



# **Student Concerns and Complaints Procedure**

**2024-25**

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Publication date:	1 August 2021
Amended:	4 July 2024
Review date:	July 2025

# Table of Contents

<b>1. Introduction</b>	<b>4</b>
Raising a complaint	4
Advice, support and guidance	5
Roles and responsibilities	5
<b>2. Principles</b>	<b>6</b>
Confidentiality	7
Managing unacceptable behaviour	7
<b>3. Eligibility</b>	<b>9</b>
Concerns and complaints by third parties	9
Collective concerns and complaints	10
Anonymous concerns and complaints	10
Students at Partner Institutions	10
Concerns and complaints involving other organisations or contractors who provide a service on behalf of the University	10
Concerns and complaints about the Students' Union	11
Concerns and complaints about free speech	11
Reclassification and suspension of proceedings	11
<b>4. The complaints procedure: Early Resolution</b>	<b>12</b>
Resolving the concern at early resolution	12
<b>5. The complaints procedure: Formal Complaint</b>	<b>13</b>
What the University will do when it receives a Formal Complaint	14
Investigating the Formal Complaint	14

Mediation	15
Resolving a Formal Complaint	15
<b>6. The complaints procedure: Complaints about members of staff</b>	<b>16</b>
<hr/>	
Submitting a concern about a member of staff	16
Complaints of staff misconduct	17
Representation for staff	18
<b>7. Internal review</b>	<b>18</b>
<hr/>	
What the University will do when it receives a request for review	19
<b>8. External review</b>	<b>19</b>
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# 1. Introduction

- 1.1 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 their 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.
- 1.2 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*'. Some 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

## Raising a complaint

- 1.3 This procedure is intended to provide a timely, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.
- 1.4 Students wishing to raise a complaint, should follow each stage of the complaint procedure and would not normally be permitted to skip a stage. These are:
- a. Early Resolution (see Section 4) - seeks to resolve 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.
  - b. Formal Complaint (see Section 5) - is appropriate where a student is dissatisfied with the outcome of early resolution, or where early resolution is not possible. This will usually be investigated by an independent Complaint Investigator appointed by the Student Progress Team. This stage may include mediation or conciliation where appropriate.
  - c. Internal Review (see Section 7) - provides an opportunity for a formal Internal Review, carried out by the Pro-Vice-Chancellor (Education) (or nominee), 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.

- d. External Review (see Section 8) - where the complainant remains dissatisfied, they can submit a request for a 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.

- 1.5 All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them, and normally within the timeframes outlined in these procedures. Students should be prepared to provide evidence to support their concerns or complaint and where required, students should use the relevant Complaint Form available from the University website.
- 1.6 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 Progress Team who will ensure that it is referred to the most appropriate person, in line with the published procedure.

## **Advice, support and guidance**

- 1.7 SU Advice 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. The student may not normally bring anyone to a meeting that is not a member of the University unless this has been agreed as a reasonable adjustment under the Equality Act 2010.
- 1.8 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.
- 1.9 The University of Essex has a zero tolerance approach to sexual violence, harassment and hate crime. Students that are the victim of harassment or bullying may submit a complaint, and are encouraged to seek support via the University's Report and Support service at the earliest opportunity.
- 1.10 Students may request reasonable adjustments to these procedures in line with the rights that students retain under the Equality Act 2010. Requests will be considered individually, and students will be notified of the adjustments that have been agreed in writing and at the earliest opportunity.

## **Roles and responsibilities**

- 1.11 On behalf of the Academic Registrar, the Student Progress Team co-ordinates all aspects of the administration and delivery of this procedure across all University campuses.



- 1.12 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.
- 1.13 The Pro-Vice-Chancellor (Education) (or nominee) conducts Internal Reviews. They will review the complaint, at the complainant's request, to consider whether any procedural irregularities occurred during the Formal Complaint, the reasonableness of the outcome and/or whether any further investigation is required.
- 1.14 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. The Academic Registrar also ensures that concerns and complaints are used to identify improvements to services. The Academic Registrar deals with any unacceptable behaviour by complainants.
- 1.15 The Head of Department includes the Head of Department, School, Centre, Faculty or Service Provider at the University of Essex, and is responsible for ensuring staff employed in their relevant area of responsibility are making reasonable attempts at Early Resolution for any complaints initially raised with them, and are co-operating with the Formal Complaint, Internal Review and External Review proceedings.
- 1.16 The University Senate, (and its sub-committees) receives an annual report on Formal Complaints and Internal Reviews in order to identify emerging issues and trends and recommend action that informs University practices, procedures and activities and in order to enhance the quality of the student experience.

