

# Student Complaints

## Procedure

### 1. Introduction

- 1.1 The Student Complaints Procedure sets out the formal processes which must be followed to implement section 4.2 of the University Regulations for Study. A complaint can be submitted about acts or omissions of the University which took place at a time when the complainant was a student of the University. This includes those on temporary withdrawal at the time of the act or omission.

### 2 Before making a formal complaint.

- 2.1 Where a student is dissatisfied with an act or omission of the University, they would normally be expected to bring this matter to the attention of the person or service responsible, to give them an opportunity to resolve it, unless there are good reasons why this would not be appropriate. This is referred to as raising a Concern.
- 2.2 A Concern can also be raised with the manager of the person or service responsible.
- 2.3 If a student is unsure who to raise a Concern with, advice can be sought from a Student Support Co-ordinator, the Student Investigation and Resolution Team (SIRT), or from Brookes Union Advice Service.

### 3 Submitting a complaint

- 3.1 A student may submit a formal complaint if they are dissatisfied with the outcome once they have raised a concern, or if it was not appropriate to raise a Concern. A complaint should be submitted as soon as possible, and normally no longer than 2 months after the event or omission complained about. However, if it can be demonstrated that the student was not in a position to raise the formal complaint at an earlier stage because they were actively involved in trying to resolve the issue through the Concerns process, the complaint can be accepted for investigation even if it is submitted more than 2 months after the event complained about.
- 3.2 To lodge a formal complaint, a student should complete a Complaints and Appeals Form and submit it in accordance with the instructions on the form.
- 3.3 It is the responsibility of the student to ensure that, at the point of submission, they raise all relevant issues and provide all relevant information and documentation which they wish to be considered, including that from associated people, e.g. witnesses. Issues, information and documentation which are submitted at a later date will not normally be considered. It is not the role of the Student Investigation and Resolution Team to gather information on behalf of the student, for example by contacting staff for email correspondence the complainant has cited. If there is evidence which the student cannot

reasonably obtain, but which they feel is important to the case, then they should seek advice about this from the Student Investigation and Resolution Team before they submit their complaint.

3.4 The following categories of complaint will not normally be considered under this procedure:

- (a) Complaints about acts or omissions of the University which happened at a time when the complainant was not enrolled.
- (b) Issues first brought to the University's attention, more than two months after the act or omission being complained about, unless there is evidence to demonstrate that the complainant could not reasonably have submitted at an earlier stage.
- (c) Complaints which are not submitted directly by the student, except where a representative has been appointed as noted in paragraph 3.7.
- (d) Complaints where the issues raised are the same, or substantially similar, to issues previously raised by the complainant and which have already been investigated under the procedure.
- (e) Anonymous complaints, i.e. where the complainant wishes to remain anonymous to some or all parts of the University, will not generally be investigated. At its discretion, the University may decide to consider an anonymous complaint if there is a compelling case, supported by evidence, for the matter to be investigated.
- (f) Complaints where the student has asked that the issues raised be kept confidential and not discussed with the person or service being investigated, if this will prevent them having a fair opportunity to defend themselves or if it will prevent the investigator from gathering the necessary information.
- (g) Complaints which do not affect the student in their capacity as a student – for example, issues relating to paid employment with the university
- (h) Complaints which are frivolous or vexatious. Students bringing such complaints may be referred to the student conduct procedures.

3.5 The following categories of complaint will not be considered under this procedure, but under an alternative procedure:

- (a) Complaints from applicants to the University, prior to their enrolment, should be raised with the Head of Admissions.
- (b) Complaints about the proper operation of the University's regulations, policies and procedures, or about course content or delivery if this is as it was described. Such issues can be raised through several mechanisms such as:
  - i Elected student course committee representatives
  - ii Faculty or University Quality, Learning and Infrastructure Committees
  - iii Teaching, Learning and Experience Committees
  - iv Academic Board
  - v Board of Governors
- (c) Complaints about decisions made by the Exceptional Circumstances Panel should be made under the Exceptional Circumstances Review process, explained in the Exceptional Circumstances procedure.
- (d) Complaints about decisions made by Examination Committees, such as academic marks and overall degree outcomes, can be considered under the Academic Appeals procedure.
- (e) Complaints by the reported student(s) about the processes or outcomes relating to the Student Conduct Regulations, the Student Academic Conduct Regulations or

the Fitness to Practice Regulations are covered by the review and appeal mechanisms in those regulations.

