Student Concerns and Complaints Procedure

INTRODUCTION
1. The University is a large community engaged in many activities of both an academic and non-academic nature. From time to time, a student may feel dissatisfied with some aspect of his or her dealing with the University and, when that happens, it is important that the issue is dealt with constructively and as quickly as possible ‘without risk of disadvantage or recrimination’. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented.

Principles
2. This procedure will:
   - Be fair and impartial
   - Be transparent and easy to access
   - Be flexible and timely, ensuring that concerns and complaints are dealt with as quickly as possible
   - Clearly communicate processes, decisions and the reasons behind decisions
   - Ensure that decisions are taken without actual or perceived conflicts of interest
   - Ensure an appropriate level of confidentiality
   - Include support for students
   - Use the information gathered to improve services for students and the student experience
   - Will expect all involved to behave appropriately and not allow our procedures to be misused.

Confidentiality
3. Complainants may expect concerns and complaints to be dealt with confidentially and that their privacy will be respected. However, any person who is the subject of a concern or a complaint will be advised, and the concern or complaint normally copied to him/her, in order that s/he is given the opportunity to respond. It may also be necessary to disclose information to others in order to deal with the concern or complaint and, in these circumstances, the parties concerned will be informed of such a disclosure.
4. Where a concern or complaint has been raised against a member of staff and has been upheld, the student will be advised of this. However, specific details affecting individual staff members will not normally be shared, particularly where disciplinary action is being taken.

Advice, Support and Guidance
5. The Students’ Union Advice Centre provides independent advice, support and guidance and representatives are permitted to accompany students to meetings at any stage of the procedure. The procedure is an internal process and does not have the same degree of formality as a court of law. It is not normally permitted for students to be legally represented at investigative meetings that form part of the procedure.
6. If a complainant appears unable to engage effectively with the procedure, it may be necessary to suspend consideration of their concern or complaint until they have accessed appropriate support.

Timeliness
7. All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them. The University will not normally consider concerns or complaints which are made more than three months after the event/s complained about unless there is good reason for the delay. The Academic Registrar has absolute discretion to extend this deadline, providing that the complainant is able to demonstrate to the satisfaction of the Academic Registrar, that circumstances beyond his/her control prevented the standard time limit being adhered to.
8. The University will endeavour to complete the processing of a formal complaint and any associated review within 90 calendar days. The 90 calendar day timeframe requires students to meet any university deadlines for the submission of material. There will occasionally be circumstances when, for good reason, the university will need to extend the timeframe. Where this is the case the university will notify the student and keep the student regularly informed of progress.

Who can complain using this procedure?
9. This procedure is available to students registered on a programme of study at the University of Essex, wishing to raise a concern or complaint regarding an issue by which they have been materially affected. The term ‘student’ includes those registered to study with the University of Essex or registered for its awards and those who have recently left the University. Those Students who have recently left a programme of study may only raise issues of concern or complaint within three months after the conferral of an award or withdrawal from their programme. The Academic Registrar has discretion to extend this three month period where he/she considers that there are compelling reasons to do so.
Concerns and Complaints by third parties

10. Concerns and complaints submitted via a third party will not normally be accepted. However, it is recognised that some individuals may be unable to raise a concern or make a complaint on their own. In these circumstances, concerns or complaints brought by permitted third parties (for example, a Students’ Union representative or family member) will only be accepted when the individual affected has completed a third party authority form and the Academic Registrar has approved the request. Where a student is represented by a third party the concern or complaint will be dealt with according to the same timescales as other cases.

Collective concerns and complaints

11. Where the issues raised affect a number of students, those students can submit a concern or complaint as a ‘group concern/complaint’. In such circumstances, in order to manage the progression of the concern or complaint, the University will normally ask the group to nominate one student to act as group representative. The University will deal with the nominated representative only and will expect him/her to liaise with the other students.

Anonymous concerns and complaints

12. Concerns and complaints received anonymously will not normally be accepted, except where there are compelling reasons, supported by evidence, for the matter to be investigated.

