

# **STUDENT COMPLAINTS POLICY**

## Guidance Notes for Staff

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## Part A – Procedures and the Policy

### 1 Introduction

The University's procedures for dealing with complaints are an important part of our quality assurance arrangements. These notes provide guidance on dealing with complaints and should be read alongside the complaints policy. In the event of any conflict between these guidance notes and the complaints policy, the complaints policy shall prevail.

This policy is in force for anyone who has accepted a place at the University, is currently studying at the University or is a past student of the University, irrespective of the course, mode or Campus of application or study. The University also has a separate policy for external complaints (those made by members of the public).

It is the University's policy to deal with complaints as far as possible at a local level. All Campuses and Departments will have an appropriate framework in place for communication and support, the active commitment of the relevant director for the resolution of complaints, and ensuring that these systems are widely publicised to students and staff.

This part of the document explains how the complaints procedure works, whilst Part B gives more practical advice on actually dealing with formal complaints.

If you have any questions about any part of these guidance notes, or of the Student Complaints Policy, please contact the University Complaints Officer (in the Academic Registry), who manages the administration of the process, by email at [complaints@law.ac.uk](mailto:complaints@law.ac.uk).

The Student Complaints Policy and Formal Complaint Form are available to students on the University website (<http://www.law.ac.uk/about/policies/>) and include a guidance note specifically for students on the process and how best to complete the form.

### 2 Policy Coverage

The Policy covers all complaints, with **the exception of:**

- Appeals against the decisions of Examination Boards with regard to assessments, final results or concession applications (these are dealt with under the Academic Reviews and Appeal Policy);
- Appeals against decisions taken under disciplinary proceedings (these are dealt with under the Student Discipline Policy and Regulations);
- The contractual liability for the payment of course fees (as distinct from the processes or administration employed in relation to fee payment) – students cannot submit a complaint about contractual elements of the Terms and Conditions they accept at the start of their course.
- Dignity at Study and Work Complaints, which are dealt with under a separate Policy.

### 3 Procedure Stages

The University procedures consist of three stages.

The University became a member of the Office of the Independent Adjudicator for Higher Education (OIA) scheme in September 2011. Therefore once our internal procedures have

been completed, students may apply for an independent review by the OIA, subject to their rules and guidelines.

## Informal Process

It is the University's aim that the majority of concerns are dealt with informally, before they escalate into formal complaints. This means that students should approach the person they believe most capable of dealing with their concerns directly, in order to try and find some resolution of the situation.

Students are not directed to any particular member of staff for discussing their complaint informally, but they are told to contact the member of staff who is most immediately relevant to the matter in hand. Therefore they can approach any member of academic or administrative staff and the table at Appendix 2 gives examples of who is likely to be contacted during the informal process.

Any staff member dealing with an informal complaint should send details of the student, a summary of the complaint, confirmation of the outcome and copies of all correspondence/documentation relating to the complaint to [complaints@law.ac.uk](mailto:complaints@law.ac.uk). This can be done at any point during correspondence with the student, but any further correspondence that take place subsequently must also be copied to Complaints.

For the purposes of central recording, an informal complaint is any situation where a student raises an issue or concern that requires investigation and/or more than very simple resolution.

The University Complaints Officer may, after discussion with the member of staff, also refer a complaint back to a particular member of staff or department, if it is deemed that the informal route of resolution has not been exhausted.

## Formal Complaint

If resolution cannot be reached informally, students must complete the Complaints Form and submit this to the University Complaints Officer.

Forms are updated regularly and published on the website. The latest form and policy are also available for staff on ELITE in the Policies and Procedures folder under the organisation of Registry Matters. Students may also obtain the form by emailing the University Complaints Officer ([complaints@law.ac.uk](mailto:complaints@law.ac.uk)). Students are advised to submit this form as soon as possible and certainly within three months of the occurrence of the problem, via post or email. Students with specific accessibility needs may also submit their complaint via recorded submissions.

There is a group of staff who have been selected and trained to investigate formal complaints (Investigating Officer). The Investigating Officer will be selected to ensure that they are independent of the student's Programme and Campus and will be contacted by the University Complaints Officer, to verify that they are available to carry out the investigation.

All efforts are made to ensure this allocation process is fair and equitable. Records are kept of who takes on a complaint and when, so that allocations can be shared out as much as possible amongst the appropriate people. However, it is sometimes necessary to go back to someone who has recently investigated a complaint, depending on the details of specific cases and staff availability.

## Complaint Appeal

If the student is not satisfied by the outcome of the formal complaints procedure, they can appeal the complaint decision.

The appeal application must be submitted in writing within 14 calendar days of the written response from the University following the formal complaint investigation.

The student is required to outline the reasons for their dissatisfaction. It will not be sufficient for them to simply reiterate the original formal complaint.

For an appeal to be considered, the student will need to:

- Provide further evidence to substantiate the complaint, together with a full explanation of why this evidence was not supplied with the formal complaint;  
or
- Demonstrate that the complaints procedures were not followed correctly and that this had a detrimental impact on the outcome;  
or
- Demonstrate that, despite having followed the correct procedures, the decision reached was one that no reasonable body, properly directed and taking into account all relevant factors, could have arrived at.

There is a group of staff who have been selected and trained to carry out appeals of a complaint decision (Appeal Officer). The Appeal Officer will be selected to ensure that they are independent of the student's Programme and Campus and also from the Investigating Officer. The Appeal Officer will be contacted by the University Complaints Officer, to verify that they are available to carry out the review.

All efforts are made to ensure this allocation process is fair and equitable. Records are kept of who takes on a complaint and when, so that allocations can be shared out as much as possible amongst the appropriate people. However, it is sometimes necessary to go back to someone who has recently conducted an appeal, depending on the details of specific cases and staff availability.