- (f) Complaints about decisions taken under the Fitness to Study Regulations are covered by the review and appeal mechanisms in those regulations.
- (g) Complaints about harassment or bullying by a member of staff may be more appropriately considered under the University's Policy and Procedure on Harassment and Bullying.
- (h) Any other complaints which would be more appropriately considered under one of the University's other procedures. The Student Investigation and Resolution team can provide advice.
- (i) Complaints about other students should be made under the Student Conduct Procedures, unless the student was acting as an employee or agent of the University when the incident occurred.
- (j) Initial complaints from students studying at a partner institution should be made under the institution's complaint procedures if the matter complained about occurred at, or was the responsibility of, the partner institution. However, if those procedures have been completed and the student is dissatisfied with the response, they can refer their complaint to the University. More advice about which institution to complain to can be sought from the University Student Investigation and Resolution Team.
- (k) Initial complaints about any acts or omissions of the Students' Union, including complaints that a student has been unfairly disadvantaged by exercising their right not to be a member of the Students' Union. These will be dealt with under the Student's Union complaints procedure. If that procedure has been exhausted, and the student is dissatisfied with the response, they can refer their complaint to the University at level two of these procedures.

3.6 If the student submits recordings which have been, or appear to have been, taken without the knowledge or permission of the person whose image or voice is in the recording, then the Student Investigation and Resolution Team will consider whether it should be considered as evidence, or excluded from proceedings, taking external advice where necessary. This is because covert recordings can breach the law or the rules of procedural fairness.

3.7 Complaints should normally be submitted directly by the student themselves, and not by someone acting on their behalf. If there is good reason, for example if the student has a disability which makes it difficult for them to engage in the complaints procedure, then they may apply to appoint a representative. They should do this by contacting the Student Investigation and Resolution Team, explaining why they need a representative, providing the name and contact details of who will represent them, and giving permission for the University to discuss all confidential matters with the representative.

3.8 If the Student Investigation and Resolution Team gives permission for a representative to handle the complaint on behalf of the student, they will normally correspond only with the representative about the complaint after that. They will usually accept information only via the representative and not from the student directly.

## **4 Initial evaluation**

4.1 After submission of a complaint, a member of the Student Investigation and Resolution Team will undertake an initial evaluation to check that the complaint:

- (a) has been submitted under the correct procedures,

- (b) does not fall into one of the categories listed in paragraph 3.4 or 3.5, which will not be considered
- (c) contains enough detail for the investigator to understand the key issues to be investigated
- (d) includes relevant evidence or a good reason why this could not be provided
- (e) if the complaint is about a partner institution or the Students' Union, that it falls within the grounds upon which a complaint can be made under this procedure.

- 4.2 If relevant criteria are not met then the member of the Student Investigation and Resolution team may ask the complainant to provide more information.
- 4.3 If relevant criteria are met, then the investigation will proceed to a Level 1 investigation, except in the case of complaints about partner institutions or the Students' Union. If these complaints are eligible, then they will be considered at Level 2 of these procedures.
- 4.4 If it is decided at this stage that all or part of the complaint is not eligible, then the student will be informed of this, normally within 10 working days of the submission of the Complaints and Appeals Form.
- 4.5 If the student is dissatisfied with a decision that all or part of their complaint is not eligible, they may request an eligibility review within 10 working days of the date the decision was issued to them, stating the reasons why they think the decision was not in accordance with these regulations. Late requests for a review will be considered only if evidence is provided to demonstrate that there was good reason this could not have been made earlier.
- 4.6 The review will be carried out by a member of the Student Investigation and Resolution Team who was not involved in making the initial decision. They will consider the reasons which the student has given about why they feel the eligibility decision is incorrect. They will normally send an outcome letter within 20 working days of the review request. If they decide that the original eligibility decision was correct, they will issue a Completion of Procedures Letter. If the initial decision is overturned, the complaint will progress to level 1 of this procedure.

## **5 Level 1**

- 5.1 The investigator will not normally meet with the student, instead making a decision on the basis of the evidence which has been provided to them. At their discretion, they may contact key staff or the student to ask them for information, or an account of events. They may also ask the student to submit further information.
- 5.2 The Level 1 outcome and the reasons for this decision will normally be sent to the student within 20 working days from the date the complaint was referred to Level 1. If any aspect of the complaint has been found justified, then the outcome letter should explain what the University will do to put things right, and when this will be done.

## **6 Request for Level 2 Investigation**

- 6.1 If the student is dissatisfied with the Level 1 complaint outcome, they can request a Level 2 review of this decision, on one of the following grounds:
- (a) that the procedures were not properly followed during the Level 1 investigation, Student's Union investigation or partner college investigation,

- (b) that the Level 1 outcome was one that no fair and reasonable person could have made, on the basis of the evidence
- (c) that there is new, relevant evidence which the student can demonstrate they were unable to provide earlier for reasons beyond their control

6.2 A Level 2 review request should be submitted in writing, within 10 working days of the issue of the Level 1 outcome, unless there is evidence to demonstrate why it could not reasonably have been submitted earlier. It should clearly state the student's grounds for review and any evidence to support this, as well as explaining what remedy the student is seeking.