Partner Institutions

13. For students studying under collaborative arrangements, concerns and complaints should be made through the partner institution's complaints procedure.

14. If a complainant does not consider that their complaint has been satisfactorily dealt with, s/he may be able to take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA), within twelve months of the issue of the Completion of Procedures letter. Refer to stage 4 of this procedure. Full details of the scheme are available at www.oiahe.org.uk.

15. Partner Institutions will report formally to the University on an annual basis in relation to student complaints in order to identify emerging issues and trends and for action to be identified as appropriate.

Concerns and Complaints involving other organisations or contractors who provide a service on behalf of the University

16. Concerns and complaints regarding the facilities or services of University of Essex Campus Services or any other wholly owned subsidiary are covered by this procedure and begin at stage 1 (see below).

17. If a student wishes to raise a concern or complaint about the service or facilities provided on behalf of the University by a company not owned by the University, they should contact the organisation directly and follow their complaints procedure in the first instance.

18. If the complainant remains dissatisfied with the outcome of their complaint they may apply to the University for a review of their complaint in line with stage 3 of this procedure (see below).

Concerns and complaints about the Students’ Union

19. Students wishing to raise a concern or complain about an aspect of Students’ Union provision, should submit a complaint via the Students’ Union complaints process in the first instance.

20. If the complainant remains dissatisfied with the outcome of their complaint they may apply to the University for a review of their complaint in line with stage 3 of this procedure (see below). All requests must be made within 10 working days of the date of the complaint outcome letter from the Students’ Union, by completing the Request for a Review of a Complaint Form, which should be submitted to the Academic Registrar via the Student Appeals, Complaints and Conduct Office, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ.

What is a complaint?

21. In line with the QAA Quality Code, a complaint is defined as:

‘an expression of dissatisfaction by one or more students about a University’s action or lack of action, or about the standard of service provided by or on behalf of the University’

22. Examples of concerns and complaints include:

- Failure by the University to meet its obligations including those outlined in the course/student handbooks or the Student Charter
- Misleading or incorrect information provided by the University in prospectuses or promotional material
Concerns about the delivery of a programme, teaching or administration

- Poor quality facilities, learning resources or services provided directly by the University

23. Students must be prepared to provide evidence to support their allegation/s.

24. The definition of a complaint is very broad and the list above is not exhaustive. However, some issues may be more appropriately considered under processes other than this procedure. This procedure will not normally cover:

- Appeals relating to examinations or assessments or to academic progress or against a finding of guilt in relation to an academic offence (see the Academic Appeals Procedure)
- Complaints involving an allegation that a student has failed to meet his/her academic commitments (see the Academic Progress Procedure)
- Complaints involving an allegation of misconduct by a student or dissatisfaction about an outcome of the Student Conduct Process (see the Code of Student Conduct)
- Complaints involving an allegation of harassment (see the Guidelines for dealing with Harassment and Bullying Policy)
- A concern about a decision made under other specific regulations such as Fitness to Practise or DBS (see the Fitness to Practise Procedure / DBS)
- Complaints regarding admissions decisions

Concerns and complaints involving more than one Department/School/Centre or Service

25. If a concern or complaint relates to the actions of two or more departments/schools/centres or services, the staff member or office receiving the concern or complaint will confer with the other areas and decide who will take the lead on the concern or complaint. The complainant should be informed to whom the matter has been passed and given their contact details.

Concerns and complaints made directly to the Vice-Chancellor and/or the Registrar and Secretary

26. All concerns and complaints are managed via the Student Concerns and Complaints Procedure. If a concern or complaint is made directly to the Vice-Chancellor, the Registrar and Secretary or other senior officer of the University, it will be passed to the Student Appeals, Complaints and Conduct Office who will ensure that it is referred to the most appropriate person, in line with the published procedure.

