

AA Complaints Procedure
Owner: School Director
Author: Company Secretary
Date Approved: 20 March 2025
Approved by: SMT Ops
Cycle for Review: Every 2 years
Date for Next Review: March 2027
Location of Publication: Intranet



AA Complaints Procedure

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1 Introduction

The AA is committed to providing a high-quality educational experience for students throughout their courses and programmes of study and encourages feedback from students on all aspects of the teaching and learning experience, or other services provided by the School. The AA welcomes the opportunity to address any areas of dissatisfaction or concern, and to take prompt and corrective action where necessary.

There may be occasions when students feel dissatisfied with the AA's academic provisions. Students are encouraged to make suggestions or comments to their course/unit tutors and programme in the first instance. Students who feel their comments or suggestions have not been properly listened to or addressed can raise their concerns at regular feedback or drop-in sessions with the School Director and Head of Learning. If they are still dissatisfied the student may be able to utilise this procedure to explore their concerns further.

Students and staff also have the right to feel safe, welcome, and comfortable in an environment that is free from harassment, bullying and victimisation, and they must be confident that the policies and procedures of the AA School empower students and staff to raise concerns about negative experiences. Allegations of inappropriate behaviour are taken seriously, and the AA will take prompt action to stop and address it using the procedure outlined below.

Everyone is encouraged to discuss their concerns directly with the individuals involved. However, if a student or staff member feels uncomfortable doing so, students should use the following procedure and not attempt to address challenging issues by themselves. Staff should discuss the matter with their line manager and/or HR, and in most instances the Staff Grievance procedure should be utilised rather than this procedure.

2 Guiding Principles

The AA is committed to:

- All parties maintaining confidentiality;

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- A fair and proportionate response to a complaint;
- The informal resolution of a complaint, whenever appropriate;
- Freedom of speech and academic freedom (See Freedom of Speech Code of Practice);
- The timely resolution of complaints;
- The expectation that all parties behave with dignity and respect throughout the process and in accordance with the AA Code of Behavioural Expectations;
- The support of anyone raising a complaint with allegations of a potentially criminal nature, and the individual making a referral to the police;
- The investigation of all complaints brought in good faith, and the reassurance that the person raising a complaint will not suffer any disadvantage as a result of raising genuine concerns;
- All parties being kept informed of the progress of any investigation or review;
- Acknowledging that bringing a complaint, or being the subject of a complaint may be stressful, and the AA is committed to making support available for students via the Wellbeing team, and for staff via HR;
- Continually assessing the wellbeing of parties involved, and pausing the procedure where the wellbeing of a party is considered to be at serious risk of harm;
- The right to be accompanied or represented by a fellow student, member of staff friend or family member.
- Supporting students whose studies are impacted by an incident that leads to a complaint. This support can include an application for mitigating circumstances.
- - For students or staff who are a victim of harassment or sexual misconduct support is available, and where necessary referrals to an external specialist will be made either via the Wellbeing Team or HR (see Harassment and Sexual Misconduct Policy).

All AA staff must be aware of this complaint procedure and understand the steps they should take if they are approached about a complaint. All students should be aware of the ability to raise concerns informally or through this procedure. The procedure will be available on the intranet and within the Academic Regulations, and reminder given to staff as part of the annual academic staff induction, and for students, during induction week.

3 Scope of the Procedure

This procedure can normally only consider complaints that relate to alleged incident(s) or omission(s) that occurred on AA premises and within the context of the AA's working or study environment. Where the alleged incident occurred outside of AA premises or its work or study environment, but the Complainant and Respondent are AA students, staff, or AA Council members then this procedure may still be utilised if the incident alleges harassment or sexual misconduct as defined at Annex 1. Noting that support will be available for any student or staff member suffering harassment or sexual misconduct even if outside of the AA context – see Harassment and Sexual Misconduct Policy.

You can bring a complaint under this procedure if you are:

- A current registered student (full-time or part-time) at the AA;
- A recent graduate, up to three months after completion of studies at the AA School;
- A student who has recently withdrawn, up to three months after the date of withdrawing;
- An AA staff member;
- An AA Council member.

A complaint can be made against:

- An AA member (including Council member);
- An AA student, staff, or consultant.
- AA department

You do not have to be the party who is directly affected by an incident to bring the complaint e.g. a witness may bring a complaint, but it is advisable to discuss the matter with the directly affected party prior to bringing a complaint, unless you consider them to be at serious risk of harm, or the subject of the complaint is a serious risk to other AA students or staff.

