



## **PART E – STUDENT COMPLAINTS PROCEDURE**

### **E1 Purpose**

The purpose of this procedure is to provide a formal means through which students can channel any complaint they may have about the services provided by the University, and through which the University can resolve such complaints in a fair, open and timely manner.

### **E2 Principles and Conduct of the Complaints Procedure**

The Complaints Procedure will be conducted according to the principles of natural justice, and with the objective of achieving fair and proportionate outcomes. The procedure is underpinned by the following principles:

- that complaints will be made as soon as possible, and will not be raised a long time after the event(s) to which they refer;
- that complaints will remain as originally set out; and will not accrete further complaints as proceedings develop;
- that all complaints are dealt with in a transparent and timely fashion, and that at any stage resolution is possible via mediation and mutual agreement
- that complaints will not be investigated by anyone who has a personal interest in the outcome;
- that all parties will act in good faith and with the aim of achieving a mutually agreed outcome. All parties will recognise that complaints may or may not be upheld – staff will readily acknowledge errors which have occurred, and students will not wilfully refuse to be satisfied with the resolution offered
- that staff and students who are subject to a complaint, or who are responsible for a service complained about, will be informed of this and invited to comment at an early stage;
- that appropriate consideration is given to the interests of both complainant and those complained about, with investigations and hearings paying due regard to the right to privacy of those involved. (However, staff and students about whom a complaint has been made will normally have the right to know who is making the complaint).
- that all of the documentation and evidence submitted and generated as part of the initial investigation or subsequent independent review shall be provided to the student.

### **E3 Scope of the Procedure**

- 3.1 This procedure applies to students studying at the University, or through delivery of the University's awards at Partner Colleges or other locations, or through flexible and distance delivery.
- 3.2 For the purpose of this procedure, the term 'student' includes those who have recently left the University. Within the first three months of graduating (at the point where the student is conferred the award at the Graduation Ceremony) or withdrawing from University programmes (at the point where the student has been recorded by the University as having withdrawn), students shall have the opportunity to pursue a complaint through the complaints procedure.

- 3.3 This procedure is to be used for:
- (i) concerns about the provision and delivery of academic programmes and related services
  - (ii) complaints about a student's experiences at the University, including relationships with academic, administrative or support services staff.
- 3.4 It is not to be used for representations against decisions of Boards of Examiners (governed by the Academic Review and Appeal Procedure) or allegations of misconduct by students (governed by the Student Conduct and Disciplinary Regulations Part C) or representations against decisions relating to the release of students from tenancy agreements with the University.
- 3.5 Complaints against the standard of tutoring etc must be made before the results of examination board deliberations, and cannot be used to lever an appeal against the judgment of the board.

#### **E4 Advice, Guidance and Support**

- 4.1 Before making a complaint, students should seek advice and guidance from a trusted source, such as the University's Advice Service, Students' Union, their Personal Tutor or other academic staff or a member of Student Services. Secretariat staff will be pleased to provide impartial advice on the operation of the Student Complaints Procedure.
- 4.2 Students making a complaint have the right, in all discussions, meetings and hearings, to be accompanied by a member of staff or student of the University or an officer of the Students' Union, who may speak on the students' behalf if they wish.<sup>1</sup>

#### **E5 Informal Resolution**

- 5.1 Many of the issues leading to complaints are simple misunderstandings, lack of proper communication, or administrative or process errors, which can be satisfactorily resolved by swift local action. Before any formal process begins, therefore, all parties should try to resolve the matter through informal discussion, mediation and problem-solving. Informal complaints should be raised as soon as reasonably practicable and no more than one month after the event(s) complained about.
- 5.2 Students finding themselves with issues to resolve or unhappy about any experience they have had at the University should raise the matter at the earliest opportunity, either directly with those concerned, or with their Personal Tutor or the programme leader. They may also seek the help and advice of the Students' Union. The Students' Union actively encourages students (who may not wish in the first instance to approach tutors or student representatives directly) to contact the Vice President for Academic Affairs to discuss and attempt to resolve the issues informally.

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<sup>1</sup> See also Section M – Audio Recordings of Meetings

- 5.3 Programme leaders will normally be expected to resolve matters relating to students' programmes at this stage. For matters relating to inter-personal relationships, students might prefer to seek the mediation of their Personal Tutor.
- 5.4 Only when such informal actions have not been sufficient to resolve the matter within a reasonable timescale should students invoke the formal procedure.

