

Student Complaints Procedure

1 Introduction

- 1.1 The University is committed to providing an excellent student experience. However, we recognise that our provision and services may, from time to time, fall short of expectations, and the Student Complaints procedure is in place to allow students to seek redress for any disadvantage, damage or distress caused by the acts or omissions of University staff or agents. It is also a mechanism to enable the University to identify any shortcomings and make improvements to our procedures and practices; and all complaints are treated seriously and handled sensitively.
- 1.2 The Student Complaints procedure described here sets out the formal processes, which must be followed where a student (or group of students) wishes to make a complaint under [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 (or group of complainants) was a student of the University, including those who were on temporary withdrawal at the time of the act or omission. Graduates have recourse to the complaints procedure for up to two months following the publication of their final grades. Guidance for students wishing to make a formal complaint can be found on the [Student Complaints webpages](#)

2 Before making a formal complaint - raising a concern

- 2.1 Where a student is dissatisfied with an aspect of the University's provision, normally the quickest resolution can be achieved by bringing the problem to the attention of the person or service responsible, to give them an opportunity to fix it. 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 in order to resolve the problem, advice can be sought from a Student Support Coordinator, the Student Investigation and Resolution Team (via sirt@brookes.ac.uk), or from [Brookes Union Advice Service](#).
- 2.4 Where the student does not want to, or cannot, raise a concern, or it has not been possible to resolve the matter via that approach, a formal complaint should be raised.

3 Submitting a complaint

- 3.1 A student may submit a formal complaint if they are dissatisfied with the outcome having raised a concern (see section 2 above), or if it was not appropriate to raise a

concern. A complaint should be submitted as soon as possible after the incident or omission they wish to complain about and normally no more than 2 months after the event. The University will not normally consider complaints made after this point, unless there is a good reason (supported by evidence) for the delay.

- 3.2 To lodge a formal complaint, a student should complete a [Complaints and Appeals Form](#) via the Service Now portal and submit it in accordance with the instructions on the form.
- 3.3 It is the responsibility of the complainant to ensure that, at the point of submission of the Complaint, they raise all relevant issues and provide all relevant information and evidence that they wish to be considered, including that from associated people, e.g. witnesses to an incident. Information and evidence provided later 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 cited by the complainant. 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 (via sirt@brookes.ac.uk) before they submit their complaint form.
- 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 that 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 this 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. There may be some circumstances where a student wishes to report something and would like the University to take action, but does not wish to be named or make a complaint. In this situation, the student should contact SIRT (via sirt@brookes.ac.uk) to discuss the options available.
 - (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 that do not affect the student in their capacity as a student – for example, issues relating to paid employment with the university.

- (h) Complaints that are frivolous or vexatious. Any complaint made with the intention of causing annoyance or distress, or in which the student is rude to staff members is considered to fall below the standards of behaviour expected at Oxford Brookes; and a student bringing such a complaint may be subject to disciplinary action under the [Student Conduct Procedure](#)

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) If complaints are made about the proper operation of the University's regulations, policies and procedures, or about course content or delivery they may be raised through alternative mechanisms instead, such as:
 - i Elected student Subject Committee representatives
 - ii Faculty or University Quality and Learning Infrastructure Committees
 - iii Faculty or University Teaching and Learning Enhancement Committees
 - iv Academic Board
 - v Board of Governors
- (c) Complaints about decisions made by an Exceptional Circumstances panel should be made under the Exceptional Circumstances review process, explained in section 10 of 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 [Academic Conduct](#) regulations or any Fitness to Practise requirements that apply to their programme of study 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 (via sirt@brookes.ac.uk) 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 organisation](#) should be made under the partner's complaint procedures if the matter complained about occurred at, or was the responsibility of, the partner organisation - details of how to lodge a complaint will be contained in the relevant student handbook. 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 how to make a complaint can be sought from the University Student Investigation and Resolution Team (via sirt@brookes.ac.uk)

- (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 2 of this procedure.

- 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. However, if the student has a particular reason that makes it difficult for them to engage in the complaints procedure, then they may appoint a representative. They should do this by contacting the Student Investigation and Resolution Team with the following information:
- the name and contact details of who will represent them,
and
 - giving permission for the University to discuss all complaint matters with the representative.
- 3.8 If there is an agreed representative handling the complaint on behalf of a student, the Student Investigation and Resolution Team 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 - is the complaint eligible for investigation?