Reclassification and Suspension of Proceedings

27. Some situations can involve a combination of issues, some of which are complaints and others not and each case will be assessed on a case by case basis. Where this happens, students will be informed which specific issues will be considered under which specific procedure and directed to the appropriate procedure for the remaining issues. Where there is an overlap, complaints may be reclassified by the University in consultation with the student and dealt with under an alternative, more appropriate procedure.

28. Students will be informed of the implications, if any, of following two procedures at once, particularly where one procedure may be suspended pending completion of the other. Alternatively, with the agreement of the student, both procedures may be considered at the same time / in parallel and investigations carried out collaboratively by the respective departments where possible. The party with overall responsibility for the conduct of the matter and the final decision will be communicated to the student.

29. The procedure will normally be suspended where the complainant refers it to a court, tribunal or other external organisation until the outcome of the external process is known.

The Concerns and Complaints Process – An overview

30. The procedure is intended to provide a timely, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.

31. The procedure involves the following four stages:

1. Early Resolution (stage 1) – seeks to resolve straightforward concerns swiftly and effectively at the point at which the concern is raised, or as close to that point as possible, for example at departmental level. In all cases, students will be directed to the next stage of the procedure if they remain dissatisfied at the conclusion of the early resolution stage.

2. Formal Complaint (stage 2) – is appropriate where a student is dissatisfied with the outcome of early resolution, or where early resolution is not possible or appropriate due to the complexity or seriousness of the case. This will usually be investigated by an
independent Complaint Investigator appointed by the Student Appeals, Complaints and Conduct Office. This stage may include mediation or conciliation where appropriate.

3. **Internal Review (stage 3)** – provides an opportunity for a formal review, carried out by the Pro-Vice-Chancellor (Education), of the process of the formal complaint stage to ensure that appropriate procedures were followed; and/or that the outcome was reasonable. This stage will not normally require a reconsideration of the issues raised. At the conclusion of this stage, a Completion of Procedures letter will be issued to the complainant to enable them to request an external review if they remain dissatisfied at the conclusion of the review stage.

4. **External Review** – where the complainant remains dissatisfied, they can submit a complaint for review by the Office of the Independent Adjudicator (OIA) within twelve months of the date of the Completion of Procedures letter provided by the University.

**Stage 1: Early Resolution**

32. Anyone who has a concern is encouraged to raise it at the point of becoming aware of it and to raise it with the department or section in which the issue arose. Concerns at this stage may be made face-to-face, by phone, in writing or by email.

33. The purpose of the early resolution stage is to attempt to resolve as quickly as possible, concerns which are straightforward and require little or no investigation. Staff investigating concerns at this stage should, if possible, have a face-to-face discussion with the student concerned, to come to an understanding of the exact nature of the student’s dissatisfaction and to explore what outcome the student seeks.

34. The following members of staff should be approached by the student to seek an early resolution of their concern:

- Concerns relating to an academic department/school/centre should be discussed with the Head of Department/School or Centre or Departmental Administrator (as set out in the departmental handbook)
- Concerns about one of the University’s administrative or support services should be raised with the Head of that service

**Closing the concern at the early resolution stage**

35. Wherever possible, if responsibility for the issue raised lies in the staff member’s area of work, attempts should be made to resolve the concern at this local level, without the need to resort to formal proceedings. If responsibility lies elsewhere, the staff member receiving the concern should liaise with the appropriate area to facilitate a swift resolution, rather than referring the complainant on to another office. Where this is not possible and the student is directed to liaise with another office, it is good practice to introduce the complainant to the person who will deal with the concern or alternatively make an appointment for the complainant to meet them at the earliest opportunity.

36. Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to prevent this from happening in the future.

37. Where proportionate to do so, the outcome of an early resolution should be communicated to the complainant in writing. The decision and details of how and when it was communicated to the student will be recorded by the relevant service or department and reported on annually to the Student Appeals, Complaints and Conduct Office.

38. Students may escalate the matter to the stage 2 of the Student Concerns and Complaints Procedure within one month on communication of the outcome of the early resolution stage if s/he remains dissatisfied.

