B7: Procedure for complaints

Academic year 2017/18
Contents

Figure 1: Complaint procedures ................................................................. 1
Introduction and scope .............................................................................. 2
  Third party requests .................................................................................. 2
  Exceptional circumstances ....................................................................... 3
Definition of a complaint ........................................................................... 3
Burden of proof ......................................................................................... 3
Standard of proof ..................................................................................... 3
Confidentiality .......................................................................................... 3
Timeliness .................................................................................................. 4
Unjustified vexatious and malicious complaints ..................................... 4
Stage one: early resolution ....................................................................... 4
  Complaints about programme/module delivery, tuition and supervision.... 4
  Complaints about other services and facilities ....................................... 5
  Outcome .................................................................................................. 5
Stage two: formal written complaint ....................................................... 5
  Statement of the remedy sought ............................................................. 5
  Submitting a formal complaint and the role of the Complaint Handler ......... 6
  Complaints concerning members of staff .............................................. 6
  Complaints linked to academic appeals and/or requests for the consideration of extenuating circumstances ................................................. 6
  Investigating a complaint ...................................................................... 7
Stage three: Complaint Review Panel ..................................................... 8
  Membership of a Complaint Review Panel .......................................... 8
  Procedure .............................................................................................. 8
  Findings and outcomes of a Complaint Review Panel ......................... 9
Figure 1: Complaint procedures

1. Student has an issue and raises it locally for early resolution

   - Student decision: are they happy with the outcome?
     - Yes: END
     - No: Student raises formal complaint

2. Stage one: early resolution
   - Has local resolution been tried?
     - Yes: Investigation by Complaint Handler with outcome
       - Student decision: are they happy with the outcome?
         - Yes: END
         - No: Student requests review
   - No: Student raises formal complaint

3. Stage two: formal written complaint
   - Investigation by Complaint Handler with outcome
     - Student decision: are they happy with the outcome?
       - Yes: END
       - No: Complaint Review Panel meet

4. Stage three: Complaint Review Panel
   - Complaint Review Panel meet
     - Outcome to student
     - END
     - CoP
Introduction and scope

1. These Procedures for complaints apply to:
   - those the University has formally accepted to study for its awards or credits prior to registration as a student (Complaints relating to the admissions process should be made via the Admissions complaints procedure);
   - current students registered to study for a University of Surrey qualification or the award of its academic credits, whether at the University, or studying at a distance;
   - former students who have received their award from the University or who have left the University no more than three months previously.

2. Students studying on University validated programmes at an Associated or Accredited Institution (AI) should pursue a complaint through the relevant procedures of that institution in the first instance. If a student is not satisfied with the outcome of a complaint and the complaint relates to the provision or delivery of learning opportunities which might constitute a breach of the AI’s Agreement with the University, then the complaint will be dealt with under this Procedure, commencing at Stage two.

3. Former students should commence the process at Stage two (see paragraph 25 below).

4. Where a group of students registered with the University wishes to make a common complaint they may do so by making a single formal complaint that each signs.

5. The University is committed to considering and investigating complaints from students. The University emphasises the importance of seeking a resolution through discussions at the earliest opportunity. Despite the University's efforts to resolve complaints students are advised that there is no guarantee that the remedy they are seeking will be provided.

6. Students considering making a complaint under this Procedure will find it helpful to seek advice and support from the University of Surrey Students' Union, or its equivalent for the Associated and Accredited Institutions.¹

Third party requests

7. The University will not accept a complaint or a request to review a complaint outcome from a third party on behalf of a student other than when the student is incapacitated or there are other extenuating circumstances. In such a case, the third party must show why the student is unable to make a complaint or request a complaint review on their own behalf and provide supporting evidence. The student must give their consent before the complaint or complaint review can be processed. The evidence is submitted by the Office of Student Complaints, Appeals and Regulation (OSCAR) to the Head of Student Administration (Assessment and Awards)² who will consult with OSCAR to determine whether the complaint or review request should be accepted. A decision will normally be made within five working days of receiving the information.

---

¹ Students are advised that harassment and bullying are dealt with under the University’s Dignity at Work and Study Policy.

