



University of  
Chester

## Student Complaints Procedure



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University of Chester

Student Complaints Procedure

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# STUDENT COMPLAINTS PROCEDURE

## PART 1 - SUBSTANTIVE

### I. Introduction

1. The University of Chester welcomes and encourages feedback and complaints as part of its commitment to ensuring that high standards and quality are maintained. The University believes that complaints provide useful feedback from students and assist in improving services and facilities. The University has therefore established this procedure to deal with complaints by students.
2. This document explains how to enlist the University's informal guidance and support networks, which exist to aid in the definition and resolution of problems before they assume the scale of a formal complaint. If this is not possible by informal discussion, the document then explains how and to whom complaints should be made. It provides clear and helpful advice on how to proceed if a student is not satisfied with the way in which the University has dealt with an issue or problem raised.
3. The Student Contract and the documents available in the Student Support and Guidance section of Portal entitled 'the Student Experience – a Companion to the Quality and Standards Manual' set out the entitlements and responsibilities of students. If students believe they have a legitimate complaint, their first step should be to refer to these documents (which can be accessed on <http://www.chester.ac.uk/about/legal/student-info> and [http://ganymede.chester.ac.uk/index.php?page\\_id=163580](http://ganymede.chester.ac.uk/index.php?page_id=163580) respectively). This will clarify what may reasonably be expected.
4. Students who wish to make a complaint ('Complainant(s)') should raise it informally and directly with the staff concerned at the earliest opportunity. This gives the best chance of early and effective resolution. Only where the informal procedure has been completed and the Complainant remains dissatisfied should the formal stage be instituted. Students who feel unable to directly contact the member of staff concerned should seek advice from Student Welfare, Student Support & Guidance (Warrington) or the Students' Union.
5. It may be necessary to extend the time limits given in this document to take account of matters beyond the University's control, such as sickness or leave of staff who are required to deal with or respond to a complaint. Complainants will be informed if there is likely to be any extension.

#### *Delegation of responsibility*

6. The Vice-Chancellor, Deputy-Vice-Chancellor or other named post-holders, including the Dean of Students, may delegate powers and responsibilities conferred by this procedure, to a designated alternate (nominee) either generally or in respect of a particular case or in relation to any area of her/his responsibility under this procedure unless otherwise stated. The use of any named post-holder may therefore be interpreted throughout this procedure as meaning the post-holder or their nominee, unless otherwise stated.

#### *Confidentiality and Record Keeping*

7. All enquiries and disclosures will be made which are necessary to investigate the complaint properly and to collect appropriate information from all the parties and witnesses involved. Except for that purpose, all parties to a complaint must treat the complaint and related documentation confidentially.
8. Any individual against whom a complaint is made is entitled to see a copy of the complaint and to respond to it. A Complainant who wishes the complaint to remain completely confidential is advised to discuss how this might be addressed with an appropriate officer in his or her Faculty (such as the Head of Department or Dean of the Faculty) or in the Office of

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the Dean of Students (such as the Proctor or Dean of Students) within Student Support and Guidance.

9. All records, letters and correspondence in relation to any complaint will be kept in accordance with the Data Protection Act 1998 by those involved in the procedure. Papers relating to formal complaints will be held on file for three years from the date of resolution of the complaint and then destroyed.

### *Equality*

10. The University is committed to Equality and will strive to accommodate and take into account characteristics and matters beyond the control of students, such as religious events and festivals, work placements away from the University, work and other commitments. The University will also ensure that the complaints procedure is implemented in line with its policies and practice on Equality.
11. Complainants with Specific Learning Needs or who for other reasons may require assistance in completing the complaints forms should contact either Student Welfare or Student Support and Guidance (Warrington).
12. Complainants are asked to complete the Equal Opportunities Monitoring Form, which is attached to the Complaints form. The University requests this information in order to ensure that Equality aims and objectives and legal requirements are met. The information provided will be treated as confidential and used for statistical purposes and for directing Equality policies and development.