The following are not within the scope of this procedure:

- The outcome of an assessment, which is covered by the academic appeals process;

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- An AA procedure has already been completed to address the issue being complained about and an appeal mechanism is provided for within that procedure;
- A complaint against or by a staff member that should be dealt with through the Staff Grievance Procedure;
- Staff grievance or disciplinary matters;
- Concerns about a student's capability to study, attendance, or wellbeing;
- A request under the Data Protection Act 2018;
- Allegations of plagiarism;
- Disagreements between students, staff or other AA members relating to their personal relationship that are not within the context of the AA study or work environment. Unless the disagreement involves allegations of harassment or sexual misconduct, or relates to an intimate personal relationship between a student and staff member.
- Complaints which do not relate to decision-making by the AA, e.g. decision by UKVI (UK Visa and Immigration) or the Open University or the Office for the Independent Adjudicator for Higher Education;
- Complaints not made in good faith and considered to be frivolous, vexatious, or malicious;
- A complaint that would be considered trivial by an objective and reasonable person

Examples of a complaint within scope

- The delivery of teaching and supervision (i.e. academic standards);
- The provision or lack of delivery of a non-academic service;
- Allegation of bullying, harassment or victimisation as defined in Annex 1;
- The outcome of a decision under the Freedom of Speech Code of Practice where the Complainant has suffered harm because of the decision taken.
- Conduct of another student which you have witnessed, and you consider the impacted party to be at risk of harm.

4 Immediate Risk of Harm or Criminal Behaviour

Any staff member or student who is aware of events or behaviour that could be criminal in nature must raise this with any member of staff. The victim should be supported to go to the police and/or relevant authorities. The matter should be referred immediately by the informed staff member to the School Director and Head of Learning along with either the School Registrar (Student Safeguarding Lead), Head of Human Resources (Staff Safeguarding Lead) or the Company Secretary (Designated Safeguarding Officer). See the [Safeguarding Policy](#). If there are concerns about a risk of harm, then the police or relevant authority should be contacted immediately.

Where a complaint is received and it is evident from the information received there is a serious risk of harm, the recipient of a complaint will need to immediately undertake a risk assessment and decide whether there are any conditions that need to be put in place to protect someone's safety. In such a situation, the School Director may restrict access to premises, and in the most serious of cases, suspend a student (in consultation with the Head of Learning) or staff member (in consultation with HR). The procedure set out in Section 8 for dealing with the complaint will then be followed.

Where a complaint could constitute criminal behaviour, the AA will encourage the Complainant to go to the police and will support them in doing so. The AA will not go to the police themselves without considering the wishes of the Complainant. The AA will support the police in any criminal investigation that is undertaken, including ensuring access to students or staff who can support the investigation or information held by the AA.

Where a complaint is subject to a police investigation, the AA will pause any AA investigation until the police or criminal justice process has concluded. Once a police investigation has been completed, the AA may consider the evidence or decisions made by the police or criminal justice system, as part of its own investigations. If a student or staff member has been convicted of a criminal offence and the AA is made aware of this, the School Director will consider whether disciplinary action against the staff or student is necessary for the protection of staff or students. If a decision is made to trigger disciplinary action based on the police investigation or conviction, there will be no further steps taken under this procedure. The disciplinary action for students is contained in the [Academic Regulations](#) for students, and for staff the [Employee Handbook](#).

It is important to note that an AA investigation should not be regarded as a substitute for a police investigation. A criminal offence is judged on the basis of 'beyond reasonable doubt' by the criminal justice system. The AA does not have the legal investigatory powers of the police, and it must establish facts and outcomes on the balance of probability.

5 Anonymous Complaints

Anonymous complaints are often difficult to investigate fairly and properly. Anonymous complaints will be received but not normally administered under this procedure nor will there be an investigation. It would only be in exceptional circumstances such as an immediate risk of serious harm that an anonymous complaint would lead to actions e.g. a referral to the police.

