

Student Complaints Policy

1. Scope and Purpose

- 1.1 The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. All complaints will be considered on their merits and in accordance with the Equality, Diversity and Inclusion Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010 all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.
- 1.2 This Policy uses the term 'student' or 'students' throughout. This refers to all learners at the university, including undergraduate and postgraduate students and apprentices. Where separate arrangements or rules apply, the target group or groups are named in the paragraph.
- 1.3 Students undertaking a course delivered via an Educational Partnership should refer to the partner's complaint procedure in the first instance, as appropriate.
- 1.4 The University defines a complaint as:
an expression of dissatisfaction by a student or students about the University's action or lack of action, or about the standard of service provided by or on behalf of the University.

And/or

an expression of dissatisfaction by a student or students about the Students' Union action or lack of action, or about the standard of service provided by or on behalf of the Students' Union.

- 1.5 The Complaints Policy does **not** cover the following:
 - Disciplinary or fitness to practise issues, including appeals against exclusion on academic or other grounds (for which separate regulations and policies exist)
 - Matters where other separate procedures apply, e.g. harassment
 - Academic appeals relating to examinations or assessments for which a separate policy applies
 - A complaint relating to admission, for which a separate policy applies
 - Complaints by an apprentice about their employer. These must be raised using the organisations own complaint process in the first instance. An apprentice can however raise concerns with their Course Leader that relate to their employer's responsibilities in the apprenticeship. Issues raised will be discussed with the employer where these are in breach of the employer's responsibilities within their agreement with government for the use of funding and/or in the Apprenticeship Funding Rules.
- 1.6 Not every concern raised with the University is a complaint. For example, the following are **not** complaints:
 - A request for information or an explanation of policy or practice
 - A response to an invitation to provide feedback through a survey, via a student representative, through the committee system or in a focus group
 - An issue which is being, or has been, considered by a court or tribunal
 - A request under the Freedom of Information Act or Data Protection Act.
- 1.7 If a complaint is not based on the criteria and definition provided above, is out of time or is not accompanied by appropriate supporting evidence to complete an adequate investigation, the complaint may be rejected.
- 1.8 It is hoped that most complaints can be resolved satisfactorily on an informal basis and close to their point of origin. This policy is in place for students to follow where such informal approaches have been pursued

and the student(s) making a complaint remains dissatisfied.

- 1.9 Apprentices should be aware that the process for resolving any queries or complaints regarding their apprenticeship is also set out in their Training Plan. Apprentices may escalate their concern using the process set out in this policy and further through the Apprenticeship Service Support on 08000 150 600 or by email to helpdesk@manage-apprenticeships.service.gov.uk

