Document Q9.2

STUDENT COMPLAINTS POLICY

Approved by Academic Board – October 2019

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Next review: September 2022
The Student Complaints Policy of The University of Law (the University) has been informed by the Quality Assurance Agency’s (QAA) UK Quality Code for Higher Education, specifically the Advice and Guidance on Concerns, Complaints and Appeals. The QAA’s Quality Code is the definitive reference point for all UK higher education institutions and sets out how academic standards are established and maintained and how the quality of learning opportunities are assured and enhanced. This policy sits within the University’s Quality and Standards Code which provides a suite of policies designed to safeguard the academic standards of the University and to assure the quality of learning opportunities offered; this policy should therefore be read in conjunction with other relevant policies within the Code.

Introduction

The University of Law (the University) recognises that central to this policy is the University’s responsibility for the academic standards of all awards granted in its name and the quality of learning opportunities for students. For the purposes of this policy, a student is defined as anyone who has accepted a place at the University, is currently studying at the University, or is a past student of the University.

For the purposes of this policy a complaint is defined as the expression of a specific concern about the quality of learning opportunities, or the provision by the University of a programme of study or related academic or administrative service, other than liability for course fees. However, the Student Complaints Policy is not a substitute for the regular process of open communication and student feedback, which occurs before, during and after the course. The University aims to resolve complaints quickly and simply.

For the purposes of this policy, a concern is defined as a comment, either in conversation, writing or via social media, on the learning opportunities or student experience. When a concern is raised, it can represent the first stage of a complaint if left unaddressed.

It is anticipated that the majority of complaints are resolved at the first (informal) stage, or at the initial concern stage, with relatively few progressing to the second (formal) stage.

This Policy sets out the key principles and procedures which cover concerns and complaints about the quality of learning opportunities or the provision of a programme of study or related academic or administrative service.
This Policy does not cover:

7.1 Appeals against the decisions of Examination Boards or issues related to assessments (conduct or content), final results or concession applications (these are dealt with under the Academic Reviews and Appeals Policy);

7.2 Appeals against decisions taken under disciplinary proceedings (these are dealt with under the Student Discipline Policy and Regulations);

7.3 Appeals against contractual fee liability where there are mitigating circumstances that can be dealt with under the Fee Appeal process (where fee liability is being appealed against due to service issues or University communication, these can be investigated under this policy);

7.4 Appeals against decisions taken regarding Disability Support provisions (these are dealt with under the Disability Support Review process).

Any queries about the process and what is or is not covered by this policy should be directed to complaints@law.ac.uk.

This Policy may be used for both individual concerns or complaints and collective concerns or complaints. However, it is anticipated that collective concerns or complaints are normally more appropriately addressed via the student representative system. Individual students participating in a collective complaint are not eligible under this Policy to pursue an individual complaint about the same issue.

Responsibility for this policy

Ultimate responsibility for the development of clear and effective processes and procedures associated with the maintenance of standards and quality assurance of academic provision and overseeing their application lies with the Academic Board.

Expectation

The University has procedures for handling academic appeals and student concerns and complaints about the quality of learning opportunities, or the provision of a programme of study or related academic or administrative service; these procedures are fair, accessible and timely, and enable enhancement.

Key Aims and Principles

The University follows these Key Aims and Principles:
Student Complaints Policy

12.1 *Transparency* – the University provides details of who is responsible for dealing with the complaint at each stage of the process, and also provides information on what action can be taken if the resolution is unsatisfactory;

12.2 *Speed* – the University sets appropriate timescales for each stage of the process;

12.3 *Impartiality* – the University ensures that no person who has any direct interest in a complaint is involved in deciding its outcome – at the initial investigation or the review stage;

12.4 *Non-detriment* – the University ensures that no student suffers any disadvantage for having made a complaint in good faith – regardless of its outcome;

12.5 *Accessibility* – the University ensures that all students are able to access this Policy, regardless of disability or domicile;

12.6 *Enhancement* – the University ensures outcomes of concerns, complaints and appeals support the ongoing enhancement and improvement of student learning opportunities by learning from our processes.

Procedural approach

Responsibility

13 **The University’s** responsibility is to:

13.1 follow the Key Aims and Principles as shown above;

13.2 make students aware of its Student Complaints Policy;

13.3 acknowledge any formal complaint or request for review in writing and respond within a stated period of time, the entire complaint being resolved within 90 days of first receipt, where possible;

13.4 deal reasonably and sensitively with the complaint;

13.5 take action where appropriate;

13.6 ensure that an accurate record is kept of any formal complaint and the outcome;

13.7 monitor and evaluate all formal complaints.
The student’s responsibility is to:

14.1 approach an appropriate member of staff to discuss any complaint informally with the aim of resolving the issues before bringing a formal complaint;

14.2 bring any formal complaint, in writing, to the University’s attention promptly through the University Complaints Officer (the student must submit the complaint themselves, unless they are unable to do so for some reason);

14.3 explain the complaint as clearly and as fully as possible, including any action taken to date;

14.4 have read all pre-course and on-course terms and conditions as appropriate;

14.5 allow the University a reasonable time to deal with the matter.