### *Frivolous, vexatious or malicious complaints*

13. Complainants using this procedure in good faith may do so without fear of recrimination. However, making a frivolous, vexatious or malicious complaint will be regarded as a disciplinary matter and disciplinary action may accordingly be taken against such Complainant(s) accordingly.
14. A frivolous or vexatious complaint can be characterised in a number of ways, including:
  - complaints which tend towards obsession, harassment, prolificity or repetition, or which are designed to cause disruption or annoyance;
  - unreasonable insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes;
  - insistence upon pursuing meritorious complaints in an unreasonable manner;
  - demands for redress which lack any serious purpose or value.
15. Where the University believes that a complaint is frivolous or vexatious, it will write to the Complainant explaining that consideration of the complaint is being terminated and giving reasons for the decision.
  - 15.1. Consideration will also be given as to whether to invoke the University's Student Disciplinary or Professional Suitability Procedures as appropriate.
  - 15.2. If the Complainant wishes to appeal against the decision, he or she can do so by writing to the Director of Legal Services who will review the information on the file, including any representations the Complainant has made, and will decide whether to confirm the decision that the complaint is frivolous or vexatious, or to reopen the consideration of the complaint.

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## *Anonymous Complaints*

16. Anonymous complaints may not be dealt with under this procedure. Any such complaint received will be treated at the discretion of the office of the Dean of Students.

## **II. Feedback and Suggestions**

17. The University welcomes feedback and suggestions from students to enable it to improve both its academic delivery and support services. Students wishing to provide feedback but not wishing to complain may do so through the following mechanisms:

- Suggestions on all matters may be made through the Students' Union.
- Suggestions about academic matters can be given directly to the module tutor, through module evaluation or through the student academic representative system.
- Suggestions regarding Support Services or other non-course related matters can be made in writing to the head of the respective service.

- 17.1. The term 'Support Services' includes Facilities and Estates, Catering, Learning and Information Systems, Housekeeping, Recreation, Accommodation, Transport, Security, the University Nursery, the Careers and Employability Service and the range of services offered by Student Support and Guidance (e.g., Counselling, Welfare, Disability Support).

## **III. Scope of the Procedure**

18. This procedure is available for all students registered on programmes of study of the University of Chester and applies to complaints by current students and those who were students of the University at any time during the period of six months before the complaint, relating to:

- the provision of programmes or part of programmes of study
- services or facilities of the University
- action or lack of action by the University

which are not excluded by paragraph 25 from consideration under this procedure.

19. Students who are considering making a complaint or who need help or further information, for example about who their complaint should be referred to, may seek advice from any of the following:

- Student Welfare (Chester) / Student Support and Guidance (Warrington)
- The University Proctor
- The Students' Union Welfare Service
- The Faculty Office

## *Partnership, franchise or collaborative programmes*

20. Students registered on a University of Chester programme of study delivered at another institution should, in the first instance, use the mechanisms and procedures for the remedy of complaints or grievances which are in place in their own institution and should exhaust these procedures.

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- 20.1. Where appropriate, staff at the partner institution may refer relevant matters for consideration to relevant persons at the University, such as Programme Leaders, Heads of Department or Deans of Faculty.
21. Where a complaint has been investigated by a partner institution and the Complainant remains dissatisfied, the Complainant may refer the matter to the University for consideration under the Review Stage of this procedure.
- 21.1. Such referrals will be dealt with under the Review Stage of this procedure, will be regarded as a request for Review and should fulfil the grounds for a request for a Review as detailed below.

### *Collective Complaints*

22. This procedure can be used by students for both individual and collective complaints. It is expected that the student(s) concerned will pursue the complaint personally. Complaints by a group of students are often of a general nature where it is usually more appropriate for the students to raise the matter with a student academic representative on the relevant staff/student liaison committee in the first instance. Complaints may then be made by the group of students if the relevant representation system has not achieved a satisfactory outcome, or if it is not thought to be an appropriate route.
23. Collective complaints regarding services/non-academic matters may be raised either with the department directly concerned or through the completion of the complaints form through Student Support and Guidance.