Where the anonymous complaint is serious in nature e.g. relates to harassment or sexual misconduct of a student, staff member or AA Council member, a record of the anonymous complaint will be kept for the purpose of identifying any trends in concerns that might arise in the future. This record will not be reported elsewhere nor the allegation explored further unless there is additional evidence or reason to justify an exploration of the allegation. The decision on whether to explore the allegation will rest with the person holding the record. The record will be held by: -

- For students – Head of Learning
- For staff – Head of HR
- For AA Council member – Company Secretary

Anonymous complaints against other members of the AA will not be recorded nor can will they be actioned under this procedure.

If an anonymous complaint is about academic provision, rather than misconduct of students or staff, this will be considered as informal feedback to the Head of Teaching, and Head of Learning.

6 Confidentiality

When a complaint is being considered under this procedure, all parties, including the person making the complaint, the subject of the complaint, witnesses, and those supporting a resolution and investigating, are obliged to keep the matter confidential. This will not prohibit an individual seeking support from the Wellbeing team, or a close friend or family member but the complaint should not be discussed beyond those in whom someone has confided, nor as part of day-to-day conversations. Key is that trust is maintained between all parties and information is not therefore shared beyond those who need to know.

When making a complaint against an individual (the Respondent), the Respondent will need to be made aware of the complaint and provided with an opportunity to respond. It is recognised that the person making the complaint (the Complainant) may have concerns around the disclosure of the complaint to the Respondent and every effort will be made to safeguard the Complainant. However, even where the Respondent is not told who has made the complaint, the nature of the complaint will often reveal this information. who has made the complaint, but it is likely to be evident from the nature of the complaint even if evidence is anonymised.

A breach of confidentiality will be a serious matter and dealt with in accordance with section 13.

7 Informal Resolution (First Stage)

All complaints, except those that are potentially criminal in nature or where the Complainant feels at immediate risk of harm, should be dealt with informally in the first instance. For complaints that allege criminal behaviour or where there is a serious risk of harm, the complaint should be dealt with under the Formal Resolution (see Section 8)

Where a student has a complaint against another student, they should raise the complaint with their course/unit tutor or programme head, or the line manager of the staff member whom their complaint is against. The person receiving the complaint will acknowledge it within 5 working days and seek to resolve it to the best of their ability in a fair and reasonable manner. The person receiving the complaint shall keep a summarised record of the nature of the complaint and the agreed resolution. Where the complaint by a student is against a member of staff, the person

receiving the complaint will provide a copy of the record to HR and may consult with HR prior to dealing with the complaint.

Where a staff member is making a complaint about another staff member, or department, the Staff Grievance Procedure, which includes an informal stage, should normally be used to address the complaint. If the staff member is making a complaint against a student, this complaint procedure is normally applicable.

Where the Respondent to the complaint is a member of the AA (not AA staff or current student) e.g. Council member, the complaint should be raised with the Company Secretary who will acknowledge safe receipt within 5 working days, seek an appropriate resolution, and maintain a record of the complaint and agreed resolution.

The aim should be to resolve a complaint informally within 10 working days of receipt, subject to the availability of parties, periods of annual leave or school closure.

8 Formal Complaint (Second Stage)

A Formal Complaint will arise where the person bringing the complaint is dissatisfied with the informal resolution outcome, where the Complainant alleges criminal behaviour or there is a serious risk of harm.

For STUDENTS bringing a formal complaint:

The student should make a written complaint using the form at Annex 2 to the Head of Learning (the Recipient). The Head of Learning or person to whom they delegate will decide the procedure to be followed as set out below, and any outcomes or directions.

For STAFF bringing a formal complaint:

The staff member, who is advised by HR that the staff grievance procedure is not applicable, can make their written complaint by completing Annex 2 and sending it to the Company Secretary (the Recipient). The Company Secretary or person to whom they delegate will decide the procedure to be followed as set out below, and any outcomes or directions. The same process will apply for any AA Council member making a complaint.

For ALL formal complaints:

- An acknowledgement of the complaint within 5 working days (unless during school closure period or Recipient is on annual leave)
- All Recipients as named above are entitled to appoint someone else to make the decisions in respect of the complaint where they consider this necessary, e.g. conflict of interest.
- Where the complaint is against a member of staff, the Head of Learning will consult HR before deciding which process to be followed.
- The Recipient will notify the Complainant of the procedure that will be followed to deal with the complaint. The options for the procedure to be followed are: -
- Dismiss the complaint – Recipient must consider whether the matter is a complaint that falls within this procedure, or should be dismissed for another reason, see Section 10.
- Undertake an investigation and follow the process set out at Section 9;
- Meet with both parties to find a resolution (without a full investigation);
- Decide the written evidence is sufficient to enable an outcome to be concluded without an investigation as detailed in section 9 and without meeting with the Complainant and Respondent. Other than in exceptional circumstances, the Respondent should have the opportunity to provide a written response to the complaint;
- Propose to the parties an alternative dispute resolution such as mediation be utilised. Prior to this proposal a discussion should be held with the Company Secretary and Head of HR as there may be budgetary implications.