Once the appeal investigation is complete, the report goes to a Complaint Appeal Panel for comment. This is made up of three members of staff, usually including a senior member of Academic Registry or one of the Heads of Complaints. The pool of trained staff may also be requested to take part in Complaint Appeal Panels from time to time.

## **4 Office of the Independent Adjudicator for Higher Education (OIA)**

If the student is not satisfied by the outcome of the University's complaints procedure, they can request an independent review by the OIA (see [www.oiahe.org.uk](http://www.oiahe.org.uk) for full information). The request must be submitted within 12 months of receipt of the final Completion of Procedures letter from the University. They will be required to submit the Outcome Report that the University produced and the Completion of Procedures letter.

The OIA is unable to review a complaint which:

- Concerns admission to the University;
- Relates to academic judgment;

- Is the subject of court or tribunal proceedings (unless the proceedings have been 'stayed' or adjourned);
- Concerns student employment;
- Has been dealt with before by the OIA.

The OIA may not accept cases in certain circumstances, for example:

- If it does not materially affect the complainant as a student;
- If it relates to events which took place more than three years ago;
- If it is frivolous or vexatious;
- If the University has satisfactorily dealt with the complaint;
- If the complainant has unreasonably delayed or has otherwise acted unreasonably.

Once the OIA have considered the case, the student and the University will be provided with details of the outcome and their recommendations.

The University will be expected to comply with the recommendations of the OIA in full. Non-compliance is considered a very serious matter and would be reported to the OIA Board. Recommendations are not binding on the student.

### Examples of recommendations that the OIA could make:

Where a complaint is upheld, in whole or in part, the OIA's general approach is that a student who has been detrimentally affected by something that has gone wrong should, wherever possible and practicable, be returned to the position that they would have been in had the failure not occurred. The OIA will always consider what recommendations could provide all or part of a suitable remedy and will also consider any practical or reasonable remedy proposed by either the complainant or the Institution. Financial compensation is usually only recommended when other remedies are unavailable, inappropriate or do not sufficiently compensate the student for the disadvantage incurred.

Appendix 6 provides some example recommendations made by the OIA, including:

- Request a review of institution policies
- Refer back to institution to re-consider
- Staff training
- Financial recompense

## Part B – Practical guidance for dealing with complaints

### 5 Purpose

The purpose of this part of these notes is to provide practical advice on dealing with complaints whether made against you, or a colleague, or where you have been asked to carry out an investigation into or review of a formal complaint.

It is also intended to reassure you about the way in which the University aims to protect you from malicious complaints.

The basis of the complaints procedure is that concerns should be dealt with, wherever possible, at a local level, where they can often be dealt with quickly and relatively easily.

### 6 Roles and Responsibilities

University staff involved in the Complaints Policy have the following roles and responsibilities:

#### University Complaints Officer

- Regularly review and update Policy and Procedures
- Create all templates
- Manage the process
- Provide advice to students and staff
- Carry out training for Investigating Officers and Appeal Officers
- Identify appropriate Investigating Officers and Appeal Officers for each case
- Monitor the progress of each case
- Provide complainant with final reports, Completion of Procedures Letters and details of their options
- Keep records of all complaints
- Contribute to annual report to the Academic Board and the Office of the Independent Adjudicator
- Liaise between the University and the Office of the Independent Adjudicator

#### Head of Complaints (including the Head of Service)

- Oversee the complaints process
- Provide advice to staff
- Carry out training for Investigating Officers and Appeal Officers
- Critique Complaint Investigation outcome reports and advise on required amendments
- Advise University Management on any financial recommendations or recommendations with legal ramifications
- Gain approval of Provost and CFO for any ex gratia payments over £500
- Provide contextual and consistent commentary on Complaint Appeal outcome reports for the Appeal Panel
- Present annual report to the Academic Board

#### Investigating Officer

- Review documents and information from complainant
- Complete an Investigation Needs List and Interview Plan from the available templates to assist in the organisation and completion of an investigation
- Discuss the case with relevant University staff as necessary

- Meet with the complainant, where possible and necessary, to discuss the case. Meetings should be offered online in the first instance, via MS Teams, unless there are specific accessibility matters or mitigating factors which mean a Face to Face meeting is required.
- Produce a concise and transparent Outcome Report, including appropriate recommendations (within the Policy guidelines)
- Discuss with the Head of Complaints any issues or recommendations identified within the Outcome Report
- Provide draft and final Outcome Reports within the deadlines set by the University Complaints Officer, in line with the Policy
- Advise the University Complaints Officer of any extension required to complete the investigations, with explanation
- Provide all documentation of meetings, correspondence and evidence to the University Complaints Officer on completion
- Discuss case, if necessary, with an Appeal Officer, should the complainant submit an appeal application

## Appeal Officer

- Review documents and information from complainant
- Complete an Investigation Needs List from the available templates, if necessary
- Discuss case with relevant University staff as necessary, including the Investigating Officer
- Meet with the complainant, if necessary, to discuss the case (not usually required). All meetings should be via MS Teams, unless there are specific accessibility matters or mitigating factors which mean a Face to Face meeting is required.
- Produce a
- Produce a concise and transparent Outcome Report, including appropriate recommendations (within the Policy guidelines)
- Discuss with the Head of Complaints or the Appeal Panel any issues or recommendations identified within the Outcome Report
- Provide draft and final Outcome Reports within the deadlines set by the University Complaints Officer, in line with the Policy
- Advise the University Complaints Officer of any extension required to complete the investigations, with explanation
- Provide all documentation of meetings, correspondence and evidence to the University Complaints Officer on completion

## Appeal Panel

- Review the Outcome Reports from all Complaint Appeals
- Discuss any issues arising with the Appeal Officer
- Approve the final recommendations

## University Management

- Provide assistance to the University Complaints Officer, where required, on the operation of the Complaints Policy
- Confirm decisions on the amounts of any ex-gratia payments over £500 in writing to the University Complaints Officer

## **7 Confidentiality**



At all stages of the complaints process, the details of the complaint must be kept confidential. The case will, of course, need to be discussed with those involved with it, but should not be discussed outside the people required for its resolution.