## 2. Principles

- 2.1 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

- expect all involved to behave appropriately and not allow our procedures to be misused

## Confidentiality

- 2.2 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 an appropriately redacted copy of the concern or complaint and any associated evidence will normally be copied to them, in order that they are 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. An appropriately redacted copy of the investigator's report may be provided to the person who is the subject of a concern or complaint.
- 2.3 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 subsequently taken.

## Managing unacceptable behaviour

- 2.4 All individuals involved in a complaint are expected to act reasonably and fairly towards each other, 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.
- 2.5 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
- 2.6 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.
- 2.7 Any decision to restrict a student's access will be communicated to the student in writing by the Academic Registrar (or nominee) 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
- 2.8 Should the complainant not agree with the restriction, they should contest the decision in writing to the Registrar and Secretary within ten working days of its communication. The Registrar and Secretary (or nominee) will consider the student's representations and, where the restriction is considered unavoidable and reasonable, the Registrar and Secretary (or nominee) will confirm the terms of the restricted access to the student in writing.
- 2.9 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 (or nominee) 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.
- 2.10 Should the complainant wish to appeal a decision to terminate contact or to dismiss a complaint, they should contest the decision in writing to the Registrar and Secretary within ten working days of its communication. The Registrar and Secretary (or nominee) will consider the student's representations and, where the restriction is considered reasonable, the Registrar and Secretary (or nominee) will confirm the dismissal and issue the student with a Completion of Procedures letter within 28 days. Where the restriction is considered unreasonable the Registrar and Secretary (or nominee) may amend or rescind the restrictions.



- 2.11 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.

## 3. Eligibility

- 3.1 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 (or nominee) has discretion to extend this three month period where they consider that there are compelling reasons to do so.
- 3.2 Some issues may be more appropriately considered under processes other than this procedure. As such, 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, Academic Offences Procedure or Postgraduate research appeals procedure)
  - complaints involving an allegation that a student has failed to meet their academic commitments (see the Academic Appeals Procedure)
  - 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 an admissions or readmission decision (See Complaint policy for applicants)
  - complaints regarding the behaviour of another student, which should be submitted in accordance with the Code of Student Conduct
- 3.3 Students who are affected by a policy outcome but do not have the right to appeal may submit their concern or complaint through this procedure.

## Concerns and complaints by third parties

- 3.4 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 (or nominee) has approved the request.

## **Collective concerns and complaints**

- 3.5 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 them to liaise with the other students.

## **Anonymous concerns and complaints**

- 3.6 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.

## **Students at Partner Institutions**

- 3.7 For students studying under collaborative arrangements, concerns and complaints should be made through the partner institution's complaints procedure.
- 3.8 If a complainant does not consider that their complaint has been satisfactorily dealt with, they may be able to take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA), within 12 months of the issue of the Completion of Procedures letter. Full details of the scheme are available at [www.oiahe.org.uk](http://www.oiahe.org.uk).
- 3.9 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**

- 3.10 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 Early Resolution (see Section 4).
- 3.11 If a student wishes to raise a concern or complain 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. If the student

does not know who to contact in order to raise their concerns, they may contact the Student Progress Team in the first instance.

- 3.12 If the complainant remains dissatisfied with the attempts of Early Resolution with the other organisation or contractor, they may submit a Formal Complaint under this procedure (see Section 5).

## **Concerns and complaints about the Students' Union**

- 3.13 Students wishing to raise a concern or complain about an aspect of the Students' Union provision, should submit a complaint via the Students' Union complaints process in the first instance. If the complainant remains dissatisfied with the outcome of their complaint they may apply to the University for an Internal Review of their complaint (see Section 7). All requests must be made within ten working days of the date of the complaint outcome letter from the Students' Union, by completing the Internal Review Form, which should be submitted to the Academic Registrar via the Student Progress Team.

## **Concerns and complaints about free speech**

- 3.14 Academic Freedom and Freedom of Speech within the law are fundamental commitments at the heart of our mission at the University of Essex, which we promote as core values and vital components of being an inclusive community. The University of Essex will accept complaints about free speech within the institution from both current and former students, as well as from staff members (including applicants for academic posts) and visiting speakers (including those who have been invited to be visiting speakers).