The Recipient will notify the Respondent of the nature of the complaint and the procedure to be followed (see above options). The Respondent should normally be provided with the opportunity to respond to the complaint. The Respondent may not be informed of the complaint if it is a criminal matter, and the police advise not to inform the Respondent.

The outcome of the complaint will normally be concluded within 20 working days after acknowledgement of the complaint by the Recipient, unless an investigation is required or exceptional circumstances apply, e.g. the complaint is received within school closure period.

The Complainant and Respondent will always receive an Outcome of Complaint Letter that provides them with the decision made and an explanation as to the reason for the decision.

9 Investigation

An investigation may be considered appropriate where the facts are disputed by the parties and the complaint is complex in nature. When a Recipient of a formal complaint decides that an investigation is required, the following procedure shall be followed: -

- 1) The Recipient should speak with the Company Secretary to ascertain any legal risks posed by this complaint and who is best to undertake the investigation. The Recipient will appoint an investigator from AA staff, AA Council or, in exceptional circumstances, an external person. The investigator will not have had direct involvement in the matter being complained about;
- 2) The Recipient will inform the Complainant and Respondent who the investigator is, and will pass the investigator a copy of the complaint and any written evidence received to date;
- 3) The investigator will arrange to meet with both parties and will decide whether they need to meet with witnesses offered by either party. Meeting with witnesses is at the absolute discretion of the investigator;
- 4) The investigator will normally produce their report within 20 working days of being appointed;
- 5) The investigator will be instructed to gather evidence, document agreed and disputed facts, and draw their conclusions based on the balance of probability and evidence obtained. The investigator may, at the conclusion of their investigation, make recommendations as to the outcomes or directions, but the Recipient is not bound to adhere to those recommendations.

The Outcome of Complaint Letter will include a summary of the findings from the investigation report. This will be produced by the Recipient and provided to the Complainant and Respondent. A copy of the Outcome of Complaint Letter will be provided to HR where the complaint is against a staff member.

The Complainant and Respondent will not be entitled to see a copy of the investigation report.

10 Dismissal of a Complaint

A Recipient can dismiss a complaint before or after an investigation for any one or more of the following reasons:

- The informal resolution stage of the complaint met the Guiding Principles (Section 2) of this procedure, and the nature of the complaint does not justify further consideration of the matter;
- The complaint is not within the scope of this procedure;
- The complaint is not made in good faith and/or is frivolous, vexatious, or malicious;
- The complaint would be considered trivial by an objective and reasonable person;
- The complainant is pursuing a disproportionate or unrealistic outcome.

Where a complaint is dismissed, a summary as to the reason(s) for the dismissal will be provided to the Complainant and the Respondent.

11 Outcomes and Directions

The Recipient, following a review of the written evidence or having met with the parties, or the investigation has concluded, will issue an Outcome of Complaint Letter to the Complainant and Respondent setting out the background, findings (based on balance of probability) and the conclusions of the Recipient which will include the outcome and any directions as a result of the conclusions. Witnesses will normally only be informed that the complaint has concluded and only where there is a risk of harm to the witnesses will they be informed of the outcome.

The Recipient will aim to provide the Outcome of Complaint Letter within 10 days of the investigation report being received, or where there is no investigation within 10 days of meeting the parties or after confirming they will review the written evidence.

The Recipient may make the below directions in response to the outcome or make such direction as they deem appropriate in light of their conclusions. Outcomes or directions may be against the complainant or respondent.

Conclusion of serious misconduct by a student:

In liaison with the Head of Learning (if not a Recipient), the Recipient may direct: -

- A letter of warning with conditions for the continuation of student status;
- Exclusion for a period of time from the school, or exclusion from specified activities or parts of the school for a period. There may also be Conditions to be fulfilled before re-admittance can be permitted;
- Suspension from registration at the school or on a particular programme or unit for such period as deemed appropriate;
- Removal from the school, without right of re-admission;
- Request to withdraw from studies.