6.3 If the student is dissatisfied with the Level 1 appeal outcome but does not meet any of the grounds for a Level 2 review set out in paragraph 6.1, they can request that the university issues a Completion of Procedures letter.

## **7 Level 2**

7.1 Normally two reviewers from the Student Investigation and Resolution Team will be appointed to consider the Level 2 complaint. Both reviewers need to agree on the complaint outcome. If the reviewers cannot agree then a third member of staff will be consulted, and the majority decision will form the outcome.

7.2 As this is a review, the reviewers will not normally consider the issues afresh or conduct a further investigation into the specific issues complained about. If it is decided that one or more of the grounds for a Level 2 complaint have been met, then the reviewers have the authority to amend the Level 1 outcome.

7.3 The Level 2 outcome will normally be sent to the student within 20 working days of the student's request to proceed to level 2 of this procedure. If any aspect of the complaint has been found justified, then the outcome letter should explain what the University will do to put things right, and when this will be done.

7.4 If the Level 2 complaint is not justified, then a Completion of Procedures Letter will be issued to the student.

## **8 Completion of Procedures**

8.1 A Completion of Procedures Letter will be automatically issued within 28 days in the following circumstances:

- (a) If the student's complaint was ineligible and a review did not overturn that decision
- (b) If the student is dissatisfied with the Level 1 outcome and has told the University that they do not meet the grounds for a Level 2 complaint
- (c) If their complaint was considered at Level 2 and not justified
- (d) If the student's complaint was considered at Level 2 and justified, but the student has stated that they are dissatisfied with all or parts of the outcome.

8.2 If a student has completed the University's internal complaint procedures, they are entitled to ask the [Office of the Independent Adjudicator for Higher Education](#) (OIA) to review their complaint. The OIA will decide if the complaint is eligible under its rules. The complaint must be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter.

## 9 Procedural notes

- 9.1 Formal complaints will remain confidential to those directly involved in the investigation and provision of a response to the complaint, and to those involved with implementing recommendations following the outcome.
- 9.2 The Head of the Student Investigation and Resolution Team can nominate an alternative person to act on behalf of any staff member assigned a role within this procedure.
- 9.3 The university will investigate complaints in line with the rules of procedural fairness (natural justice). Decision makers will consider issues without bias. They will not have been previously involved in making decisions about the specific matters complained about. They will give reasons for their decisions.
- 9.4 The University will make reasonable adjustments to these procedures where possible, when it is reasonable to do so to prevent any student from suffering a substantial disadvantage as a result of a disability. Those requiring reasonable adjustments are expected to inform the Student Investigation and Resolution Team and any appropriate adjustments will be discussed.
- 9.5 At any stage, the investigator is entitled to make a decision to suspend the complaints procedures for one of the following reasons:
  - (a) If there is an ongoing investigation or proceedings under one of the University's other procedures, the outcome of which could substantially alter the course of the complaint investigation or its outcome.
  - (b) If there is not an ongoing investigation under one of the University's other procedures but in the investigator's opinion, the complaint could not properly be decided without this taking place. For example, staff disciplinary issues cannot be investigated under this procedure and the investigator might decide that it needs to be established whether a member of staff has breached the terms of their employment contract.
  - (c) If there are ongoing criminal investigations or legal proceedings directly related to the issues complained about.
  - (d) If the student is behaving unreasonably and in a way that could negatively impact the investigators or the investigation – for example, behaving aggressively, making unreasonable demands or repeated related requests.
- 9.6 If the investigator makes a decision to suspend a complaint, they will write to the complainant to explain the reasons for their decision, and what will trigger the re-opening of the complaint.
- 9.7 If the complainant disagrees with the decision to suspend the complaint, they may ask for a review of this decision by writing to the Academic Registrar within 10 working days of the decision.
- 9.8 The Academic Registrar will consider the letter notifying the student of the suspension of procedures, and the students' reasons for disagreeing with the decision. They will inform the student of the outcome, either to continue or overturn the suspension, normally within 10 working days.
- 9.9 If any correspondence relating to a complaint is marked "without prejudice" the Academic Registrar will be informed. 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”

- 9.10 The outcome of some formal complaints may include a number of recommendations providing a remedy and attempting to prevent recurrence. The Student Investigation and Resolution Team shall inform the relevant staff of these recommendations. If any recommendations are made and they are not implemented, the Student Investigation and Resolution Team shall report this to an appropriate senior staff member.
- 9.11 These procedures have been designed to be straightforward for students to navigate, and it should not be necessary for students to seek legal representation to support them with the submission of their complaint. However, the Student Complaints Procedure does not remove the right of any student to seek a legal remedy for their dispute. The University reserves the right to appoint lawyers to provide advice if the student has appointed lawyers of their own.