2. Key Responsibilities

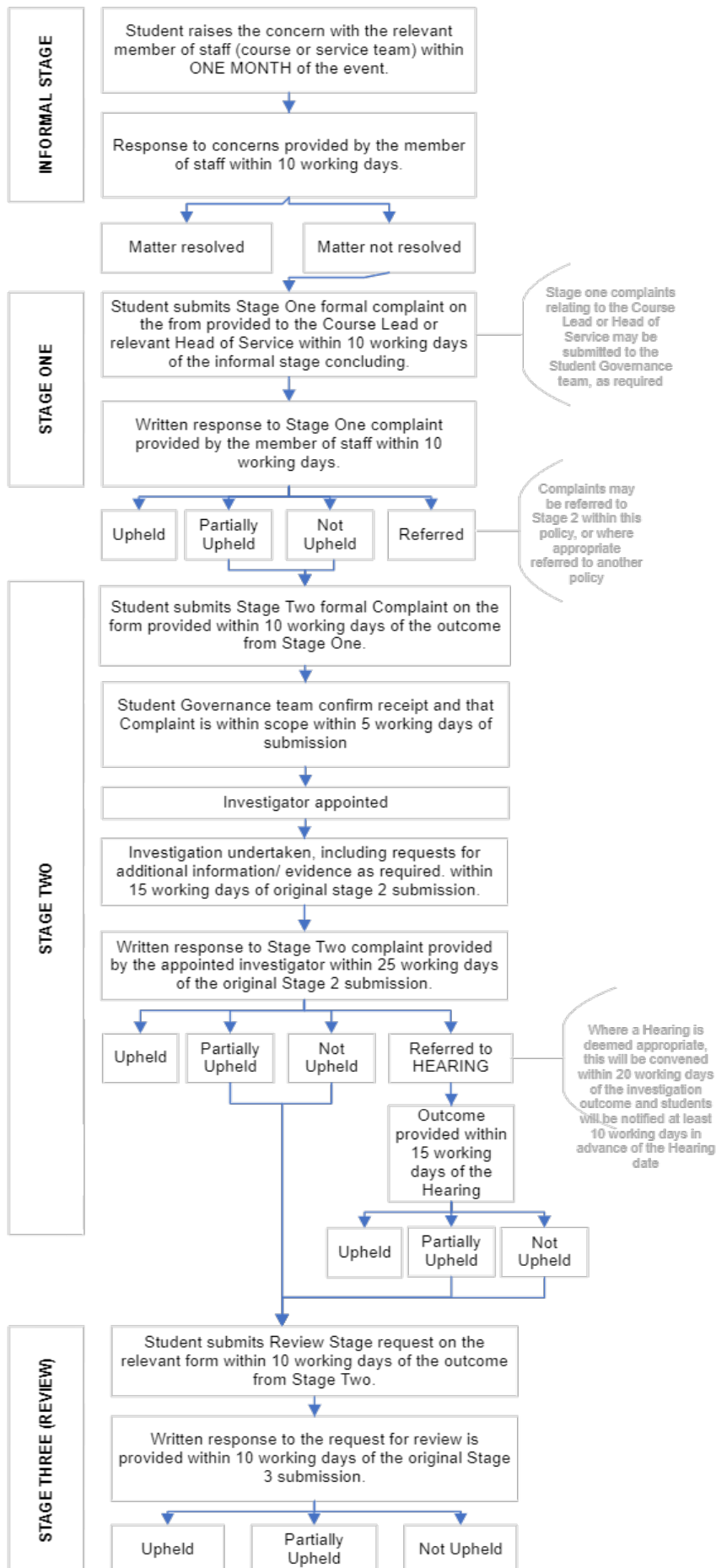
- 2.1 Responsibility for the management and implementation of this policy lies with the Academic Registrar. Where this policy and procedure refers to the 'Student Governance team' this is under the management of the Academic Registrar. Where this policy and procedure refers specifically to the role of the Academic Registrar, this responsibility may be delegated to an appointed deputy if the Academic Registrar is unavailable.
- 2.2 Under this policy and associated procedures any University role or officeholder or officer of the Students' Union may act through their appointed nominee.
- 2.3 It is the expectation of the University that all staff will support the application of this Procedure. Staff members who are contacted as part of an informal complaint, Stage One or Stage Two Complaint, or who are involved at any stage in the investigative process, are required to co-operate fully with the process whether called on behalf of the University or by the student making the complaint. Only in exceptional circumstances, a staff member may request permission to be excluded from an investigation.
- 2.4 Where members of the Students' Union have a role as a panel member in any proceedings under this policy their role is as a full member of the panel and to play a full part in determining the case and not to act as an advocate for the student making the complaint.
- 2.5 A student should raise complaints following this procedure; where a complaint is taken directly with the Vice-Chancellor or a Deputy Vice-Chancellor, the Vice-Chancellor or Deputy Vice-Chancellor will not undertake any investigation but will refer the student to this policy. This ensures decisions are taken at the formal and review stages independently without actual or perceived conflicts of interest.