## 8 Investigating an Informal Complaint

Students are advised to commence the process as soon as possible after the occurrence of the problem. If the complaint is about a tutor, this should be referred to the Course Leader or Academic Manager.

Staff who are approached by students who wish to make a complaint should discuss the student's concern and where necessary talk to other parties involved to reach resolution. Staff should ensure there is a witness present for all meetings with a student, and also that the student is aware they may be accompanied to the meeting, if they wish. Staff should be careful to address all the student's concerns, but not to pressure the student into escalating the complaint unnecessarily or incite them to inappropriate further action. Where necessary, they should refer the complaint to a more appropriate person to deal with (see Appendix 2). Staff should keep notes of meetings and any agreed outcomes throughout the process. These will be required for the Investigating Officer if this is escalated to a Formal Complaint.

The outcome of the informal process should be forwarded to the student in writing. This outcome can take the form of any offer the University deems it reasonable to make (see Section 10 for possible outcomes). This should be provided within 14 calendar days of the discussion with the student. **Any outcomes involving money (ex gratia payments, refunds or fee waivers) require two approvals – one business (eg Course Director, department head) and one finance (eg Head of Student Finance, Director of Finance).** This ends the informal part of the complaints procedure and, if the student is not happy with the outcome, they should be advised to raise a formal complaint and be provided with the appropriate form, which staff and students can download from the website. The Complaints Policy is also published to students on the website.

Any notes taken during the informal process should be sent to the University Complaints Officer, so that they can be referred to by the Investigating Officer, should the student wish to progress to a formal complaint. If the complaint is with regard to a Central Services department (eg library, careers, ELITE), the relevant Head of Department should be informed. The student should be informed that this will take place – if they are not happy for the complaint to be recorded centrally, staff should explain that it won't be able to be taken to the next stage if the student remains dissatisfied with the outcome.

It is essential to keep a record of all communications and on completion of the informal process, all information and documentation should be forwarded to [complaints@law.ac.uk](mailto:complaints@law.ac.uk).

If the student remains dissatisfied and wants to submit a formal complaint, they should be referred to the website (<http://www.law.ac.uk/about/policies/>) where they can find the Complaints Policy and the Formal Complaint Form – or to [complaints@law.ac.uk](mailto:complaints@law.ac.uk) if they have any queries. They should also be directed to the Complaints – Student Guide, which forms part of the Formal Complaint Form, but can also be found on the website as a separate document.

## 9 Investigating a Formal Complaint

### Summary

A formal complaint investigation should generally follow these steps:

- Gather background information, and complete an Investigation Needs List and Interview Plan from the available templates to assist with the organisation, planning and fact finding aspects of the investigation
- Talk to staff involved
- Meet with complainant, via MS Teams, unless there are specific accessibility matters or mitigating factors which mean a Face to Face meeting is required.
- Have follow up discussions with staff
- Go back to complainant for further information if necessary
- Draw conclusions and complete a draft report
- Discuss any issues with Head of Complaints and finalise report
- Send all records to University Complaints Officer

## Background

On receipt of the Formal Complaint, the University Complaints Officer will review the form and may request further information from the complainant to avoid any delays to the process. If the complainant has been through the informal process, the complainant is required to provide details of this and the staff involved in that process will be contacted by the University Complaints Officer for any documentation from that stage.

Once the Investigating Officer has been allocated, the University Complaints Officer will send a formal receipt to the complainant providing them with the name of the Investigating Officer and the deadline for completion of the process. All paperwork submitted by the complainant, any documentation from the informal process and the Outcome Report template (see Appendix 4) is forwarded to the Investigating Officer at that point and details of the deadline for receipt of the draft and final outcome report will be provided.

The Investigating Officer must be as open as possible, making sure that all parties concerned understand the basis of the investigation.

## Meetings

All meetings should take place via MS Teams, unless there are specific accessibility matters or mitigating factors which mean a Face to Face meeting is required. When holding MS Teams meetings, a note taker is not required if the student is happy for the meeting to be recorded. Consent to record the meeting must be obtained.

The Investigating Officer should hold meetings with the complainant and any other relevant parties (in particular, but not limited to, any person or function that has been mentioned in the complaint, or by any other party during the investigation) to discuss the complaint and ask questions as required. Dependent on the type of complaint, it is usually appropriate to hold separate meetings with each person involved, rather than a single meeting with all parties present.

The complainant is entitled to be accompanied by a friend or colleague to this meeting, who can act as a supporter, but this person is not entitled to take any formal part in the proceedings. The student cannot bring a legal representative with them to the meeting. If it is not possible to meet in person, these discussions may be held by telephone or by email, but the complainant must be contacted to ensure they have presented all their information.

Notes that are taken at any such meetings should be provided to the Complaints service. The meeting should also be recorded, if possible, using a preferred format such as MS Teams. Please do not use Panopto or Streamed Classrooms to hold and record any meetings.

When meeting the student, the Investigating Officer should go over the facts and give factual responses. The IO can challenge the student's claims where additional information or clarification is required, but should not go into too much detail about what the possible outcomes might be. However, the IO can probe what the student would be satisfied with, to guide their outcome, where appropriate.