## **E6 Formal Procedure**

- 6.1 Formal complaints should be raised as soon as reasonably practicable and no more than three months after the event(s) complained about; complaints submitted after that time period shall not normally be investigated unless the student can provide a compelling reason with appropriate documentary evidence. A decision regarding whether to admit a formal complaint to the process on the basis of timing shall be at the discretion of the Student Complaints Officer taking into consideration all of the circumstances.

A student who wishes to make a formal complaint must use the Complaint Form available from Secretariat. The form requires the student to set out the precise events complained of, explain what detrimental effect they had, and the outcome that they are seeking. The student will also be asked to say what measures have been taken to attempt to resolve the issues informally. The student must demonstrate the evidence to substantiate the complaint and provide all other relevant material. Issues and evidence that were not introduced at this stage will not normally be accepted for consideration at a subsequent stage of this procedure.

- 6.2 A complaint becomes formal when a completed Complaint Form is received by Secretariat. A member of Secretariat will be appointed as the Student Complaints Officer and will be responsible for co-ordinating the procedure and providing advice to the student and staff involved. Where a complaint is about an administrative or other non-academic matter, the Complaints Officer will advise the student's Head of School if it appears that the issues raised might have an effect on the student's academic work, so that appropriate advice and support can be offered (for instance, about the Extenuating Circumstances Procedure).
- 6.3 Where, following investigation, a complaint is found to be malicious or vexatious (i.e. a complaint with no basis or deliberately exaggerated and made with the intention of causing harm, annoyance or disruption) then action may be taken against the complainant under the Student Conduct and Disciplinary Regulations. This does not include ill-founded allegations which were nonetheless made in good faith.

## **E7 Head of School or Service (HoS) stage**

- 7.1 The enquiry into the complaint by the Head of School<sup>2</sup> or Head of Service (HoS) is the key stage in the Student Complaints Procedure. The HoS must carry out a thorough, robust and impartial investigation, ensuring that all of the

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<sup>2</sup> Head of School also refers to Deputy Head of School or Head of Department

evidence relating to the complaint is examined. The HoS will interview the complainant and, as appropriate, other students and staff identified in the complaint, will carefully consider any documentary evidence, and will seek to reach a fair resolution of the issues.<sup>3</sup>

- 7.2 Both staff and students will be advised by the HoS that they may be accompanied to any meetings (by a member of staff or student of the University or an officer of the Students' Union in the case of students, and by a member of staff or Trades Union representative in the case of staff).
- 7.3 The HoS will normally conclude the investigation within 20 working days (see also 14.3 below).
- 7.4 The HoS will produce a report, addressing all key aspects of the complaint, and saying whether the complaint is substantiated, in whole or in part, by the available evidence. The report will set out the actions put in place or recommended by the HoS in the light of the investigation and findings. Where the complaint has been fully or partially upheld, the HoS will offer an apology and/or other appropriate remedies.
- 7.5 The HoS will send the report to the Complaints Officer, who will promptly forward it to the student, together with information about the next stages of the Student Complaints Procedure.
- 7.6 Except for issues covered by section 7.7 below, where the HoS has found the complaint to be fully or partially upheld, the HoS will offer an apology and/or other appropriate remedies.
- 7.7 Where the complaint is about alleged misconduct on the part of a named member of staff, and has been fully or partially upheld by the HoS's investigation, it may be necessary for the University to consider disciplinary action under the University's Staff Disciplinary Policy. On referral to the Staff Disciplinary Policy, further consideration of the complaint will no longer remain within the scope of the Student Complaints Procedure and the student will be informed accordingly by the Complaints Officer. The HoS and the Complaints Officer will offer to meet the student to discuss what immediate steps may be taken to respond to the HoS's findings, without prejudice to any action taken under, or to the outcomes of, the Staff Disciplinary Policy.
- 7.8 Where a complaint about an academic matter has been upheld, the HoS will advise the Head of College as appropriate.
- 7.9 The HoS may nominate a colleague to act on their behalf in respect of the HoS stage, but the HoS will retain overall responsibility for the process, which should be completed within the normal timescale, and for the implementation of actions. Nominees must be senior members of staff without any connection to the case; if such cannot be identified in the School or Service, the Head must take the case themselves or seek a nominee from another School in the College or another service.