For students removed, suspended, or withdrawing:

The student is liable for the tuition fee for the current term of study, and the deposit paid at the outset of studies is retained by the AA School (see Academic Regulations).

In the circumstance where the student is a sponsored student (Student Visa / Tier 4 (General) Student Visa), the AA will have to make a report to the Home Office and sponsorship would be withdrawn if removed or withdrawing. The impact of a suspension on visa status would depend on the length of suspension.

Act or omission by a student that breaches the AA Code of Behavioural Expectations:

- A discussion to be held with the relevant party to ensure they understand that the conduct is not acceptable
- Offer additional support/training for the student;
- Official letter of warning (if it is the second warning letter the student has received, the case will be moved to serious case of student misconduct above);
- Write a letter of apology to any victims affected.

Conclusion of serious staff misconduct:

In liaison with HR, a decision will be required as to whether the misconduct constitutes a disciplinary matter and if so, the Recipient will refer to the Staff Disciplinary Procedure for further action utilising the evidence and reports from this Complaint Procedure.

Act or Omission by staff that breaches the AA Code of Behavioural Expectations

Where the matter is not considered a disciplinary matter (see above), the Recipient may hold a discussion to ensure they understand the conduct was not acceptable and agree to additional training or support. The staff member may also be directed to write an apology to the Complainant. The Recipient will liaise with HR before deciding the outcome for a staff member.

Conclusion of misconduct by AA member:

- An apology letter;
- Exclusion from the AA premises for an agreed period, or access only upon certain conditions being met;
- Agreement of Council is sought for the removal or suspension of membership.

Outcomes or directions in respect of AA members (not staff or students) will be discussed with the AA President prior to being issued.

The Recipient has absolute discretion as to the outcome and directions in respect of the Complaint subject to liaising with the School Director and Head of HR.

12 Non-compliance with Direction(s)

Where a student ignores or does not fulfil a direction given by a Recipient, this will itself be dealt with as misconduct without the need for further investigation. The matter will be referred to the School Director who may give further directions for action and/or escalate the matter to serious misconduct.

Where an AA member ignores or does not fulfil a direction, the matter may be referred to the AA President who may make a further direction for actions to be taken and/or refer the matter to the AA Council who have the power to remove AA membership.

13 Breach of Confidentiality

Where the Recipient is made aware of a breach of confidentiality during or within 3 months of the complaint procedure concluding, the matter will be referred to the School Director (for student breach) or Head of HR (for staff breach).

Where there is evidence that a staff member has breached confidentiality, the matter will be referred to HR to be dealt with under the Staff Grievance and Disciplinary Procedure. Where there is evidence of a student or AA member breaching confidentiality, further directions may be made by the School Director or Head of HR, or in each case a new complaint may be raised against the person who has been accused of the breach confidentiality.

14 Appeal Procedure (Third Stage)

The Complainant or the Respondent may appeal the outcome within 10 working days of receipt of the Outcome of Complaint letter.

The appeal needs to be in writing, setting out why the outcome and/or directions are being appealed and which of the following grounds the appeal is being made: -

- **New material evidence is available.** - this is evidence that was not available at the time of the Formal Complaint (Second Stage). A copy of this evidence must be submitted with the appeal along with the explanation of why this evidence was not available previously, and how the new material alters the outcome of the complaint.
- **Evidence that the complaint procedure was not properly followed** – a written explanation must be provided of how the Formal Complaint (Second Stage) did not comply with the written procedure for the Second Stage, and the impact that not following the procedure has had on the outcome.
- **The outcome and directions to the complaint would be considered unfair and unreasonable by an objective and reasonable person knowing the evidence reviewed at the Formal Complaint (Second Stage).** This requires a detailed explanation of why it is the person appealing genuinely believes the outcome was unfair and unreasonable if viewed from an objective point of view. This explanation must be more than a dissatisfaction with the outcome of the complaint.

The request to appeal will be evaluated by the Company Secretary (or person they nominate to fulfil this role) to check that the appeal is on time, and the explanation for the appeal is one that falls within one or more of the grounds set out above. Upon completion of the evaluation, the Company Secretary (or nominated person) will write within 5 days to confirm either the appeal will proceed (and immediately pass the documentation to the School Director), or that the appeal will not proceed with an explanation and a Completion of Procedure letter. The decision on whether to allow the appeal to proceed is final.