² The Head of Student Administration (Assessment and Awards) may nominate an alternate to deal with such cases during periods of absence.
**Exceptional circumstances**

8. These *Procedures* describe the procedures that are used in dealing with complaints. In exceptional circumstances it may be appropriate to follow different procedures, for example, where strict application of the *Regulations* would result in substantial unfairness to the student or the student is in some way at risk because of health or disability. Such cases will be rare and should each be treated on their own merits.

**Definition of a complaint**

9. The University defines a complaint as an expression of dissatisfaction against the University, either in part or as a whole, where a student is seeking a certain outcome or remedy. These *Procedures* set out the mechanism for that to happen which is carried out in three stages; stage one: early resolution, stage two: formal written complaint and stage three: Complaint Review.

10. Complaints can be made about the following:
- provision or delivery of programmes and/or modules
- provision or delivery of academic, administrative or other services delivered by the University

11. This *Procedure* does not apply to dissatisfaction with the following areas:
- outcomes of academic decisions
- outcomes of panels and hearings in relation to extenuating circumstances, academic misconduct, disciplinary matters, academic appeals, fitness to study and fitness to practise, (see *Regulations for extenuating circumstances*, *Regulations for academic integrity*, *Student disciplinary regulations*, *Regulations for academic appeals*, *Regulations for fitness to study* and *Regulations for fitness to practise*).
- the Student Union (which has its own complaints procedure)
- services provided by third parties

12. A complaint will not be considered where the substance of the complaint can be shown to relate to a matter that has already been the subject of a complaint by the student that is either in progress or has already been concluded.

**Burden of proof**

13. In making a complaint or a request to review a complaint outcome it is for the student to show how the circumstances of which they have complained have affected them and their studies.

**Standard of proof**

14. The standard of proof applied by a Complaint Review Panel is that of the balance of probability; that it is more likely than not something was or was not the case.

**Confidentiality**

15. Students can be assured that making a complaint will not affect their relationship with the University and their future progress. The University therefore deals with all complaints made by students in confidence, to the extent that this is compatible with making enquiries and holding meetings to address a complaint. Information collated in relation to the student’s case, including that submitted by the student, will not be shared unless an exception to data sharing and confidentiality requirements exist. For example, when individuals are at risk of harm to themselves or others. Information may also be shared in order to process other student-facing regulations.
For example the Student disciplinary regulations, Regulations for academic appeals or Regulations for fitness to study. A student with any concerns about confidentiality can discuss them with the Students’ Union.

Timeliness

16. The University’s Procedure for complaints is designed to tackle the source of a complaint quickly, so that it does not detract from a student's studies or experience. Hence, this Procedure emphasises the importance of early approaches to achieving immediate resolutions to difficulties. It makes specific provision for such approaches at the beginning of the process.

17. A student wishing to make a complaint should do so at the time, or as soon as possible after, they experience poor service or support. A complaint by a student after the passage of weeks or months, or at the end of their programme, is likely to be more difficult to pursue and resolve than one made near to the time poor service or support was experienced.

Unjustified vexatious and malicious complaints

18. Where a service area, a Complaint Handler, OSCAR, or the Director of Student Services and Administration considers that a complaint appears unjustified, vexatious or malicious, they refer the matter for review to the University Secretary and Legal Counsel. Following review if it is decided that the complaint is unjustified, vexatious, or malicious the University Secretary and Legal Counsel may direct that the complaint is dismissed and write to the complainant accordingly.

19. If a complaint made by a current student is considered to be vexatious or malicious the matter may be referred to the University’s Student disciplinary regulations.

Stage one: early resolution

20. A student making a complaint will find it helpful to keep a note of the attempts they have made to have the matter addressed, when they made approaches, and to whom they spoke. They may also find it helpful to discuss the matter with their course representative and the Students' Union.

21. At the same time the student may find it helpful to check with the Students' Union (or its equivalents for the Associated and Accredited Institutions) to see if other students are experiencing similar difficulties. Should this be the case an approach by the Students' Union to the service provider may be helpful or the student may wish to consider inviting others to join in making a joint complaint.

Complaints about programme/module delivery, tuition and supervision

22. Where a student experiences problems with the delivery of a programme/module or tuition or supervision that is not helping them to attain the required learning outcomes, the University expects that their first step will be to discuss their concerns with the relevant tutor or supervisor and describe the difficulties they are experiencing. If this does not address the matter the student will find it helpful to discuss their concerns with the Programme Leader, Module Leader, Postgraduate Research Director or their equivalent to see if they can provide an immediate resolution, before making a formal complaint.