## **Reclassification and suspension of proceedings**

- 3.15 Where it is deemed that elements of the complaint raised should be handled under another of the University procedures, then the student will be notified and the consideration of the complaint will be postponed until the other proceedings have resolved.
- 3.16 Where a complaint is raised about an ongoing internal process, the complaint procedure may be suspended if it is deemed that a complaint investigation may prejudice the outcome of that process, until the outcome is known.
- 3.17 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.

# 4. The complaints procedure: Early Resolution

- 4.1 The purpose of the early resolution stage is to attempt to resolve concerns and complaints as quickly as possible. Concerns at this stage may be made, in writing or at a meeting with the relevant member of staff.
- 4.2 Students who experience a problem with their course or any other University service, should normally raise this with a relevant member of the University's staff involved with the service or matter, providing relevant details of the complaint and any remedy sought. This may be the member of staff whose actions have caused the concern or a personal tutor or programme director. Issues of a general nature relating to the teaching and learning provision in a department/school or centre may alternatively be raised via the departmental Student Voice Groups representative.
- 4.3 Complaints submitted for Early Resolution should normally be raised within three months of the event(s) complained about unless there is good reason for the delay.
- 4.4 Where the student is uncomfortable about approaching the appropriate contact, or where they have not previously received a satisfactory response, they should contact the Head of Department. If the student is not sure who the relevant Head of Department is, then they should contact the Student Progress Team in first instance.
- 4.5 Staff investigating concerns at this stage should, if possible, have a face-to-face discussion with the parties concerned, to come to an understanding of the exact nature of the student's dissatisfaction and to explore appropriate resolutions. These meetings are designed to clearly establish facts, not to apportion blame, and are not disciplinary investigations.
- 4.6 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.

## Resolving the concern at early resolution

- 4.7 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. It is important to remember that complaints may not always produce the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond the University's control may affect the level of service provided.

- 4.8 The outcome of an early resolution, including the reasons for the outcome, should be communicated to the complainant. Where proportionate to do so this will be in writing.

## **5. The complaints procedure:**

### **Formal Complaint**

- 5.1 Where it has not been possible to resolve the matter by Early Resolution, the complainant may initiate a Formal Complaint by completing a Formal Student Complaint Form and submitting it to the Student Progress Team.
- 5.2 Complaints submitted as a Formal Complaint should normally be raised after attempts at Early Resolution have been completed, and no later than three months after the event/s complained about OR after one month after the attempts of the Early Resolution have concluded (whichever is later) unless there is good reason for the delay.
- 5.3 The Academic Registrar (or nominee) has absolute discretion to extend this deadline, providing that the complainant is able to demonstrate to the satisfaction of the Academic Registrar (or nominee) that circumstances beyond their control prevented the standard time limit being adhered to.
- 5.4 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.
- 5.5 Complainants should take care to raise all matters of complaint and put forward all supporting evidence, as they will not be able to raise new matters or provide any additional evidence to an Internal Review unless they can show good reason why the new evidence/information was not available to them to put forward as part of the Formal Complaint and it is essential to the complaint.
- 5.6 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 Formal Complaint**

- 5.7 The Student Progress Team will acknowledge the receipt of a complaint within five working days. All submitted complaint forms will be reviewed initially to establish whether they are eligible for consideration under this procedure.
- 5.8 The University will endeavour to complete the processing of a formal complaint within 40 working days. The 40 working 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. While every effort will be made to comply with the time limits set out above if a time limit is exceeded it shall not invalidate the outcome of the complaint proceedings
- 5.9 Where a formal complaint has been received, the Student Progress Team will inform the relevant Head of Department/Section and thereafter keep them informed of progress.

## **Investigating the Formal Complaint**

- 5.10 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.
- 5.11 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 their nominee and also seek to gather information as necessary from anyone else likely to be helpful in resolving the matter, including the complainant and the subject/s of the complaint. Information may be sought in writing, via in-person or online meetings, or both.
- 5.12 The Complaint Investigator will contact complainants and staff members directly to ask them to attend investigative meetings and it is important that these take place quickly and at a mutually convenient time and location. Investigative meetings are designed to clearly establish facts, not to apportion blame and are not disciplinary interviews. In any meeting involving the complainant or a member of staff, they have the right to be accompanied by a student, an employee of the University or an advisor from the SU Advice or a trade union representative.
- 5.13 The Complaint Investigator will be responsible for keeping records of their investigation. During discussions and meetings, a note of the main points of discussion will be taken and shared with interviewees after each meeting. Any factual inaccuracies should be highlighted immediately.