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<sup>3</sup> See also Section M – Audio Recordings of Meetings

## **E8 Review Stage**

- 8.1 A student who has reason to feel that the HoS's investigation and/or report has failed to address material elements of the complaint, or to offer a fair resolution, may request a Review.
- 8.2 A request for Review of a complaint must be submitted on the Complaints Review pro forma (available from Secretariat) and lodged with the Student Complaints Officer within ten working days of the student's receipt of the letter notifying them of the outcome of the HoS stage.
- 8.3 The student must include on the Complaints Review pro forma:
  - (a) A clear statement as to why the HoS stage was not satisfactory, such as: failure to follow the procedure; failure to consider all of the relevant evidence; findings which are not based on the evidence or are otherwise irrational; or inadequate remedies proposed where a complaint has been upheld.
  - (b) Evidence to support the above statement and substantiate the claimed shortcomings of the HoS stage. Students may not introduce at the Review stage any evidence that was available to them but had not been previously submitted at the Head of School stage.

## **Defective Complaints Review Requests**

- 8.4 Where a Complaints Review request is deficient or defective in terms of the reasons put forward for requesting a Review or the evidence submitted, the Student Complaints Officer will advise the student in writing that the Review may not proceed until the deficiencies or defects have been remedied. The student will have 20 working days to respond to the Student Complaints Officer in a way that resolves the deficiencies or defects.
- 8.5 If, after the 20 working day time limit has expired, the Complaints Review request remains deficient or defective the Student Complaints Officer will advise the student in writing that the Complaints Review will not be considered further.

## **E9 The Independent Reviewer**

- 9.1 When a complete Complaints Review request has been received, the Vice Chancellor will appoint a senior member of staff from outside the student's School, or from a service department other than the one giving rise to the complaint, to act as the Independent Reviewer (IR).
- 9.2 The IR will consider the Complaints Review request and may seek clarification or further information from the student and/or the HoS, who must respond promptly to any such enquiries.
- 9.3 The IR will form a view as to the validity of the student's assertion that the HoS stage was defective in some material way and normally conclude the investigation within 10 working days.

- 9.4 If the IR cannot find good grounds for referring the matter back to the HoS, the Complaints Officer will so inform the student and issue a Completions of Procedure letter.
- 9.5 If the IR considers that the student's assertions have some merit, the matter will be referred back to the HoS to address the alleged shortcomings in the original investigation and/or report, or to demonstrate that the HoS stage was carried out satisfactorily in accordance with this Procedure. The HoS will normally be expected to do this within 10 working days of the referral back, and where some further investigation has taken place, will update their original report and findings accordingly.
- 9.6 Where the IR has referred the Review request back to the HoS, and has received the HoS's written response in accordance with paragraph 9.5 above, they will form a view as to whether the student's concerns, as raised in the Review request, have now been adequately addressed by the HoS.
- 9.7 If the IR feels that there are still substantive areas of dispute between the student and the HoS, and evidence capable of being objectively examined, the matter will proceed directly to a Complaints Hearing. The Complaints Officer will inform the student and seek to arrange a Complaints Hearing within 20 working days of the notification.
- 9.8 If the IR feels that the HoS has adequately addressed the concerns raised in the Review request following referral back, the Complaints Officer will so inform the student and issue a Completion of Procedures letter.

## **E10 The Hearing**

- 10.1 The Complaints Board shall comprise:
  - (a) a Chair who shall be a member of University staff, nominated by the Vice Chancellor;
  - (b) one senior member of the academic or professional services staff;
  - (c) a student of the University nominated by the President of the Students' Union.

The Secretary of the Complaints Board shall be the Student Complaints Officer.

- 10.2 No member of the Complaints Board shall be a member of the School or professional services area to which the complaint relates or have had any prior involvement or interest in the complaint.
- 10.3 The HoS and the complainant shall attend the hearing. The complainant shall have the right to be accompanied by a member of staff or student of the University (or Partner College) or an officer of the Students' Union.
- 10.4 The Secretary shall give the complainant, HoS and Complaints Board members reasonable notice of the hearing which will normally convene and deliver its decision within 20 working days.

- 10.5 If, for good reason, a complainant or their companion (if applicable) is unable to attend a Complaints Hearing at an agreed time and place, the University shall reconvene the meeting on one occasion. If a complainant or their companion (if applicable) is unable to attend the rescheduled meeting, the Complaints Hearing may take place *in absentia*.
- 10.6 In reasonable time before the hearing the Secretary shall circulate to the Complaints Board, the complainant and HoS the following documents:
- (a) the complainant's completed pro formas;
  - (b) the HoS's investigatory report and any subsequent revisions made following Referral Back by the IR;
  - (c) the IR's report, if applicable;
  - (a) documentary evidence relating to the above.
- 10.7 Evidence which was available at the time of the HoS stage of the complaint but was not submitted at the time may not be introduced by either party at the hearing, except at the discretion of the Chair of the Complaints Board.
- 10.8 The Complaints Board will normally be conducted on the basis of written reports and evidence. The decision regarding whether witnesses may give evidence at the Hearing will be solely at the discretion of the Chair of the Complaints Board.

