

Academic Regulations

Section 14

Complaints Regulations and Procedure

2020-21

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Part 1 – How to raise a complaint

Introduction

1. The University has a large community of students engaged in activities of an academic and non-academic nature and there may be instances where students are dissatisfied with some aspect of the activities they engage with. If this happens, it is important that matters of dissatisfaction are raised as quickly as possible.
2. Students can raise concerns, or express levels of dissatisfaction without risk of disadvantage or recrimination. The [Students' Union](#) can assist with complaints, associated questions and provide procedural advice at each stage of the Complaints Procedure.
3. The Student Complaints Procedure sets out how the University will deal with complaints that a student may wish to pursue. The procedure informs students of the University's definition of a complaint, who can make a complaint and the complaints process.
4. The University will process all information in accordance with its [Student Privacy Notice](#) and the principles of the General Data Protection Regulation (GDPR). Complaints will be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint. No third party should be told any more about the investigation than is necessary in order to obtain the information required from them.
5. If a complaint is against a member of staff, the student bringing the complaint will be informed if the complaint is upheld or not upheld. It is not appropriate to share specific details affecting the members of staff if the complaint is upheld, particularly if disciplinary action may be taken. It is important that students are aware of this from the onset to manage their expectations.
6. The University aims to make this Procedure clear and accessible, as well as to encourage the early resolution of complaints in a way that is fair, reasonable and proportionate. Each case is considered on its own merit and in accordance with the evidence and circumstances presented. This Procedure should be read in conjunction with the General Provision set out in Part 2 of this document.

Definition of a complaint

7. The University defines a complaint as an expression of dissatisfaction by one or more students about the action or omission of the University's teaching-related or service-related provision.

Who can complain using these regulations?

An individual studying at the University

8. Students currently enrolled at or being assessed by the University for which they receive teaching and/or supervision.
 - 8.1. Students are encouraged and expected to raise any problems or issues as

soon as the action or omission occurs and no later than 3 months of the problem or issue occurring.

- 8.2. Any delay in submitting a formal complaint will need to be fully explained. Formal complaints submitted after 3 months will not normally be considered and deemed invalid unless there is good reason accompanied by supporting evidence for the delay.
- 8.3. Students will be provided with a Completion of Procedures letter, if the complaint is rejected because it has been submitted late.

A group of individuals studying at the University

9. Students currently enrolled or being assessed by the University may complain individually or as part of a group. Complaints will be responded to individually and contact details for each complainant should be included on the formal complaint form. In these circumstances, the group are advised to appoint a group representative (but no more than two) to facilitate communications for the purposes of the formal procedure.
 - 9.1. Students are permitted to provide individual statements should they share the concerns of the group and in addition, want to raise individual concerns in relation to the complaint being raised.
 - 9.2. Students are encouraged and expected to raise any problems or issues as soon as the action or omission occurs and no later than 3 months of the problem or issue occurring.
 - 9.3. Any delay in submitting a complaint will need to be fully explained. Formal complaints submitted after 3 months will not normally be considered and deemed invalid unless there is good reason accompanied by supporting evidence for the delay.
 - 9.4. Students will be provided with a Completion of Procedures letter, if the complaint is rejected because it has been submitted late.

An applicant, former student or recent graduate of the University

10. An applicant, former student or recent graduate of the University.
 - 10.1. Complaints regarding the admissions process or decision should be submitted directly to the [Head of Academic Services](#). Completed [Formal Complaint Forms](#) and supporting evidence must be received within 3 months of the act or omission of the University. Complaints received after this time will not normally be considered.
 - 10.2. Formal complaints from former students or recent graduates should be submitted directly to the [University Secretary's Office](#). Completed [Formal Complaint Forms](#) and supporting evidence must be received within 3 months of leaving the University. Complaints received after this time will not normally be considered.
 - 10.3. Applicants, former students or recent graduates must provide good reasons for not raising the complaint within 3 months. The University Secretary and

Registrar (or nominee) has the sole discretion to consider complaints outside of the time limit. Formal complaints received more than 3 months after the matter being complained of will only be considered in exceptional circumstances.

- 10.4. A Completion of Procedures letter will be provided if the complaint is rejected because it has been submitted late.

