

## Policy Coversheet

<b>Name of Policy:</b>	<b>Complaints Procedure</b>
<b>Purpose of Policy:</b>	<b>To provide details of the processes for making a complaint against the University and its staff.</b>
<b>Intended audience(s):</b>	<b>All students registered on Staffordshire University awards and external users</b>
<b>Approval for this policy given by:</b>	<b>Academic Board</b>
<b>Last Review Date:</b>	<b>01/07/2017</b>
<b>Review Due Date: (3 years from last review)</b>	<b>01/07/2019</b>
<b>Individual responsible for review:</b>	<b>Registrar</b>
<b>Authorising department:</b>	<b>Student and Academic Services</b>



# **Staffordshire University Complaints Procedure**

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# 1. Introduction

Staffordshire University is committed to monitoring and evaluating its services to enhance their quality and ensure that they meet the standards outlined in our Student Charter and other appropriate policies and regulations.

The University also has in place a variety of mechanisms to ensure that students have the opportunity to take part in the decision making processes of the University at award, School and institutional levels and we hope and expect that students will take full advantage of these in making their views known.

Regular student feedback is also gathered through a variety of questionnaires and surveys that help us to use our resources in the best way possible to meet student needs.

We recognise that there may be occasions when these information and feedback mechanisms are not sufficient to deal with problems that may occur from time to time. For this reason Staffordshire University has a formal complaints procedure to ensure that complaints and comments are dealt with in an efficient and professional manner.

The complaints procedure aims to:

- be easily accessible
- resolve complaints informally at local level wherever possible
- encourage prompt review and decision making, with established time frames for action
- ensure a full and fair investigation
- respect complainants' desire for confidentiality wherever possible
- provide an effective response and appropriate redress
- feed back into University systems to ensure that services are improved

## 2. General Principals

### Definition

A student complaint is defined 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’

(OIA Good Practice Framework for handling complaints and academic appeals, 2016)

### What is a complaint?

Examples of complaints include:

- standards of service
- actions or lack of actions by the University or its staff
- provisions of the University affecting individuals, students, customers or clients of any group

The complaints procedure does **NOT** cover:

- requests for new or different services or provision
- review of award boards decisions (appeals) and review of extenuating circumstances decisions
- students’ union procedures <http://www.staffsunion.com>
- incidents which are defined as being any form of abuse, harassment or bullying including those related to gender, race, physical abilities, sexual orientation, religion or age. These will be considered in accordance with the Student Disciplinary Procedure.
- staff grievance procedures

These are covered by separate policies and procedures, details of which can be found at the following link <http://www.staffs.ac.uk/legal/policies> If having considered a complaint, the Academic Regulations and Compliance Officer or nominee believes that it should be considered in accordance with an alternative procedure, it complaint will be re-classified and the student will be notified of this.

### Who Can Complain?

- current or previous students (studying at Staffordshire University within the last 3 months), individually or in a group
- anyone seeking or receiving a service from the University or anyone who is affected by the activities of the University.

Anonymous complaints are only accepted for consideration in exceptional circumstances. If, as a reasonable adjustment, a complainant requires the submission of a complaint through a third party, the complaint must include all details of the complainant and written permission for the third party to act in the matter. The University may still need to speak to the complainant directly.

If the complaint applies to a group or cohort of students, then it is expected that one person will act as a group representative and all communication will be through this representative. All students wishing to be considered as part of a group complaint will need to provide their name, student number and signature agreeing to the details within the complaint.

All complaints are given full consideration and students will not be disadvantaged for making a genuine complaint. The University expects that complainants will not engage in frivolous or vexatious complaints. Where a complainant fails to provide reasonable evidence to substantiate their allegations, the University reserves the right not to progress the complaint further. The University also expects that a complainant, or representative, will pursue any complaint in a proper manner which is compatible with the Student Behaviour and Fitness to Study Policy. Students who do submit frivolous or vexatious complaints may be subject to Student Disciplinary Proceedings.

A frivolous or vexatious complaint can be characterised in a number of ways:

- obsessive, persistent, harassing, prolific, repetitious;
- pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- pursuing meritorious complaints in an unreasonable manner;
- designed to cause disruption or annoyance;
- demands for redress which lack any serious purpose or value.

### **Upon Receiving a Complaint**

The University will:

- handle the complaint in a quick, polite and straightforward way
- investigate the complaint thoroughly and impartially
- endeavour to keep the complainant informed at all stages of the process
- ensure that students, in particular, are not disadvantaged in any way by reason of raising the complaint.

### **3. Stage 1 (Informal)**

In the first instance all complaints must be raised informally and directly at the point at which the problem arose. Many apparent concerns arise from misunderstandings that can quickly be resolved by talking through the matter. In the first instance complaints should be raised directly with the member of staff or University School or Service concerned. This can be done by discussing the matter with a member of staff within the School (such as the module or course leader) or Service to which the complaint is related. Please contact the School/Service for more information.