**Stage 2: Formal complaint**

39. If the student is not satisfied with the response at the early resolution stage or when the issues raised are complex and require detailed investigation, s/he may initiate a formal complaint by completing a Complaint Form and submitting it to the Student Appeals, Complaints and Conduct Office, Room 5A.114, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ.

40. Students are required to set out their complaint clearly and succinctly and to provide evidence to substantiate the issues raised where it is reasonable to expect them to have gathered and provided it. This may include medical evidence such as letters confirming attendance or treatment at a GP surgery or hospital or counselling service, reports by professionals such as psychologists or disability advisors, police crime numbers in the case of reported incidents, financial information such as evidence of lost income (where relevant to the complaint), bank statements or receipts or statements of witnesses to incidents where it is safe and helpful to provide these.

41. Complainants should take care to raise all matters of complaint and put forward all supporting evidence at Stage 2, as they will not be able to raise new matters at Stage 3.
and additional evidence will not be permitted unless they can show good reason why the new evidence/information was not available to them to put forward at Stage 2 and it is essential to the complaint.

42. Complainants are encouraged to consider resolutions and are able to suggest an appropriate resolution. If at any time the complainant’s expectations appear to be beyond what the University can reasonably provide or are not within the University’s power to provide, they will be advised of this as soon as possible in writing.

What the University will do when it receives a complaint for investigation

43. The Student Appeals, Complaints and Conduct Office will acknowledge the receipt of a complaint within five working days.

44. All submitted complaint forms will be reviewed initially to establish whether they are eligible for consideration under this procedure.

Investigative meetings

45. Eligible complaints will be forwarded to a Complaints Investigator who will be independent of the source of the complaint. The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the complainant which represents the University’s clear position.

46. Within five working days, the appointed investigator will write to the complainant, clarifying how the complaint is to be investigated. The Complaints Investigator will usually consult the relevant Head of Department/School, Head of Service or his/her nominee and also seek to gather information as necessary from anyone else likely to be helpful in resolving the matter, including the complainant. Information may be sought in writing, via oral interview or both.

47. In any interview involving the complainant, s/he has the right to be accompanied by a student or employee of the University or an advisor from the Students’ Union Advice Centre.

48. A Stage 2 report will be completed after each meeting, clearly setting out the process followed, the information gathered, the conclusions drawn and any recommendations.

49. If at any time the complainant’s expectations appear to be beyond what the University can reasonably provide or are not within the University’s power to provide, they will be advised of this as soon as possible in writing.

Mediation

50. The Complaints Investigator may consider whether the complaint or appeal is amenable to mediation at this stage.

51. Mediation and conciliation are voluntary processes where an impartial independent third party helps parties involved in a dispute to resolve issues confidentially. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a swift and mutually satisfactory conclusion being reached. Mediation and conciliation can be used to ‘stop the clock’ on the formal process which may be restarted if agreement cannot be reached.

52. Where both the University and the student agree to mediation or conciliation, revised timescales will be agreed between the parties and confirmed in writing. All parties should understand how the arrangement fits with more formal procedures, the scope of the mediation or conciliation process and whether its use is subject to the parties agreeing in advance to accept the solution offered and the findings reached.

Timelines

Closing the complaint at the formal stage

53. The outcome of the formal stage will normally be communicated to the student in writing, giving a clear explanation of the investigation and outlining the reasons for each decision. Where a complaint is upheld, the letter will also detail how and when the University will implement any remedy.

54. Should the student remain dissatisfied with the outcome of their complaint, they should escalate the matter to the internal review stage within one month of communication of the outcome of the formal stage.

55. If a student is satisfied with the outcome of the Formal Stage or does not take the complaint to the Review Stage within the time limit for doing so, the University will close the matter and issue the student with a Completion of Procedures letter within four weeks of the outcome letter.

56. Details of the complaint, including its investigation and the final outcome will be held on file by the Student Appeals, Complaints and Conduct Office and reported on annually to the Student Experience Committee.