3. Introduction and context

- 3.1 The University's Student Charter, the Student Agreement/ Terms and Conditions and the policies and procedures described within outline the expectations and responsibilities for students and staff and provide the framework for the student's learning experience.
- 3.2 As part of our commitment to ensuring the quality and standards of our courses and services, we will seek to ensure that complaints are dealt with constructively, promptly and efficiently. Every reasonable effort will be made to investigate them thoroughly and objectively and to seek to resolve them satisfactorily. If a complaint is upheld, the University will seek to provide a reasonable and appropriate response, will correct any mistakes or misunderstandings and will take any other action as appropriate. However, students should not expect that consideration of a complaint will always produce their preferred outcome. If a complaint is not upheld then reasons for the decision will be given.
- 3.3 No student raising a complaint under this procedure, regardless of the outcome, will be treated less favourably than if they had not made the complaint.
- 3.4 The University is committed to providing a safe working environment for staff, and staff have the same rights as students to be heard and respected. Unacceptable behaviour by any student using the complaints procedure will not be tolerated. When the actions or behaviour of a student making a complaint is unacceptable they will be told why this is the case and given the opportunity to modify their actions or behaviour. Should the unacceptable actions or behaviour continue, action may be taken against the student under the Student Disciplinary Policy.
- 3.5 The University will treat all complaints seriously and will deal with them without recrimination. Where, however, a complaint is shown to be vexatious or motivated by malice, the University may reject a complaint. Examples of complaints which may be judged to be vexatious or motivated by malice include:
 - complaints which are obsessive, harassing or repetitive
 - insistence on pursuing non-meritorious complaints and/or 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.
 - If a student's complaint is considered vexatious or motivated by malice, action may be taken against the student under the student disciplinary procedures.
- 3.6 The time limits set out in this Policy will normally be followed. However, where, for good reason, this is not possible, all parties will be kept informed of progress.
- 3.7 All complaints will be dealt with in confidence with the proviso that an individual or individuals against whom a complaint is made normally has the right to be supplied with a written copy of the complaint and given an opportunity to respond.
- 3.8 The effectiveness of the complaints policy depends on the University being able to collect appropriate information from all parties involved, in order to investigate the matter properly. For this reason anonymous complaints will not be dealt with under this Policy. It is at the discretion of the appropriate member of staff as to how an anonymous complaint is handled.
- 3.9 The submission of evidence to support a complaint helps in ensuring that this can be investigated effectively. Therefore, students should endeavour to submit as much evidence as possible in support of their written complaint and reference this in their statement. Relevant evidence could include written records of conversation with staff, written information sent by staff, recordings of academic sessions, information contained on webpages or the identification of other students who may be able to act as corroborating witnesses and are willing to act as witnesses. The absence of evidence does not necessarily mean that complaint will not be investigated but does increase the possibility that no firm conclusions can be drawn on the balance of probabilities.
- 3.10 Students seeking help in using this policy, or if they are uncertain as to whom their complaint should be referred, may seek advice from any of the following:
- The Student Governance team (via studentgovernance@aecc.ac.uk)
 - The Student Union and Engagement Manager
 - A Students' Union Officer.
- 3.11 **Third party complaints:** As independent adults responsible for their own learning, students are expected to make their own representations within this policy. No investigation of a complaint made on behalf of a student will be undertaken without that student's written agreement to that person acting on their behalf. This includes complaints made by the parent(s) or partner of the student concerned or the employer or employer representative of the apprentice concerned.
- 3.12 **Group complaints:** Where the issues raised affect a number of students affected students may submit a 'group complaint'. Each member of the group must be able to demonstrate that they have been personally affected by the matter which is the subject of the complaint. In such a case the students must nominate one individual to act as the group representative, and all affected students must agree in writing to the spokesperson acting on their behalf. Correspondence will be directed to that named individual.
- 3.13 **Right of Representation:** Where any meetings are held in connection with investigations of complaints under this policy any student or staff member invited to such a meeting may be accompanied by a representative or friend (who may not act in a legal capacity) for support or representation as appropriate.
- 3.14 The University will be prepared to meet expenses reasonably incurred by a successful complainant, subject to prior approval of the nature of the expenses claim and the sum involved.
- 3.15 The University student complaints policy and procedure is an internal policy and procedure and not a legal process. The University does not normally use legal professionals in the handling of cases, and therefore it is not expected that students would be required to do so either. As such the engagement of legal professionals by students in relation to complaints is not normally permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar. Remedies available in respect of complaints which are upheld or partially upheld might include an apology, compensation and/or a change in practices and procedures. In certain circumstances, remedies may include reverting students to a different procedure, including disciplinary action or academic appeal.