- 5.14 Meetings may not be video or audio recorded without the explicit permission of all parties , and the approval of the Academic Registrar (or nominee), Permission must be obtained before the meeting.
- 5.15 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**

- 5.16 The Complaints Investigator may consider whether the complaint or appeal is amenable to mediation at this stage.
- 5.17 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.
- 5.18 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.

## **Resolving a Formal Complaint**

- 5.19 The Complaint Investigator will provide a written report at the end of the investigation, setting out clearly the process followed, the information gathered, the conclusions drawn and any recommendations. This will be shared with the complainant, the subject of the complaint and the Head of Service/Department, School or Centre. Any factual inaccuracies should be highlighted immediately.
- 5.20 Where a complaint is upheld or partially upheld, the outcome letter will also detail how and when the University will implement any remedy. It is important to remember that complaints may not always produce the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond the University's control may affect the level of service provided.

- 5.21 If a complaint about a member of staff is upheld or partially upheld it might be recommended that the University considers whether any disciplinary action needs to be taken against the staff member. In these cases, the staff member's line manager and Human Resources will also receive a copy of the report for their joint consideration. Details affecting individual staff members will not be shared with complainants, particularly where they relate to any subsequent disciplinary action that is taken.
- 5.22 Should the student remain dissatisfied with the outcome of their complaint, they should submit a request for Internal Review within 20 working days of communication of the outcome of the formal stage (see Section 7).
- 5.23 If a student is satisfied with the outcome of the formal stage or does not submit a request for Internal Review within 20 working days, the University will close the matter.

## **6. The complaints procedure:**

### **Complaints about members of staff**

- 6.1 A student's complaint may be in relation to the actions of a member of staff employed by the University that the student is dissatisfied with. As with all complaints, it is important that students have the opportunity to raise concerns without risk of disadvantage or recrimination, whilst members of staff should have the opportunity to respond to the concerns raised.

#### **Submitting a concern about a member of staff**

- 6.2 Students should contact the Head of the Department or Service where the member of staff is employed in the first instance. Alternatively, students may submit their concerns to any of the following teams who will notify the relevant Head of Department or Service and/or the employee's line manager:

- The Student Progress Team ([studentcomplaints@essex.ac.uk](mailto:studentcomplaints@essex.ac.uk))
- Report and Support if the concern relates to being a victim of harassment
- People and Culture ([staffing@essex.ac.uk](mailto:staffing@essex.ac.uk))

For advice, guidance and support available to students, please see 1.7 – 1.10 of these procedures.

- 6.3 The Head of Department is responsible for ensuring that the student(s) is provided with an 'Early Resolution' response on behalf of the Department (see section 4). Under Early Resolution, the Head of Department may put in place any reasonable measures that enables the student(s) to continue to receive the relevant support, service and/or learning opportunities. If a student(s)

remains dissatisfied with the attempts at Early Resolution, they may submit a Formal Complaint (see section 5).

- 6.4 The Head of Department is also responsible for ensuring that the relevant staff (such as the employee and their line manager) are made aware of the complaint and kept informed of the progress of the case.

## **Complaints of staff misconduct**

- 6.5 All complaints of staff misconduct will be taken seriously by the University. If the University receives a complaint that gives the University a concern of misconduct by an employee, then People and Culture will be consulted in line with the University's Disciplinary Procedures for Staff and the University will consider whether or not disciplinary investigation or action is appropriate. If the University deems that the Disciplinary Procedures for Staff do not need to be initiated, then a student's formal complaint will be considered in line with the Student Concerns and Complaint Procedures as normal (see section 5). If the University does decide to initiate the Disciplinary Procedures for Staff, members should be aware that:

- 6.5.1 The Disciplinary Procedures for Staff will be undertaken first. As such, students may be asked to provide more information to assist the University in applying its staffing procedures, and may be accompanied by another member of the University or Students' Union during any discussions that take place.
- 6.5.2 People & Culture support the Disciplinary Procedures for Staff, and will ensure that the student, the Head of Department, affected staff and the Student Progress Team are updated of the progress of the disciplinary proceedings.
- 6.5.3 Due to an employee's right to confidentiality, the student(s) that raised the concerns will not be provided with details of any action taken under the Disciplinary Procedures for Staff.
- 6.5.4 Students do not have a right to appeal against any decision taken under the University's Disciplinary Procedures for Staff.
- 6.5.5 The Disciplinary Procedures for Staff do not prevent the student from having their concerns responded to, investigated or reviewed under the Student Concerns and Complaints Procedures. However, members should be aware that:
- i. Consideration of the Formal Complaint will normally be postponed until after the staff procedures are completed, however Departments can continue to organise and implement any interim arrangements that are deemed appropriate for the student
  - ii. Any subsequent consideration or review under the Student Concerns and Complaint Procedures will not reconsider the conduct of individual members of staff. However, the findings from the Disciplinary Procedures for Staff may be made available to the

Complaint Investigator or the Pro-Vice-Chancellor (Education), on a case-by-case basis, who can consider alternative resolutions for the student(s)

- 6.6 When it is deemed appropriate for safeguarding our members and for respecting our members' right to confidentiality, student(s) and employee(s) may be asked to refrain from contacting each other whilst the Student Concerns and Complaint Procedures are ongoing.

## **Representation for staff**

- 6.7 Any member of staff directly affected by a concern or a complaint from a student may seek support from People & Culture, their trade union or the University occupational health service. Staff required to attend any meetings in relation to a student concern or complaint have the right to be accompanied by a work colleague or Trade Union Representative.

# **7. Internal review**

- 7.1 If the student believes their complaint has not been handled properly or fairly according to these procedures, they may request an Internal Review of the complaint within 20 working days of the date of the letter containing the outcome of the Formal Complaint.
- 7.2 Students may request an Internal Review of the outcome of a Formal Complaint investigation on the following grounds:
- the University did not follow the Student Concerns and Complaint Procedures properly which disadvantaged the student's case
  - consideration of whether the outcome was reasonable in all the circumstances
  - there is new evidence, which for good reason was not previously submitted as part of the complaint, which might have materially affected the outcome
- 7.3 The Internal Review will not usually consider the issues afresh or involve a further investigation. The complaint must have been considered as a Formal Complaint before it is eligible for Internal Review.
- 7.4 In order to request an Internal Review of the complaint, students must complete an Internal 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**

- 7.5 Students can expect to receive written acknowledgement of the request for an Internal Review within five working days. The University will then pass the request for review to the Pro-Vice-Chancellor (Education) (or nominee) for consideration.
- 7.6 If, at any time, the student's expectations appear to exceed the scope of the Internal Review, they will be advised of this as soon as possible in writing.
- 7.7 The University will endeavour to complete the processing of an Internal Review within 20 working days. The 20 working 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. While every effort will be made to comply with the time limits set out above if a time limit is exceeded it shall not invalidate the outcome of the complaint proceedings.
- 7.8 The decision of the Pro-Vice-Chancellor (Education) (or nominee) will be final. If the Pro-Vice-Chancellor (Education) (or nominee) determines that the request for an Internal 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 their findings.
- 7.9 If the Pro-Vice-Chancellor (Education) (or nominee) determines that the request for an Internal Review is well-founded, then they will initiate a review of the case and then issue the student with an outcome letter, containing details of their 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.

## **8. External review**

- 8.1 Once the Internal Review 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 their complaint. All applications to the OIA must be made within 12 months of the date of the outcome letter issued by the University to the student.
- 8.2 Students are entitled to a Completion of Procedures letter when the Pro-Vice Chancellor (Education) or their nominee has completed the Internal Review and reached a final decision.
- 8.3 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.

8.4 The OIA's Scheme Rules and guidelines are available on its website.

## Document Control Panel

Field	Description
<b>Title</b>	Student Concerns and Complaints Procedure 2024-25
<b>Policy Classification</b>	Policy
<b>Security Classification</b>	Open
<b>Security Rationale</b>	Senior Student Progress Manager
<b>Policy Manager Role</b>	Student Progress Manager
<b>Nominated Contact</b>	studentcomplaints@essex.ac.uk
<b>Responsible UoE Section</b>	Academic Section
<b>Approval Body</b>	Senate
<b>Signed Off Date</b>	June 2024
<b>Publication Status</b>	Published
<b>Published Date</b>	01 October 2024
<b>Last Review Date</b>	30 June 2024
<b>Minimum Review Frequency</b>	Annually
<b>Review Date</b>	30 June 2025
<b>UoE Identifier</b>	0049

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