sent in writing to all parties within 20 working days of the conclusion of the review process, together with details of any remedies proposed and deadlines for implementation.
- 8.6 The decision of the Director and independent member of Academic Board will be final and will be the end of TSE's internal procedures. If the Director and independent member of Academic Board cannot agree, the matter will be passed to the Chair of the Board of Directors to reach a final decision.

9 Completion of Procedures

- 9.1 The Stage 2 review forms the final stage of TSE's Student Complaints Policy and Procedures. TSE will issue the student with a Completion of Procedures letter at this point.
- 9.2 If the student remains dissatisfied with TSE's response, they will be issued with a Completion of Procedures Letter and may then take their complaint to the Office of the Independent Adjudicator for Higher Education. Details are available at: <https://www.oiahe.org.uk/>
- 9.3 The Completion of Procedures letter will provide the deadline the student has for lodging a complaint (namely 12 months from the date of being issued with the Completion of Procedures letter). The letter will also include information on where and how the student can access advice and support.
- 9.4 TSE will fully comply with any judgement made by the OIA where the complaint relates to TSE.

10 Remedies

- 10.1 Remedies for complaints include, but are not limited to, an apology, a clear explanation of the events or context that led to the incident in question, or alterations to a process or to a service provided by TSE. TSE seeks to ensure that any remedies proposed are reasonable and appropriate to the nature and circumstances of the complaint.

11 Referrals

- 11.1 TSE reserves the right to refer complaints at any stage to an alternative means of resolution, including to a mediation process, if it is considered to be in the best interests of the timely and effective resolution of the complaint.
- 11.2 Exceptionally, with the agreement of the student and of staff concerned, complaints may be referred to one of the formal stages in the process omitting earlier informal or formal stages, if it is considered to be in the interests of the timely and effective resolution of the complaint. Such complaints might include

those involving a threat of serious harm, those where the impact of the issues raised has detrimental consequences for the student's mental health, those relating to disability support, or issues of a highly sensitive nature.

12 Confidentiality

- 12.1 TSE will deal with complaints on a confidential basis but may need to disclose details of a complaint to other persons or organisations in order to investigate the complaint and seek an effective resolution. For example, TSE will need to inform any person named in a complaint of the substance of the complaint so that they can exercise their right to reply as part of the investigation. In addition, TSE may need to divulge information to meet UK GDPR requirements.
- 12.2 Where a student has made a complaint about another student or a member of staff, TSE will notify the student bringing the complaint of the outcome. However, it may not be appropriate to share specific details affecting the other student or staff member, particularly where disciplinary action is being taken.
- 12.3 It is equally important that the student bringing the complaint also respects the need for confidentiality throughout the complaints process. Where confidentiality is breached, the Student Disciplinary Procedure may be invoked.

13 Monitoring and Review

- 13.1 The HPE is responsible for preparing an annual report to the Academic Board covering the operation of this procedure. The HPE is also responsible for monitoring the implementation of remedies agreed under this procedure.

14 Academic Appeals

- 14.1 Where the circumstances of a complaint are found to have impacted adversely on the academic performance of a student, a summary of the findings and their impact will be passed by the HPE to the University Secretary at Arts University Bournemouth (AUB). Students seeking to appeal an academic decision should refer to the TSE Academic Appeals Policy.

15 Involvement of the Police or Solicitors

- 15.1 If, at any point, the subject of the complaint becomes part of a police investigation, the complaints process will be suspended until such time as the police have completed their process. If a student employs a solicitor to act on their behalf about an ongoing complaint, TSE will cease to deal with the complaint under its procedures.

16 Key Contacts

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