

Quality Code for Higher Education

Complaints by Students

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Date of Implementation:	August 2016
Originator:	Higher Education & Skills Department
Approval by:	Higher Education Learning & Teaching Committee
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Description:	<p>These regulations set out the procedures through which formal complaints by students must be addressed. They emphasise informal resolution as the first objective.</p> <p>NOTE: Where the awarding body has different requirements this will take precedence over the College's Code of Practice</p>
Responsibilities:	Higher Education & Skills Department / Academic Heads / Curriculum Managers / Units / Student Services / Higher Education Learning & Teaching Committee
Applications for exemptions to:	Higher Education Learning & Teaching Committee
Report Exemptions to:	Higher Education Learning & Teaching Committee
Links to UK Quality Code for HE:	Chapter B9

Part I: General Principles and Definitions

1 Aims

- (a) The College is committed to providing a high standard of education and related services, and encourages students to inform it where there is any cause for concern or where there may be an opportunity to make improvements. However, students are reminded that a complaint will not always produce the outcomes desired by the complainant. For example, students should remember that the College has to make difficult decisions about how to allocate limited financial and other resources, and other factors outside the College's control may affect the level of service which the College can provide.
- (b) The College is committed to handling any student complaint in a way which:
- encourages informal resolution
 - is fair and efficient
 - treats complainants with appropriate seriousness and sympathy
 - is as speedy as is consistent with a fair and thorough investigation
 - allows the College, or any part of it, to benefit from its investigation
- (c) The investigation of student complaints shall be conducted in accordance with the following Regulations which are designed to reflect the College's duty to act fairly and the QAA UK Quality Code for Higher Education.
- (d) Any reference to 'Department' in these Regulations shall be read as meaning the academic department, or non-academic service, unit or other body within the College, which is the subject of the complaint.
- (e) In general, those about whom complaints are made, under these specific procedures, will be informed about what is being claimed and who is making a complaint.
- (f) Other matters outside the scope of the procedure normally include matters which are the subject of criminal investigation or proceedings until such time as those proceedings are concluded.

2 Definition of Complaints

- (a) For the purpose of these regulations a complaint is any specific concern on the part of a student about the provision of education or other service by the College. The following provides examples, but this should not be regarded as an exhaustive list:
- inaccurate or misleading information about programmes of study
 - inadequate teaching or supervision
 - insufficient academic facilities
 - service not provided to standard as advertised
- (b) Complaints shall be distinguished from academic appeals as defined in Regulation 5.1 of the College Quality Code.

Distinction between Appeals and Complaints

- (c) These Regulations shall apply only to complaints and not to academic appeals which shall be understood as the request to review a decision regarding the progress of the candidate on his/her programme of study, including the award of any qualification as a result of that

progress. Other matters of dispute involving a student and the College, or department or section thereof, shall be termed "complaints".

- (d) In the event of a set of circumstances legitimately giving rise to grounds for both appeal and complaint the Chair of Higher Education Learning & Teaching Committee, and the person responsible for investigating the complaint in accordance with the Complaints Regulations referred to in paragraph 2(a), shall jointly determine in consultation with the complainant the manner in which the two matters shall be resolved, and the appropriate timescale. All parties shall ensure that the requirements of the respective Regulations are fully adhered to.
- (e) These regulations do not apply to complaints about the academic or other conduct of a student or students.

3 Confidentiality

Any party involved in the investigation or determination of a complaint in any capacity shall respect the confidentiality of any document or other information generated in, or as a result of, that complaint, and shall not disclose such information to persons not involved in the matter. Any person who discloses information in breach of this regulation may be liable to disciplinary action under the appropriate College Regulations and Procedures.

4 Application of the College Policy on Harassment

Subject to regulation 5, in accordance with the College Policy on Harassment, a student shall not be put at risk of disadvantage or discrimination as a result of making in good faith a complaint in accordance with these regulations.

5 Anonymous, Vexatious or Malicious Complaints

A student who makes a complaint knowing, or having reasonable grounds for believing, that it is untrue, or for which he or she is unable to submit any supporting evidence, or which is substantially the same as a complaint previously made, may be liable to action. A complaint which is deemed vexatious or malicious may be rejected by the person responsible for its investigation in accordance with these Regulations, subject to the complainant being informed in writing within seven days of the decision to reject, and the reasons why the complaint is regarded as vexatious or malicious. Students are encouraged to complain about legitimate issues and will be supported in doing so. Anonymous complaints may have their contents noted for further action by relevant authorities but **must not** be considered under this complaints procedures and regulations.