If the source of a complaint is a matter of University policy or practice, the Student Guidance Officers or the Student Advice Centre in the Students' Union can also offer advice.

Alternatively, a complaint may be raised informally with the Student Guidance Advisor. S/he will listen to the complaint and liaise with the School or Department concerned to try to resolve the issues informally. All requests will be dealt with as promptly as possible.

### **4. Stage 2 (Formal)**

If, having attempted to resolve the complaint informally, the complainant considers that the matter has not been satisfactorily resolved, they should complete a Complaints Form (Form C1) appended to the end of this procedure. This must be done within 20 working days of the incident giving rise to the complaint. Complaints received after this timescale will only be considered in exceptional circumstances. It should be clearly indicated on the form what remedy is sought as a result of the complaint and what the key issues are. The Student Advice Centre in the Students' Union or Student Guidance Advisors will be pleased to offer advice in completing the form.

The completed complaints form should be forwarded to the Academic Regulations & Compliance Team by emailing [regulations@staffs.ac.uk](mailto:regulations@staffs.ac.uk) who will acknowledge its receipt within 5 working days. If a formal complaint is received prior to any attempt to resolve the matter informally, the Academic Regulations & Compliance Team will refer the complaint to the School or Service implicated for an informal resolution.

If it is decided that a complaint requires a formal investigation, an Investigating Officer within the appropriate School or Service will be appointed. The Investigating Officer has the right to meet with and interview any person referred to in the complaint. In addition, if the complaint refers to the actions and/or behaviour of an individual, that individual will have the right to be interviewed in order to respond to such allegations or submit a written statement. If a complaint is about the Registrar, it will be referred to the Pro Vice Chancellor-Student Experience.

A response will normally be sent to the complainant within 25 working days. If the complaint is likely to take longer than this to investigate, the University will keep the complainant informed of progress on a regular basis. If a complaint is upheld, the response will set out what action the University intends to take, for example a formal apology, a statement on how systems will be changed in the future, or a referral to a School or Service to re-examine their procedures. If a complaint relates to another student or member of staff which leads to the initiation of the appropriate disciplinary procedures the complainant will not be informed of the outcome of those procedures.

## **5. Stage 3 Review**

If a complainant remains dissatisfied with the outcome of the Stage 2 response, they may submit a request for a review of the Stage 2 decision which must be based on one (or more) of the following grounds:

- a) there is new evidence that would have significantly affected the Stage 2 outcome and which could not reasonably have been made available when the Stage 2 complaint was submitted;
- b) that there was a material procedural irregularity with regard to the Stage 2 complaint which demonstrably affected the outcome of the claim;
- c) that the decision in relation to the Stage 2 complaint was manifestly perverse. In this context, perverse is taken to mean that the Stage 2 decision was not a possible conclusion that a similar Stage 2 investigation might have reached.

The request must be submitted with the following documentation:

- a letter outlining the grounds for challenging the Stage 2 outcome;
- any new evidence and an explanation about why it was not available at the time of the original complaint.

The documentation above must be submitted to the Registrar within 10 working days of the date of the Stage 2 outcome. Requests submitted after that timescale will not normally be considered and a Completion of Procedures letter will be issued if the Stage 3 complaint is considered to be out of time.

Upon receipt of a Stage 3 complaint, the complaint and previous documentation will be reviewed. Following completion of the review, the Registrar will notify the complainant whether they have established grounds to refer the case to the Complaints Review Panel.

If there are grounds, the Complaints Review Panel will be convened within 20 working days of the decision of the Registrar. If appropriate grounds have not been established, a Completion of Procedures letter will be issued.

### **Complaints Review Panel**

The Complaints Review Panel will have access to all prior correspondence and the results of the initial investigation. The panel has the right to meet with and interview any person referred to in the complaint. In addition, if the complaint refers to the actions and/or behaviour of an individual, that individual will have the right to appear before the panel to respond to such allegations or submit a written statement.

As the Complaints Procedure is internal to the University, if the complaint is received from a current or previous student of the University they may only be accompanied and represented by a representative of the Students' Union or a fellow student.

In exceptional circumstances, where the University would be required to report its findings to the appropriate professional body, and this would be wholly determinative or significantly influence an individual's right to practice in their chosen profession, legal representation may be permitted. In those circumstances, the University also retains the right to engage legal representation. All requests to attend with legal representation should be submitted within five working days of notification of the Panel to the Registrar who will decide if such representation is permitted. The University will pay reasonable, standard rate travel expenses incurred as a result of attendance at the hearing. The right to be represented also applies to any individual who is the subject of a complaint.

The complainant will normally receive written confirmation of the Panel's conclusions and any subsequent action that the University intends to take within 5 working days of the end of the hearing. The decision of the Complaints Review Panel is the final stage of the University's complaints procedure.

