

## **STUDENT COMPLAINTS PROCEDURE**

### **Purpose**

1. This Procedure is designed to ensure that students have a full opportunity to raise, individually or collectively, matters of concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be respected. Complaints will be dealt with promptly and fairly. Where a complaint is upheld, an appropriate remedy will be offered, within the bounds of what is reasonable and practicable for the Institution to provide.
2. The University of Suffolk welcomes feedback as this can bring to our attention concerns that could be resolved before they become a cause for complaint. Students can give their views on all aspects of their experience directly to the relevant area, via their Personal Tutor or Course Leader and also via student representatives on a range of committees.
3. The Complaints Procedure operates in accordance with the Quality Assurance Agency (QAA) UK Quality Code for Higher Education Chapter B9: Appeals and Student Complaints published in April 2013, and the good practice framework for handling complaints and academic appeals issued by the Office of the Independent Adjudicator (OIA) in December 2014.

### **Definitions**

4. A complaint is defined by the OIA as “an expression of dissatisfaction by one or more students about a university’s action or lack of action, or about the standard of service provided by or on behalf of the university”.
5. The person (student or applicant) bringing the complaint will be referred to within this Procedure as the complainant.

### **Scope and Principles**

6. This Procedure applies to applicants to, and students who are enrolled on, all courses offered by the University of Suffolk, including those in the University of Suffolk Learning Network. It is also available to students for three months after they have left the Institution.
7. There are specific procedures that deal with academic appeals against decisions of Assessment Boards, or appeals in relation to Academic Misconduct, Extenuating Circumstances, Fitness to Practise, and Criminal Convictions. Any appeals or complaints that fall outside these procedures are dealt with under this Complaints Procedure. Advice is available from the Office

for Student Appeals, Complaints and Conduct (OSACC), Infozone, Student Services and the Students' Union Advice Centre about the most appropriate procedure to be used.

8. The complainant will not have the right to have the same case heard again through a different complaints route.

9. Complaints will normally be considered individually. Where complaints raised by a number of complainants involve the same issue, the complaints may be considered collectively, subject to any confidentiality requirements. In such circumstances, the individual complainants involved will normally be invited to nominate one of their number as a spokesperson to facilitate the process.

10. In order to enable the full investigation of a complaint and communication of the outcome, the University will not accept anonymous complaints.

11. In considering complaints, the University will apply the Procedure in accordance with its Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning disabilities, or long-term medical conditions.

12. All personal information will be processed in accordance with the Data Protection Act 1998.

13. All parties to the complaint and individuals who are involved in any related investigation and/or administration of the complaint must observe the requirement for confidentiality. Whilst confidential information may need to be disclosed in order to consider the complaint, this will only be to those staff involved in consideration of the complaint.

14. The University expects that students will not engage in frivolous, vexatious or malicious complaints. This could include:

- complaints which are harassing, repetitive or pursued in an unreasonable manner;
- insistence on pursuing non-meritorious complaints and/or unrealistic or unreasonable outcomes;
- complaints designed to cause disruption or annoyance;
- demands for redress which lack any purpose or value.

In such cases, the Academic Registrar or nominee reserves the right to terminate consideration of the complaint. The complainant will be given an explanation, in writing, of why their complaint has been terminated and details of any further right to complain. Where a complaint is found to

have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the complainant.

15. Information which comes to light as a result of a complaint may lead to the University of Suffolk or other agencies taking other kinds of action. This includes staff and student disciplinary procedures and civil or police investigations. If this happens the resolution of the complaint may be delayed until that other action has been taken. Complainants will be informed if this is the case and advised of a new date by which it is intended to complete enquiries.

### **Outline of Procedure**

16. The Complaints Procedure comprises three stages: an informal stage for early resolution; a formal stage if a complainant was not able to resolve their complaint informally and wishes to pursue their concerns further; and a review stage which a complainant may follow if they were not satisfied with the outcome of their formal stage complaint. At any time during the formal and review stages, OSACC may attempt to resolve the matter in collaboration with other colleagues.

17. A complainant can withdraw their complaint at any point providing OSACC is advised in writing, but may not later re-launch the complaint.