3 The Office of the Independent Adjudicator defines examples of vexatious appeals as including: those that are obsessive, harassing or repetitive; insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes; insistence on pursuing meritorious appeals in an unreasonable manner; appeals which are designed to cause disruption or annoyance; demands for redress which lack any serious purpose or value.
Complaints about other services and facilities

23. Where a student experiences an instance of poor service that is hampering their learning or other aspect of their experience, or falls short of the service that they were led to expect, the University expects that their first step will be to discuss their concerns with the person or persons providing the service and describe the difficulties they are experiencing. If this does not lead to improvement and before making a formal complaint, the student will find it helpful to ask that the matter is escalated to the manager of the service who will be expected to determine if they can provide an immediate resolution and inform the student.

Outcome

24. If, following the raising of a complaint at this stage, the student receives a response and is satisfied with the outcome then the complaint is deemed to be closed. If the student is not satisfied with the outcome they may proceed to Stage two.

Stage two: formal written complaint

25. Where complaints made under Stage one are not acknowledged or do not lead to resolution to the satisfaction of the student then the student can make a formal written complaint. This is done via completion and submission of the University's standard complaint form which is provided on the OSCAR web pages. The form is submitted to OSCAR. If OSCAR is the subject of the complaint, the form is submitted to the Director of Student Services and Administration.

26. In completing the standard form the student identifies the area complained about and states the nature of their complaint. They will need to demonstrate that Stage one has not led to resolution or that local procedures have not in the case of students at AIs. Former students should state why the complaint was not raised during the time they were a student. Using the standard form the student should state and describe:

- the poor service that is the focus of the complaint
- how often the poor service has been experienced, with dates and times
- the effect of the poor service on the student
- the nature and number of their attempts to bring their complaint to the attention of the service provider
- why the outcome of Stage one, or local procedures for students at AIs, is not acceptable

Statement of the remedy sought

27. The student is asked to state the remedy they are seeking through making their complaint. A remedy might take the form of:

- an apology
- official acknowledgment that poor service was provided and a statement of how the University will make recompense (for example, by refunding charges for a service or facility that did not work as it should have done)
- agreement to review or amend how the University provides a service or conducts a procedure

28. The standard complaint form directs complainants to provide copies of supporting evidence they wish to be considered in the assessment of their case including details of the steps followed at Stage one. If there is no indication that local resolution has
been tried as described at Stage one, the complaint will normally be returned to the student to raise it with the relevant area.

**Submitting a formal complaint and the role of the Complaint Handler**

29. For the purposes of this *Procedure*, OSCAR, or the Director of Student Services and Administration in the case of complaints about OSCAR, assigns a Complaint Handler to deal with the complaint. Complaint Handlers are as follows:

- for complaints about programme delivery, tuition or supervision – the Faculty Executive Dean or nominee
- for complaints about a service (for example Accommodation, Library and Learning Support Services, Catering, IT, Student Services and Administration, Security) – the Director of the relevant service or nominee
- for programme-related complaints from students at an AI – the Director of Quality Enhancement and Standards or nominee

30. A student may request an alternative Complaint Handler in cases where the Complaint Handler or nominee is the subject of the complaint.

31. A student making a formal complaint should retain a copy of their completed complaint form, any evidence submitted with it, and their covering letter for future reference.

32. Where OSCAR or the Complaint Handler has requested the student to provide additional information and the student has failed to provide the necessary information within 10 working days of receiving the request, the student will be sent a further reminder and warned that their complaint will be closed if a response is not received within a further calendar month.

**Complaints concerning members of staff**

33. Where a complaint concerns the behaviour of members of staff, the Complaint Handler will seek advice from the University's Human Resources Department on how to handle that aspect of the complaint. This may result in the complaint being referred to the Human Resources Department for consideration under the relevant HR policies and procedures.