### *Excluded Matters*

24. This procedure may not be used in respect of any of the following, for which separate procedures exist:
- Appeals relating to examinations or assessments or to academic progress or against expulsion or exclusion on academic grounds (refer to the Student Appeals Procedure and see also paragraph 26 below);
  - Admissions. Complaints regarding the admissions processes and decisions are subject to a separate procedure (refer to the Admission of Students Handbook);
  - Complaints involving bullying and harassment by, and the conduct of, other students (refer to the Student Disciplinary Procedure);
  - Complaints against the Students' Union and its affiliated groups (refer to the Student Union Procedures, Student Union);
  - Complaints involving Equality or harassment by a member of staff (refer to the Dignity and Respect Policy & Procedure);
  - Complaints from students at partner institutions regarding service, facilities or other non-academic matters, not related to the University programme of study, that may reasonably be regarded as beyond the control of the University and under the direct responsibility or control of the partner organisation (refer to relevant partner institution's procedures);
  - Complaints submitted by a third party, which will not be accepted unless accompanied by written authorisation from the Student;
  - Issues raised under the Public Interest Disclosure Act (whistleblowing) relating to placements (refer to the relevant Faculty Whistleblowing procedure).

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Information about these separate procedures can be found at the Students' Union, Student Support and Guidance or on Portal.

*Matters of Complaint that may also be an Academic Appeal.*

25. As stated above, complaints which constitute appeals relating to examination or other forms of assessment, including an academic decision, will not be considered under this procedure. However, where matters which properly constitute a complaint are raised as part of an academic appeal, the Dean of Academic Quality and Enhancement shall identify those matters and refer them, including sending a copy of the relevant appeals form and associated paperwork, to the Office of the Dean of Students, who, in turn, shall administer the complaint under the formal stage of this procedure. The appellant/Complainant shall not then be required to submit a complaint form under this procedure, but may be asked to give further information about the complaint, including the remedy sought.
26. Students wishing to submit a complaint about academic matters or matters which they believe affected their progression on their programme of study, are advised to seek guidance from the Students' Union as regards use of the appropriate procedure.

## IV. Outcomes

27. Although the University of Chester will make every reasonable effort to provide appropriate facilities, amenities and services, submitting a complaint will not always produce the Complainant's preferred outcome. For instance, policy or resource decisions may affect the level of service provided. However, whatever the decision, Complainants will be informed of the outcome, the reasons for it and any recommendations for future or amended University, faculty or department working practices.
28. A determination under the complaints procedure will not, of itself, result in a change to an academic decision.

## V. Complaints Monitoring

29. The Office of the Dean of Students will keep accurate and complete records of all complaints received by the Office, of the consequent investigations carried out, findings, proposed recommendations and subsequent action including plans for implementation of any proposed recommendations.
  - 29.1. All records, letters and correspondence in relation to any complaint will be kept in accordance with the Data Protection Act 1998 by those involved in the procedure. Papers relating to formal complaints will be held on file for three years from the date of resolution of the complaint and then destroyed.

*Monitoring of Individual Complaints*

30. Upon receipt of the finalised report from the Investigating or Review Officer, the Office of the Dean of Students shall note any proposed recommendation and consult with the relevant faculty or department to determine its feasibility and the action appropriate to implement it.
  - 30.1. Where any proposed recommendation is not considered feasible or appropriate, a full rationale shall be submitted by the department to the Office of the Dean of Students.
  - 30.2. The Office of the Dean of Students shall monitor and report in the annual resolution of complaints report as detailed below on the progress and implementation of all proposed recommendations.

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## *Annual Monitoring of Complaints*

31. An annual report on complaints will be submitted by the Office of the Dean of Students to the Director of Legal Services, for submission to the Senior Management Team, no later than 31<sup>st</sup> December following the academic year ended on the preceding 31<sup>st</sup> July.
  - 31.1. The anonymised report shall, with a view to the promotion of accountability and improvement in the University's services and facilities, detail data relating to Equality monitoring linked to such other matters including, but not limited to, the number of complaints according to the following:
    - those received
    - type or category e.g. academic issues, accommodation issues etc.
    - faculty or department complained about
    - that were upheld, partially upheld or rejected
    - that resulted in a review and the result of the review
    - any other matters deemed pertinent.
  - 31.2. The anonymised report should detail any proposed recommendations made and the progress of those recommendations.