Procedures

Early Resolution

11. The early resolution stage provides the opportunity for current students to raise concerns before escalating them into a formal complaint. Early resolution is aimed at addressing straightforward concerns swiftly and locally without the requirement of completing and submitting a formal complaint form.
12. Early resolution could include attempting to resolve the matter (face-to face or by way of a written dialogue) with the member of staff most directly involved with the concern. Or attempting to resolve the matter with a person considered as an appropriate member of staff, for example:
 - 12.1. Teaching related –
Module Tutor, Module Leader, Course Leader of the relevant School
 - 12.2. Service related – Manager of the relevant Professional Service Department
13. If students are unsure of who to speak to regarding a concern, their Student Office (formerly the Student Hub) can be the first point of contact. Students can also seek to resolve the matter informally by identifying the [appropriate service](#) that concern relates to. If students would like to seek advice, they should contact the [Students' Union](#).
14. Early resolution is an optional stage of this procedure and any response to the concerns raised should take no longer than **10 working days**. Should students be dissatisfied with the response, they should consider making a formal complaint.
15. Students who wish to pursue a formal complaint at this stage, should complete and submit a [Formal Complaint Form](#) and any supporting evidence to the relevant [Complaint Handler](#) for the School or Professional Service Department.

Formal Complaint Stage 1

16. A complaint should be raised as soon as the action or omission occurs and submitted no later than 3 months of the problem or issue occurring.
 - 16.1. Applicants, former or recent graduates should refer to paragraph 10.
17. Students are required to complete and submit a [Formal Complaint Form](#) and supporting evidence to the relevant [Complaint Handler](#) one or more are located within each School and Professional Service Department.
18. Students are required to complete and submit a Complaint Form and supporting evidence to the Student Casework Office **if the complaint covers more than one**

School or Professional Service Department. The Head of Student Casework shall coordinate the investigation of the complaint across the relevant School and/or Professional Service Department or nominate another person to coordinate the investigation.

19. Students are asked to clearly state the issues they complain of and to indicate the remedy they are seeking. As this is an evidence-based process, students are asked to include any evidence they wish to rely on to support the issues raised and to confirm all relevant evidence has been submitted. Examples of the types of evidence that can be provided include but are not limited to the following:
 - Relevant correspondence
 - Relevant course or service documentation
 - Expert reports by professionals or placement reports
 - Witness statements
 - Independent medical advice
 - Social media where relevant
20. On receipt of the formal complaint, the Complaint Handler or the Head of Student Casework (if the complaint covers more than one School or Professional Service Department) will determine whether:
 - 20.1. The complaint has been submitted within 3 months of the problem or issue occurring for students studying at the University. Applicants, former or recent graduates should refer to paragraph 10.
 - 20.2. The Complaints Procedure is appropriate, or whether the issue should be dealt with through another University Regulation for example, Mitigating Circumstances, Appeals, Student Conduct or Fitness to Study.
 - 20.3. The concern (where agreed) could still be resolved through early resolution if suitable steps have been identified and progress can be made towards a resolution.
 - 20.4. The complaint is vexatious or without substance or merit. In such instances the Complaint Handler shall consult with the Student Casework Office and either, dismiss the complaint or refer the complaint for investigation.
 - 20.5. If the outcome is to reject the complaint then the complainant may proceed to the Final Complaint Review Stage within **10 working days** from the date of the decision.
21. After taking into consideration each instance in 20 above, where there are reasonable grounds, the Complaint Handler, the Head of Student Casework (or their nominee) shall investigate the complaint.
 - 21.1. Students will be notified of the individual responsible for the investigation if the complaint is investigated by a nominee.
 - 21.2. The investigation will be conducted by a member of staff who has not previously been involved in the matter to avoid actual or potential conflicts of interest.
22. The investigation will take into account any evidence provided to support the complaint.

There may be instances in which additional information is requested as part of the investigation. The timeframe in which to provide additional information is within **5 working days** of the request being made.