Where an appeal is to proceed, a copy of the appeal, the supporting appeal evidence, Outcome of Complaint letter and any investigation report from the Second Stage, will be provided to the School Director who will review the appeal and conclude the outcome of the appeal within 10 working days of receipt of the documentation. If the School Director is conflicted, they may appoint a suitable alternative to consider the appeal. The appeal will be paper-based and there shall be no further or meetings with the Complainant or Respondent or witnesses unless the person considering the appeal deems it necessary.

The outcome of the appeal can be:

- Dismissing the appeal, and thereby upholding of the outcome at the Second Stage

- Upholding the appeal fully or partially, which may result in an alternative outcome(s) or directions to those concluded at the Second Stage. The alternative outcome may include dismissing the complaint and any directions made.

15 Record Keeping

Informal Resolution (First Stage)

A summary of the informal complaint and resolution will be held by the Recipient (and by HR where against staff member) for 1 year following the conclusion.

Formal Complaint (Second Stage)

For all formal complaints, a 'Record' of the complaint will be held. The Record will include date of complaint, nature of the complaint made, parties, dates of meeting held, and a copy of the conclusion and outcome letter for the complaint and appeal. It will only include the investigation report when there is serious misconduct found or alleged.

Appeal (Third Stage)

A Record of the appeal will be held. The Record will include the date of the appeal and its outcome. This will be held in addition to the formal complaint Record.

Complaint against student that is upheld

The Record will be held on student file until one year after graduation. If serious misconduct is found, maintain the Record for six years after student graduates or leaves AA. If the complaint is dismissed or not upheld, the Record will be held on the student file for one year.

Complaint against staff that is upheld

The Record will be held on HR staff file while staff members remain a member of staff and for one year after their departure. If serious misconduct is found, the Record will be held by HR for six years after the staff member has departed from the AA.

If the complaint is dismissed or not upheld, the Record will be held on HR staff file for one year.

The Company Secretary may decide to hold any records longer where there are safeguarding concerns.

16 Independent review, and period for internal review

The AA School is a member of the national scheme operated by the Office of the Independent Adjudicator (OIA) and as such, any student studying on a Higher Education course at the school is entitled to bring a complaint or academic appeal to the OIA if all internal procedures have been exhausted and the student is still dissatisfied with the outcome.

Once all internal complaints/appeals procedures have been exhausted, a Completion of Procedures Letter will be issued to the student by the school no later than 28 days after completion of internal procedures if not included within the Outcome of Complaint Letter.

The Completion of Procedures Letter will inform the student that there are no further avenues to take within the internal procedures and inform the student about the role of the OIA. It will list the issues that have been considered and the school's final decision.

This procedure will be reviewed every 2 years. Where changes are made to the procedure, the version of the procedure at the time of the complaint being made will apply.

17 Related Policies

- [Code of Behavioural Expectations](#)
- [Dignity at Work and Study Policy](#)
- [Equality, Diversity and Inclusion Policy](#)
- [Safeguarding Policy](#)

- Media and Social Media Guidelines
- Freedom of Speech Code of Practice
- Staff Grievance and Disciplinary Procedure
- Harassment and Sexual Misconduct Policy (to follow)
- Intimidate Relationship Policy (to follow)

Annex 1 – Definitions

Complainant – the person who makes the complaint.

Respondent – person against whom the complaint is made, or the department if not a named person.

Recipient – person administering the complaint under the Formal Complaint (Second Stage).

Nonsexual types of criminal behaviour might be:

- Physical acts such as punching, kicking, biting, and pushing;
- Threatening behaviour such as acting in an intimidating way, repeatedly contacting someone without their consent or making threats;
- Disrupting AA activities;
- Damage or misuse of AA property.

Sexual criminal behaviour might be:

- Engaging in or attempting sexual act or intercourse without consent;
- Touching inappropriately or kissing without consent;
- Sharing of private sexual material with another person without consent;
- Making unwanted remarks of a sexual nature;
- Taking photos without consent with sexual intent (voyeurism);

Bullying is unwanted behaviour from a person or group that is offensive, intimidating, malicious or insulting to the recipient and may involve the misuse of power. Bullying can make a person feel vulnerable, upset, humiliated, undermined, or threatened.