**Complaints linked to academic appeals and/or requests for the consideration of extenuating circumstances**

34. In some circumstances a student may make an academic appeal and submit a complaint at the same time. Where this is the case, and the student's aim is to support an academic appeal or a request for consideration of extenuating circumstances through securing formal recognition that there were deficiencies in the delivery of a service that they experienced, it is important that those administering the student's academic appeal and administering their complaint should know that the two are linked. In such a case the University will normally require that the complaint is dealt with before the appeal is processed.

35. Where a student submits an academic appeal and an associated complaint and wishes them to be linked, this should be clearly stated:

- on the standard complaint form that asks the student to set out the remedy they are seeking and in the covering letter that the student submits with the completed and signed standard form.
- in the student's statement of their appeal against the University's academic decision
Investigating a complaint

36. On receiving a formal complaint via OSCAR the Complaint Handler acknowledges its receipt and records the nature of the complaint and when it was received.

37. Within five working days of receiving a complaint, the Complaint Handler invites the student, who may be accompanied by a friend (who may be another student or an official of the University of Surrey Students' Union), to a meeting. The purpose of this meeting is to:
   - set out how the University's complaint procedure works
   - explore and establish the focus of the student's complaint
   - establish whether it is possible at this stage for the University to provide a remedy for the matter that is the focus of the complaint

38. The meeting may either be in person or via telephone/Skype. The student has the option to decline the meeting, in writing, although the student should be aware that this might make it more difficult for the Complaint Handler to explore the complaint fully.

39. The University's procedures are not legal procedures. Where a student insists on legal representation at a meeting the University will similarly require that it is legally represented.

40. If, in the course of the meeting, the Complaint Handler comes to the view that it is possible for the University to provide a remedy they will suggest this to the student, indicating the nature of the possible remedy and how it will address the student's complaint. The Complaint Handler will also suggest a timescale for implementing the remedy suggested. The student may accept the remedy or request a period of time in which to give it further consideration.

41. Following the meeting between the Complaint Handler, the student, and any accompanying friend, the Complaint Handler sends a note of the discussions to the student within five working days. The note summarises the student's complaint, any remedies that have been suggested, whether they were accepted or rejected or whether additional investigation is required. A copy of this note is retained by the Complaint Handler for their records and any subsequent proceedings or panel.

42. If it is not possible to come to a remedy at the meeting, the Complaint Handler will investigate the complaint further. After making any necessary enquiries, the Complaint Handler will come to a view as to whether or not it is possible for the University to provide a remedy for the student's complaint. The outcome of the further investigation will be communicated to the student in writing normally within 50 working days from receipt of the formal written complaint. If it is not possible for the University to provide a remedy for the student's complaint the Complaint Handler will explain why this is so, and offer suggestions for alternative courses of action.

43. Upon receipt of the Complaint Handler's note, either following the first meeting or after further investigation, the student has 10 working days to respond and either accepts or rejects the outcome. Where the student confirms that they are content, or will not be taking the matter forward, the Complaint Handler writes to the student to confirm that the matter is closed. The student is offered a Completion of Procedures letter.

44. Where the student does not acknowledge receipt of the Complaint Handler's note, or does not otherwise respond within 10 working days, the Complaint Handler writes to the student to state that the matter is closed. The student is offered a Completion of Procedures letter.
Stage three: Complaint Review Panel

45. Where the student is not satisfied with the outcome of the discussion with the Complaint Handler and they have one or more of the grounds for a review as detailed in paragraph 55 below, they write to OSCAR within 10 working days of receiving the Complaint Handler's note and request that a formal Complaint Review Panel is convened to address their complaint with full details of the grounds being advanced. If the student is not satisfied with the outcome of the discussion with the Complaint Handler and they do not have any grounds to request a review, they may request a Completion of Procedures letter by contacting OSCAR.

46. If a complaint or request to review a complaint outcome is received after the stated deadline, the student will be asked to provide any extenuating circumstances to explain the delay. Extenuating circumstances will be forwarded to the Head of Student Administration (Assessment and Awards)\(^4\) who will consult with OSCAR to determine whether the extenuating circumstances are valid. A decision will normally be made within five working days of receiving the information. If the extenuating circumstances are not deemed valid, the complaint or complaint review will not be considered and the student will be offered a Completion of Procedures letter. If there are valid extenuating circumstances the complaint or request for a complaint review will be accepted and processed in the normal way.