## **E11 Proceedings at a Complaints Hearing<sup>4</sup>**

- 11.1 The sequence at the hearing shall be:
- (a) The complainant shall present their case first. If the complainant is accompanied, the companion may present the case on the complainant's behalf;
  - (b) The Complaints Board and the HoS shall then be entitled to ask questions of the complainant and/or companion;
  - (c) The HoS shall next present the case of the School or Service;
  - (d) The Complaints Board and the complainant (and/or companion) shall then be entitled to ask questions of the HoS;
  - (e) The Head of School should next summarise the case of the School or Service;
  - (f) The complainant and/or companion should then summarise the case of the complainant;
  - (g) The Complaints Board shall then reach its decision in private.

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<sup>4</sup> See also Section M – Audio Recordings of Meetings

- 11.2 The Complaints Board shall uphold, partially uphold or not uphold the complaint and, in addition, make any such recommendations as it considers appropriate. The HoS shall be responsible for ensuring that the Board's recommendations are implemented. Where a complaint about an academic matter has been upheld, the HoS will advise the Head of College as appropriate.
- 11.3 The Student Complaints Officer will confirm any decision of the Complaints Board in writing to the student, clearly explaining either what will happen next or issue a 'Completion of Procedures' letter advising the student of the right to refer the matter directly to the Office of the Independent Adjudicator if they remain dissatisfied.

## **E12 Complaints Referred to More Advanced Stages in the Procedure**

- 12.1 Some complaints, either by their nature or their gravity, must be referred to a more advanced stage or level of the procedure, or investigated by a member of staff other than the complainant's Head of School or the relevant Head of Service. Examples of these are:
- (a) If the HoS finds, on preliminary enquiry, that a complaint is of a very serious nature, they shall consult the Head of College, who may decide to undertake the investigation or to nominate a Head of College to do so;
  - (b) If the complaint is about or contains direct criticism of the HoS, the Student Complaints Officer will ask the Head of College or relevant Service Director to nominate another HoS to investigate. This may also happen where the HoS might be perceived as prejudiced on the basis of involvement at a prior stage of consideration of the issues (but this will not normally arise simply due to the HoS having been consulted in an attempt to reach informal resolution);
  - (c) If the complaint is about a Head of College or Pro Vice Chancellor, the Student Complaints Officer will ask the University Registrar to investigate (or to nominate a member of Registry Executive to do so);
  - (d) If the complaint is about a Deputy Vice Chancellor, the Student Complaints Officer will ask the Vice Chancellor to investigate (or to nominate a member of the Senior Leadership Team (SLT) to do so).
- 12.2 The University Secretary will provide advice and guidance for those considering the propriety of advanced referral.

## **E13 Timing**

- 13.1 The Head of School or Service, Independent Reviewer, Student Complaints Officer or University Secretary as appropriate must ensure that there are no undue delays in progressing any complaint for which they are currently responsible.
- 13.2 The University recognises, however, that not all complaints are amenable to speedy investigation and resolution, and reserves the right to extend the time guidelines where strict adherence might impede the possibility of a fair and just outcome.

- 13.3 At the HoS stage, where a Head of School or Service is not in a position to respond fully to a complainant within 20 working days, they will write to the complainant to provide an update on the progress of the investigation and indicating when it is expected that a full response will be made.
- 13.4 Students who have made a formal complaint are responsible for assisting the investigation, at any stage, and must respond in a timely manner to requests for further information or invitations to attend meetings. Where a complainant has, without good reason, failed to respond to such a request or invitation within 20 working days, the HoS or Independent Reviewer or Student Complaints Officer will write again to the student stating a specific deadline for a response and warning that if none is received the complaint will be regarded as withdrawn and that it may not be revived at a later date.

#### **E14 Students Enrolled on University Awards Delivered by Partner Institutions**

- 14.1 Students studying on University awards at Partner Institutions should use the College's own procedures, but have the right to pursue their complaint with the University when the Institution's procedures have been exhausted. Where a complaint is essentially about an academic matter, the Institution must also inform the relevant Head of School at the University if the complaint proceeds as far as the final stage of the Institution's complaints procedure.
- 14.2 A student who is dissatisfied with the outcome of the final stage of the Institution's complaints procedure may request a review of their complaint by the University by writing to the University Secretary in the first instance.
- 14.3 Partner Institutions must satisfy themselves that appropriate guidance and support is available for students making a complaint.

