

COMPLAINTS PROCEDURE FOR STUDENTS

This policy came into effect in December 2004. This version incorporates all amendments to October 2015.

Responsible Officer

The Head of the Academic Office is responsible for the development, compliance, monitoring and review of this policy and any related procedures.

Implementation Officer

The Head of the Academic Office is responsible for overseeing the dissemination and implementation of this policy.

Document History	
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Amendments approved by:	Dr Anne Rixom, Head of the Academic Office
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1 INTRODUCTION AND CONTEXT

- 1.1 The Complaints Procedure for Students is intended to enable students to bring matters of concern about their learning experience to the attention of the University, and enable investigation of those concerns with the aim of satisfactory resolution. This process provides welcome feedback to help improve services for students in partnership with the University.
- 1.2 The Nottingham Trent University Student Charter outlines expectations and responsibilities for students and staff and provides the framework for the learning experience for students. The Complaints Procedure for Students is an integral part of the Student Charter, which is the reference point for students who believe that they have a legitimate concern for investigation. It clarifies what is reasonable for students to expect as part of their learning experience, and enables them to review whether they have discharged, where applicable, their corresponding responsibilities. As such, the Charter carries significant weight throughout this Procedure. There may, however, be other serious grounds for complaint which may be addressed through this Procedure.
- 1.3 This Procedure takes effect from 1 November 2014 and supersedes all previous Procedures.

2 DEFINITION

- 2.1 A complaint is defined as an oral or written expression of dissatisfaction about an aspect of a service or facility, as outlined in the Nottingham Trent University's Student Charter which is provided to enrolled students of the University.

3 PRINCIPLES AND SCOPE

- 3.1 This Complaints Procedure is for use by students who are (or have been) enrolled on all University courses. Students studying at external centres under collaborative arrangements are required to follow the centre's complaints procedure in the first instance. If issues remain unresolved through these local complaints procedures, then the University's complaints procedure may be invoked.
- 3.2 The Procedure aims to be simple, clear and fair to all parties involved, with informal resolution an option at any point. Complaints will be handled sensitively and with due consideration to confidentiality for both students and staff. Any person named in a complaint will be informed of the substance of the complaint and will have the right to reply as part of the investigation. Information contained within the complaint will be made available only to those members of staff involved in its resolution. The Dean of School or Head of Service will also be informed of the complaint.
- 3.3 It is expected that, except in exceptional and fully documented circumstances, a student who wishes to make a complaint will invoke the Informal Stage within one calendar month of the incident which is the cause for complaint.
- 3.4 No student bringing a complaint under this Procedure, whether successfully or otherwise, will be treated less favourably by any member of staff than if the complaint had not been brought. If evidence to the contrary is found in this regard the member of staff may be subject to disciplinary proceedings under University policy.

- 3.5 Separate procedures and frameworks exist for the following:
- 3.5.1 all academic matters relating to examination and assessment performance and outcomes (covered by the Academic Appeals Procedures and Academic Misconduct Policy);
 - 3.5.2 disciplinary issues including issues related to alleged harassment (covered by the Student Code of Behaviour and the Staff Disciplinary Procedure);
 - 3.5.3 complaints about the Students Union (covered by the Complaints Procedure for the Nottingham Trent University Student Union).
- 3.6 If, after initial investigation, it appears that the complaint falls within the scope of any of the above procedures and frameworks, reclassification of the complaint will be discussed with the complainant and the appropriate referral made.

4 PROTOCOLS

- 4.1 With reference to this Procedure, students should be aware that protocols exist which affect the use of the Procedure.

4.1.1 Anonymous Complaints

Complaints require investigation to enable resolution; where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons, therefore, normally no action will be taken in the event of complaints made anonymously.

4.1.2 Third Party Complaints

No investigation of a complaint made on behalf of a student will be undertaken without that student's written agreement to the concerns raised, and written consent for an investigation to be carried out. This includes complaints made by the parent or spouse of the student concerned. See also 4.1.5 below.

