Oxford Brookes University Student Complaint Procedure

Purpose and context of the procedure

1. Oxford Brookes University is committed to monitoring and evaluating all its services to enhance their quality. Feedback and comments on these services are always welcome. In certain areas formal mechanisms have been established to receive and process these views. In particular, the University has established a variety of mechanisms to ensure that students have the opportunity to take part in the decision making processes of the University at Subject/Course, Faculty and University level. It is hoped and expected that students will take full advantage of these. In particular, groups or individual students who wish the University or a part of the University to modify its policies or practices or the content or delivery of its courses or who have concerns about the quality of teaching should pursue the matter through their elected representatives on course committees, Faculty Academic Enhancement and Standards Committees, the Academic Board, the Governing Body or other University committees as appropriate. In cases of urgency between meetings they should approach the Chair concerned directly. Designated Students’ Union Officers are available to advise on how to use the representative arrangements.

2. The University recognises that there may be occasions when these mechanisms are not sufficient to deal with all the problems that may occur from time to time. This procedure is a further means by which the University can identify any shortcomings and improve its procedures and practices. An important part of the outcome of every formal complaint, whether it is upheld or not, are the measures taken to prevent the recurrence of the complaint. Each Faculty and Directorate shall produce an annual report setting out the key features, the outcomes and any changes that have been made in response to all the formal complaints that have been initiated during the previous academic year against the Faculty or Directorate. In the case of Faculties, these reports shall form part of the Faculty’s Annual Report and, in the case of Directorates, they shall be considered by the appropriate senior body within the Directorate. The reports shall be copied to the Academic Registrar who shall present a summary report to the Academic Board setting out the key features and the outcomes of all the formal complaints that have been initiated during the previous academic year.

3. The Student Complaint Procedure is also the mechanism by which students enrolled or registered with the University can obtain redress, as far as possible, for any disadvantage, damage, injury or distress caused by inappropriate acts or omissions of the University, its staff or agents. This procedure covers all categories of complaints and not only those directly related to the University’s obligation to teach students and facilitate their learning.

4. The Student Complaint Procedure is the procedure required by S22(m) of the Education Act 1994 which enables a student or group of students to complain if they are dissatisfied in their dealings with the Students’ Union or claim to have been unfairly disadvantaged by exercising their right not to be a member of the Students’ Union. For the purposes of investigating and responding to a student complaint relating to the Students’ Union, a person who is an officer, employee or agent of the Students’ Union is not an employee or agent of the University even if the University fulfils some of the functions of an employer on behalf of the Students’ Union.

5. The outcome of any formal complaint (except, possibly, one that is completely rejected) will include a number of recommendations providing a remedy and attempting to prevent recurrence. At Level 1 or 2 of this procedure the Faculty or Directorate Student Complaint
Officer shall inform the relevant staff of these recommendations and, if any of the recommendations are not implemented, the Student Complaint Officer shall inform the University Student Complaint Officer. At Level 3 of this procedure the University Student Complaint Officer shall inform the relevant staff of these recommendations. If any recommendations are made to an Examination Committee and they are not implemented, the University Student Complaint Officer shall report this to the Academic Board. If any recommendations are made to a Faculty or Directorate and they are not implemented, the University Student Complaint Officer shall report this to the appropriate member of the Senior Management Team. If any recommendations are made to the Students’ Union or the Senior Management Team and they are not implemented, the University Student Complaint Officer shall report this to the Board of Governors. In the case of a formal complaint against the Students’ Union the Board, in considering what further action should be taken, will have regard to the provisions of S22(n) of the 1994 Act that where a complaint is upheld there should be an effective remedy.

Issues excluded from the procedure (see also Guidance Note 6)

6 While the University will endeavour to investigate and address any issues raised anonymously as far as it is possible to do so, such issues are not covered by the provisions of this procedure.

7 This procedure can only be applied by the student themself and not by someone acting on their behalf (although this does not prevent an aggrieved student obtaining advice and/or support in the preparation of their complaint).