6 Who may complain

A complaint may be made only by a student or group of students, but not by a representative or third party. Anonymous complaints will only be considered where sufficient supporting evidence is submitted and with due regard to the possibility that, by virtue of being anonymous, the complaint may have been made vexatiously or maliciously.

7 Complaints Investigation Officer

HE Quality Improvement shall be responsible in the first instance for ensuring that these regulations are complied with, and for providing advice on their interpretation.

Part II: Complaints to the Provider of the Service

8 Informal Resolution

- (a) Students are encouraged in the first instance to raise matters of complaint relating to their programme of study with their Course Tutor or Academic Head. Any matter not relating to the programme of study should be raised with a member of staff from the Department responsible for providing the service. The matter shall be raised within three months of the date on which the event complained about occurred, or on which the complainant could reasonably be expected to have known about the matter.
- (b) The person or persons with whom the matter is raised shall endeavour to establish whether the matter can be satisfactorily resolved, and shall ensure that the matter is discussed with the complainant within 21 days of the matter being received.
- (c) A record **should** be kept of any meeting or discussion with the complainant. This record **may** be in the format set out in annexe 5B.

9 Making a Formal Complaint

- (a) Where a student wishes to make a formal complaint, whether or not the matter was first raised informally, s/he **should** submit the complaint in writing via the Higher Education & Skills Department, for complaints about academic matters, or complaints about services areas, annexe 5C of these regulations or another equivalent form approved for the purpose by the department in question.
- (b) The Director of Higher Education & Skills will appoint an appropriate (impartial) Investigating Officer, who will normally be the Academic Head within which the issue of the complaint resides. The Higher Education & Skills Department will record the receipt of the complaint, inform the Director of Higher Education & Skills, and assign the Investigating Officer. The Director of Higher Education & Skills will advise the relevant Academic Head that a complaint has been received if a conflict of interest has been identified which precludes the Academic Head conducting the investigation.
- (c) Such formal complaint **must** be made within three months of the date on which the event complained about occurred, or on which the complainant could reasonably be expected to have known about the matter.

10 Investigation

- (a) It shall be the duty of the Investigating Officer to interview the complainant, and any other persons who appear to him or her relevant. If the Academic Head is subject of the complaint, or otherwise subject to a conflict of interest, the Director of higher Education & Skills **must** refer the complaint to another (impartial) Investigating Officer.
- (b) The complainant may be accompanied at the interview by a person of his or her choosing, provided that such a person shall not speak for the complainant other than with the permission of the Investigating Officer.
- (c) Where the complaint is made by a student who has a known disability or declares a disability when making the complaint, whether or not the complaint relates to that disability, the complaint shall be copied to the Academic Head – Preparation for Life and Work who shall advise on any appropriate arrangements which shall be made in the light of the disability.

11 Determination

- (a) Within one month of receiving the complaint the Academic Head (or other impartial investigator) shall provide to the complainant a written report:
- summarising the nature of the complaint and the evidence obtained
 - identifying any witnesses interviewed or otherwise consulted
 - stating the Academic Head's (or other impartial investigator's) conclusions, including whether he or she upholds the complaint, and
 - any recommendations, including as to any action to be taken in response to the complaint (irrespective of whether the complaint is upheld or not), which may include the re-consideration of any decision relating to the complainant, financial compensation, consideration of disciplinary action against a member of staff or student, or a combination of these
 - explaining the right of the complainant to make a further challenge within 21 days to the Complaints Investigation Officer where the complainant remains dissatisfied
- (b) Where the Academic Head (or other impartial investigator) is unable to provide this report within one month he or she shall inform the complainant in writing before the expiry of the deadline that this deadline cannot be achieved, the reasons for this, and a clear date by which the report will be completed.
- (c) Where the complainant is satisfied with the outcome recommended in the report of the Academic Head (or other impartial investigator) he or she shall inform the Academic Head in writing of that decision.
- (d) The Academic Head shall be responsible for ensuring that any recommendations included in the report are implemented as soon as reasonably practicable.
- (e) A copy of the report of the Academic Head (or other Investigating Officer) of the investigation **must** be provided, in full, to Higher Education & Skills Department.

12 Legitimate Incidental Expenses

A successful Complainant shall be entitled to the payment of legitimate and reasonable incidental expenses necessarily incurred in relation to the complaint, which may include the cost of travel to a hearing and overnight accommodation, but does not include the cost of producing or copying evidence relevant to the complaint, or the obtaining of any advice or instruction relating to the complaint. Academic Head or Director of Higher Education & Skills shall determine which expenses shall be paid following a successful complaint, subject to any further guidance or instruction which may be issued by the Director of Finance. Such expenses will normally be borne in full by the Department which is the subject of the complaint.