Stage 3: Internal Review

57. If the student is dissatisfied with the outcome of the formal complaint stage and believes his/her complaint has not been handled properly or fairly according to these procedures, s/he may request a review of the
complaint within one month of the date of the letter containing the outcome of the formal stage.

58. A request for review may be made on limited grounds, including but not confined to:

- A review of the procedures followed at the formal stage
- Consideration of whether the outcome was reasonable in all the circumstances
- New material evidence which the student was unable, for valid reasons, to provide earlier in the process

59. The purpose of conducting a review is to consider whether any procedural irregularities occurred during the formal complaint stage and whether the outcome was reasonable. The internal review stage will not usually consider the issues afresh or involve a further investigation. The complaint must have been considered at the formal complaint stage before it can be escalated to the internal review stage.

60. In order to request a review of the complaint, students must complete a Complaint Review Form. The form can be completed and submitted by a third party where appropriate written consent is provided. Students are expected to set out their complaint clearly and succinctly and provide evidence to substantiate the issues raised where possible.

What the University will do when it receives a request for review

61. Students can expect to receive written acknowledgement of the request for a review within five working days. The University will then pass the request for review to the Pro-Vice-Chancellor (Education) or his/her nominee for consideration.

62. If, at any time, the student's expectations appear to exceed the scope of the review stage, s/he will be advised of this as soon as possible in writing.

Closing the complaint at the review stage

63. The decision of the Pro-Vice-Chancellor (Education) or his/her nominee will be final. If the Pro-Vice-Chancellor (Education), or his/her nominee determines that the request for review is not well-founded, then s/he will dismiss the case and will formally issue the student with a Completion of Procedures letter, explaining the reasons for his/her findings.

64. If the Pro-Vice-Chancellor (Education), or his/her nominee determines that the request for review is well-founded, then s/he will initiate a review of the case and then issue the student with a Completion of Procedures letter, containing details of his/her findings and what the outcome will be. Where a complaint is upheld, the letter will also detail how and when the University will implement any remedy.

65. Details of the request for a review and the final outcome will be held on file by the Student Appeals, Complaints and Conduct Office and reported on annually to the Student Experience Committee.

Independent External Review

66. Once the internal review stage has been completed, the student is entitled to ask the Office of the Independent Adjudicator (OIA), the independent ombudsman service of last resort, to look at his/her complaint. All applications to the OIA must be made within twelve months of the date of the Completion of Procedures letter issued by the University to the student.

67. The OIA considers complaints from people who remain dissatisfied at the conclusion of the University's internal Student Concerns and Complaints Procedure. The OIA looks at issues such as whether the University followed its procedures, whether these procedures were reasonable, and whether the University's final decision was reasonable in all the circumstances.

68. The OIA cannot normally look at complaints:

- Where the student has not progressed through all stages of the University's Student Concerns and Complaints Procedure
- Where the complaint refers to matters more than three years old
- Where the Completion of Procedures letter is received outside the twelve month time limit
- Where matters have been or are being considered in court.

69. The OIA's Scheme Rules and guidelines are available on its website, www.oiahe.org.uk

Managing unacceptable behaviour

70. All individuals involved in a complaint need to act reasonably and fairly towards each other and treat the process itself with respect and not abuse it. It is recognised that people may act out of character in times of trouble or distress, however, the University also recognises its duty to ensure the safety and welfare of its staff and students. Consequently, the University has a zero tolerance towards complainants whose behaviour is deemed to be unacceptable and action will be taken to protect staff. The term ‘complainant’ also includes anyone appointed as a third party to act on the complainant's behalf or anyone who contacts the University in connection with a complaint.
71. The University’s definition of ‘unacceptable behaviour’ might include, but is not necessarily restricted to, cases in which there is clear evidence that the complainant has behaved in one or more of the following inappropriate ways or the complaint itself is considered to be frivolous, vexatious or motivated by malice:
- Complaints which are obsessive, harassing or repetitive
- Communicating with the University in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner
- Submitting a complaint containing materially inaccurate or false information or evidence
- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- Insistence on pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose or value

72. When a complainant’s behaviour, or the complaint itself, is considered to be unacceptable, as a first step, the University will normally tell the complainant why their behaviour or complaint is considered to be unacceptable and will ask them to desist. If the unacceptable behaviour continues, the University will take action to restrict contact with the University.