18. Whilst it may not always be necessary to hold face-to-face meetings when a complaint is considered, either party may request a meeting. Throughout the Procedure the complainant has the right to be accompanied at meetings by a friend. A friend is defined as a member of staff of the University of Suffolk or one of the partner colleges in the University of Suffolk Learning Network, or a registered student of the University, or a member of staff or sabbatical officer of the Students' Union. The role of the friend is to act as an observer, give moral support and to assist the complainant to make their case. In addition, where reasonable adjustments are required, a complainant may be accompanied by a supporter e.g. a sign language communicator or a notetaker, and a complainant with difficulty in understanding English may be accompanied by an interpreter. The Students' Union Advice Centre offers an advocacy service including independent advice and support at meetings. If attendance at a meeting is not possible, an alternative may be arranged, for example a telephone or Skype call.

### **EARLY RESOLUTION (INFORMAL STAGE)**

19. In the first instance a complainant should seek to resolve the matter in an informal manner by taking it up as quickly as possible with the person(s) most directly involved, if at all practicable. This may involve contacting their personal tutor, another member of academic staff or other appropriate person, such as the manager of the service they are concerned about if it is

a non-academic matter. This is often best done verbally and informally, although a complainant may present their complaint in writing if they wish. A student can be assisted in making such an approach by the Students' Union Advice Centre and/or Student Services.

20. The member of staff involved will report back to the complainant and attempt to resolve the problem.

21. Most complaints will not need to progress beyond this initial stage. However, should the informal approach not resolve the matter to the complainant's satisfaction, the complainant may make a formal complaint under the Formal Stage of the procedure.

## **FORMAL STAGE**

### **Submitting a Formal Stage Complaint**

22. To make a formal complaint, the complainant must submit the completed Complaint (Formal Stage) form (available on MySuffolk and the University of Suffolk website) and any supporting documents to OSACC within three months of the matter occurring. The complainant will need to clearly define the resolution they are seeking.

23. Complaints about matters that occurred more than three months ago will not normally be considered without good reason for the delay. The Academic Registrar or nominee will determine whether a late complaint can be accepted. This decision will be final. If the late complaint is not accepted, the complainant will be issued with a Completion of Procedures letter.

### **Consideration of Formal Stage Complaints**

24. All formal stage complaints submitted will be screened by OSACC to confirm that the complaint has been submitted under the correct procedure (see paragraph 7) and that the form is fully completed with necessary supporting documentation, including evidence of an attempt at early resolution. The Academic Registrar or nominee may ask the complainant for further clarification and/or additional evidence.

25. Where additional evidence and/or clarification is requested from the complainant, this should be submitted to OSACC by the given deadline. Should it not be received by this date, the complaint will be considered on the evidence provided with the original submission.

26. Where a complaint has met the requirements as detailed in paragraph 24 above, OSACC will acknowledge the complaint and inform the complainant who will be dealing with the complaint (the Investigating Officer), normally within five working days of receipt. The

Investigating Officer will normally be the appropriate manager, for example the Head of Department or Head of Service, providing they are sufficiently removed from any earlier process. Where the Head of Department or Head of Service was involved in consideration of the complaint at the informal stage, the Academic Registrar will appoint an appropriate manager from another department or service to act as the Investigating Officer.

27. The Investigating Officer will consider the complaint and may talk to key staff and other students, as well as considering relevant documents and other written evidence. A meeting may also be arranged with the complainant (see paragraph 18) to discuss the complaint and consider options for a mutually acceptable resolution.

28. If the complaint is against another student (the alleged perpetrator), the Investigating Officer may discuss the complaint with the alleged perpetrator and give him/her the opportunity to respond. The alleged perpetrator may bring a friend (as defined in paragraph 18 above) to the meeting. If the Investigating Officer decides that there is a case to answer, the alleged perpetrator will be subject to disciplinary action under the Student Discipline Procedure and/or Fitness to Practise Procedure.

29. If the complaint is against a member of University staff, the Investigating Officer may refer the matter to the Director of Human Resources. If there is subsequently considered to be a case to answer, disciplinary action may be taken against the member of staff under the staff Disciplinary Procedure.

30. Following their investigation, the Investigating Officer will provide a written response to the complainant via OSACC, normally within twenty working days of the date of the acknowledgement letter. The response will include the decision with regard to the complaint, the reasons for the decision, and, if the complaint is upheld, notice of any specific action to be taken by way of remedy and for the prevention of a recurrence of the original cause of the complaint if relevant.