Points for conducting meetings:

- Explain:
  - Roles (eg note taker)
  - Context of meeting
  - Confidentiality
  - How the meeting will be conducted
  - What will happen afterwards
- Aim:
  - Set the scene (summarise points raised in complaint)
  - Establish rapport
- Main body:
  - Obtain facts
  - Ask for events to be followed through chronologically
  - Keep control of the discussion
  - Clarify points where necessary
  - Summarise to confirm understanding
  - Answer questions from complainant
- Close:
  - Summarise
  - Explain next steps
  - Answer any final questions from complainant
  - Thank them for their time

## Decisions and Reporting

It is the responsibility of the student to provide evidence to support their complaint. If a situation arises where the student's complaint is not supported by evidence, a judgement must not be made on one word against another – where the complainant says one thing and a member of staff says another, the case cannot be decided in favour of the complainant unless they can prove it, but the report also cannot accuse the student of fabrication (can be phrased in the report as: 'there is no evidence one way or the other').

The complaints process is based on balance of probabilities, so it is up to the IO to assess the credibility of witnesses and evidence. If issues with witnesses are apparent, these can be addressed in the outcome report, in an appropriate professional fashion.

If information is requested either from the Complainant or any staff member, a clear deadline for receipt should be set. If the Complainant is unable to meet this deadline, completion of the Outcome Report (see below) should be delayed (within reason) to await the information rather than being completed without it, unless the Complainant agrees.

At the end of the investigation, and before the deadline for completion (normally two to three weeks from the commencement of the formal process), the Investigating Officer sends a draft

Outcome Report to the University Complaints Officer, who will critique the document in partnership with the Head of Complaints and liaise with the Investigating Officer on any concerns. The Investigating Officer may discuss any aspects of the report with the Head of Complaints prior to this stage. However, the final decision will be the Investigating Officer's and must contain a definite recommendation (see also section 10 on possible recommendations that may be made by the Investigating Officer). Recommendations, where another team is impacted (for example, proposed changes to process or formal apologies) should be discussed with the relevant team and the investigation officer before the recommendations are included in the report.

The Outcome Report should be anonymised by using titles of staff only. The complainant should be referred to as 'the Complainant' throughout. The report should be structured with headings for each section and paragraph numbers for ease of reference. The report should reach a conclusion on the concerns raised, listing the findings of the investigation and recommendations for resolution. Each point raised by the Complainant in their complaint must be addressed and linked to the evidence provided or discovered. The tone should be as neutral as possible and the Investigating Officer should keep in mind that the report will be seen by the complainant, and may be seen by an Appeal Officer, staff named in the Complaint, the Academic Board and the Office of the Independent Adjudicator.

Once the Outcome Report has been finalised (within the prescribed deadline), the University Complaints Officer will forward this report and an Appeal application form to the complainant, in accordance with OIA requirements. The student may submit an appeal request even if they have had their complaint upheld. The complainant may also request a Completion of Procedures Letter even if they have not completed both stages of the University process.

The University Complaints Officer will be responsible for holding copies of all documentation surrounding the formal complaints process, including a copy of the Outcome Report, and may provide copies of the Outcome Report to University staff who were named in the complaint, or where individual departments or staff members are required to take action.

## **10 Investigating an appeal request**

On receipt of an appeal application, the University Complaints Officer will review the form and may request further information from the complainant to avoid any delays to the process. The University Complaints Officer will liaise with the Head of Complaints to determine whether or not the request is eligible for review under the Student Complaints Policy. If it is deemed eligible, the University Complaints Officer will allocate an Appeal Officer.

Once the Appeal Officer has been allocated, the University Complaints Officer will send the complainant a formal receipt of their appeal request, providing them with the name of the Appeal Officer and the deadline for completion of the process. All paperwork submitted by the complainant from the original complaint and from the appeal request (including the Outcome Report of the complaint) is provided to the Appeal Officer by the University Complaints Officer, together with the Outcome Report template (see Appendix 5) for completion. The University Complaints Officer will pre-populate elements of this template with a summary of the Formal Complaint stage prior to sending to the Appeal Officer. The University Complaints Officer will also provide the deadlines for receipt of the draft and final outcome reports at that time.

The Appeal Officer's primary duty is to review the initial investigation to ensure that it was carried out correctly, and that all aspects of the complaint were addressed fully in the outcome report. The Appeal Officer should not need to conduct the investigation in full again, though

some aspects may need to be looked at in detail if questions arise about the investigation, or new information is provided by the complainant.

A meeting can be held with the complainant and any other relevant parties to discuss the complaint and ask questions if the Appeal Officer feels it is necessary to gain further information, though this is not normally part of the appeal stage of the process. Dependent on the type of complaint, it is usually appropriate to hold separate meetings with each person involved, rather than a single meeting with all parties present. The complainant is entitled to be accompanied by a friend or colleague to this meeting, who can act as a supporter, but this person cannot be a legal representative and is not entitled to take any formal part in the proceedings. If it is not possible to meet in person, these discussions may be held by telephone or email.

Notes should be taken at any such meetings and an independent member of University staff may be used for this purpose, at the discretion of the Investigating Officer. The Campus Dean at the campus where the meeting is being held should be approached to help organise a suitable room and assign someone to take notes. This should be agreed with the campus prior to confirming the details to the student. The meeting should also be recorded, if possible, using a preferred format such as MS Teams. Please do not use Panopto or Streamed Classrooms to hold and record any meetings.

If information is requested either from the Complainant or any staff member, a clear deadline for receipt should be set. If the Complainant is unable to meet this deadline, completion of the Outcome Report (see below) should be delayed (within reason) to await the information rather than being completed without it, unless the Complainant agrees.