8 This procedure applies only to acts or omissions which take place at a time when the complainant is an enrolled or registered student of the University or one who is taking approved time out or which relate to a course taken as an enrolled or registered student. It does not, therefore, apply to applicants prior to their enrolment with the University – such issues should be raised with the Deputy Academic Registrar (Admissions). It also does not apply to former students of the University whose complaint refers to an act or omission which took place after their enrolment has ended and which is unrelated to the course they took when enrolled or registered – such issues should be referred to the line manager of the staff member concerned.

9 This procedure does not apply to complaints raised by students enrolled with another institution on a programme leading to an award of, or validated by, the University where the matters complained of occurred at or were the responsibility of the other institution, except as set out in subparagraph 9(a). Such complaints should be raised through the complaint procedures of the institution concerned.

(a) Students enrolled with another institution who are also enrolled with the University may, if they have completed the complaint procedures of the other institution and are still dissatisfied with the response, refer their complaint to the University by writing to the Academic Registrar. If the Academic Registrar is satisfied that the student has shown that there are reasonable grounds for believing that there was a material administrative error or procedural irregularity in the operation of the other institution’s complaint procedures and/or that the response made by the other institution was one that no fair and reasonable body could have made, they shall refer the complaint to Level 3 of this procedure. In such circumstances any remedy that the Review Panel determines will normally take the form of a recommendation to the other institution.

(b) Students enrolled with another institution who are also registered with the University may, if they have completed the complaint procedures of the other institution and are still dissatisfied with the response, write to the Academic Registrar. While this procedure does not apply to any such complaints, the Academic Registrar will take
such steps as they think appropriate to investigate the issues raised and will respond to
the student in writing.

10 This procedure is not applicable to complaints about issues over which the University has no
control.

11 Disagreement with the correct application of any University regulation, rule, procedure and/or
policy shall not in itself form a ground for a complaint under this procedure. A student who
wishes any such regulation, etc amended should raise this through one or more of the
mechanisms set out in paragraph 1.

12 This procedure is not applicable to the processes followed by or the decisions of Examination
Committees or those relating to the consideration of mitigating circumstances (including by
Module Leaders and by Mitigating Circumstance Panels). These are covered by the
regulations for the review of and appeal against a decision of an Examination Committee
and/or the regulations for the consideration of mitigating circumstances.

13 This procedure is not applicable to the processes or outcomes of the Student Conduct
Regulations and Procedure, which includes arrangements for appeals against those
processes and outcomes.

14 This procedure is not applicable to the processes or outcomes of any regulations or
procedures relating to professional standards, which include arrangements for appeals
against those processes and outcomes.

15 This procedure is not applicable to complaints against fellow students, including the
Sabbatical Officers of the Students' Union, unless the complaint relates to an act or omission
that occurred as part of the student’s role when they were acting as an employee or agent of
the University or the Students' Union. A student who is aggrieved about the behaviour of a
fellow student who was not acting on behalf of either the University or the Students' Union
may refer the matter to the appropriate Disciplinary Officer as provided for in the Student
Conduct Regulations and Disciplinary Procedure.

16 The following are also excluded from the procedure:

(a) complaints arising from the proper exercise of commercial judgement in the conduct of
the Students' Union’s trading activities;

(b) complaints arising from the proper exercise of their authority by any officer, employee
or agent of the Students' Union as a licensee to maintain good order on licensed
premises;

(c) complaints arising from the conduct of elections by the Students' Union for the
appointment of Students' Union officers or other posts.

17 The Academic Registrar shall dismiss a complaint summarily and shall inform the
complainant in writing of their reasons for so doing if they believe (having, in one of the
circumstances set out in paragraph 16, consulted with the General Manager of the Students’
Union) that the complaint falls into one of the categories set out in paragraphs 7 to 16 or that
there is another University procedure that covers the subject matter of the complaint which
provides for a decision to be made on the issues raised and for that decision to be reviewed
or that for some other substantive reason it is not appropriate for the issue(s) complained of
to be progressed through the Student Complaint Procedure.
Principles of the procedure

18 The University, and this procedure, clearly distinguish between a concern (which is an opportunity for a student to bring a matter that they are unhappy about to the attention of the University informally) and a complaint (which is a formal statement by a student to which the University must respond and which the student has the right to pursue if they are not satisfied with that response). Any issue simply raised with the University, either orally or by letter, will be treated as a concern; it will only be treated as a complaint if an SCF1 form has been submitted (see paragraph 43).