The diagram below provides an overview of the Complaints procedure



4. Informal discussions

- 4.1 It is hoped that most complaints can be resolved satisfactorily on an informal basis and close to their point of origin. The student should raise their concern with an appropriate member of the course team (such as Course or Unit Leader) or an appropriate member of the relevant service department in the first instance, either in person or via email. If the student feels uncomfortable about this they may seek advice from their Students' Union year representative, a Students' Union Officer or the Students' Union Manager.
- 4.2 Concerns should be outlined in writing as soon as possible, and in any case within one month, after the events or actions (or lack of actions) which prompted the complaint. Raising concerns as soon as possible will provide the University with the opportunity to attempt to offer swift resolution and to ensure any matters which need addressing are completed promptly. Delays in raising concerns may make it difficult for the University to be responsive and may impact the amount of time required to thoroughly investigate any concerns and the proposed resolution.
- 4.3 The person(s) with whom the complaint is raised will consider the issues presented and should respond to the student within **ten working days** of the complaint being raised. The response should be given either in person or via email. If the former, staff are advised to keep a written note of the response given. The person can ask for the student to provide supporting or independent evidence, but will not normally conduct a formal investigation. If an immediate resolution cannot be reached then the person investigating should write to the student to explain what has happened.
- 4.4 We welcome suggestions and feedback. Where the subject of the complaint is of a general nature it might be more appropriate for the student to raise the matter with a student representative on the relevant course committee, or via the Student Experience Committee. If this does not resolve the issue the student may pursue a formal Stage 1 complaint, following the procedure below.

5. Formal procedure Stage One

- 5.1 If the concern cannot be resolved or clarified by this informal discussion, the student should submit the complaint using the Stage One complaints form and enclosing the relevant evidence to the Course Leader or the Head of the relevant service department within ten working days of the outcome of the informal stage. If the complaint relates to the Course Leader or the Head of a Professional Services Department the student should submit the complaint to the Student Governance team highlighting that the complaint is made as a Stage One complaint. The Student Governance team will identify an appropriate person to conduct the Stage One investigation.
- 5.2 The written complaint should set out briefly:
 - the nature of the complaint;
 - the informal steps already taken together with full details of the response received;
 - a statement setting out why the complainant remains dissatisfied.
- 5.3 To enable the complaint to be investigated the student should provide relevant evidence, which should be as detailed as possible. The evidence that may be provided will vary according to the substance of the complaint but might include:
 - e-mails and/or letters from staff sent to the student(s);
 - statements from witnesses to the situation upon which the complaint is based;
 - minutes of relevant meetings and/or committees;
 - any other information relevant to the case sent to the student(s) or made available on the Virtual Learning Environment (VLE).

If the complaint is of a more general nature, specific documentary evidence may not be available. In this situation the student(s) should make clear reference in their complaint to the nature of the complaint, when it occurred and who was involved and as much other relevant information as they can to support the complaint. If there is little or no evidence to support a complaint it may be difficult to investigate it fully and reach a satisfactory conclusion.
- 5.4 The Course Leader or the Head of the relevant Professional Services department will investigate the matter in consultation with relevant colleagues and notify the student of the outcome in writing, normally within **10 working days** of the date of the receipt of the written complaint. The Student Governance team will be included in the response email.

If the student is asked to supply further information, this must be supplied within **10 working days** or the student can request additional time and provide an explanation of the reason for the delay. If the student

does not adhere to the deadlines nor request more time, it will be assumed that they no longer wish to pursue the complaint. The Academic Registrar will have reasonable discretion when considering requests for more time and will confirm to the student whether an extension is granted in writing. The investigating officer will respond normally within **10 working days** of the date of the receipt of the additional information.

- 5.5 Where the issues raised are complex and will require detailed investigation, for example where a complaint relates to the conduct of staff members or covers a number of different incidents, or where issues are of a highly sensitive nature, the Course Leader or the Head of the relevant Professional Services department may, in consultation with the Academic Registrar, agree that it would be more appropriate for the matter to be handled as a Stage Two complaint rather than undertake an initial investigation. Where this applies the student will be informed accordingly and asked to complete a Stage Two complaints form.