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## PART 2 – PROCEDURE FOR DEALING WITH STUDENT COMPLAINTS

### VI. Stage 1: Informal Local Resolution

32. Most complaints can be resolved informally and where practicable a complaint should be dealt with as close as possible to the point at which it has arisen.
33. A complaint should be raised initially with the appropriate member of staff, within the relevant Department/Faculty/Support Service, who is responsible for dealing on a day to day basis with the matter being complained about. (e.g. Personal Academic Tutor, Programme leader, Head of Department, House Managers etc). For example, if the complaint refers to an academic matter, the first point of contact should normally be the member of academic staff concerned.
34. Where a complaint is specifically about a module or programme, a Complainant(s) can also raise concerns through their relevant Staff/Student liaison committee.
35. A complaint should normally be raised within 2 months of the events/actions/lack of action complained about. Delay in making a complaint may hinder or prevent a proper investigation of the complaint, with the consequence that the complaint will not be effectively remedied.
36. Complainants should normally expect to receive a response to the complaint within fifteen [15] working days of the University receiving it.
37. If the Complainant(s) is dissatisfied with the response at Stage 1, or, if for any reason the Complainant feels unable to raise the matter under stage 1, s/he should pursue the matter under the formal complaints procedure as detailed in Stage 2.

### VII. Stage 2: The Formal Complaints Procedure

38. Students wishing to make a formal complaint should do so in writing by completion of a Complaints Form, obtained from a range of outlets including:
  - Student Support and Guidance
  - Students' Union Offices
  - Learning Resources Centre
  - University Reception
  - Registry Services Reception
  - Faculty Offices
  - Portal
39. Complaints must be specific and as comprehensively documented as possible and should include the Complainant(s)' name and address, any relevant documentation, a description of the events complained about with dates, locations and witnesses as appropriate. Any previous unsuccessful attempts at resolution should also be detailed. Finally, Complainants should state what reasonable steps they believe should be taken to resolve the complaint. The completed form should be sent to the Office of the Dean of Students in Student Support and Guidance.
  - 39.1. Complainants who feel unable to raise the matter under stage 1 of the procedure should also detail the reason for omitting this stage. However, failure to raise a matter at stage 1 will not preclude the matter from being investigated at stage 2.

#### *Timescales.*

40. Complainants should receive a written acknowledgement from the Office of the Dean of Students within five [5] working days of receiving the complaint form.

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41. Most complaints under Stage 2 should be resolved within thirty [30] working days of the complaint form being received.
42. The Investigating Officer should seek to complete the investigation within twenty [20] working days of appointment and notification of the complaint.
43. In the event that the above timescales are unlikely to be met the Office of the Dean of Students will inform the Complainant in writing detailing the circumstances of the delay and an expected date for completion of the complaint.

### *Investigation.*

44. The Office of the Dean of Students shall administer the formal complaints process and shall, upon receipt of the complaint, appoint an Investigating Officer who must be a member of staff with appropriate seniority and who may be from the Department/Faculty concerned.
  - 44.1. The Office of the Dean of Students shall not appoint an Investigating Officer who has been previously involved in the complaint at stage 1. Therefore if a complaint relates to a Dean of Faculty or Director of Service who has had a prior involvement in the complaint at stage 1 and to whom the complaint could normally be referred under this stage, the Office of the Dean of Students will appoint a member of staff of appropriate seniority from a different Department/Faculty not previously involved in the case.
  - 44.2. If a complaint is against the Office of the Dean of Students (and therefore Student Support and Guidance, or any parts of that department including the Dean of Students or other staff therein) the complaint should be forwarded to the Academic Secretary & Director of Legal Services who will make arrangements for the complaint to be investigated and determined as closely as possible in accordance with the procedure as detailed in this section.
  - 44.3. The term 'appropriate seniority' does not indicate a person who is senior, in the University management structure, to the Dean, Director or Head of Department to which the complaint relates; but rather a member of staff who would be able to act credibly in the capacity as Investigating Officer.
45. A meeting will be arranged between the Complainant(s) and the Office of the Dean of Students and if appropriate between the Complainant(s) and the Investigating Officer to discuss the matter. A written or audio record of the meeting will be made by the Office of the Dean of Students or the Investigating Officer as appropriate.
  - 45.1. Complainants may, if they wish, be accompanied by a fellow student or member of staff acting as a friend, or by an Executive Officer of the Students' Union.
46. If any individual(s) is the subject of the complaint, the Investigating Officer will hold a separate meeting with that person(s) (who may be accompanied by one friend or union representative), and may also interview any material witnesses. A written or audio record of the meeting will be made by the Investigating Officer.
47. The Investigating Officer shall be granted such access to all relevant policies, procedures, records and other materials (including where necessary personal data held as part of welfare or other associated records) held by the relevant department (or other departments) as they deem appropriate for completion of the investigation.
48. Upon completion of the investigation the Investigating Officer shall compile and send a report, addressed to the Complainant, to both the Office of the Dean of Students and the senior manager of the department concerned.
  - 48.1. The report should detail the circumstances of the complaint, the method of and findings of the investigation, any proposed recommendations for redress and any proposed