19 Any student who thinks that they have a justified cause for concern or complaint should feel able to raise the matter without fear of subsequent victimisation, as should any student providing supporting evidence or representation. Whether the complaint is eventually upheld or not, the student has a right to raise it as long as they do so in good faith. However, students should note that raising a vexatious concern or complaint is a breach of the Student Conduct Regulations and may lead to disciplinary action.

20 Matters raised as a concern that the student wishes to remain confidential should remain confidential. If a concern is raised with a member of staff, the student’s explicit permission must be given before the issue is raised with others. The member of staff should explain to the student that, if such permission is not given, it may not be possible to pursue the concern in any meaningful way. In particular, no formal action will be taken in respect of a concern if the student refuses to allow the person who is the subject of that concern to be told the full details of the concern.

21 Matters raised as a formal complaint will remain confidential to those directly involved in the investigation of and response to the complaint (which includes any staff complained of or who are responsible for the matters complained of). All staff and students who become aware of any of the issues involved in a formal complaint are required to keep this information confidential except insofar as is necessary to progress, investigate or respond to the complaint. Failure to do so may result in formal disciplinary action being taken through the Student or Staff Disciplinary Procedure.

22 Submitting a formal complaint is likely to affect the relationship between the complainant and any staff complained of or who are responsible for the matters complained of. If the complainant and the relevant staff only have a general working relationship (eg the relevant member of staff teaches on a module that the complainant is studying), it is expected that both parties will continue that relationship in a professional manner and allow the matters complained of to be progressed through the formal procedure. Only in exceptional circumstances will the Pro Vice-Chancellor/Dean of Faculty or Director consider agreeing to a request for alternative working arrangements while the complaint is being investigated. On the other hand, if the parties have to work more directly together (eg the relevant member of staff is the complainant’s dissertation supervisor, Academic Advisor or line manager or would normally assess work submitted by the complainant), the Pro Vice-Chancellor/Dean of Faculty or Director will endeavour to make alternative arrangements while the complaint is being investigated should the complainant request it.

23 At any point of this procedure following the submission of a formal complaint as set out in paragraph 43, the complainant has a right to be accompanied to any meeting called by the University as part of the complaint process by a friend, who may not be a lawyer acting in a professional capacity. The friend may speak on behalf of or otherwise represent the interests of the individual concerned but may not give evidence except on matters of which they have direct knowledge. Whilst there is no equivalent right to be accompanied where a student is raising a concern (as a concern is primarily informal), the member of staff to whom the concern is addressed may agree to the student being accompanied if they believe this will help resolve the issue. A student's request to be accompanied should not be refused.
unreasonably and in no circumstances should a student be placed in a position where they feel intimated by being unaccompanied.

24 Complaints may be raised individually or collectively. In the case of a group complaint, each complainant must complete a separate SCF1, although these may refer to a common statement of the matter(s) complained of. The University may clarify which students are associating themselves with a submitted complaint before responding to it. Students who have not associated themselves with the complaint at that point will not normally be permitted to do so subsequently.

Other procedural matters

25 If a complaint alleges harassment and/or bullying by one or more members of staff, the provisions of the Harassment and Bullying Policy and Procedures for Staff shall apply (with the complainant having the same rights as an aggrieved member of staff under that policy). On the initiation of such proceedings, this procedure shall be suspended and the Academic Registrar informed. Guidance on the detailed application of the Harassment and Bullying Procedure may be obtained from the Academic Registrar who shall consult the Director of Human Resources.

26 A serious complaint, if found to be substantiated, could lead to disciplinary action against individual members of staff. Any initial investigation into a complaint will ensure that all relevant staff are reminded of this possibility and, should they wish it, given an opportunity to seek advice from their trade union or some other source before responding to the investigation. If an initial investigation reveals issues that are most appropriately dealt with through the Staff Disciplinary Procedure, such action will take precedence over the operation of this procedure. On the initiation of such proceedings, this procedure shall be suspended and the Academic Registrar informed. If an initial investigation does not result in the initiation of proceedings under the Staff Disciplinary Procedure, it will not be permissible to initiate such proceedings at any future point in the complaint process unless the member of staff concerned substantively misled the initial investigation.