6. Formal Procedure Stage Two

- 6.1 If, having pursued the matter under Stage One, the student is dissatisfied with the response they may refer the matter formally in writing to the Student Governance team using the Stage Two complaints form and enclosing the relevant evidence.
- 6.2 The student should initiate Stage Two **within 10 working days** of the completion of Stage One.
- 6.3 Receipt of the complaint will be acknowledged in writing within **5 working days** by the Student Governance team who will undertake an initial check that the complaint is submitted under the right procedures, within any deadline, and in the required format, and that the student has taken reasonable steps to follow the procedure for Stage One, set out in section 5 above.
- 6.4 If the complaint is not within the scope of the policy (see paragraphs 3.5 and 6.3), the Student Governance team will communicate this to the student in writing and provide the reasons for the rejection. The written communication of the decision will also explain that the student may opt to proceed to the review stage, and the grounds on which a review may be considered, and will make clear that if the student does not consider that they have grounds to proceed to the further stage, or does not do so within the stated timescale, then the University will close the case and issue a Completion of Procedures Letter if the student so requests.
- 6.5 If a complaint is within the scope of the policy, the Academic Registrar will specify a person or persons within the University independent of the source of the complaint to carry out an investigation. If the Academic Registrar is the subject of the complaint, the Deputy Vice-Chancellor will specify the investigator. The Investigator shall be a senior staff member of the University, unconnected with the substance of the complaint. The Student Governance team will inform all parties named in the complaint of the identity of the Investigator.
- 6.6 If the student is asked to supply further information, this must be supplied within **10 working days** or the student can request additional time and provide an explanation of the reason for the delay. If the student does not adhere to the deadlines nor request more time, it will be assumed that they no longer wish to pursue the complaint. The Academic Registrar will have reasonable discretion when considering requests for more time and will confirm to the student whether an extension is granted in writing. The investigating officer will respond normally within **15 working days** of the date of the receipt of the additional information.
- 6.7 The Investigator(s) may seek to resolve the issue on the basis of the documentation, or may alternatively, at their discretion, ask the Academic Registrar to call a hearing at which the student and any other persons involved may submit their respective cases. Such a hearing shall normally be chaired by the investigator and comprise two other senior members of the University community. A member of the Student Governance team shall be in attendance to keep a record of proceedings. The person making the complaint and any person who is the subject of the complaint may each be accompanied at any such hearing by a representative or friend (who may not act in a legal capacity).
- 6.8 After taking the steps set out in paragraph 6.5, above the Investigator shall write a report including a recommended course of action, and submit this to the Academic Registrar.
- 6.9 The Academic Registrar shall provide the outcome, normally within **25 working days** following receipt of the complaint.

6.10 The written communication of the decision will also explain that the student may opt to proceed to the review stage, and the grounds on which a review may be considered, and will make clear that if the student does not consider that they have grounds to proceed to the further stage, or does not do so within the stated timescale then the University will close the case and issue a Completion of Procedures Letter if the student so requests. A Completion of Procedures letter issued at this stage will explain that the student has not completed the University internal processes.

7. Formal Procedure Stage Three: Complaint Review

7.1 The stages of the Procedures set out above have been established to ensure a full and fair investigation of a student's complaint and that it is dealt with thoroughly and objectively. If, however, a student believes that their complaint has not been handled properly or fairly in accordance with this Policy they may request a review.

7.2 For Solent University registered postgraduate research students may take their complaint to Solent University, through Solent's Complaints and Student Casework Manager.

7.3 A complaint must have been considered at Stage Two before it can be escalated to the Stage Three (Complaint review stage). No new complaints may be introduced at Stage Three.

7.4 To request a review the student should submit the Stage Three complaint form to the Student Governance team, **within 10 working days** of the notification of the decision at Stage Two.

7.5 The grounds under which a student may request a review are:

- procedural irregularity in the conduct of the complaint procedures
- new evidence is available which was not available at the time of the investigation during Stage Two
- that the decision and outcome of the Stage Two complaint were unreasonable in the light of the evidence provided.