If the appeal finds in favour of the complainant, the Appeal Officer may have a discussion with the Investigating Officer and/or the Head of Complaints on appropriate action to be taken. The decision of the Appeal Officer will be final.

At the end of the appeal, and before the deadline for completion (normally two to three weeks from the commencement of the process), a draft Outcome Report is sent to the University Complaints Officer, who will send this to the Head of Complaints to review from a contextual and consistency point of view. The University Complaints Officer will then convene a meeting of an Appeal Panel, which will review the outcome report and approve the recommendations. Appeal Panel members will be expected to read the draft outcome report, with reference to any of the background material from both stages of the complaint, and discuss whether or not they think the outcome is reasonable.

The University Complaints Officer will then liaise with the Appeal Officer on any concerns. However, the final decision lies with the Appeal Officer (see also section 10 on possible recommendations that may be made).

The Outcome Report should be anonymised by using titles of staff only. The complainant should be referred to as 'the Complainant' throughout. The report should be structured with headings for each section and paragraph numbers for ease of reference. The report should reach a conclusion on the concerns raised, listing the findings of the appeal and recommendations for resolution. Each point raised by the Complainant in their complaint must be addressed and linked to the evidence provided or discovered. The tone should be as neutral as possible and the Appeal Officer should keep in mind that the report will be seen by the complainant, and may be seen by the original Investigating Officer, staff named in the Complaint, the Academic Board and the Office of the Independent Adjudicator.

Once the Outcome Report has been finalised (within the prescribed deadline), the University Complaints Officer will forward this report to the complainant. If a recommendation has been made for financial recompense (ex gratia or refund) this is then forwarded to the relevant department, who will agree appropriate timescales with the University Complaints Officer. The University Complaints Officer will advise the complainant on these timescales.

If the complaint was rejected, the complainant is provided with a Completion of Procedures Letter, in accordance with the OIA requirements. The matter between the University and the complainant is closed at that point. Even if the complaint is upheld, the Complainant can request a Completion of Procedures Letter at this stage.

The University Complaints Officer will be responsible for holding copies of all documentation surrounding the formal complaints process, including a copy of the Outcome Report, and may provide copies of the Outcome Report to University staff who were named in the complaint, or where individual departments or staff members are required to take action.

## 11 Possible Outcomes

The following is a list of the types of outcome that may be recommended by the Investigating or Appeal Officer:

- No case to answer
- Official apology
- Review of University policies and/or procedures
- Provision of specific information or materials
- Change of timetable
- Provision of additional tuition (normally by means of joining another class as a sit-in student)
- Ex gratia payment or refund (without liability)

In making recommendations for action by the University or by the complainant, the Investigating and Appeal Officers are bound by the following:

- Although a recommendation may be made for an ex gratia payment or refund and, in that case, an amount must be suggested by the Investigating or Appeal Officer in their draft report, the amount of any such payment will need to be approved by University management at the approval stage;
- The recommendations made **must be discussed with the relevant people/departments** to ensure they are not impractical or have problematic repercussions
- The Appeal Officer can overturn the initial decision, either in favour of or against the student – so it is possible for an offer made at the initial stage to be revoked at the appeal stage

The Investigating or Appeal Officer may be requested to justify their recommendations if:

- it is felt that the recommendations are disproportionate to the case; or
- if it is felt that the student would be provided with more than one benefit for an individual situation; or
- if the recommendations do not comply with these guidance notes.

If a recommendation is made for an ex gratia payment, the Investigating or Appeal Officer is required to indicate the reason for this, which could include:

- a) Complainant missed a quantity of classes (where there are no opportunities for additional tuition)
- b) Stress or anxiety
- c) Unexpected expenditure
- d) Loss of income

Where such a recommendation is made, the Head of Complaints will liaise with University Management when the draft outcome report is received to obtain a decision on the amount to be paid. In deciding the amount of the payment, University Management will use the following calculations:

- a) Complainant missed classes: payment calculated by Course Fee / total number of classes to attend during the course x number of missed classes;
- b) Stress or Anxiety: payment calculated by a sliding scale :

Moderate	Up to £500
Substantial	Between £501 and £2,000
Severe	Between £2,001 and £5,000

- c) Unexpected expenditure: payment dependent on the amount of and reason for the expenditure, up to the full amount of the expense. The complainant would be required to provide proof of the expenditure;
- d) Loss of income: payment dependent on the reason for the loss of income supported by appropriate evidence from the complainant of the financial impact.

## 12 Dealing with Malicious Complaints

What might seem to be a complaint of little substance may not appear so to the originator of the complaint. Few formal complaints will be made on spurious grounds.

The University will generally carry out a full investigation into the complaint, even if you feel that it might be malicious in intent, as this can serve to exonerate the person about whom the complaint is made.

The University will take seriously the raising of a malicious complaint and this may result in disciplinary action against the student.

## 13 What to do if a complaint is made against you

It is always possible that individual members of staff may be the subject of concerns raised by someone under the complaints procedures. This should not be a matter for undue anxiety as many problems can be resolved through informal discussion. However, even if a formal complaint is lodged against an individual, by following the processes in the complaints procedures, and being open and transparent in dealing with the complaint, there should be no cause for undue anxiety.

Formal complaints are dealt with by staff who have undertaken training in the process. This is to ensure a measure of independence in the investigation and demonstrate the seriousness with which the University takes such matters. The Investigating or Appeal Officer will not have been previously involved in the case and will be independent from the Course or Campus associated with the Complaint.



You may be required to attend an investigative meeting during the process and you may bring someone to that meeting to act as your supporter if you so wish.

It is likely that you will continue to have contact with the student during the time it takes to investigate the complaint. There should be no reason for you to break that contact with them. If the student ignores you/does not attend classes, etc., that is their responsibility and can be brought up with the Director of Programmes or relevant Programme and Student Lead.