27 It is expected that all students will exhaust this procedure before taking legal action although this procedure can not and does not purport to remove the right of any student or the University to seek a legal remedy for their dispute. Students may wish to note that the OIA (see paragraph 67) will normally refuse to consider any complaint that is, or has been, the subject of court proceedings. If a criminal investigation or a criminal or civil action that involves any matter related to the subject of a complaint is commenced by anyone (including the University) after the complaint has been submitted or is ongoing at the time the complaint is submitted, the Academic Registrar shall be informed. The Academic Registrar may then suspend this procedure while the investigation or action is in process and/or amend it to comply with the outcome of any action, whether or not any of the complainants are personally involved in the investigation or action.

28 If this procedure is suspended, the relevant Student Complaint Officer shall inform the complainant of the reasons for and the likely duration of the suspension. At the conclusion of the overriding process (including, in the case of disciplinary proceedings against one or more members of staff, any appeal) the complainant shall be given a written statement of the outcome insofar as it relates to the substance of the complaint. If there remain matters relating to the complaint that have not been resolved to the satisfaction of the complainant, the complaint procedure shall be resumed at the point at which it was suspended, if the complainant requests it. Such a request must be in writing to the relevant Student Complaint Officer or the Academic Registrar and set out the issues that the complainant still wishes to pursue.
29 If any correspondence relating to a complaint is marked “without prejudice”, the relevant Student Complaint Officer shall inform the Academic Registrar. The Academic Registrar may then refuse to accept the correspondence as raising, referring, progressing or pursuing a complaint until it has been formally resubmitted not marked as “without prejudice”.

30 Where the complaint is against the Students’ Union or its staff or agents (other than the General Manager), the role of the Pro Vice-Chancellor/Dean of Faculty or Director shall be undertaken by the General Manager.

31 In the event of any uncertainty or dispute, the Academic Registrar shall interpret this procedure. Upon receipt of a written request, the Academic Registrar shall confirm their interpretation in writing. If the Academic Registrar believes it appropriate in relation to any specific complaint, they may set aside any provision of this procedure and/or require another provision not part of this procedure provided only that they inform all those involved in the complaint in writing of any such variations.

32 Throughout this procedure the Academic Registrar and any Pro Vice-Chancellor/Dean of Faculty or Director may nominate a senior member of their staff to act on their behalf in relation to any complaint.

33 Where the matters and/or individuals complained of are such as to give rise to a reasonable concern that there may be a perceived conflict of interest on the part of any individual with a function under this procedure, the University Student Complaint Officer shall be informed. The University Student Complaint Officer or Academic Registrar (as appropriate) will designate an alternative member of staff who does not give rise to such a concern to undertake the potentially conflicted role in relation to the complaint (including, if necessary, their own role). This will not apply where the only perceived conflict of interest is that the person responsible for responding to the complaint has direct or indirect responsibility for the area of work complained of.

34 Where a complaint, or any significant part of it, is upheld, the complainant may claim from the University reasonable expenses incurred in the course of pursuing their complaint. Information on what constitutes “reasonable expenses incurred” in this context is available from the Academic Registrar.

35 If a complaint:

(a) seeks any financial remedy other than a full or partial refund of fees; or
(b) seeks a total fee refund greater than £10,000; or
(c) alleges professional incompetence or negligence on the part of any member of staff; or
(d) alleges that a serious breach of any of the University’s regulations has occurred; or
(e) alleges that bullying, harassment or unlawful discrimination has occurred; or
(f) alleges that a criminal act has been committed; or
(g) includes written representation from a lawyer acting in a professional capacity; or
(h) is against a member of the Senior Management Team (or someone closely associated with it), a Director or the General Manager of the Students’ Union,

the Student Complaint Officer who receives the complaint shall immediately inform the Academic Registrar. Advice on whether any of the above criteria apply can be obtained from the University Student Complaint Officer.
Advice and Guidance

36 Written guidance on the operation of this procedure, where and how to raise concerns and complaints and a list of relevant staff, their roles within this procedure and their contact details are available at http://www.brookes.ac.uk/services/asd/registry/ACCO/complaints/scp_gn00_index.html!

