

Dignity at Work and Study Formal Complaints Procedure for Students

1. In this document someone who makes a complaint about unacceptable behaviour is referred to as the “complainant”. Someone against whom a complaint has been made is referred to as the “respondent”. There may be cases where more than one person has taken an active part in the unacceptable behaviour and there is more than one respondent.
2. This procedure is the appropriate procedure where the complainant is a student and the respondent is a student or a member of staff. This procedure is also the appropriate procedure where the complainant is a member of staff and the respondent is a student. Where both the complainant and the respondent are members of staff the appropriate procedure is the Dignity at Work and Study Formal Complaints Procedure for Staff.
3. If a student or member of staff believes they are being subjected to unacceptable behaviour an ‘informal approach’ can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. Further information can be found in the Dignity at Work and Study Informal Procedure. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation.
4. Where an informal approach does not resolve the matter, or if the behaviour is particularly serious, a formal complaint should be submitted.
5. If complainant wishes to make a formal complaint, they should contact dignitycomplaints@law.ac.uk. The complaint should contain
 - i. The Complainant’s personal details (including student reference number
 - ii. An outline of the allegation (including dates, times and places);
 - iii. Details of the respondent
 - iv. Details of any witnesses;
 - v. Where relevant, details of any informal attempts which have been taken to resolve the situation and the outcome(s)
6. On acknowledgement of receipt of the complaint the complainant’s consent will be sought to forward their details to the Welfare Service for support to be provided to a student complainant or HR for support to be provided to a staff complainant.
7. When the respondent is a student, the Dignity Complaints Service will inform the Campus Dean of the complaint and keep them informed throughout the process. Where the respondent is staff member the Dignity Complaints Service will inform HR of the complaint and keep them informed throughout the process.
8. Where the complainant or respondent is under 18 years of age the Complaints Service will inform a Safeguarding Officer at the student’s campus.

Investigation

9. The Dignity Complaints Service will notify the respondent that a complaint has been made against them and provide details of the complaint. The respondent's consent will be sought to forward their details to the Welfare Service for support to be provided to a student respondent. A staff respondent will be informed that HR has been advised of the complaint and that they may seek support from HR. The respondent will be advised to maintain appropriate confidentiality and that they should not contact the complainant or any named witnesses.
10. The University will appoint two Investigating Officers to investigate the details of the complaint. The Investigating Officer should have had no previous involvement with matter. Where the complainant, respondent or one of the witnesses is under 18 years of age at least one of the Investigating Officers will be a member of staff who has been DBS checked and will be the Investigating Officer who will interact with the individual who is under 18.
11. The investigation should normally be completed within 21 working days of the formal complaint being received. On occasions it may not be possible to keep within this timescale. In such cases, both the complainant and the respondent must be kept informed of the need for an extension and the likely timescale for completion.
12. During the investigation the Investigating Officer will meet with both the complainant and the respondent who will be expected to co-operate with the investigation. A student may be accompanied and supported by a friend, relative or Student Association representative. A staff member may be accompanied and supported by a colleague or Trade Union representative. The person accompanying the student or staff member does so for the purpose of support only and may not make representations on their behalf. Legal representation is not permitted at these meetings. Those attending these meetings must maintain appropriate confidentiality.
13. Where an investigation finds that bullying or harassment has taken place this may result in disciplinary action under the staff or student disciplinary policy. Action may also be taken under the relevant disciplinary policy or regulations where the behaviour complained of does not constitute bullying or harassment but is behaviour amounting to a disciplinary offence under the relevant policy.
14. There may be circumstances in which an individual subject to unacceptable behaviour is not willing, or able, to make a formal complaint but the matter has been brought to the University's attention. In such cases where the Campus Dean, in consultation with the Director of Student Experience, Wellbeing and Inclusion where the individual is a student, or the Director of HR where the individual is a staff member, consider the implications for the individual or other persons to be serious an investigation may be initiated. This may include cases where other parties have made a complaint. An investigation may result in action being taken under the relevant policy.
15. It is recognised that an individual who has been the subject of unacceptable behaviour which is being investigated may need to be protected from further instances of unacceptable behaviour

or detriment arising from the alleged incident and/or the associated complaint. In such circumstances the Investigating Officers may recommend to the Campus Dean, where the respondent is a student or to the Director of HR, where the respondent is a member of staff, that they take action to protect the complainant, or others involved in the case, which may include excluding a student respondent or suspending a staff respondent from the campus under paragraph 17 below.