73. Any decision to restrict a student’s access will be communicated to the student in writing by the Academic Registrar and will be appropriate and proportionate. The options the University is most likely to consider are:
- Requesting contact in a particular form
- Requiring contact to take place with a named officer of the University
- Restricting telephone calls or emails to specified days and times
- Asking the complainant to appoint a representative to correspond with the University; and/or
- Asking the complainant to enter into an agreement about their conduct

74. Should the complainant not agree with the restriction, s/he should contest the decision in writing to the Registrar and Secretary within 10 working days of its communication. The Registrar and Secretary will consider the student’s representations and, where the restriction is considered unavoidable and reasonable, the Registrar and Secretary will confirm the terms of the restricted access to the student in writing.

75. In instances where a complaint is considered to be frivolous and/or vexatious, or where a complainant continues to behave in a way that is considered to be unacceptable, the Academic Registrar may decide whether University disciplinary proceedings should be initiated in accordance with the Code of Student Conduct or whether to terminate contact with the complainant. In exceptional circumstances, this may mean that consideration of the complaint is also terminated and a Completion of Procedures letter issued.

76. Should the complainant wish to appeal a decision to terminate contact or to dismiss a complaint, s/he should contest the decision in writing to the Registrar and Secretary within 10 working days of its communication. The Registrar and Secretary will consider the student’s representations and, where the restriction is considered reasonable, the Registrar and Secretary will confirm the dismissal and issue the student with a Completion of Procedures letter within 28 days.

77. Where a complainant submits multiple complaints on substantially the same issue, the University reserves the right to treat the matter as a single complaint and to decline to respond to each separate subsequent complaint.

**Governance of the Complaints Handling Procedure**

**Roles and Responsibilities**

78. On behalf of the Academic Registrar, the **Student Appeals, Complaints and Conduct Office** co-ordinates all aspects of the administration and delivery of this procedure across all University campuses. All matters related to student concerns and complaints should be addressed to this office in the first instance.

79. **Complaints Investigators** are trained senior staff members responsible for the conduct of investigations and the co-ordination of all aspects of the response to complainants.

80. The **Pro-Vice-Chancellor (Education)** conducts stage 3 of this procedure. S/he will review the complaint, at the complainant’s request, to consider whether any procedural irregularities occurred during the formal stage, the reasonableness of the outcome and/or whether any further investigation is required.

81. On behalf of the University Senate, the **Academic Registrar** is responsible for ensuring that there are effective complaints handling procedures, with robust investigation processes which demonstrate that organisational learning is in place. S/he also ensures that concerns and complaints are used to identify improvements to services to students and also deal with any unacceptable behaviour by complainants.
82. The University Senate, through its Academic Quality and Standards Committee and Student Experience Committee, receives an annual report on student complaints in order to identify emerging issues and trends and recommend action as appropriate to the Education Committee.

Publicising complaints performance information

83. The University will record and monitor complaints to identify trends and areas where improvements could be made. The outcomes of this monitoring will be reported to the Student Experience Committee on an annual basis and used to inform University practices, procedures and activities and to enhance the quality of the student experience. Anonymous feedback will also be provided to the Students’ Union Advice Centre on an annual basis to inform their activities in supporting complainants through the Student Concerns and Complaints Procedure.

Useful Information

Student Appeals, Complaints and Conduct Office
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University of Essex
Wivenhoe Park
Colchester
Essex
CO4 3SQ

Telephone: 01206 874370
Email: studentcomplaints@essex.ac.u