37 The Academic Registrar and the University, Faculty and Directorate Student Complaint Officers can provide authoritative advice on the application and operation of the procedure.

38 The Students’ Union Advice Centre can provide advice independent of the University and assistance in compiling a case.

Raising a concern (see also Guidance Note 1)

39 It is expected that, where a student is dissatisfied with the general provision of a service, they will normally first raise their concern through one of the mechanisms referred to in paragraph 1.

40 If this is not appropriate and/or the issue relates primarily to minor aspects of the behaviour of one or more members of staff, it is expected that the student will normally informally approach the person directly concerned or the person with immediate superior administrative authority for the area of work. If a student is unsure of the identity of the person with immediate superior authority for the area of work concerned, advice can be obtained from the appropriate Faculty or Directorate Student Complaint Officer. Subject to the provisions of paragraph 41, the person approached should respond either orally or in writing, normally within 20 working days.

41 If the matter raised is a serious one, or if it is a matter that the student has already raised and received a response to, the member of staff may require the student to raise the matter as a formal complaint if they wish to pursue it and may refuse to respond further unless and until the student does so. Any such requirement shall be put in writing to the student. If a member of staff is unsure about when it is appropriate to do this, advice can be obtained from the appropriate Faculty or Directorate Student Complaint Officer.

Raising a complaint (see also Guidance Note 2)

42 If it is not appropriate to follow the procedure set out in paragraphs 39 - 40, or if the student is not satisfied with the outcome of that process, they may initiate the formal complaint procedure. This procedure defines three levels within the University at which the complaint could be considered:

(a) the complaint is considered by the relevant member of staff or their line manager (see paragraphs 43 - 48);

(b) the complaint is considered by the relevant Pro Vice-Chancellor/Dean of Faculty or Director (see paragraphs 49 - 53);

(c) the complaint is considered by a Complaint Review Panel (see paragraphs 54 - 66).

While all complaints should be considered fully and fairly, it is in the best interests of the student raising the complaint, any member of staff complained of and the University that the consideration of a complaint is not prolonged unnecessarily. A complaint could progress
through all three of these levels (if not resolved) but, equally, one or more of these levels may be omitted by the University depending on the circumstances and/or nature of the complaint and/or the responses to it.

**Level 1 - consideration by the relevant member of staff or their manager**

43 A student wishing to raise a complaint must complete a Student Complaint form (SCF1) and submit it to the appropriate Faculty or Directorate Student Complaint Officer. Copies of the Student Complaint form, advice and guidance on how to complete it and where to submit it may be obtained as described in paragraphs 36 - 38.

44 The Student Complaint Officer shall acknowledge receipt of the SCF1 in writing. Before proceeding further, the Student Complaint Officer may require written amplification or clarification of the complaint.

45 If, in the view of the Student Complaint Officer, there has been unreasonable or inordinate delay in raising the complaint, or the complaint is wholly without substance or merit, or it is frivolous or vexatious, they shall refer it directly to the Academic Registrar. The Academic Registrar shall obtain such additional information as they feel necessary and shall then either dismiss the complaint summarily and inform the complainant in writing of their reasons for so doing or shall refer the complaint back to the Faculty or Directorate for a substantive response.

46 If, in the view of the Student Complaint Officer, the matters complained of are particularly complex or serious, or if the matters complained of have been raised as a concern and the relevant member of staff has already responded fully in writing, the Student Complaint Officer may decide that the complaint should be considered in the first instance by the relevant Pro Vice-Chancellor/Dean of Faculty or Director. In such cases, the Student Complaint Officer shall inform the complainant that they have referred the complaint directly to Level 2 of the procedure and the provisions of paragraphs 50 - 53 shall apply.

47 Subject to the provisions of paragraphs 45 - 46, the Student Complaint Officer shall refer the complaint to an appropriate member of staff who shall not be the relevant Pro Vice-Chancellor/Dean of Faculty or Director (or their nominee). The member of staff shall respond to the complainant in writing.