Should a complaint against you be upheld, the University may take action under the appropriate Human Resources Policy.

## **14 Complaints about the performance of academic staff**

These complaints are usually dealt with through the informal part of the complaints process, with any relevant investigations taking place. However, the internal processes of the University in dealing with such instances may take longer and be more formalised than other informal complaints.

The student would be asked to put their case in writing to enable an investigation to commence (which could include class observations). Once the investigation is concluded the student would be notified **in writing** that the investigation has been concluded and provided with details of any remedial action as required.

The student may then choose to continue through the complaints process and lodge a formal complaint, at which point a copy of the communication with the student must be made available to the Investigating Officer.

## **15 What to do if you are interviewed as a witness in a complaint**

If you are asked to act as a witness or a colleague of someone about whom a complaint has been made, you will be interviewed by the person carrying out the investigation. This may take the form of a one-to-one meeting, or a meeting with all parties present.

## **16 Record keeping**

Care should always be taken about what is committed to writing when dealing with a complaint, at any stage of the process. Records need to be accurate and comprehensive, but an awareness should be maintained that all records may be seen by third parties (for example, Office of the Independent Adjudicator) or the student (through a DSAR).

The University's Academic Board will receive a report on an annual basis on the number and type of Formal Complaints received during the academic year.

The University Complaints Officer will hold all documentation relating to Formal Complaints. From this information a report will be produced and presented to the Academic Board at their February meeting.

This report will cover all Formal Complaints received, all Appeal applications and details of any cases sent to the OIA for review.

## Complaints: Staff Guidance



Records must also be kept of all informal complaints proceedings, and forwarded to [complaints@law.ac.uk](mailto:complaints@law.ac.uk) at their conclusion.

Staff should be aware that if a complaint dealt with through the informal process should escalate to a Formal Complaint, they may be required to provide further information and documentation to the Investigating Officer. This would normally be requested by the University Complaints Officer.

## Appendix 1 - Process Timescales

Wherever possible the University will adhere to the timescales as detailed below. If, for any reason, it is not possible to conclude the relevant investigations in time, the complainant will be notified in writing, providing details of why the investigation will take a longer time period (eg relevant staff on holiday) and a revised date by which the investigation will be concluded.

Complaints Process	Timescale
<p><b>Informal Process</b></p> <p>Student contacts appropriate staff member to discuss complaint</p> <p>Feedback</p>	<p>As soon after occurrence of the problem as possible</p> <p>As appropriate – at least within 14 calendar days of the issue being raised</p>
<p><b>Formal Process</b></p> <p>Student submits Complaint Form to the University Complaints Officer</p> <p>University Complaints Officer acknowledges receipt of Complaint Form</p> <p>Conclusion of Investigation and report to student by University Complaints Officer</p>	<p>As soon after the event as possible and certainly within three months from the occurrence of the problem.</p> <p>Within seven calendar days of receiving the Complaint Form</p> <p>Within five weeks of acknowledgement of Complaint Form</p>
<p><b>Appeal of Decision</b></p> <p>Student submits Appeal request to University Complaints Officer</p> <p>University Complaints Officer acknowledges Appeal application</p> <p>Conclusion of Appeal and report to student by University Complaints Officer</p>	<p>Within 14 calendar days from conclusion of the Formal Complaints process</p> <p>Within seven calendar days of receiving the application</p> <p>Within five weeks of acknowledgement of application</p>

Timescales may be adjusted to assist anyone who requires more time due to mitigating factors

## Appendix 2 – Who to Contact

### Informal Process – Who the student might choose to see/correspond with

Type of Complaint	Relevant Member of Staff
<i>Face-to-Face Programmes</i> Academic Services (Course delivery and/or supervision)	LLB, LPC, GDL, BPTC – Programme Leads Professional Development – Programme Leader
<i>Online or entirely off-site Programmes</i> Academic Services (Course delivery and/or supervision)	Professional Development - Programme Leader Online Programmes – Head of Programme
Tutors	Campus Head of Tutors
Other Students	Personal Tutor, Subject Tutor or Campus Head of Tutors
Campus Administration Services: Student Information	Student Information/Assessment Manager (face-to-face Programmes) Or
Assessments	Head of Programme (for Online Programmes)
Maintenance/Cleaning	Campus Head of Business Professionals
Library	Campus Information Officer
Careers	Campus Careers Manager
Central Services: Admissions (LPC / GDL / BPTC) ELITE IT Finance	Head of Admissions Service Desk Team Leader Service Desk Team Leader Campus Head of Business Professionals

A list of key contacts and escalation points is available here:

[https://teams.microsoft.com/l/team/19%3aqk6LwKlhivF-x0nuORBecoDxpfcgYuvdj0G7\\_WpX\\_rl1%40thread.tacv2/conversations?groupId=6e4682bd-6b06-4a03-92c1-e6e0dd8081da&tenantId=1143e6f1-6c74-4487-b0fb-484e55eb2c90](https://teams.microsoft.com/l/team/19%3aqk6LwKlhivF-x0nuORBecoDxpfcgYuvdj0G7_WpX_rl1%40thread.tacv2/conversations?groupId=6e4682bd-6b06-4a03-92c1-e6e0dd8081da&tenantId=1143e6f1-6c74-4487-b0fb-484e55eb2c90)

### Formal Complaints – Investigating and Appeal Officers

#### Investigating Officers and Appeal Officers

Any staff member who has undertaken the training.

## Appendix 3 - Categories of Complaints

To enable accurate reporting to the Academic Board and to the Office of the Independent Adjudicator, there is a requirement to categorise the complaints.