Procedures for dealing with Informal Complaints

15 The student should in the first instance, and as early as possible, contact the member of staff who is most immediately relevant to the matter in hand.

16 If the student is unsure of who to contact, they should approach Student Services at their local Campus (if the student is attending a University Campus) or their Supervisor (if the student is participating in an online programme), who is able to advise them as to the appropriate person to speak to.

17 The member of staff, if possible, meets the student face to face in order to understand in detail the nature of the student’s complaint and uses their discretion to resolve the matter with due sensitivity. The student may be accompanied to any meeting by a friend or relative, but is not entitled to legal representation.

18 If the matter is not resolved to the student’s satisfaction they should request an informal meeting with their local Campus Dean. In the case of students undertaking online study, the student should contact the relevant Programme Director.

19 If a meeting is requested, the Campus Dean/Programme Director or their nominee arranges to speak with the student as soon as practicable in order to try to resolve the matter.

20 The student can email the University Complaints Officer at any time during the process for information (complaints@law.ac.uk). A record of the outcome of informal proceedings is sent by the relevant member of staff to the University Complaints Officer at its conclusion.
Procedures for dealing with Formal Complaints

21 The student can raise a formal complaint if they are not satisfied with the outcome of the informal process.

22 All formal complaints must be submitted in writing, with appropriate supporting evidence, using the Formal Complaint Form, to the University Complaints Officer (complaints@law.ac.uk) within three months of the occurrence of the matter complained of. The University does not consider any formal complaint received outside this time limit unless the student is able to provide evidence of exceptional circumstances which justify the delay in submission. The Formal Complaint Form can be obtained from the University’s website (http://www.law.ac.uk/about/policies/).

23 The Formal Complaint Form provides full details of the appropriate place for submission, along with guidance as to how to complete it. Submission is accepted by post or by email.

24 The student is provided with the details of the Investigating Officer for their case, who is a person not previously involved with the informal stage, and the timescale for the investigation. This timescale may be dependent on disciplinary or other proceedings.

25 The student may be asked to provide further information to support their case and/or to attend a meeting to discuss their case. It is the responsibility of the student to provide as much evidence as possible in order to support their complaint. If a meeting is held, the student is entitled to be accompanied by a friend or colleague, who can act as a supporter, but is not entitled to take any formal part in the proceedings. The student is not permitted to bring a legal representative to the meeting. If it is not possible to meet in person, these discussions may be conducted by telephone or email where appropriate.

26 The Investigating Officer undertakes a full investigation and prepares an outcome report, which is then reviewed and approved by the Head of Complaints (or nominee), who obtains payment approval if an ex gratia payment is recommended. The student receives a copy of the written outcome report from the investigation and any action that will be taken, together with details of how to apply for a review of the decision if they are not satisfied with the outcome of the investigation.

Appeal of Complaint Decision

27 If the student is not satisfied with the outcome of their formal complaint, they may request a review of the procedure, which is carried out by an Appeal Officer who is a senior member of University staff, not previously involved in the investigation of the complaint.

28 The Appeal Application Form is sent to the student, together with notification of the outcome of the investigation into the original formal complaint, and provides full
details of the appropriate place for its submission. Submission is accepted by post or by email.

29 The Appeal Application must be submitted within 14 calendar days of receipt of the Outcome Report from the University following the investigation of the formal complaint. The University does not consider any request for review received outside this time limit unless the student is able to provide evidence of exceptional circumstances which justify the delay in submission.

30 The appeal application must outline the reasons for dissatisfaction with the outcome. It is not sufficient simply to reiterate the original formal complaint.

31 For an appeal to be considered, the student must:

31.1 provide further evidence to substantiate the complaint, together with a full explanation of why this evidence was not supplied with the formal complaint; or

31.2 demonstrate that the formal complaints procedure was not followed correctly and that this had a detrimental impact on the outcome

or

31.3 demonstrate that, despite having followed the correct procedures, the decision reached was one that no reasonable body, properly directed and taking into account all relevant factors, could have arrived at.

32 The student is provided with the details of the Appeal Officer for their case and the timescale for the investigation. This timescale may be dependent on disciplinary or other proceedings.

33 As with the original investigation into the formal complaint, the student may be asked to provide further information and/or to attend a meeting to discuss their case with the Appeal Officer. If a meeting is held, the student is entitled to be accompanied by a friend or colleague, who can act as a supporter, but who is not entitled to take any formal part in the proceedings. The student is not permitted to bring a legal representative to the meeting. If it is not possible to meet in person, these discussions may be conducted by telephone or email where appropriate.