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recommendations for future or amended working practices designed to prevent the issues raised in the complaint from recurring.

49. Upon receipt of the report the Office of the Dean of Students shall ensure that the Investigating Officer has adequately covered all matters raised in the complaint and shall, in consultation with the department concerned, consider the reasonableness and feasibility of the findings and proposed recommendations including subsequent implementation.
  - 49.1. Where in the opinion of the Office of the Dean of Students the Investigating Officer has not adequately covered all aspects of the complaint or the findings or recommendations contained in the report may be regarded as unreasonable, the Office of the Dean of Students shall return the report, along with full details of their concerns, to the Investigating Officer for further consideration.
50. Once the Office of the Dean of Students is satisfied with the report compiled by the Investigating Officer this will be sent to the Complainant(s), on behalf of the Investigating Officer.
  - 50.1. The Office of the Dean of Student shall continue to monitor the implementation of any proposed recommendations in accordance with paragraphs 30 and 31 above.
51. If, at the expiry of ten [10] working days from the date of notification to the Complainant(s) from the Office of the Dean of Students referred to in the preceding paragraph, no notice of a request for a review at Stage 3 has been received from the Complainant, the complaint shall be considered closed and concluded.
  - 51.1. Where a student does not exercise the right to request a review within the time limit specified above the matter will be considered completed with no further recourse through the University procedure by the student(s). Where the procedure is completed in this manner a Completion of Procedures Letter will not normally be sent unless the student(s) makes a request. Where the student does make such a request, the Dean of Students will issue a Completion of Procedure Letter indicating that the student was out of time under the procedure and requested the Completion of Procedures letter in these circumstances.

## VIII. Stage 3 – Review

### *Grounds for Review*

52. Dissatisfaction with the outcome at the formal complaint stage is not sufficient grounds for a Complainant to request a review by a Complaints Review Officer. The only grounds for such a request are that:
  - a. the Investigating Officer has not responded to all the substantive areas of the complaint; or
  - b. there was procedural irregularity in connection with the determination by the Investigating Officer; or
  - c. new evidence has come to light which was not, with reasonable diligence, obtainable by the Complainant(s) at Stage 2.
53. Complaints from students registered on a University of Chester programme of study delivered at another institution, should, in the first instance, use the mechanisms and procedures for the remedy of complaints or grievances which are in place in their own institution and should exhaust these procedures.
  - 53.1. Where a complaint has been investigated by a partner institution and the Complainant remains dissatisfied, the Complainant may refer the matter to the University for consideration under this stage of this procedure based upon one of the grounds listed above and in addition the following ground:
    - d. That the findings of the partner institution are not reasonable in all circumstances.

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## *Timescales*

54. Complainants who consider that they have any of the grounds for a request for a review listed above, should resubmit the complaint within ten [10] working days, from the date of notification from the Office of the Dean of Students referred to in paragraph 50, to the Office of the Dean of Students. The resubmission should set out the grounds for a review and, if previously unavailable new evidence is relied on, explain why it was not previously obtainable. Appropriate written evidence, which would include a copy of the University's initial response and any additional evidence, should also be provided by the Complainant.
55. Complainants should receive a written acknowledgement from the Office of the Dean of Students within five [5] working days of submitting the request for a review.
56. Most requests for a review under Stage 3 should be resolved within thirty [30] working days of the review form being received.
57. In the event that the above timescales are unlikely to be met the Office of the Dean of Students will inform the Complainant in writing detailing the circumstances of the delay and an expected date for completion of the review.