#### **E15 Third Party and Anonymous Complaints**

- 15.1 Students are primarily responsible for making their concerns known themselves and it is preferable for the complainant to handle the complaint himself or herself.
- 15.2 However, a friend, family member or Students' Union representative may act as a Third Party and represent the student provided the complainant gives the University written authority to discuss their personal affairs with that person. The complainant will need to ensure that the representative is thoroughly briefed, kept fully informed and is readily accessible. The University will not correspond with both the complainant and the representative.
- 15.3 Anonymous complaints will only be admitted in exceptional circumstances. A complaint made anonymously must be referred to the University Secretary, who will then consider:
- (a) the gravity of the issues;
  - (b) the credibility of the concern;
  - (c) the likelihood of confirmation from attributable sources.

15.4 Where the University Secretary decides that the complaint should be investigated, they will refer it to the appropriate HoS.

## **E16 Frivolous and Vexatious Complaints**

- 16.1 The University reserves the right to consider a complaint frivolous or vexatious as set out below; this list is not exhaustive:
- (a) Complaints that are obsessive, persistent, harassing, prolific, repetitious;
  - (b) Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
  - (c) Insistence upon pursuing meritorious complaints in an unreasonable manner;
  - (d) Complaints that are designed to cause disruption or annoyance.
- 16.2 The Student Complaints Officer shall decide whether a Review or Appeal is frivolous or vexatious taking into account all the circumstances of the case.
- 16.3 The Student Complaints Officer shall write to the student with a full explanation as to why they are no longer prepared to engage with the student in relation to their case.
- 16.4 If a student wishes to challenge the Student Complaints Officer's decision they must submit this in writing to the University Secretary who shall review the information on the file, including any representations from the student, and decide whether the challenge is upheld or not.
- 16.5 The decision of the University Secretary is final and, if the challenge is not upheld, a Completion of Procedures letter will be issued to the student. If the student remains dissatisfied with the University's final decision then they may submit a complaint to the Office of the Independent Adjudicator for Higher Education.
- 16.6 A student who has submitted a frivolous or vexatious complaint may be referred to the Head of School Stage of the Student Conduct and Disciplinary Procedures. Students whose programme of study leads to professional registration may be referred to the first formal stage of the Fitness to Practise Regulations.

## **E17 Confidentiality**

- 17.1 If information within a Review Request or Appeal is to be kept confidential, it is the responsibility of the student to make this clear to the Academic Appeals Officer on submission of the forms. In exceptional circumstances it may be difficult for confidentiality to be respected, for example, where a criminal offence has been disclosed. Additionally, in some circumstances the demand for confidentiality may make it difficult for the University to assist students with the management of their case.

## **E18 Monitoring, Evaluation and Review**

- 18.1 Monitoring and evaluation of these procedures is the responsibility of a panel comprising the University Registrar, the Director of Student Affairs, a Head of College and the President of the Students' Union.
- 18.2 The panel will meet annually to review complaints submitted during the previous academic year. The review will include:
- (i) the number and range of complaints submitted;
  - (ii) the timeliness and security of their resolution;
  - (iii) the operation of the procedures;
  - (iv) year-on-year comparisons.
- 18.3 The review will be informed by annual reports from Colleges and Service Departments, covering all complaints submitted through the formal procedures, and any recurring issue settled by informal intervention before the formal procedures were invoked.
- 18.4 Secretariat will produce an annual report giving an overview of the operation of the Student Complaints Procedure, together with any recommendations for amendment to the procedures, or other action, which will be submitted to Academic Board and the Board of Governors.
- 18.5 The University Secretary and the Secretariat staff are the source of authoritative, formal guidance on the applicability and operation of the Student Complaints Procedure.

### **Important: the Office of the Independent Adjudicator for Higher Education (HE)**

In accordance with the Higher Education Act 2004, the University subscribes to the rules and procedures of the Office of the Independent Adjudicator for HE (the OIA). The OIA provides an independent scheme for the review of complaints by students against higher education institutions at the stage where the internal complaints procedures have been exhausted. The OIA's definition of 'complaints' includes complaints about the final decision of a higher education institution's disciplinary or appeal body. It is open to students of the University of Lincoln to ask the OIA to review a final internal disciplinary or appeal decision. Full information about OIA procedures is available from the University of Lincoln's Advice Service, Students' Union, the University Secretary or the OIA website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).