The categories used are as follows (as determined by the OIA) and could be used against any of the types of complaint:

Complaint Category	Details
Academic Misconduct	Academic offences including plagiarism, collusion and examination offences
Academic Status	Complaints which relate to academic appeals, assessments, progression and grades
Disciplinary Matters	Disciplinary proceedings for non-academic offences
Discrimination and Human Rights	Claims of discrimination, harassment or claims relating to breach of human rights
Financial	Funding, fees, fee status, bursaries and scholarships
Service Issues	Course, teaching provision, facilities and supervision. Communication issues with ULaw departments
Welfare and Accommodation	Support services, counselling, assistance for international students, University accommodation
Other	If the complaint does not fall into one of the categories above, then this category should be used, with details provided of what the complaint relates to

ULaw categorise our complaints (for tracking and reporting purposes) across type and related teams:

Type:

- Assessment
- Campus management
- Communication
- Data Protection
- Disciplinary
- Discrimination and Human Rights

- Graduation
- Materials
- Policy
- Poor service
- Teaching
- Course design (including structure)
- Other\*

## Appendix 4 – Sample Cases (from OIA)

2014

Description	Remedy
<p>A student was informed that he had failed his second attempt at an exam. He then submitted an appeal on the grounds that there had been administrative error or procedural irregularity and bias against him. A report by an assigned member of staff concluded there were no <i>prima facie</i> grounds for referral of his appeal to an Academic Appeal Committee and the reconsideration of the assessment was that it was still a fail. The student submitted a complaint to the OIA.</p>	<p>The institution’s regulations stipulate that specified senior staff “<i>will review the documents provided by the Investigator..... to determine whether there exists a prima facie case for referral to the Academic Appeal Committee</i>”. In this case, the Investigator’s report ran to several pages and included a conclusion which indicated that it went somewhat further than a <i>prima facie</i> consideration. The OIA therefore expressed concern that the use of the term <i>prima facie</i> in the procedures in relation to the process actually followed in this case was ambiguous and misleading.</p> <p>For these reasons the OIA found the case Justified and recommended that the students’ appeal be considered by an Academic Appeal Committee at an Appeal Hearing.</p>
<p>After the university’s licence to sponsor new international students was revoked it reached an agreement with the United Kingdom Border Agency (at the time the relevant agency) to enable existing international students to continue studying there, so long as they were attending and progressing satisfactorily. Where the university was unable to confirm satisfactory attendance or progress, the student’s registration would be withdrawn. The university withdrew a student’s registration but wrongly gave her the impression that this decision had been taken due to her failure to attend classes – the real reason was due to the poor marks she had achieved. The student based her appeal statement on the fact that she had attended classes but that her attendance may not have been logged as she had not used her smartcard to access university buildings. Had she been informed of the real reason why her registration had been terminated, she may have changed the focus of her appeal statement to the family</p>	<p>The OIA found the complaint Partly Justified and recommended that the University should allow her to submit a fresh appeal statement and to reconsider her appeal accordingly.</p>

<p>bereavements she had experienced (including the death of her father).</p>	
<p>A student complained that her request for an extension to a submission deadline under the mitigating circumstances procedures had been rejected. The student had dyslexia but had forgotten to take all her IT equipment on an overseas trip at the time the assignment was due. This meant she did not have access to IT equipment and assistive technology that had been provided by the University.</p> <p>The notes of the Appeal Panel provided by the University did not include details of its membership, of what consideration had been given to the findings of the Mitigating Circumstance Panel that had first looked at the case. It was unclear what information relating to the student's disability, including how her work might have been affected by not being able to use the IT support provided, had been discussed.</p>	<p>The lack of documentation meant the OIA could not satisfy itself that the Panel was properly constituted, that procedures were followed and that the final decision was reasonable. The OIA found the complaint Justified for these reasons and recommended that the student's mitigating circumstances be referred back to a freshly constituted panel.</p>

## 2015

Description	Remedy
<p>A postgraduate student complained that the university had refused to accept a complaint that he had submitted outside the 28 day time limit, and after he had received his final results. The student stated that he had not wished to complain earlier in case this had an adverse effect on his degree results.</p>	<p>The OIA found the complaint Not Justified. The university complaints procedure includes clear deadlines and is widely communicated to students. It is the university's position that students are expected to familiarise themselves with the contents of its procedures and the OIA does not consider that to be an unreasonable expectation. The procedure also makes it clear the university will deal with complaints 'without recrimination'. The OIA found that the university had acted within its procedures and that its decision to refuse the student's complaint was reasonable in all the circumstances.</p>
<p>A student on a course validated by the university complained to the OIA about the way the university had handled her complaint about a number of issues including the marking process and the communication of results to students. Under the second (formal) stage of the university's complaints procedures, a specified senior post holder decides whether to convene a Resolution Panel,</p>	<p>The OIA found the complaint Justified. It recommended that the university convene a resolution panel, make a financial payment in respect of the inconvenience caused by its failure to follow the complaints procedures, and review its complaints practices to make sure that staff follow published procedures.</p>