4.1.3 Complaints to the Vice-Chancellor and Other Senior Members of Staff

Should a complaint be received by the Vice-Chancellor's Office, or the Office of any Senior Manager, it will be acknowledged and referred to the Dean of School or Head of Service as appropriate for consideration under the Informal Stage of the Procedure. The number and types of complaint received through this route are monitored and reported on an annual basis.

4.1.4 Vexatious or Malicious Complaints

The University may consider invoking the disciplinary procedures under the Student Code of Behaviour in those cases where complaints are found to be vexatious or malicious. A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the Complaints Procedure or, for example, to attempt to defame the name or character of another person.

4.1.5 Complaints Made by Students Under the Age of 18

If a complaint is made under the Formal Procedure by a student who is under the age of 18, the University will notify the parents or guardians of the student in writing, and keep them informed of the progress of the complaint, unless it is the student's express wish that this should not be done. The University will permit the parents or guardians of the students to act on the student's behalf during the process, provided the student has confirmed agreement in writing beforehand.

4.1.6 Group Complaints

Where a complaint is brought by a group of students, one person should be prepared to identify him / herself as spokesperson and correspondent for the purposes of the Formal Procedure, and each member of the group must be able to demonstrate that he / she has been personally affected by the matter which is the subject of the complaint. In addition, all complainants must agree in writing to the spokesperson acting on his / her behalf.

4.1.7 Changes to Policies or Procedures

The Complaints Procedure may not be appropriate if the complaint concerns the process or content of an established University policy or procedure relating to an Academic School or Service Department. Issues of this nature should instead be channelled through the Student Union Executive and raised through course, School and University committee structures as appropriate. Academic matters relating to the content or delivery of courses, modules or programmes should be addressed through Course Representatives.

4.1.8 Accompaniment at the Complaint Hearing

The Complainant, if he/she wishes, may be accompanied at the Complaint Hearing by a friend or representative for support or representation as appropriate. The friend or representative shall be permitted to put forward the student's case under the direction of the Chair of the Hearing, and shall be permitted to ask questions of the School/Service representatives (see Appendix 2, Notes for Guidance on the Conduct of a Complaint Hearing for more detail). In the event that the complainant is unable to attend, the Hearing will be rescheduled.

4.1.9 Access to Information

Students pursuing a complaint through the Procedure will be entitled to apply for access to personal data in accordance with the policies and procedures of the University under the provisions of the *Data Protection Act 1998* and other legislation. A *Subject Access Request* should be submitted to request access to personal data.

4.1.10 Reimbursement of Expenses

If a complaint is upheld, the University will meet any reasonable 'out of pocket' expenses connected with the formal stage of the Procedure, on production of receipts; this may include travel and subsistence costs in connection with the student's attendance at a complaint hearing.

4.1.11 Confidentiality and Disclosure of Information

It is recognised that students may be concerned about the sensitivity of some matters which are the subject of complaint. For this reason, information will only be disclosed to those individuals who can progress the complaint. Complainants will be asked to sign that they understand this is the case.

5 SUPPORT FOR STUDENTS

- 5.1 Information about the process and timescales of the Procedure can be obtained from the Head of the Academic Office or nominee.
- 5.2 Students who wish to use the Procedure are strongly encouraged to contact the professional advisers in the Nottingham Trent Student Union Information and Advice Service, who can offer support, advice and, if necessary, representation at the hearing stage. The Information and Advice Service Advisors can also refer students to other services providing support and advice.

6 MONITORING, EVALUATION AND REVIEW

- 6.1 The Head of the Academic Office or nominee will oversee the tracking of complaints progressed through the Procedure and will ensure that records show the nature of the complaint, how it was dealt with, the time taken for each part and the outcome. All data held will be monitored in accordance with the University's Equality and Diversity Policy and relevant legislative requirements.
- 6.2 The Complaints Procedure for students is one aspect of the University's quality assurance procedures; complaints are therefore considered as useful feedback and, where appropriate, will be used to facilitate improvements to services and facilities. This will be achieved through annual reporting to the Academic Board and other committees and an audit trail to ensure that outcomes and recommendations from the formal procedure are actioned.

7 COMPLAINTS PROCEDURE FOR STUDENTS

- 7.1 The procedure is divided into two parts, an Informal Procedure, which emphasises resolution at the 'local' point where the complaint arose, and a Formal Procedure, which involves the Head of the Academic Office or nominee as manager and facilitator of the Procedure. The role of the Head of the Academic Office or nominee is to ensure that the Formal Procedure is operated according to due process and with regard to the pertaining timescales aiming to resolve complaints within Part I and Part II as quickly as possible and to the satisfaction of the complainant. Appendix 3 represents the Procedure as a flowchart.

7.2 Informal Procedure **Local Resolution**

It is anticipated that most complaints can be resolved through informal means. Students who are dissatisfied in any way should, in the first instance, review whether they have fulfilled their responsibilities under the particular Charter point about which they are complaining. This being the case, resolution should be sought from the School/Service in which the complaint arose, by expressing the complaint to the most appropriate member of staff (e.g. the module or course leader). If the issue is not resolved at this level, it may be referred to the Academic Team Leader or Dean of School/Head of Service. In those areas

where a local procedure to deal with complaints exists, that procedure should be followed. A student should normally expect to receive a written or verbal acknowledgement within ten working days and a full response within one calendar month. This timescale may need to be extended during University vacations.

7.3 Formal Procedure **Part I**

- 7.3.1 If the response to the complaint is not considered by the student to be satisfactory, he/she may invoke Part I of the formal procedure by completing the Student Complaint Form (attached as Appendix I), and submitting it to the Head of the Academic Office or nominee,. To enable the Procedure to run smoothly, it is expected that this would be within one calendar month of the response from the Dean of School/Head of Service. The form should detail the aspect of the Charter which the student believes has not been fulfilled and why this is the case, or other serious grounds for complaint, together with a statement of what has been done by the student to attempt resolution within the School/Service and why action taken by the School/Service following notification of the complaint has been inadequate. The form of resolution or redress sought should also be clearly indicated. The Head of the Academic Office or nominee will acknowledge receipt of the complaint form within five working days.
- 7.3.2 The Head of the Academic Office or nominee will attempt resolution at this stage either by correspondence between the parties, negotiation with the Dean of School, Head of College, Head of Service or other senior members of staff, or facilitation of a conciliation meeting between the student concerned (who may be accompanied by a friend or representative) and the School/Service. In addition it may be considered that use of the University's Mediation Service would assist in the resolution of the complaint. If this is the case the option of mediation will be discussed with the complainant. The circumstances of the complaint will dictate which of these methods is considered most likely to result in a resolution of the complaint to the satisfaction of the student. Should a complaint concern services within the Academic Office, or the work of the Head of the Academic Office or nominee, the Pro-Vice Chancellor Academic will assign a senior manager to oversee the formal procedure.
- 7.3.3 If the complaint includes issues regarding the actions of named members of staff, the substance of these allegations will be communicated to the member(s) of staff concerned by the Dean of School/Head of Service or other senior member of staff investigating and responding to the complaint. The member of staff may be accompanied at any such meetings by a colleague. If appropriate, the member(s) of staff can be referred in confidence at any stage in the process to their HR manager and/or the University's Occupational Health Team, who can arrange counselling and support. In addition, referrals for support can be made to the Harassment Advisers' Network, through the Equality and Diversity Team.
- 7.3.4 It is anticipated that Part I of the formal procedure would normally be completed, with a response in writing from the Head of the Academic Office or nominee, within two calendar months of the receipt date of the completed Student Complaint Form. This timescale may need to be extended during University vacations. The Head of the Academic Office

or nominee will keep all parties informed of progress and the reason for any delay in proceedings if applicable. It is expected that the complainant will assist the proceedings by responding in a timely manner to requests for information and meetings.

Part II (Appeal Stage)

- 7.3.5 If the response to the complaint following completion of the Part I procedure is not considered by the student to be satisfactory, he/she may invoke Part II (Appeal Stage) of the formal procedure by a request in writing, within ten working days from the date of the notification of the outcome of the correspondence, negotiation or meeting referred to in Part I. The request should be addressed to the Head of the Academic Office or nominee outlining why the outcome of Part I is not satisfactory. Taking into account the substance of the complaint and the previous attempts at resolution, the case will then be reviewed by the Head of the Academic Office or nominee and a decision will be made about the appropriateness of the matter being referred to a Complaint Hearing.
- 7.3.6 Should a Complaint Hearing be appropriate, it will be chaired by a Dean of School from outside the College in which the student is enrolled (in the case of a complaint about a course related matter), or a Head of Service Department from another service area (in the case of a complaint about a service). A Panel, consisting of two other members of academic or support staff, drawn from Schools or service departments unrelated to the complaint, and a representative from the Students Union Executive Committee will be convened. The Head of the Academic Office or nominee will act as technical adviser to the Panel and Academic Office will provide a minute-taker. The student may be accompanied by a friend or representative at this meeting and the School/Service may be represented by up to two members. Notes for Guidance on the conduct of a Complaint Hearing are attached as Appendix 2.
- 7.3.7 If the complaint relates to the actions of an individual member of staff, rather than the School/Service, that individual has the right to attend and be represented.
- 7.3.8 The Complaints Panel shall meet, normally within one calendar month (excluding University vacations) of the referral from Part I, and communicate its conclusions to the student and the School/Service within one calendar month. The Head of the Academic Office or nominee will keep all parties informed of progress and will explain reasons for any necessary extension of the timescale, for example, if an adjournment in the proceedings is necessary.

8 OUTCOMES OF THE COMPLAINTS PROCEDURE

- 8.1 Should a complaint be upheld, the Head of the Academic Office or nominee or the Chair of the Complaints Panel may make recommendations to the Dean of School, Head of Service and relevant members of the Senior Management Team.
- 8.2 Recommendations may also be made to University committees in respect of quality assurance procedures or policies.

- 8.3 If a complaint is not upheld, the complainant will be informed in writing with reasons for its rejection.
- 8.4 Any conclusions and recommendations will be communicated in writing to the complainant and the Dean of School/Head of Service and relevant members of the Senior Management Team.
- 8.5 If the complainant is not satisfied with the outcome of the University's internal complaints procedures, he/she will be entitled to refer the matter to the Office of the Independent Adjudicator for Higher Education, (within parameters set out in the rules issued by the OIA). The Head of the Academic Office or nominee will issue a completion of procedures letter to a student in the manner prescribed by the OIA informing him/her that the University's procedures in this matter are completed.
- 8.6 A report on each case which comes before the Complaints Panel will be prepared by the Head of the Academic Office or nominee for the Pro-Vice Chancellor Academic, to assist in monitoring the effectiveness of the Complaints Procedure and to identify relevant quality assurance issues.

9 TRAINING AND AWARENESS

- 9.1 The Academic Office will organise activities to raise awareness of the Complaints Procedure, and how it is to be used, amongst the student body. The Academic Office will also provide support, guidance and training for staff in Schools/Services on any changes to the Procedure, its application, and good practice in handling complaints and resolving them as close as possible to their point of origin.

Appendix 1

COMPLAINTS PROCEDURE FOR STUDENTS

STUDENT COMPLAINT FORM

FORMAL PROCEDURE PART I

**OFFICE USE ONLY:
DATE RECEIVED**

This form is to be completed under Part I of the formal procedure and should be sent to the Head of the Academic Office or nominee by email studentcomplaints@ntu.ac.uk. Advice on completion of the form can be obtained from Student Advice, Student Union <http://www.trentstudents.org/sac>. **COMPLETE IN BLOCK CAPITALS OR TYPE.**

This form **MUST** be **FULLY COMPLETED** with supporting evidence **SUBMITTED**. Failure to do so may result in a delay to your complaint.

Personal Details

FULL NAME: STUDENT ID NO.:

COURSE TITLE AND YEAR OF STUDY:

Address for correspondence in connection with the complaint (in the case of a Group Complaint, please attach a list of complainants on a separate sheet of paper and include their full names, student IDs, course title(s) and year of study):

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Email: Telephone number:

Outline of complaint, including dates of actions (please use additional sheets if necessary):

Which aspect of the Student Charter do you consider has not been fulfilled, and why?

Please explain here what steps you have taken, together with dates, to resolve your complaint locally and include the name of the person who was dealing with your complaint at this stage (as per the Informal Procedure):

Please explain why you are unsatisfied with the response you have received from the School or Service Department:

As part of the investigation of your complaint, any member of staff mentioned will be made aware of the complaint, as will the Dean of School/Head of Service involved.

Please indicate, without prejudice, what outcome or further action you are expecting:

If you have written a formal letter of complaint to anyone else in the University please indicate names and / or let us know whether you intend to copy this to anyone else.

Declaration

I declare that the information given in this form is true, and that I would be willing to answer further questions relating to it if necessary.

I consent to this information being made available in confidence to those appropriate to the progression and investigation of my complaint

Signed:

Date:

(To be provided to all parties)

1. Purpose

The purpose of the Complaint Hearing shall be to hear both the complaint and the response. Taking into account previous attempts to resolve issues and satisfy the student, the Panel shall determine whether the student's complaint is justified and whether the School/Service has provided a reasonable response or resolution

2. Process

- 2.1 A complaint Hearing will be convened by the Head of the Academic Office or nominee following a request in writing by the student who has brought the complaint, as Part II of the formal element of the Complaints Procedure.
- 2.2 Membership of the Panel, which shall be determined by the Head of the Academic Office or nominee in consultation with senior colleagues, shall consist of a Dean of School/Head of Service as Chair, two other members of staff and a representative of the Student Union. The Chair and staff members shall be drawn from outside the School/Service involved in the complaint and may be academic or support staff, depending on the nature of the complaint. The Head of the Academic Office or nominee shall act in the capacity of technical adviser to the Panel. The Academic Office shall provide a minute-taker.
- 2.3 The student may be accompanied by a friend or representative and the School/Service may be represented by up to two members.
- 2.4 The Order of Proceedings is as follows:
 - i. Introduction of those present.
 - ii. Outline of the purpose of the complaint hearing.
 - iii. Reference to documents and statements by complainant and School/Service.
 - iv. A4 synopsis summarising the main points of their case distributed by both parties.
 - v. Complainant and/or representative presentation (approx. 15 minute / max. 20 minutes)
 - vi. Opportunity to question complainant's presentation by panel and School.
 - vii. School/Service Department presentation (approx. 15 minutes /max 20 minutes)
 - viii. Opportunity to question School/Service's presentation by panel and complainant.
 - ix. Complainant and/or representative summing up. (5 minutes) New evidence is not admissible at this time.
 - x. School/Service summing up. (5 minutes) New evidence is not admissible at this time.
 - xi. Adjournment – chair and panel to consider the submission in private. Either side may be required to be available to provide further information or clarification of matters to the Panel.

3. Documentation

- 3.1 The Panel and complainant will have access to relevant previous documentation in connection with the complaint; in addition the complainant and the School/Service are each asked to produce an A4 synopsis of their case for distribution during the course of the Hearing to the Panel and the other party. Each party will receive these documents in advance and be informed of the names of the Panel members and the names of the respective representatives before the Hearing.
- 3.2 Witnesses are not permitted to appear in person at the Hearing. However, the complainant and the School/Service are permitted to provide written statements in advance of the meeting which will be considered with the previous documentation.
- 3.3 Other documentary evidence may be tabled at the discretion of the Chair.

4. Conclusions and Recommendations

- 4.1 Should the Panel uphold the complaint, it may make any recommendations which it sees fit to the School/Service.
- 4.2 Recommendations may also be made to University committees.
- 4.3 It may be determined that the School/Service had no case to answer and had acted reasonably during the earlier part of the Complaints Procedure.
- 4.4 Any conclusions and recommendations will be communicated in writing to the complainant and the School/Service within the specified time scale.