48 If the complainant is not satisfied with the response (or with elements of it) or if a response is not received within the timescales set out in paragraph 72, they may request that their complaint is considered at Level 2 of the procedure. To do this the complainant must write to the appropriate Faculty or Directorate Student Complaint Officer, clearly setting out:

(a) the elements of the response that they are not satisfied with;

(b) the reasons why they believe that the response is unsatisfactory;

(c) the remedy that they are seeking;

(d) that they wish the matter to be considered at Level 2 of the complaint procedure.

**Level 2 – consideration by the relevant Pro Vice-Chancellor/Dean of Faculty or Director**

49 The Student Complaint Officer shall acknowledge receipt of the request in writing. Before proceeding further, the Student Complaint Officer may require written amplification or clarification of the request.
If the request was made because the complainant did not receive a response within the relevant timescale, the Student Complaint Officer, having consulted the relevant Pro Vice-Chancellor/Dean of Faculty or Director, may refer the complaint back to Level 1 by allowing the original member of staff a further period of no more than 20 working days to provide a full response.

If, in the view of the Student Complaint Officer, there has been unreasonable or inordinate delay in pursuing the complaint, or the issues still being pursued are wholly without substance or merit, or the complaint has become frivolous or vexatious, they shall refer it directly to the Academic Registrar. The Academic Registrar shall obtain such additional information as they feel necessary and shall then either dismiss the complaint summarily and inform the complainant in writing of their reasons for so doing or shall refer the complaint back to the Pro Vice-Chancellor/Dean of Faculty or Director for a substantive response.

Subject to the provisions of paragraphs 50 and 51, the Student Complaint Officer shall refer the complaint to the relevant Pro Vice-Chancellor/Dean of Faculty or Director, who shall respond to the complainant in writing.

If the complainant is not satisfied with the response (or with elements of it) or if a response is not received within the timescales set out in paragraph 72, they may request that their complaint is considered at Level 3 of the procedure. To do this the complainant must write to the Academic Registrar clearly setting out:

(a) the elements of the response that they are not satisfied with;
(b) the reasons why they believe that the response is unsatisfactory;
(c) the remedy that they are seeking;
(d) that they wish the matter to be considered at Level 3 of the complaint procedure.

**Level 3 – consideration by a Complaint Review Panel**

The Academic Registrar shall acknowledge receipt of the request in writing. Before proceeding further, the Academic Registrar may require written amplification or clarification of the request.

If it appears to the Academic Registrar that the procedures set out in paragraphs 43 - 48 and/or paragraphs 49 - 53 have not been fully implemented, they may require that these be pursued further and may offer advice to the parties.

If, in the view of the Academic Registrar, there has been unreasonable or inordinate delay in pursuing the complaint, or the issues still being pursued are wholly without substance or merit, or the complaint has become frivolous or vexatious, they shall dismiss the complaint summarily and inform the complainant in writing of their reasons for so doing.

If, in the view of the Academic Registrar:

(a) the complaint has been processed fairly and substantially in accordance with the University’s procedures; and
(b) there is no reason to believe that a Complaint Review Panel would reach any different conclusion from that set out in the response from the Pro Vice-Chancellor/Dean of Faculty or Director,
they shall terminate the complaint procedure and inform the complainant in writing of their reasons for so doing. A decision not to so terminate the complaint procedure does not imply that, in the view of the Academic Registrar, any preceding judgements are defective or that a Complaint Review Panel should or will reach a different conclusion.

If, in the view of the Academic Registrar, the issues complained of are such that they might be resolved through a process of mediation, they shall offer this option to the relevant parties. In such circumstances it is expected that all parties to the complaint will cooperate with this process. If all the parties agree to mediation, the complaints procedure will be suspended while the mediation process occurs. If, at the conclusion of the mediation process, there remain matters relating to the complaint that have not been resolved to the satisfaction of the complainant, the complaint procedure shall be resumed at Level 3, if the complainant requests it. Such a request must be in writing and set out the issues that the complainant still wishes to pursue. Detailed guidance on the operation of the mediation process can be obtained from the Academic Registrar.

Subject to the provisions of paragraphs 55 - 58, the Academic Registrar shall establish a Complaint Review Panel to consider the complaint. The Panel shall consist of:

(a) a member of the Senior Management Team as Chair;

(b) an Associate Dean, Assistant Dean, Director or Deputy Director;

(c) a student drawn from a panel established by the President (or principal officer) of the Students' Union.