13 Right of Complaint to the University of Hull

- (a) Where a complainant on a collaborative programme is dissatisfied with the outcome of his/her complaint made to, and determined by, the partner institution s/he may complain to the University in accordance with the following paragraphs.
- (b) A complaint shall be limited to challenging the application of the procedure through which the original complaint was considered by the partner institution.
- (c) A complaint may only be made where the complainant has exhausted the procedures at the partner institution or where s/he can demonstrate that the partner institution has failed to

follow its procedures in such a way that this failure is likely to have materially affected the outcome of the complaint.

- (d) A complaint **must** be made in writing using the University's Complaints Application and Monitoring Form - Collaborative Provision (available from the Higher Education & Skills Department) - and must be submitted to the University Complaints Officer within 14 days (including weekends) of receiving the final decision of the partner institution. The complaint shall include a copy of the partner institution's final determination and any other evidence which the complainant believes is relevant to the matter.
- (e) On receipt of a valid complaint the Complaints Officer shall cause an investigation to be made, which should involve:
- requesting from the complainant such further information as the Officer considers appropriate
 - providing a copy of the complaint and supporting evidence to the partner institution, requesting such response and further evidence as the partner institution wishes to make
 - providing a copy of the partner institution's response and further evidence to the complainant inviting any final comment which the complainant may wish to make.
- (f) For each stage of the process set out in paragraph 0 above the party concerned shall respond within 14 days of receiving the request.
- (g) Other than in exceptional circumstances as determined by the Complaints Officer, an investigation will not involve a meeting with either the complainant or the partner institution.
- (h) Where the Complaints Officer is satisfied that s/he has sufficient information on which to proceed, s/he shall issue a draft report within 14 days to the complainant and partner institution, inviting both to indicate within a further 7 days if they consider that the report contains any material inaccuracy.
- (i) Following receipt of any comments, or the expiry of 10 days, the Complaints Officer shall issue a final report to both parties incorporating any changes as to accuracy. In the event of any disagreement as to accuracy, the Complaints Officer may attach the comments received to the final report in place of making changes to the text of the report.
- (j) The Complaints Officer shall include the following information in the report:
- a summary of the nature of the complaint and the evidence obtained
 - his or her conclusions, including whether he or she upholds the complaint, and
 - any recommendations, including as to any action which should be taken in response to the complaint (irrespective of whether the complaint is upheld or not) provided that such recommendations shall be restricted to the partner institution's regulations and procedures, and the procedure through which the specific case was considered
- (k) Where the Complaints Officer upholds the complaint the partner institution shall re-consider the original complaint, taking into account any evidence, other than new material, obtained through the University's investigation, addressing any defect in the application of the partner institution's procedures identified by the Complaints Officer.

14 Finality

The decision of the Complaints Officer shall be final and not subject to further challenge within the University of Hull.

15 Office of the Independent Adjudicator for Higher Education (OIA)

(a) A complainant who is dissatisfied with the outcome of the decision of the Complaints Officer may be entitled to complain to the Office of the Independent Adjudicator for Higher Education (OIA).

(b) The Complaints Officer's report issued in accordance with Regulation 25 above shall constitute the Completion of Procedures Letter and shall conform to any guidance issued by the OIA.

16 Monitoring of Complaints at partner institutions

(a) The partner institution must include in its annual Partner Quality Enhancement Report to the University the following information relating to complaints received by it from students undertaking programmes leading to University of Hull awards:

- The number of complaints made, and upheld or rejected
- The nature of the matters raised and any remedial action recommended and taken
- The ethnic origin, gender and any disability of the complainants, provided that each complainant has consented to this information being collected for this purpose

(b) Partner institutions must keep under review their complaints regulations and procedures taking into account:

- adequacy of advice guidance and support mechanisms for students
- adequacy of staff development and support for those operating the complaints procedures
- the level of understanding of staff and students of the procedures
- the effectiveness of the overall procedures in meeting their aims.

(c) The University of Hull's Complaints Officer must make an annual report to the University of Hull's Learning, Teaching and Assessment Committee regarding all complaints received from students undertaking collaborative programmes including the following information:

- The number of complaints made, and upheld or rejected
- The nature of the matters raised and any remedial action recommended and taken
- The ethnic origin, gender and any disability of the complainants, provided that each complainant has consented to this information being collected for this purpose