31. Where the complexity of the case or the sourcing of additional information prevents the complaint from being fully responded to within twenty working days, OSACC will inform the complainant of the delay and an expected date by which a full response will be issued.

## **REVIEW STAGE**

### **Submitting a Review Stage Complaint**

32. The complainant must submit a completed Complaints (Review Stage) form (and any supporting evidence) to OSACC within ten working days of the receipt of the written outcome of the formal stage of the Complaints Procedure. The complainant should contact OSACC immediately if they are unable to meet this deadline. The Academic Registrar or nominee will determine whether a late form can be accepted. This decision will be final. If the late form is not accepted, the complainant will be issued with a Completion of Procedures letter.

33. The Complaints (Review Stage) form is available on MySuffolk and the University of Suffolk website. The complainant must state the grounds on which they wish to proceed to review stage and must include all necessary supporting evidence and documentation. The complainant must also clearly define the resolution they are seeking.

### **Grounds for Review Stage Complaints**

34. The grounds on which a review stage complaint can be considered are:

- a) There is new information put forward by the complainant that was not known to the Investigating Officer dealing with the original complaint and which could not have reasonably been made known to the Investigating Officer before they made their decision.
- b) Evidence put forward at the formal stage was not fully and properly considered and/or the outcome was not reasonable in the circumstances.
- c) There was procedural irregularity in the conduct of the formal stage.
- d) There was prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the formal stage.

### **Consideration of Review Stage Complaints**

35. OSACC will acknowledge receipt of the review stage complaint form and undertake an initial assessment of the form in consultation with the Academic Registrar or nominee. The Academic Registrar or nominee will take into account all documentary evidence supplied by the complainant, including the original Complaints (Formal Stage) form and outcome letter, the Complaints (Review Stage) form and any other written response(s) by the relevant manager, and determine whether there are grounds for the complaint to be considered further at review stage.

36. If the Academic Registrar or nominee determines that there is no basis for the complaint to be considered further, he/she will consult with a senior representative of the awarding institution. If the decision is made that no further consideration should be given to the case then

the complainant will have exhausted the internal procedures. The complainant will be informed of this decision in writing by OSACC through the issue of a Completion of Procedures letter, normally within twenty working days of receipt of the review stage complaint form. In such cases, the complainant may be able to seek a further review of their complaint by the OIA (see paragraph 40).

37. If the Academic Registrar or nominee considers that there is a basis for further consideration, or if the senior representative of the awarding institution requests further consideration, then the complaint will be referred to the Head of Quality Enhancement or nominee. The complainant will be informed that the review is proceeding, normally within five working days of the receipt of their review stage complaint.

38. The Head of Quality Enhancement or nominee will conduct the review and assemble the evidence relevant to the complaint. In assembling such evidence, the Head of Quality Enhancement or nominee may interview those involved and will consider any relevant records or other written information. The review should be concluded within fifteen working days of referral to the Head of Quality Enhancement or nominee. If the review is going to extend beyond this time, the complainant will be informed and given a likely timescale for completion of the review.

39. On conclusion of the review, the Head of Quality Enhancement or nominee will produce a report of his or her findings, which will be considered by the Academic Registrar in consultation with a senior representative of the awarding institution. The complainant will receive a written response from the Academic Registrar, via OSACC, within five working days of the completion of the review. The response will be a Completion of Procedures letter and will include the decision with regard to the complaint, the reasons for the decision, and, if the complaint is upheld, notice of any specific action to be taken by way of remedy and for the prevention of a recurrence of the original cause of the complaint if relevant. The issue of a Completion of Procedures letter concludes the internal procedures.

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

40. If having exhausted the above Complaints Procedure the complainant considers that their complaint has not been satisfactorily dealt with, they may be able to take their complaint to the OIA. If the complainant is, or was, a registered student, details of the OIA scheme will be sent with the Completion of Procedures letter. Details are also available from the OIA website ([www.oiahe.org.uk](http://www.oiahe.org.uk)). The OIA will normally only consider complaints where a Completion of Procedures letter has been issued, and will not consider complaints about admissions.

### **Monitoring and Evaluation**

41. The University of Suffolk will monitor and evaluate the effectiveness of the Complaints Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to the Equality and Diversity Committee and Senate. The report will include equality monitoring data.