## *Review of Complaint*

58. The Office of the Dean of Students shall administer the complaint as previously in Stage 2 and shall appoint a Complaints Review Officer who must be a member of staff with appropriate seniority and who must be from a different Department or Faculty from the one concerned and different from the Department or Faculty of the Investigating Officer.
  - 58.1. If the request for a review is against the Office of the Dean of Students (and therefore Student Support and Guidance, or any parts of that department including the Dean of Students or other staff therein) the request should be forwarded to the Academic Secretary & Director of Legal Services who will make arrangements for the complaint to be reviewed as closely as possible in accordance with the procedure as detailed in this section.
  - 58.2. The term 'appropriate seniority' does not indicate a person who is senior, in the University management structure, to the Dean, Director or Head of Department to which the complaint relates or to the Investigating Officer; but rather a member of staff who would be able to act credibly in the capacity as a Complaints Review Officer.
59. The Review Officer will, based upon the documents received, consider whether or not the Complainant has identified possible grounds for a review and whether the request for a review was submitted within the time limit as prescribed in paragraph 54 above.
  - 59.1. If in the opinion of the Review Officer the grounds for review have not been met or the request was submitted late, the Review Officer will reject the request and inform the Complainant accordingly via the Office of the Dean of Students.
60. Where the Review Officer is satisfied that grounds for review have been met, the Review Officer will proceed to review the case on all of the grounds listed above as appropriate.
  - 60.1. However, the grounds for review listed at 'd' shall only apply to complaints investigated as described in paragraphs 53 and 53.1 above.
61. The Review Officer may seek to deal with the case on the basis of documentary evidence or may, at their discretion, call a meeting to which the Complainant is invited to attend to present his/her request in person.
  - 61.1. If the Complainant is invited to attend in person, he/she may be accompanied by a fellow student, Students' Union representative or member of staff at the University, who may speak on his/her behalf. The name of the representative must be notified in advance to the Review

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Officer no later than two working [2] days before the date of the meeting. A written or audio record of the meeting will be made by the Review Officer.

- 61.2. The Complainant(s) will be given not less than five [5] working days' notice, in writing, of the date of the meeting, which should take place within fifteen [15] working days of the date of receipt of the review documentation.
- 61.3. The Review Officer may also call a meeting to which the Investigating Officer or any other persons whom the Review Officer believes to be appropriate, including any individual(s) who is the subject of the complaint, shall be invited. Any person requested to attend such a meeting may be accompanied by one friend or union representative. A written or audio record of the meeting will be made by the Review Officer.
62. The Review Officer shall be granted such access to all relevant policies, procedures, records and other materials (including where necessary personal data held as part of welfare or other associated records) held by the relevant department (or other departments) as they deem appropriate for completion of the Review.
63. Upon completion of the review the Review Officer shall compile and send a report, addressed to the Complainant, to the Office of the Dean of Students, the Investigating Officer and the senior manager of the department concerned as appropriate.
  - 63.1. The report should detail the circumstances of the review, the method of and findings of the review, any recommendations for redress and any recommendations for future or amended working practices.
64. Upon receipt of the report the Office of the Dean of Students shall ensure that the Review Officer has covered, satisfactorily, all matters raised in the request for a review and shall, in consultation with the Investigating Officer and department concerned, consider the reasonableness and feasibility of the findings and recommendations including subsequent implementation.
  - 64.1. Where in the opinion of the Office of the Dean of Students the Review Officer has not adequately covered all aspects of the review or the findings or recommendations contained in the report are unreasonable the Office of the Dean of Students shall return the report, along with full details of their concerns, to the Review Officer for further consideration.
65. Once the Office of the Dean of Students is satisfied with the report compiled by the Review Officer this will be sent to the Complainant(s), on behalf of the Review Officer accompanied by a Completion of Procedures letter.

### IX. Stage 4 – Office of the Independent Adjudicator

66. If the Complainant(s) remain aggrieved, they may ask the Office of the Independent Adjudicator (OIA) to consider the complaint. The OIA will normally review a case only if all internal university procedures have been exhausted. A Completion of Procedures letter signifies that this stage has been reached.
67. Guidance on the OIA scheme can be obtained through the Office of the Dean of Students, Student Union, or the OIA web site: [www.oiahe.org.uk](http://www.oiahe.org.uk)

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## Appendix A: Flowchart