The Academic Registrar shall provide the Secretary to the Panel. The Academic Registrar shall also identify whether there are any members of staff whose alleged individual acts and/or omissions form a significant element of the complaint.

No one who, in the judgement of the Academic Registrar, has too close a personal or professional association with the complainant or the persons or issues complained of shall be eligible to serve as a member of the Panel. As far as possible and subject to that principle, at least one of the Panel shall be a person generally familiar with good practice in the area of the complaint. For example, for hearing a research student’s complaint about supervision or resources, one of the Panel should have substantial experience of research degree supervision.

The Secretary to the Panel shall seek written statements of case and evidence from the complainant, from the relevant Faculty or Directorate and from any witnesses suggested by either party for consideration by the Panel. If, in the judgement of the Secretary, there are significant areas of ambiguity in, or omissions from, the documentation which is made available, the Secretary shall seek further clarification from the complainant, the Faculty or Directorate and/or any witnesses.

The Panel will normally proceed solely by scrutiny of the written documentation but it may, at its sole discretion, interview the complainant and/or any member of staff and/or any witnesses proposed by either party in order to clarify any relevant matter. It may also, again at its sole discretion, allow the complainant and/or any member of staff and/or any witness to make an oral submission in support of any documents submitted. Any individual wishing to make an oral submission to the Panel must request this in writing to the Secretary, setting out the reasons why they believe it would not be appropriate for the Panel to rely solely on their documentary submissions. The Secretary shall produce written notes of any interview or oral submission.

The Secretary shall forward all the material submitted by the complainant and the Faculty or Directorate, including the notes taken at any interview or oral submission, to the other party
who will be given an opportunity to respond to and/or comment on the material. If, at any point, in the view of the Secretary, there is any evidence or issues in the responses or comments that have not already been substantially addressed, the Secretary shall forward the responses and/or comments to the other party who will be given a further opportunity to respond to and/or comment on this additional material.

64 The Secretary shall also forward all the material circulated to the parties to any members of staff identified by the Academic Registrar in paragraph 59. Such members of staff shall be given an opportunity to submit additional documentation, respond to and/or comment on the material. If any such member of staff is interviewed by or permitted to make an oral submission to the Panel, they have the right to be accompanied by a friend, who may not be a lawyer acting in a professional capacity. The friend may speak on behalf of or otherwise represent the interests of the individual concerned but may not give evidence except on matters of which they have direct knowledge. The Secretary shall produce written notes of any interview or oral submission. The Secretary shall forward all the material submitted by such members of staff, including the notes taken at any interview or oral submission, to both the parties to the complaint who will be given an opportunity to respond to and/or comment on this material.

65 When the Review Panel is satisfied that it has received sufficient evidence and documentation to understand the issues and that the complainant has had an opportunity to comment on all the material that is before the Panel, it shall determine the complaint. The Panel shall make such findings of fact as seem appropriate and shall clearly indicate which elements of the complaint are fully upheld, which are partly upheld and which are not upheld. If any part of the complaint is upheld, the Panel shall recommend specific action by way of remedy. In any case the Panel shall make such recommendations as seem appropriate to prevent the recurrence of similar complaints.

66 The Secretary shall write to the complainant, the relevant Pro Vice-Chancellor/Dean of Faculty or Director and any members of staff identified by the Academic Registrar in paragraph 59 setting out the findings of the Panel. The letter to the complainant shall clearly state that the complainant has now completed the University’s internal complaint procedure as described in paragraph 68.

Further Review

67 If the complainant is dissatisfied with a decision of the Academic Registrar made under paragraphs 17, 45, 56 or 57, they may request that it be reviewed by the Director of Academic and Student Affairs. Such a request must be in writing to the Academic Registrar and must set out the full reasons why the complainant believes that the decision of the Academic Registrar is incorrect. The Director of Academic and Student Affairs shall review the decision of the Academic Registrar and inform the complainant in writing of the outcome and the reasons for it. If the Director of Academic and Student Affairs upholds the decision of the Academic Registrar, the letter to the complainant shall clearly state that the complainant has now completed the University’s internal complaint procedure as described in paragraph 68.