<p>which the student is entitled to attend. In this case the university issued a final decision without convening a Panel, and offered an apology and financial payment for distress and inconvenience plus a further payment as a gesture of good will. The OIA took the view that this put the student at a material disadvantage as there was no opportunity for her to put her case to a panel.</p>	
<p>The OIA found a student's complaint about the way her appeal and subsequent complaint were handled Partly Justified because the college had not followed the university's academic appeal procedures. The college had agreed to reconsider the student's appeal following the OIA's intervention. It rejected the appeal again, but acknowledged its failure to apply the appeals process correctly and offered compensation of £500 and an apology to the student. The student brought her complaint back to the OIA.</p>	<p>The OIA noted that the student had experienced considerable delays, and if her original appeal had been handled correctly the matter would have been resolved much sooner. It also noted that the student had needed to make several attempts to obtain a Completion of Procedures letter following the consideration of her original appeal. It was evident that not all staff were familiar with the university's procedures. The OIA recommended increased payment of £1,000 for distress and inconvenience.</p>
<p>A student at the university complained that he had not been given adequate notice of changes to the postgraduate Social Sciences programme. The withdrawal of an MSc qualification entailed the cancellation of several modules, which meant that beyond a certain date the student would be unable to gain the credits he needed to complete the original qualification he hoped to achieve. Other MSc options remained available to him.</p>	<p>The University was able to demonstrate that it had first communicated information about the withdrawal of the MSc and advice to students three years in advance and set out the timetable for existing students to complete the modules that were to be discontinued. It had continued to communicate via email, the module websites and the student portal for the qualification. The University's conditions of registration made it clear that students are required to check their emails. The OIA found the complaint Not Justified.</p>

## 2016

<b>Description</b>	<b>Remedy</b>
<p>A student complained to the OIA after her appeal against withdrawal for non-attendance was rejected. The University had previously given the student opportunities to improve her attendance before withdrawing her in the second semester. By that time it felt she had missed too much teaching to be able to catch up. The student's attendance fell well below the course requirement of 75 per cent attendance.</p>	<p>The OIA decided that the University's decision was reasonable. As the student had not contacted the University it was not in a position to offer her any support. Its decision to withdraw her was in line with its academic regulations. The OIA decided that her complaint was Not Justified.</p>

<p>The student appealed the decision on the grounds of ill-health and concerns that her swipe card had not been working properly. She had not contacted the University about either of these issues before being notified of the decision to withdraw her.</p>	
<p>An international student with a Tier 4 visa complained to the OIA after being withdrawn from his course for non-attendance. He complained that insufficient attention had been given to his disability. The student did not submit evidence of his disability until close to the end of the disciplinary process. The OIA considered that once this evidence was provided the onus was on the University to consider what regulations and procedures it was applying to the student and whether it ought reasonably to make reasonable adjustments to those regulations and procedures to remove any disadvantage to the student. There was no evidence that this had happened.</p>	<p>The OIA decided that the student's complaint was Justified. The student no longer wished to return to the course. We recommended a partial refund of fees and accommodation costs and financial compensation for distress.</p>
<p>A student at Coventry University complained to the OIA after the University rejected her appeal against a finding that postings on her Facebook account breached its code of conduct. The student complained that the University's findings were not reasonable as the postings had been written by someone else who had access to the account. The University took the view that as the account was in the student's name and, under Facebook's terms and conditions it is not possible for two people to share an account, she was responsible for the content. The University issued a final written warning to the student and required her to write a letter of apology.</p>	<p>The University's procedures allowed for an appeal on three grounds – that information had not been taken into account in the original decision, that proceedings had been unfair, or where a student had been expelled. The OIA was satisfied that the student's appeal did not fall under any of those grounds. The OIA was satisfied that it was reasonable for the University to conclude that the student was accountable for the content of the Facebook post, even if she were not the author of the post. We concluded that it was reasonable for the University to state she had a responsibility to ensure that all content associated with the account was in line with the University's regulations and code of conduct. The OIA decided the complaint was Not Justified.</p>
<p>An international postgraduate student had her Tier 4 visa refused by the Home Office. She appealed that decision and, in the meantime, was permitted to enrol at the University. She was automatically re-enrolled the following year, while her appeal was still pending. The Court of Appeal rejected her appeal but by that time she had paid two years' fees. The University declined to refund her fees.</p>	<p>The OIA decided the complaint was Justified because it was not reasonable for the University to have dismissed her complaint without referring it to a full University Complaints Committee. The University had told the student that she was enrolling "at her own risk" but did not fully explain what that meant. There was no evidence that the University had highlighted the financial risk or provided explicit advice</p>

<p>She complained to the University and the University dismissed her complaint.</p>	<p>to the student on the specific impact upon her should her visa be refused at any point during her studies. The University had a different policy for enrolled students and for applicants, and this was not made clear to the student. The overall refund policy did not mention students whose visa applications were rejected post enrolment. The OIA recommended that the University refer the complaint for further consideration and amend its procedures.</p>
<p>A student complained to the OIA about his fee liability during a suspension from his study due to mitigating circumstances.</p>	<p>The OIA decided the complaint was Partly Justified on narrow grounds relating to the communication to the student of his fee liability. While the University's regulations set out fee liability it accepted that specific written advice to the student, that he might suspend his studies "without academic or financial penalty", was ambiguous. The University apologised to the student and offered to reduce his liability by 50 per cent as a goodwill gesture in the light of the distress and inconvenience caused. The OIA saw no evidence that the University had informed the student of his fees position on his return or during the period of his suspension. While it would have been open to the student to seek clarification we considered that the University had a responsibility to explain the position to him and that its failure to do so made it difficult for the student to plan for his return. The OIA recommended that the University repeat its offer to reduce his liability by 50 per cent and recommended an additional payment for distress and inconvenience.</p>

Version	Amended by	Revision summary	Date
V1.0			October 2017
V1.1	Registry Officer	Change to the document coding convention	March 2020
V1.2	Head of Student Information and	Updates to department names	August 2020

	Administration - Quality		
V1.2	Registry Assistant	Extension approved for 1 year	October 2021
V1.3	Head of Quality Assurance	Amendments to clarify meeting recording requirements.	April 2022
V1.4	Head of Quality Assurance	Amendments to clarify meeting requirements, amendment to ex gratia amounts to align with OIA guidance	November 2022