16. A Campus Dean or the Director of HR may only exclude a respondent where he or she has reasonable grounds to determine that such action is necessary to protect the complainant, or any other person involved in the investigation.

Exclusion of Students and Suspension of Staff Members

17. Where the Investigating Officers make a recommendation that a student respondent should be excluded/suspended from the campus the Campus Dean, where the respondent is a student, or the Director of HR, where the respondent is a staff member, may exclude/suspend the respondents access to the campus to such extent and for such periods as he or she deems necessary.

18. The Campus Dean or Director of HR must notify the respondent in writing of the exclusion/suspension and the grounds for it and as soon as practicable provide the respondent with an opportunity to appeal against the exclusion (see para 22 below).

19. Where the respondent is a student the Campus Dean must take reasonable steps to enable the respondent to pursue their course of study, without access to or use of a Campus, and obtain reasonable access to teaching, assessment and support services, if practical.

20. Where the respondent is a staff member their Line Manager, with the support of their local HR Business Partner, must take reasonable steps to enable the respondent to access support, if practical.

21. The Campus Dean or Director of HR will review their decision to exclude a respondent at intervals of no more than three weeks and will notify the respondent in writing of the outcome of each review.

22. The respondent may appeal against a decision made under paragraph 17. The only permissible ground of appeal is that exclusion/suspension pending the outcome of the complaint was a disproportionate action to take given the nature of the complaint. Any appeal and the outcome of it will constitute the full and final outcome of the decision to exclude/suspend the respondent.

23. When applying for an appeal a student respondent must write to the Academic Registrar and a staff respondent must write to the Chief Operating Officer within 7 days of receiving the notice of exclusion. The Academic Registrar or the Chief Operating Officer will appoint an Exclusion Appeal Panel of two members of staff and give the respondent at least 7 days notice of the date of the panel hearing. Where the respondent is under 18 years of age one of the Exclusion Appeal Officers will be a member of staff who has been DBS checked.

24. The student may be accompanied to the Exclusion Appeal Panel Hearing by a friend, colleague or Student Association representative. A staff member may be accompanied to the Suspension Appeal Panel Hearing by a colleague or Trade Union representative. The person accompanying the student or staff member does so for the purpose of support only and may not make representations on their behalf. Legal representation is not permitted at these meetings. Those attending these meetings must maintain appropriate confidentiality.
25. The Exclusion/Suspension Appeal Panel may uphold, remove or amend the terms of the respondent's exclusion. The Exclusion Appeal Panel will notify their decision to the Academic Registrar or Chief Operating Officer who will then send a copy to the respondent within 5 working days. A copy of the decision will be sent to the respondent within 5 working days of receipt. The Appeal Panels decision is final.

Outcome following investigation

26. The Investigating Officers will, on completion of the investigation, review the information collected and decide whether the complaint is substantiated. In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the Investigating Officers will consider whether on the balance of probabilities, the incidents/actions occurred.
27. The Investigating Officers will decide either to:
- i. Take no further action, that the allegations have not been substantiated
 - ii. Progress the allegations to a hearing under regulation 3.8(c) of the Student Discipline Regulations or under the Staff Disciplinary Policy.
 - iii. Take action other than initiating a discipline procedure. This may include making arrangements for the complainant and respondent to be separated and/or referred to mediation.
 - iv. In rare cases, where the Investigating Officers are satisfied that the allegations are unfounded and not made in good faith, initiate disciplinary proceedings against the complainant.
28. The Investigating Officers will submit a written report to the Dignity Complaints Service. Where the recommendation is that the matter should proceed to a student disciplinary hearing the report should explain which offences under regulation 6 of the Student Discipline Regulations are applicable. Within 5 working days of receipt of the report the Dignity Complaints Service will provide a copy of the report to the complainant and respondent. Disciplinary proceedings or any other action decided on by the Investigating Officers will not be commenced until the complainant and respondent have received a copy of the report.
29. Where the complainant or respondent disagrees with the outcome of the investigation there will be an opportunity to appeal. If the matter progresses to disciplinary action any matters of dispute will be considered as part of the disciplinary proceedings. Where the complaint does not progress to disciplinary proceedings the complainant or respondent may appeal under paragraph 30.