23. The Complaint Handler or their nominee may request a meeting as part of the investigation to discuss the complaint, the evidence provided and any potential resolution. If a meeting is arranged, students shall be given **5 working days'** notice.
 - 23.1. Students can be accompanied by someone such as a friend/advisor from the Students' Union by way of support and not by way of legal representation, such as a Solicitor or Barrister. The accompanying person's capacity at the meeting is one of a silent observer.
 - 23.2. Students that are unable to attend a meeting in person can be offered a suitable alternative such as a telephone call or, where feasible, a video link.
 - 23.3. Students can request that the meeting be rescheduled on one occasion (within **5 working days** of the initial meeting date). Rescheduling however may cause a delay in receiving the complaint outcome. The investigator of the complaint has the sole discretion to consider requests made outside of the timeframe.
 - 23.4. The Complaint Handler can continue with the investigation and come to a conclusion where a meeting has been scheduled and/or rescheduled within a reasonable period (referred to in point 23 and 23.3.) and students have chosen not to attend.
24. Once the complaint has been completed, the Complaint Handler, or their nominee shall provide a written outcome within **25 working days** of the formal complaint submission. The outcome shall include the findings, the decision in relation to each issue raised and any remedial actions that will be taken, if any.
25. If the investigation cannot be completed by the expected date, the person investigating the complaint will inform the student of the delay and give an indication of when the expected outcome is likely to be received.
26. Students who are dissatisfied with the outcome may wish to proceed to the Final Complaint Review stage.
27. Complaints that do not proceed to Final Complaint Review stage after **10 working days** from the date of the outcome letter will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University's internal processes are not complete at this stage.

Final Complaint Review Stage 2

28. Students who wish to proceed to the Final Complaint Review should complete and submit a [Final Complaint Review Form](#) to the Student Casework Office within **10 working days** from the date of the outcome letter.
 - 28.1. The Head of Student Casework (or nominee) has the sole discretion to consider complaints outside of the time limits and will only consider late complaints at the review stage in exceptional circumstances. An explanation and any relevant evidence should be submitted with any late complaint review.

- 28.2. It will be the final decision of the University if the Head of Student Casework (or nominee) rejects the exceptional circumstances, or considers the matters being pursued are vexatious or without substance. In such instances, a Completion of Procedures letter will be provided within **10 working days** of receipt of the Final Complaint Review.
29. A complaint must have been considered at the Formal Complaint stage before it can be escalated to the review stage. Complaints submitted directly to the Student Casework Office at this stage will be referred back to the Formal Complaint stage for consideration.
30. The review stage will not reconsider the formal complaint afresh, be an opportunity for a second opinion, or involve a further investigation. A request for review will only be considered on the following grounds:
- 30.1. There has been a procedural error in applying the regulations when the complaint was investigated. For instance, the review will consider whether the formal complaint was conducted fairly and in accordance to the procedures set out within the regulations.
- 30.2. There have been other irregularities when the complaint was investigated which has demonstrably affected the outcome of the complaint to the detriment of the student. For instance, not all aspects of the complaint were addressed, the information provided in the outcome was considered incorrect, or the evidence provided was not taken into consideration.
- 30.3. There is new essential evidence that could not be made available when the formal complaint was submitted or investigated that would have significantly affected the outcome of the complaint. In such instances students are expected to provide an explanation as to why the evidence is being submitted at this late stage of the procedure.
- 30.4. The outcome decision was upheld or partially upheld but the decision or the proposed remedy was unreasonable or disproportionate.
31. With the grounds for review in mind, students are expected to clearly set out the grounds on which a review is being requested.
32. The Head of Student Casework (or nominee) shall refer to point 30 to determine that there are valid grounds for the review and within **25 working days** of the review submission either:
- 32.1. Reject and not uphold the complaint at the review stage. Students will be issued with a Completion of Procedures (COP) letter.
- 32.2. Uphold or partially uphold the complaint at the review stage and propose a resolution or a revised resolution.
- 32.3. Uphold and overturn the Formal Complaint outcome decision. Recommendations will be made to the School or Professional Service Department for reconsideration. Students will receive a written response from the School or Professional Service Department to explain how and when any recommendations by way of remedy will be implemented. A remedy can

include an apology.

- 32.4. Students can request a COP letter where a review outcome decision is upheld. A COP letter will not automatically be issued to students following on from an upheld outcome.
 - 32.5. If the investigation cannot be completed by the expected date, the Student Casework Office will inform the student of the delay and give an indication of when the expected outcome is likely to be received.
33. At this point, students have completed the University's internal procedures. Students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. A complaint must be submitted to the OIA within 12 months of the University's final decision. The OIA cannot consider complaints about:
- 33.1. Admissions, unless the person complaining is a former student of the University who is applying for re-admission, and the complaint is directly connected to their time as a student;
 - 33.2. Academic judgment;
 - 33.3. Student employment;
 - 33.4. Something that has already been the subject of legal proceedings in a court or tribunal unless those proceedings are put on hold;
 - 33.5. Something that has already been considered by another alternative dispute resolution body.