34 The Appeal Officer undertakes a full investigation of the complaint, and the process of the initial investigation, and produces a written outcome report. The report is then sent to an Appeal Panel, made up of three senior members of staff, for approval (including payment approval where an ex gratia payment is recommended). The student receives a copy of the written outcome report from the appeal and of any action that will be taken.

35 The outcome of a complaint appeal may uphold the original decision of the Investigating Officer or change it, whether this is in the student’s favour or not. Any
offer made to the student as part of the initial outcome may removed in the appeal outcome.

**Office of the Independent Adjudicator (OIA)**

36 The OIA is an external body that conducts independent reviews of student complaints. The University is a member of the OIA for Higher Education scheme. This scheme enables the student to obtain an independent review of their case, subject to the OIA’s rules for eligibility. Further information can be obtained from [www.oiahe.org.uk](http://www.oiahe.org.uk).

37 If, having completed the University’s procedures for complaints, the student is dissatisfied with the outcome; they may request a review by the OIA. Full details of this service, incorporating required timescales, are provided to the student by the University.

38 On conclusion of any review of the complaint decision, the University Complaints Officer provides the student with a Completion of Procedures letter, which they must present to the Office of the Independent Adjudicator (OIA), if they wish to request the OIA to review their case.

**Process Timescales**

39 The timescales for responding to formal complaints and applications for review are listed on the Formal Complaints Application Form.

40 If, for any reason, it is not possible to conclude the relevant investigations within the allotted timescale, the student is notified in writing and provided with details of why the investigation will take a longer period (eg relevant staff on holiday), along with a revised date by which the investigation will be concluded.

**Confidentiality**

41 As far as possible, matters raised as a complaint remain confidential to those directly involved in the investigation of the complaint and in the response to the student, unless maintaining confidentiality would impede the University’s ability to progress, investigate or respond to the complaint or would involve a risk to health or safety.

42 Outcome reports may be published to appropriate University staff, if this is required to enable the University to take remedial action.

**Vexatious or Malicious Complaints**

43 The University may reject a complaint if it is, in the University’s view, vexatious or malicious. The decision to reject a complaint on this basis is at the sole discretion of the University, and the student will have the opportunity to request a review under the normal process.
A vexatious complaint is one which is entirely without merit and is made with the intention of causing inconvenience, harassment or expense to the company. Where it is readily apparent that a complaint is vexatious the University will reject the complaint.

A malicious complaint is one which bears active ill-will or spite or demonstrates wrongful intention toward any other. Where it is clear that a complaint is malicious, the University will reject the complaint.

If a complaint is made with vexatious or malicious intent or is in any way abusive in tone, this is viewed seriously and may result in disciplinary action.

Anonymous Complaints

Anonymous complaints will be forwarded to the most appropriate staff member to look into as part of the early resolution stage of the process. However, no formal outcome will be produced as it is not possible to respond to an anonymous complainant.

Complaints Involving the Police/Courts

If at any point during complaint proceedings, the complainant reports the matter to the police, unless it has been authorised in writing by the Group Legal Counsel (or his delegate within the University’s legal team), action under this policy, must be stayed until the outcome of the police investigation, and any criminal proceedings which result from it, are completed. On the conclusion of any police investigation or any criminal proceedings the Head of Complaints (or nominee), following consultation with the Group Legal Counsel (or his delegate within the University’s legal team), will notify the complainant in writing whether the University’s internal complaint investigation will be re-started or not.

The above also applies for any matter that is or becomes the subject of court or tribunal proceedings which have not been stayed (adjourned or put on hold).

Possible Outcomes

Each complaint is treated individually and on its merits and the outcomes from complaints will vary from case to case. Examples of possible outcomes are listed below:

no case to answer;

formal apology;

review of University policies and/or procedures;

provision of specific information;
Student Complaints Policy

50.5 change of timetable;

50.6 provision of additional tuition (normally by means of joining another class as a sit-in student);

50.7 ex-gratia payment or refund (without liability).

51 The decision whether to offer an ex gratia payment – and if so how much – is entirely within the discretion of the University. However such a payment is normally only considered in the following circumstances:

51.1 the student missed a quantity of classes (where there are no opportunities for additional tuition);

51.2 stress or anxiety (based on a sliding scale);

51.3 unexpected expenditure on the part of the complainant;

51.4 loss of income.

Record Keeping and Reporting

52 The University’s Academic Board ensures that a procedure for monitoring, evaluating and reviewing formal complaints is in place. A report dealing with the handling of such complaints is presented annually to the Academic Board.

Advice

53 Students who are unsure how to proceed can contact the University Complaints Officer (complaints@law.ac.uk), who will assist where possible.

Responsibility for the provision

54 Responsibility for the effective implementation of the Student Complaints Policy lies with the Head of Complaints.

Monitoring and review of the provision

55 Responsibility for reviewing and evaluating the effectiveness of the Student Complaints Policy lies initially with the Head of Complaints. Formal responsibility for monitoring and evaluation of this provision lies with the Academic Board.

Date for next review
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