Harassment

The definition to be used by the AA will be those found within section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997.

Section 26 of the Equality Act:-

'harassment, including sexual harassment, includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.'

Section 1 of the Protection from Harassment Act 1997:-

'a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress.'

In considering whether conduct is harassment, a test of objectivity and reasonableness will be applied. The Recipient or person considering an appeal will consider: -

- the perception of the person who is at the receiving end of the conduct;
- the other circumstances of the case;
- whether it is reasonable for the conduct to have the effect under scrutiny.

Under section 1 of the Protection from Harassment Act 1997, an offence is committed only if:-

- the person knows the conduct amounts to harassment of the other, or

- a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other person.

Sexual Misconduct may be a single incident or repeated behaviour that can include but is not limited to:

- Unwanted sexual comments, including about someone's physical appearance or private life;
- Sexual assault
- Rape
- Sexual harassment which may include, but is not limited to: -
 - Unwanted sexual gestures or invitations;
 - Unwanted displays of sexual images ;
 - Stalking, persistent following or repeating invitations to date;
 - Exposure of genitals.

Discrimination occurs when the recipient is treated unfairly or less favourably in relation to the protected characteristics, being:

- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, and sexual orientation.

Victimisation occurs when a person is subject to a detriment because they made a complaint of discrimination or provided evidence or information in connection with a complaint of discrimination, or someone believes that a person has done so or may do so which they consider unacceptable.

Breach of Confidentiality occurs when a party or witness to the complaint, or person who is otherwise directly involved in the investigation or administration of the complaint procedure, discloses information about the nature of the complaint and/or parties involved in the complaint to someone who has no reason to be informed about the complaint. Disclosure of the complaint to a trusted person who is supporting someone through the procedure will not be a breach of confidence. If there are justified safeguarding reasons for disclosing details of the complaint, this will not be considered a breach of confidentiality.

ANNEX 2 COMPLAINTS FORM – Formal Complaint (Second Stage)

Before completing this form, please ensure you have read the AA Complaints Procedure and any relevant AA policies or guidance.

1. Complete your personal details

Surname/Family name:			
First/Given name(s):			
Email:			
Programme:		Year of study:	
Course or Unit Tutor:			
Status at the AA – e.g. student, staff, or member			

2. Do you have a disability and need reasonable adjustments to be made to this process?

Or do we need to notify anyone who may need support from you in this process or act as your representative due to your disability? Should correspondence be sent to a representative because of your disability? (If yes, please provide details of the adjustments or authorised representative, and evidence of your disability.)

3. Please state the person(s) who are the subject of the complaint and their role/status at the AA

4. Please detail the nature of your complaint

Describe what has happened that made it necessary for you to file a complaint, what steps you have taken to resolve it to date and the impact the act(s) or omission(s) have had on you. Include key events, dates and other details you think are important for us to know. If there have not been informal efforts to resolve, please describe why the complaint is being escalated to a Formal Complaint (Stage 2).

5. Please provide a list of all items of evidence that you have submitted to be considered as part of the complaint

The evidence that you supply must be complete, relevant, and proportionate. Excessive amounts of evidence will not be considered, and a judgement will be made by the investigator as to which evidence is most relevant.

Evidence	Author of Evidence	Date of Evidence	Relevance of Evidence

6. Please provide contact details for any witnesses that you would like to be spoken to as part of this complaint and confirm whether they have agreed to participate in this process

7. Please state what outcome you are hoping to obtain following your complaint

8. Statement by Complainant (please tick to indicate your agreement with each statement)

I have read and understood the AA Complaints Procedure	<input type="checkbox"/>
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AA Complaints Procedure

I agree to the AA handling my complaint and personal information in order to enable my complaint to be considered under the AA Complaints Procedure. This will include sharing a copy of my complaint with the subject of the complaint, so that they can respond to all aspects of my complaint.	<input type="checkbox"/>
I agree to keep this complaint confidential and not to share details of my complaint with people who are not a party to the complaint or its investigation, other than a friend or relative who is supporting me in making this complaint. I will explain to those supporting me the need to keep this complaint confidential.	<input type="checkbox"/>
I declare that the information I have given on this form is true, correct, and complete, to the best of my knowledge.	<input type="checkbox"/>
Signed:	Date: