

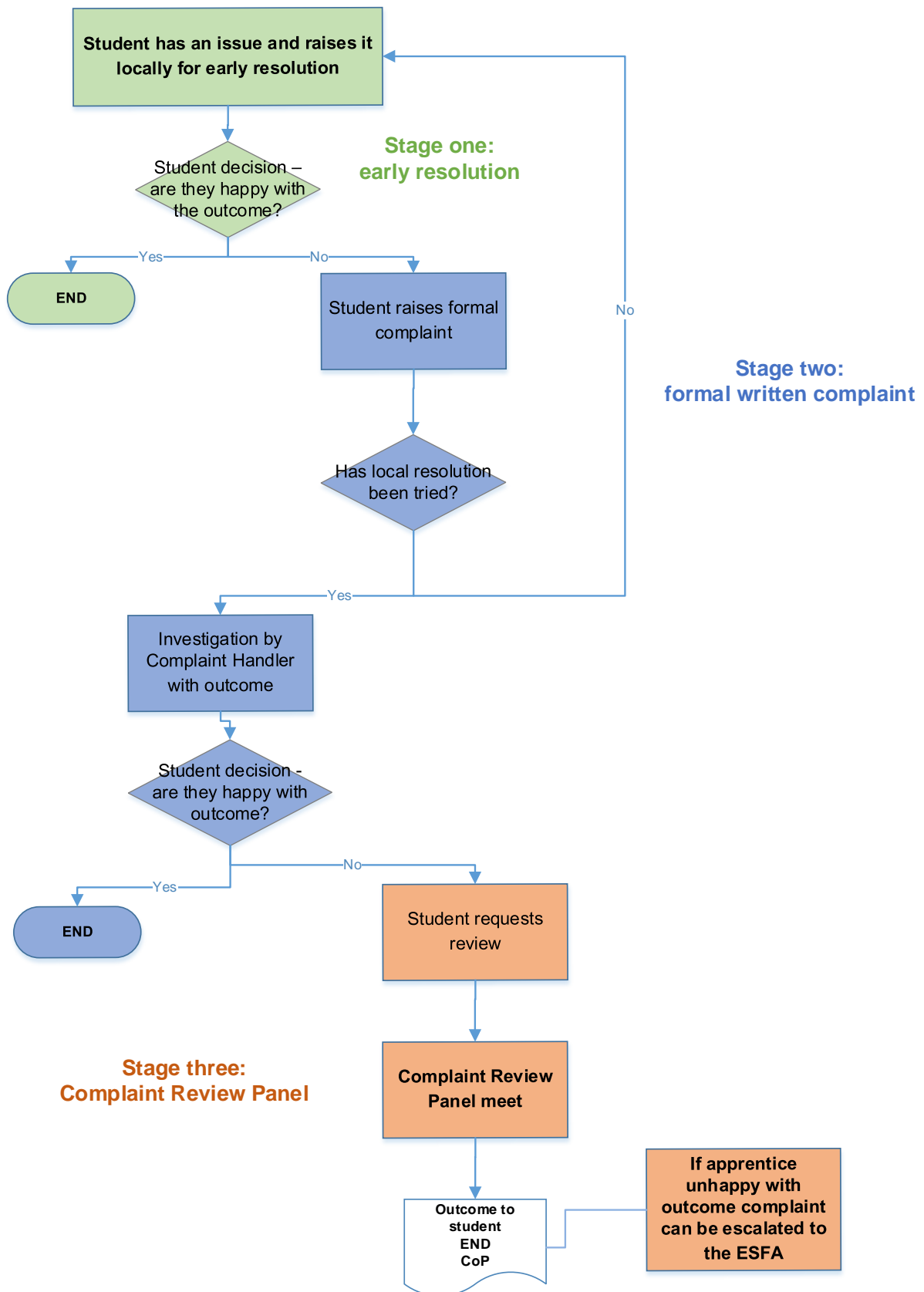
## B7: Procedure for complaints

Academic year 2019/20

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Figure 1: Complaint procedures



## Introduction and scope

1. These *Procedures for complaints* apply to the following students:
  - (i) those the University has formally accepted to study for its awards or academic credit prior to registration as a student (Complaints relating to the admissions process should be made via the [Admissions complaints procedure](#));
  - (ii) those registered on the Foundation Year and award-bearing programmes delivered by the University;
  - (iii) those registered to study for the award of academic credit delivered by the University;
  - (iv) those registered to study for non-credit bearing modules/courses and non-award-bearing programmes delivered by the University;
  - (v) those former students who have received their award from the University or who have left the University no more than three months previously;
  - (vi) those working under an Apprenticeship Agreement entered into with an employer as part of a job with an accompanying skills development programme in accordance with section A1 of the Apprenticeships, Skills, Children and Learning Act 2009 (an “apprentice”). All references to students throughout this *Procedure* includes apprentices unless stated otherwise.
2. Students registered with one of the University’s Associated and Accredited Institutions (AIs) to study for an award of the University 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 30 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 who are 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.<sup>1</sup>
7. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The University of Surrey is a member of this scheme. Students, who are unhappy with the outcome may be able to ask the OIA to review their case. Students can find more information about making a complaint to the OIA, what it can and can’t look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.

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<sup>1</sup> Students are advised that harassment and bullying are dealt with under the University’s [Dignity at Work and Study Policy](#).

8. Normally, students need to have completed the *Procedure for complaints* before they complain to the OIA. The University of Surrey will send a letter called a “Completion of Procedures Letter” when students have reached the end of this *Procedure* and there are no further steps they can take internally. If students’ complaint/appeal is not upheld, the University of Surrey will issue them with a Completion of Procedures Letter automatically. If their complaint/appeal is upheld or partly upheld they can ask for a Completion of Procedures Letter if they want one. Students can find more information about Completion of Procedures Letters and when they should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

### **Third party requests**

9. Complaints and requests to review a complaint outcome are made by the student. Exceptionally, and only where a student is unable to do so on their own behalf, whether through illness or other unforeseen circumstances, an application can be made by a third party on behalf of the student. In such cases, 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 to the Office of Student Complaints, Appeals and Regulation (OSCAR) and two OSCAR Case Managers will determine whether the appeal or request to review the decision to decline an appeal should be accepted. If the two Case Managers cannot come to an agreement a third Case Manager will be consulted and a majority decision will be made. A decision will normally be made within five working days of receiving the information.

### **Reasonable adjustments**

10. Reasonable adjustments to the processes within these *Procedures*, including the extending of deadlines for student responses, will be made upon the production by the student of relevant third party evidence which demonstrates the need for those adjustments.

### **Exceptional circumstances**

11. In exceptional circumstances it may be appropriate to amend the procedures set out in these *Procedures*, for example, where strict application of the *Procedures* 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 each will be treated on their own merits.

### **Definition of a complaint**

12. 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.

13. 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
14. This *Procedure* does not apply to dissatisfaction with the following areas:

- (i) outcomes of academic decisions;
  - (ii) outcomes of panels and hearings in relation to extenuating circumstances, academic misconduct, disciplinary matters, academic appeals, support to study and fitness to practise, (see [Regulations for extenuating circumstances](#), [Regulations for academic integrity](#), [Student disciplinary regulations](#), [Regulations for academic appeals](#), [Procedure for support to study](#) and [Regulations for fitness to practise](#));
  - (iii) the imposition of a Managed Exclusion Order (see [Regulations for Managed Exclusion Orders](#));
  - (iv) the Student Union (which has its own complaints procedure);
  - (v) services provided by third parties (including those provided by employers in the case of apprentices);
  - (vi) if the complainant is an apprentice, the workplace environment provided by their employer;
  - (vii) if the complainant is an apprentice, the discharge of their employer's obligations under Clause 4 of the apprentices Apprenticeship Training Services Agreement.<sup>2</sup>
15. 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**

16. When 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**

17. 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 and General Data Protection Regulations**

18. 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 consider the matter. The University collects and processes a variety of personal data in order to fulfil relevant student Regulations (see the [Regulations web page](#) for a list of all Student Regulations). This personal data may be provided by the student or collected from other departments within the University or taken from publicly available sources such as social media or in the case of apprentices, provided by the employer. More detail on the types of data collected and how it is used to fulfil each Regulation can be found in the Student Regulations Privacy Notice, available at the above link. The University processes personal data for this purpose in its legitimate interests. Some Regulations will require the sharing of sensitive personal data (defined as "special category" data by data protection legislation). The University processes and shares special category data in the substantial public interest and only where it is necessary to enable the

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<sup>2</sup> Whilst the University is unable to pursue a formal complaint against an employer on behalf of an apprentice, the Apprenticeships Team can provide advice and support concerning any issues relating to the apprenticeship that the apprentice may have with their employer (contact [apprenticeships@surrey.ac.uk](mailto:apprenticeships@surrey.ac.uk)).

University to fulfil its duties of care to the student, other students, or to safeguard third parties. More detail on the types of data collected and how it is used to meet this need can be found in the Student Regulations Privacy Notice, available at the above link.

### Timeliness

19. 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.
20. 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 the poor service or support was experienced.

### Vexatious and malicious complaints

21. Where a service area, a Complaint Handler, OSCAR, or the Chief Student Officer considers that a complaint appears vexatious or malicious they refer the matter for review to the University Secretary and General Counsel.<sup>3</sup> Following review if it is decided that the complaint is unjustified, vexatious, or malicious the University Secretary may direct that the complaint is dismissed and write to the complainant accordingly.
22. 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

23. 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.
24. Apprentices seeking early resolution of an employer-related issue under their Apprenticeship Training Services Agreement are advised to address this with their employer in the first instance and engage with their employer's internal procedures. This may involve speaking to a human resources representative of the employer, a line manager and/or a workplace mentor. If this does not resolve the issue apprentices should use the [government complaints scheme](#).
25. Students 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.
26. Apprentices may also seek support and advice from the Apprenticeships Team at [apprenticeships@surrey.ac.uk](mailto:apprenticeships@surrey.ac.uk).

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<sup>3</sup> The Office of the Independent Adjudicator defines examples of vexatious complaints/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 programme/module delivery, tuition and supervision**

27. 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.

**Complaints about other services and facilities**

28. 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**

29. 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**

30. 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 submission to OSCAR of the complaint form which is provided on the OSCAR [web pages](#). If OSCAR is the subject of the complaint, the form is submitted to the Chief Student Officer.
31. In completing the complaint 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 form the student should state and describe:
- (i) the poor service that is the focus of the complaint;
  - (ii) how often the poor service has been experienced, with dates and times;
  - (iii) the effect of the poor service on the student;
  - (iv) the nature and number of their attempts to bring their complaint to the attention of the service provider;
  - (v) why the outcome of Stage one, or local procedures for students at AIs, is not acceptable.

**Statement of the remedy sought**

32. 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
33. The 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***

34. For the purposes of this *Procedure*, OSCAR, or the Chief Student Officer 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, Academic Registry, Security) – the Director of the relevant service or nominee
  - for programme-related complaints from students at an AI – the Academic Registrar or nominee

All Complaint Handlers must undertake the training provided by the Quality Enhancement and Standards before taking on the role.

35. A student may request an alternative Complaint Handler in cases where the Complaint Handler or nominee is the subject of the complaint.
36. 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.
37. 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***

38. 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***

39. 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 the 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 complaint is normally dealt with before the appeal is processed.

40. 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***

41. 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.
42. Within five working days of receiving a complaint, the Complaint Handler invites the student to a meeting. The student may be accompanied by a friend who may be another student or an official of the University of Surrey Students' Union or, in the case of apprentices, be their employer or employer representative. 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
43. 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.
44. 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. In these circumstances it may take longer to convene the meeting.
45. 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.

### ***Outcome of the investigation***

46. 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.
47. 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.

48. 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.
49. 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.
50. 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.<sup>4</sup>

### **Request for a Complaint Review Panel**

51. Where the student is not satisfied with the outcome of the discussion with the Complaint Handler, they submit a request within 10 working days of receiving the Complaint Handler's note, that a Complaint Review Panel is convened. Requests should be submitted to OSCAR in accordance with published requirements as to the format, content and length of submission. Further details are available on the OSCAR [web pages](#). If the request is received on time it will be assigned to an OSCAR Case Manager.
52. If a request to review a complaint outcome is received after the 10 working day deadline, the student will be asked to provide any good reasons as to why the request is late. The evidence will be considered by two OSCAR Case Managers who will determine whether the good reasons are valid. If the two Case Managers cannot come to an agreement a third Case Manager will be consulted and a majority decision will be made. A decision on the validity of the good reasons will normally be made within five working days of receiving the information. If the good reasons are not deemed valid, the request will not be considered and the student will be offered a Completion of Procedures letter. If there are valid good reasons the request will be accepted and assigned to an OSCAR Case Manager.

### ***Grounds for requesting a Complaint Review Panel***

53. When requesting that a formal Complaint Review Panel is convened the student is required to show that they have evidence to demonstrate that one or more of the following grounds apply:
  - that the Complaint Handler failed to follow the University's regulations and/or procedures or failed to follow them with due care
  - 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 found that the student's complaint was justified but the remedy suggested was not reasonable

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<sup>4</sup> A Completion of Procedures letter is a formal written statement issued by the University to a student to confirm that the student has exhausted the University's internal procedures. A Completion of Procedures statement is required before a student can refer a matter to the Office of the Independent Adjudicator.

- that relevant new evidence has become available that should be considered and there are valid reasons why it was not presented earlier
- that the decision of the Complaint Handler was unreasonable and/or the outcome was not proportionate in all of the circumstances

### **Stage three: Complaint Review Panels**

54. Complaint Review Panels are convened 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 Academic Registry. Complaint Review Panels conduct their business in accordance with the [Regulations for hearings by panels](#) which detail how Panels work, including, where relevant, the right of a student to attend a hearing and to be accompanied. It is expected that those asked to attend a hearing will acquaint themselves with the *Regulations*.

#### ***Membership of a Complaint Review Panel***

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

- a permanent Chair
- a member of staff
- a sabbatical officer or a student member nominated by the Students' Union

A member of OSCAR is in attendance as Secretary to the Panel.

56. 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 Chief Operating Officer or their nominee. Members of a Complaint Review Panel should have no current academic or personal connection with the student (or students) who are considered by the Panel or have had any previous connection with the student's complaint.

#### ***Procedure***

57. 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 59 below. OSCAR will write to the student with:
- information about the proposed membership of the Panel that will meet to review their complaint
  - the date proposed for the meeting
  - an outline of the procedure the Panel will follow
  - a copy of the documentation to be considered by the Panel
58. 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.
59. 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 or, in the case of apprentices, be their employer or employer representative. Where a student insists on legal representation at the Panel meeting the University

will similarly require that it is legally represented. In these circumstances it may take longer to convene the meeting.

60. 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***

61. 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.
62. A Complaint Review Panel may come to one of four findings:
- (i) that the complaint should be upheld and a remedy suggested;
  - (ii) that the complaint should be upheld and the Executive Dean of the Faculty or the Director of the relevant service asked 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;
  - (iii) that the complaint should be rejected but the Executive Dean of the Faculty or Director of the relevant service asked to suggest where a service or a facility might be improved;
  - (iv) that the complaint should be rejected.
63. Following the meeting of a Complaint Review Panel the Secretary conveys the findings of the Panel to the student and all relevant parties in writing within five working days. The Secretary's letter also states that it constitutes a completion of the University's procedures and that the student can request a review of the University's decision by the [Office of the Independent Adjudicator](#). 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
64. The findings of a Complaint Review Panel may also be provided for the University Executive Board.
65. Apprentices, who have completed the *Procedure for complaints*, can report their complaint to the Education Skills Funding Agency (ESFA), using the following web link: <https://www.gov.uk/complain-further-education-apprenticeship>