- 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 made about a partner institution or the Students' Union, 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 The student will be informed whether the complaint is eligible or not, normally within 10 working days of submission of the Complaints and Appeals Form
- 4.4 If relevant criteria are met, then the complaint 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 this procedure.
- 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, stating the reasons why they think the decision was not in accordance with these regulations. A late request for a review will be considered only if evidence is provided to demonstrate that there was a good reason it could not have been made earlier.
- 4.6 A member of the Student Investigation and Resolution Team who was not involved in making the initial eligibility decision will carry out the review. They will consider the reasons that 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 (see section 8.2 below). If the initial decision is overturned, the complaint will progress to Level 1 of this procedure.

5 Level 1 investigation

- 5.1 The investigator will not normally meet with the student, and will make a decision based on the evidence that 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 outcome of the consideration of the complaint, and the reasons behind the decision, will be communicated in the outcome letter sent to the student. The Level 1 outcome 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 to be justified, then the outcome letter will explain what the University will do to put things right, and when this will be done. Most complaints are found to be either Justified (accepted) or Not Justified (declined). However, where a complaint has multiple elements, a conclusion of Partly Justified may be applied - in that case, the outcome letter will clearly state which elements of the complaint have been accepted and which have not.

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 or more 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 date of the Level 1 outcome, unless there is evidence to demonstrate why it could not reasonably have been submitted earlier. In their request for a Level 2 review, the student should:
- clearly state the grounds for review of the Level 1 decision,
 - provide any evidence to support this,
 - explain what remedy they are seeking.

7 Level 2 investigation

- 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. The reviewers will assess whether the level 2 request came in on time and if not, whether there is a valid reason why it could not have been submitted earlier. 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, 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 (see 8.2 below) will be issued to the student.

8 Possible Outcomes

Where possible, if a complaint is found to be justified, the University will endeavour to resolve the matter so the student is not at a detriment. Possible resolutions may include:

- correcting an administrative mistake which has been made
- fixing the issue
- issuing an apology.
- financial remedy

Occasionally it is not possible to resolve the matter directly for the complainant, but the University can learn lessons and make changes so that the same issue is less likely to occur again in future. Key learning from outcomes is shared with relevant staff in the university.

The timing of the outcome may affect upon potential outcomes, so it is normally better for students to make a complaint as early as possible.

9 Completion of Procedures

- 9.1 The Office for the Independent Adjudicator for HE ([OIA](#)) is an independent review body set up to review student complaints about higher education providers in England and Wales when students are dissatisfied with the outcome of an internal investigation. If a student has completed the University's internal procedure for consideration of their complaint and they are still dissatisfied with the outcome, they may be able to refer their case to the OIA, providing that the complaint is eligible under the [OIA's rules](#)
- 9.2 A Completion of Procedures (CoP) letter, confirming that there is no further avenue for the case internally and providing information about how they can take their case to the OIA, 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 found Not Justified at Level 2;
 - (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 part of the outcome.
- 9.3 Normally, a student will not be able to take their case to the OIA without a CoP letter; and the time limit for taking a case to the OIA is 12 months from the date of the CoP letter.

10 Procedural notes

- 10.1 Formal complaints will remain confidential to those directly involved in the investigation and provision of a response to the complainant; and to those involved with implementing recommendations following the outcome.
- 10.2 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.
- 10.3 The University will investigate complaints in line with the rules of procedural fairness and the principles set out in the OIA's [Good Practice Framework](#). Decision makers will consider issues without bias; they will not have been previously involved in making decisions about the specific matters complained about; and they will give reasons for their decisions.
- 10.4 The University will apply 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 (via sirt@brookes.ac.uk) and any appropriate adjustments will be discussed.

- 10.5 The University will endeavour to respond to all complaints as rapidly as possible and within the stated timescales set out. However, every complaint will need to be fully investigated - if a complaint is particularly complex or extensive, or is submitted at a time when key staff are away from the University, this may mean that a response cannot be given within the timescales indicated. If this is the case, the Student Investigation and Resolution Team will keep students updated about the progress of their complaint.
- 10.6 At any stage, the investigator is entitled to make a decision to suspend the Student Complaints procedure for any 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 being 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, or making unreasonable demands or repeated related requests.
- 10.7 If the investigator makes a decision to suspend a complaint, they will write to the complainant explaining the reasons for their decision, and how the complaint process may be re-started.
- 10.8 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 (kirk@brookes.ac.uk) within 10 working days of the decision.
- 10.9 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 of their decision - either to continue or overturn the suspension - normally within 10 working days.
- 10.10 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".
- 10.11 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 will inform the relevant staff of these recommendations. If any recommendations are made and they are not implemented, the Student Investigation and Resolution Team will report this to an appropriate senior staff member.

- 10.12 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.

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