Appeal

30. Where the matter has not progressed to disciplinary action and the complainant or respondent disagrees with the outcome of the investigation they may appeal against the outcome. An appeal can only be made on one or more of the following grounds:

- i. New evidence has come to light which would have materially affected the outcome of the investigation if it had been made available at the time the investigation was carried out
- ii. The formal complaints procedure was not followed correctly, and this had a material impact on the outcome of the investigation
- iii. Despite following the complaints procedure, the decision reached was one that no reasonable body, considering all of the evidence, could have arrived at.

An appeal which simply disagrees with the outcome and does not demonstrate one of the above grounds will not be considered.

31. An appeal must be submitted to dignitycomplaints@law.ac.uk within 5 working days of receiving the investigation report. The appeal must contain

- i. The personal details of the person submitting the appeal (including student reference number)
- ii. The ground(s) for the appeal which must be one or more of those listed in paragraph 30 above
- iii. Details of the basis for the ground (s) for the appeal
- iv. Where relevant, details of any new evidence.

32. Where the appeal complies with paragraph 21 above the Dignity Complaints Service will notify the other party involved in the complaint that an appeal has been submitted and will comply with paragraphs 7 and 8 above.

33. The University will appoint 2 Appeal Officers to investigate the appeal. The Appeal Officers should have had no previous involvement with matter. Where the complainant or respondent is under 18 years of age one of the Appeal Officers will be a member of staff who has been DBS checked.

34. The appeal investigation should normally be completed within 21 working days of the formal complaint being received. On occasions it may not be possible to keep within this timescale. In such cases, both the complainant and the respondent must be kept informed of the need for an extension and the likely timescale for completion.

35. As with the original investigation the Appeal Officers will meet with both the complainant and the respondent who will be expected to co-operate with the investigation. A student may be accompanied and supported by a friend, relative or Student Association representative. A staff member may be accompanied and supported by a colleague or Trade Union representative. The person accompanying the student or staff member does so for the purpose of support only

and may not make representations on their behalf. Legal representation is not permitted at these meetings. Those attending these meetings must maintain appropriate confidentiality.

36. The Appeal Officers will, on completion of the investigation, review the information collected and decide whether the appeal is substantiated. The Appeal Officers may uphold or overturn all or part of the outcome of the original investigation.
37. The Appeal Officers will submit a written report to the Dignity Complaints Service. Within 5 working days of receipt of the report the Dignity Complaints Service will provide a copy of the report to the complainant and respondent. Disciplinary proceedings or any other action decided on by the Appeal Officers will not be commenced until the complainant and respondent have received a copy of the report.

Office of the Independent Adjudicator (for student complaints)

38. The OIA is an external body that conducts independent reviews of student complaints. The University is a member of the OIA for Higher Education scheme. This scheme enables the student to obtain an independent review of their case, subject to the OIA's rules for eligibility. Further information can be obtained from www.oiahe.org.uk.
39. If, having completed the University's Dignity at Work and Study Formal Procedure, a student is dissatisfied with the outcome they may request a review by the OIA. Full details of this service, incorporating required timescales, are provided to the student by the University.
40. On conclusion of any appeal of the procedure outcome or any appeal of an exclusion decision, the Dignity Complaints Service provides the student with a Completion of Procedures letter, which they must present to the Office of the Independent Adjudicator (OIA), if they wish to request the OIA to review their case.

Confidentiality

41. Information concerning allegations of bullying or harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis, including as appropriate with the individual against whom a complaint is brought. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the University, or to external bodies.
42. Those to whom disclosure may be made outside the University include the police, the Office of the Independent Adjudicator ("OIA") and the civil and criminal courts. The University will not normally report a matter to the police without the complainant's agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.