47. Complaint Review Panels conduct their business in accordance with the Regulations for hearings by panels. The organisation of a Complaint Review Panel is managed by OSCAR, other than when OSCAR is the focus of the complaint. When this is the case, the Complaint Review Panel may be organised by another unit within the Student Services and Administration Directorate.

Membership of a Complaint Review Panel

48. The membership of a Complaint Review Panel comprises of three members of staff from the pool of trained panel members as follows:

- a permanent Chair
- a member of staff
- a student member

The Panel is supported by a secretary from OSCAR

49. For complaints related to delivery of programmes/modules and supervision and other aspects of learning opportunities the Chair will be the Academic Director of Student Progression and Learning Gain or their nominee. For complaints related to service delivery in other areas the Chair will be the Director of Traded Services or their nominee. Members of a Complaint Review Panel should have no current academic or personal connection with the student (or students) who come before the Panel or have had any previous connection with the student's complaint.

Procedure

50. When convening a Complaint Review Panel OSCAR writes to the student, normally within 10 working days of the request, to confirm that the Complaint Review Panel will take place. The student does not attend the Panel, unless requested to under paragraph 52 below. OSCAR will write to the student with:

\(^4\) The Head of Student Administration (Assessment and Awards) may nominate an alternate to deal with such cases during periods of absence
• information about the proposed membership of the Panel that will meet to review their complaint
• the date, time, and place proposed for the meeting
• an outline of the procedure the Panel will follow
• a copy of the documentation to be considered by the Panel

51. The Complaint Review Panel may request to meet the Complaint Handler to assist the panel with evidence and information but the Complaint Handler does not participate in the Panel’s private discussions.

52. The Complaint Review Panel may request to meet the student to assist the panel with evidence and information. In which case the student may be accompanied by a friend (who may be another student or an official of the University of Surrey Students’ Union). Where a student insists on legal representation at the Panel meeting the University will similarly require that it is legally represented.

53. Where new evidence is provided as a result of the Complaint Review Panel meeting either the Complaint Handler or the student this evidence will be shared with the other party and the Faculty or service area if relevant.

**Findings and outcomes of a Complaint Review Panel**

54. A Complaint Review Panel should satisfy itself that it has sufficient information from all sources to determine whether the Stage two process has followed the University’s procedure with due care, whether the Complaint Handler has shown bias or prejudice, and whether the remedy proposed was reasonable. A Complaint Review Panel may decide that it needs more information before coming to a decision. In which case the Panel will adjourn until the required information has been provided.

55. A Complaint Review Panel will consider whether there are the following grounds for the complaint:

• that the Complaint Handler has found that the student’s complaint was justified but the remedy suggested was not reasonable
• new evidence has become available and there are valid reasons why it was not presented earlier
• that the Complaint Handler has shown bias or prejudice towards the student in the way that they have handled the complaint
• that the Complaint Handler has failed to follow the University’s Procedure and/or Regulations or failed to follow them with due care

56. A Complaint Review Panel may come to one of the following findings:

• to uphold a complaint and suggest a remedy
• to uphold a complaint and ask the Executive Dean of the Faculty or the Director of the relevant service to ensure that the subject of the complaint is addressed. For a complaint that is upheld about one or more members of University staff, the Panel will consider whether to refer the matter to the University’s Human Resources Department for consideration under the relevant HR policies and procedures
• to reject a complaint but write to the Executive Dean of the Faculty or Director of the relevant service suggesting where a service or a facility might be improved
• to reject a complaint
57. Following the conclusion of a Complaint Review Panel its secretary writes to the student within five working days to provide a brief summary of the complaint made, the information considered and the Panel's findings with reasons.
   - where a complaint review is rejected, this letter is also a Completion of Procedures letter.
   - where the Panel has made recommendations that a matter be referred to the University's Human Resources Department the letter to the student states that fact but provides no further or personal information.
   - where a complaint review is upheld, the student is offered a Completion of Procedures letter, and this offer remains open for a period of one calendar month.

58. The findings of a Complaint Review Panel are reported in the first instance to the student or students making the complaint, to the Executive Dean of the relevant Faculty or to the Director of the relevant service. The findings of a Complaint Review Panel may also be provided for the University Executive Board.

59. Where the student considers that the remedy suggested does not address their complaint, they may refer the matter to the Office of the Independent Adjudicator.