Dissatisfaction with the outcome of the complaint investigation shall not in itself constitute an acceptable reason for review.

7.6 The review will be conducted by the Deputy Vice-Chancellor and a Students' Union Officer nominated by the Students' Union.

7.7 The Deputy Vice-Chancellor and the SU Officer shall consider the circumstances of the case on the basis of the documentation taking such advice as they deem necessary. Stage Three will normally be conducted on the basis of the evidence submitted by the student, and all previous documentation in connection with the complaint. It will not normally consider issues afresh, except where new evidence is presented.

7.8 If new evidence is presented by the student, and the Deputy Vice-Chancellor and the SU Officer accept the reasons for non-presentation previously, the Deputy Vice-Chancellor will refer the matter back to the original Stage two Investigator to reconsider. In this case the Investigator will also seek further information from the staff members involved. The Investigator will report back to the Deputy-Vice-Chancellor, for a final decision to be taken on the review, within **10 working days**.

7.9 The Deputy Vice-Chancellor and the SU Officer may:

- uphold the review and decide upon an appropriate resolution
- uphold part, but not all, of the review request and decide upon an appropriate resolution
- dismiss the request if they are of the view that it was unfounded or that the response at Stage 2 was appropriate.

7.10 In all cases the Deputy Vice-Chancellor will provide the student, the Stage Two Investigator and other parties to the complaint with written explanation of the decision within **10 working days** of the receipt of the request for a review.

7.11 This decision shall be final and no further appeal is permitted. The Deputy Vice-Chancellor will ask the Academic Registrar to issue a Completion of Procedures letter.

7.12 The Deputy Vice-Chancellor shall ensure that any appropriate action following the review is taken.

8. Completion of Procedures

- 8.1 Once the complaints procedure has been exhausted, the Academic Registrar will issue the student with a Completion of Procedures letter, which confirms that the University's internal procedures are completed.

9. Referral to the Office of the Independent Adjudicator (OIA)

(Available to Solent University registered students after the Solent review stage).

- 9.1 If, after exhausting the internal procedures the student remains dissatisfied, they may refer their case to the OIA. Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <http://oiahe.org.uk/making-a-complaint-to-the-oia/how-to-make-a-complaint.aspx>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.
- 9.2 Solent University registered students may take their complaint to the OIA after the Solent Review Stage.

Contact details for the Independent Adjudicator are:

OIA Second Floor
Abbey Wharf
57-75 Kings Road
READING
RG1 3AB
Tel: 0118 959 9813
Email: enquiries@oiahe.org.uk

10. Referral to the Education and Skills Funding Agency for Apprentices

- 10.1 Apprentices may also escalate queries or complaints regarding their apprenticeship to the national Apprenticeship Service Support line on 08000 150 600 or <mailto:helpdesk@manage-apprenticeships.service.gov.uk>.

11. Monitoring and review of complaints

- 11.1 The Student Governance team will prepare an annual review of student complaints across all awards. This annual review will be considered by Academic Standards and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This will include both academic and services issues complaints. This report will not refer to individuals by name.
- 11.2 All information collected under the requirements of this policy/procedure will be processed in accordance with the Data Protection Act 2018. For further information please refer to the student privacy notice. Data used for internal monitoring and reporting to relevant committees will be anonymised.

Version:	3.2
Ratified by:	Academic Board
Originator/Author	Assistant Registrar (Quality Assurance)
Policy Owner	Academic Registrar
Reference source	The Expectation and Indicators of sound practice set out in the Quality Assurance Agency (QAA)'s UK Quality Code, Part B, Chapter B9 : OIA: The good practice framework for handling complaints and academic appeals December 2016 OIA Guidance Note regarding Completion of Procedures Letters (January 2019) Examples from other institutions used as source material (in particular Bournemouth University, University of Southampton, University of Central Lancashire)
Date approved	26 July 2024
Effective from	August 2024
Review date	Spring 2025
Target	All staff and all students, and apprentices enrolled on courses leading to University awards
Policy location	Public Website/ Internal
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the raising and handling of complaints.