#### Membership of the Complaints Review Panel

- A member of the University Senior Leadership Team (Chair)
- A member of the Board of Governors with no connection to the complainant or an independent person from a panel of independent persons approved from time to time by the Vice Chancellor
- President of the Students' Union or nominee

The Secretary to the Review Panel shall be the Registrar or nominee. The Secretary to the Review Panel will not be part of the decision making process.

## **6 Students on Distance Learning awards and those studying at Partner Colleges in the UK and overseas**

Students studying at a Partner College in the UK and overseas should, in the first instance, use the Complaints Procedures for that institution. If the student remains dissatisfied with the complaint outcome, they can apply to the Registrar to request a review of the complaint as detailed in section 5 of this procedure.

It is recognised that attendance at a hearing or interview in the University might be problematic for students on distance learning awards or studying at Partner Colleges in the UK or overseas. Such students will therefore be given the opportunity to:

- attend a hearing or interview in the University OR
- attend a hearing or interview in one of the University's Partner Colleges with the permission of that Partner College. Video conferencing of such a hearing or interview will be considered where appropriate OR
- respond by correspondence to an identified member of staff in the University in accordance with the particular stage of these procedures.

In all such cases, the timescales for replying to students and requiring replies from students will need to be adjusted. However, both the student and the University will be expected to fulfill their respective responsibilities within a reasonable timeframe.

## **7 Confidentiality**

As far as is practicable, confidentiality shall be preserved in the investigation of a complaint. Such an approach is in the interest of both the complainant and any individual members of staff involved. If, however, an individual is named in a complaint, the university believes that normally they should know what is said about them and who is making the complaint. The University may also take action if a complaint is found to be malicious or vexatious.

## **8 Disabled Students**

The University takes its responsibilities to disabled students seriously. If a complainant requires reasonable adjustments in order to attend a hearing or interview, they should notify the University in advance and we will aim to meet individual needs. This could mean the University relocating the hearing to a more accessible venue and/or making arrangements for a communicator or advocate to be present at the hearing. To enable the University to do this, requests should be submitted to the Registrar on 01782 294960, or email [regulations@staffs.ac.uk](mailto:regulations@staffs.ac.uk) at least 5 working days before the hearing.

## **9 Equality and Diversity**

Staffordshire University is committed to ensuring that anyone who studies, works at or interacts with the University will experience a culture of openness in which everyone is valued equally and respected.

We will not tolerate any individual being subjected to abuse, harassment or bullying particularly because of their gender, race, physical abilities, sexual orientation, religion or age. If a student has been subjected to abuse, harassment or bullying for any reason, they may notify the University and the matter will be considered in accordance with the Student Disciplinary Procedure.

## **10 Legal Notice**

The University reserves the right to suspend investigations into a complaint if a legal challenge is issued against the University or if there is a police investigation ongoing in relation to a complaint.

## **11 Who To Contact For Advice**

Registrar, Stoke campus, email: [regulations@staffs.ac.uk](mailto:regulations@staffs.ac.uk)  
Students' Union Advice Centre, Stoke campus, extension 4629  
Equality and Diversity Team (in relation to hate incidents), extension 2775  
Student Guidance Advisors -  
[http://www.staffs.ac.uk/support\\_depts/studentguidance/advisors/](http://www.staffs.ac.uk/support_depts/studentguidance/advisors/)

## **12 The Office of the Independent Adjudicator for Higher Education**

Staffordshire University is a member of the Office of the Independent Adjudicator's complaints handling scheme. If a complaint has completed all the stages of the University's Complaints Procedure, but the complainant remains dissatisfied with the University's response, they may apply to the Office of the Independent Adjudicator for Higher Education at the following address:

Office of the Independent Adjudicator for Higher Education  
Second Floor  
Abbey Gate  
57-75 Kings Road  
Reading  
RG1 3AB  
Tel: 0118 959 9813  
Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

To use this service, the complainant will need a Completion of Procedures letter from the University. This is provided automatically when a complainant has completed the Complaint's Procedures. If at any stage the complainant feels that they do not have grounds to continue to the next stage of the process, a Completion of Procedure letter can be requested. Scheme Application Forms, and guidance on how to apply to the Office of the Independent Adjudicator, are available from the University Information Centres

**Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.**

**Form C1**

**Staffordshire University Complaints Procedure**

Name \_\_\_\_\_

Student Number \_\_\_\_\_

Contact Address \_\_\_\_\_

\_\_\_\_\_

Telephone Number (if any) \_\_\_\_\_

E-Mail Address (if any) \_\_\_\_\_

Date \_\_\_\_\_

**Remedy being sought (it is very important that this section is completed as failure to do so may result in a delay in dealing with the complaint) Please refer to Point 2 before completing this section**

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