Part 2 – General Provisions

Complaints excluded from this procedure and alternative procedures

33. It is impractical for the Students Complaints Procedure or any other procedures to cover every kind of issue that students may wish to raise. Therefore, students should note that this procedure cannot be used to:
34. Raise complaints anonymously. Only in exceptional circumstances will anonymous complaints be investigated at the sole discretion of the University Secretary and Registrar.
35. Raise third party complaints on behalf of a student. This includes parents, guardians, relatives or the spouse or partner of a student. Only in exceptional circumstances will a complaint be considered if, written authorisation and valid reasons have been provided by the student.
36. Raise complaints about assessment board decisions for progression, assessments and awards. Complaints should be made by way of the appeals procedures. Appeals include complaints in relation to: procedural defects; mitigating circumstances, termination of student registration and academic misconduct.
37. Raise complaints about students conduct or against other students at the University. Complaints should be made by way of the Student Conduct or the Fitness to Study Regulations.
38. Raise complaints about mitigating circumstances. Complaints should be made by way of the appeals procedure.
39. Raise complaints about a number of issues outside of the Complaints Procedure. Students will be informed to submit the required form when a complaint would be more appropriately considered under a different process or procedure referred to in points 37-40.
 - 39.1. If two procedures are to be pursued at the same time, then one procedure may be suspended pending the completion of another. In this instance, students will be informed by the Complaint Handler, the Student Casework Office (or their nominee) which procedure is being pursued and which procedure is being suspended.
40. Complain frivolously, vexatious, without substance or merit, or not in line with the Student Code of Conduct. Complaints of this nature may be subject to action by the University under the Student Conduct procedure. Examples can include complaints which are harassing, designed to cause disruption or annoyance, demand for redress lacking any serious purpose or value and /or have unrealistic expectations and/or unreasonable outcomes.
41. Raise suggestions of a legal claim. This should be sent to the University Secretary and Registrar who will respond in line with the Court's guidelines. If a complaint raises the same issues as ongoing or completed legal proceedings or issues contained in a letter of claim, the complaint will not be investigated unless ongoing legal proceedings are put on hold or the student confirms that they do not require a response to the letter of claim.

42. Complain against the Students' Union, such complaints should be made by way of the [Students' Union Complaints Procedure](#).
43. Where complaints concern the conduct of staff a decision will be made as to whether Human Resources need to be notified and/or if a separate procedure will be followed.

Collaborative/partner institutions

44. Academic complaints should be submitted following the procedure of the institution in which the student is based. Complaints from collaborative/partner institutions, may only be accepted at the University's Final Complaint Review Stage where students have reached the end of their collaborative/partner institutions internal procedures.

Complaints from students on placement

45. Specific concerns about placement provision, or students on placement can either fall under the jurisdiction of the University or under the host institution or company.
 - 45.1. In the first instance, a complaint should be taken up informally with either the appropriate member of staff or with the Placement Supervisor. This may be done by the student concerned, another student, the Placement Supervisor or another academic member of making the complaint.
 - 45.2. If students remains dissatisfied and wishes to make a formal complaint, the matter should be put in writing on a [Formal Complaint Form](#) and supporting evidence to the relevant [Complaint Handler](#) in line with the above procedures.
 - 45.3. If staff remain dissatisfied, they may wish to pursue under Fitness to Practice for professional regulated course or Student Conduct or Fitness to Study Regulations.

Confidentiality and Reporting

46. The University will process all information in accordance with its [Student Privacy Notice](#) and the principles of the General Data Protection Regulation (GDPR). Appeals will be handled with an appropriate level of confidentiality and by trained staff. With information released only to those who need it for the purposes of investigating or responding to the appeal. No third party should be told any more about the appeal than is necessary in order to obtain the information required from them.
47. The outcomes and recommendations from complaints investigations may be shared across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, any personal information will be removed and handled in accordance with the University's Privacy Notice.