68 If a complainant has completed the University’s internal complaint procedure and they are still dissatisfied with the outcome, they may be able to refer their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA’s Rules. A letter stating that a complainant has completed the University’s internal complaint procedure shall include information on the OIA and comply with the OIA’s guidance for a “Completion of Procedures” letter.
Throughout this procedure, the University will endeavour to respond to any complaint as rapidly as possible. However, every complaint will need to be fully investigated and this may mean that a response cannot be given as quickly as either party would wish, particularly if the complaint is complex or extensive or was submitted at a time when key staff are out of the University. Equally, the University expects students to submit any complaints that they have within a reasonable time of the matters complained of occurring and to pursue any response that they are dissatisfied with expeditiously. Paragraphs 70 - 76 set out the time limits that will apply for most complaints but these may be varied by the University where there is good reason to do so.

A complaint will normally be summarily dismissed on the grounds that there has been unreasonable or inordinate delay in submitting it if the complainant does not submit it within three months of the latest of:

(a) the event complained of; or

(b) the latest event complained of, if the complaint is about a linked group or series of events; or

(c) the latest substantive response from the University, if the issue was initially raised as a concern; or

(d) when the issue was first raised as a concern, if no substantive response is received from the University, provided that the complainant can show that it was raised as a concern within three months of the event complained of.

Student Complaint Officers and the Academic Registrar shall normally acknowledge the submission and the referral of complaints within 10 working days.

Relevant members of staff and Pro Vice-Chancellor/Deans of Faculty and Directors shall normally provide a full response to a complaint within 20 working days of it being submitted or referred. If they find that it is not possible to do so, they shall write to the complainant within 20 working days of the complaint being submitted or referred, setting out:

(a) their response to those elements of the complaint, if any, for which they have been able to produce a full response;

(b) the reasons why they have not been able to provide a full response to the remaining elements;

(c) the date by which it is anticipated that they will provide the complainant with a full response to the remaining elements of the complaint, which shall normally be no more than 40 working days after the complaint was submitted or referred.

A complaint shall normally be summarily dismissed on the grounds that there has been unreasonable or inordinate delay in referring it if the complainant does not request that the complaint be considered at the next level:

(a) within 20 working days of the despatch of the full response, if a full response was provided; or

(b) within 20 working days of when the remaining elements of the response were due, if only a partial response was provided; or
(c) within 40 working days of the original submission or referral of the complaint, if no response at all was received.

74 During consideration of a complaint at Level 3 of the complaint procedure, statements of case, additional documentation and evidence, clarification of material, responses to and/or commentary on material shall normally be requested within 10 working days. Each party shall normally be required to respond (if they wish to do so) within a period of not less than 10 working days and not more than 15 working days. Any interviews and/or oral submissions shall be arranged as rapidly as possible but will be subject to the diary commitments of the Panel members. It is likely that such interviews or submissions will significantly extend the time taken before a decision can be reached. The decision of the Complaint Review Panel shall normally be given to the complainant within 10 working days of being determined.

75 Any request for a decision of the Academic Registrar to be reviewed (as set out in paragraph 67) will normally be dismissed on the grounds that there has been unreasonable or inordinate delay in requesting it if it is not received within 20 working days of the despatch of the decision. The Director of Academic & Student Affairs will normally respond within 20 working days of receiving the request.

76 A written statement of the reasons for and likely duration of a suspension of the complaint procedure shall normally be given to the complainant within 10 working days of the suspension. The complainant shall normally be informed in writing of any increase in the likely duration of the suspension at least five working days before the end of the previously indicated time period. A written statement of the outcome of the overriding procedure or process shall normally be given to the complainant within 20 working days of the conclusion of that procedure or process. Any request to resume the complaint procedure will normally be dismissed on the grounds that there has been unreasonable or inordinate delay in requesting it if it is not received within 20 working days of the despatch of the written statement.

Initial procedure adopted by the Board of Governors, 9 July 1999
Revised procedure adopted by the Board of Governors, 7 July 2006
Revised procedure adopted by the Board of Governors, 1 July 2010
Procedure revised to reflect change to Faculties, 6 September 2011