

Bath Spa University Complaints Policy

Introduction

“Bath Spa University’s Vision is to be a leading educational institution in creativity, culture and enterprise. Through innovative teaching and research, the University will provide a high quality student experience.”

In delivering this Vision the University values the views of students highly and welcomes constructive feedback, which can be both positive and negative. We recognise that from time to time things can go wrong and there are a number of informal channels through which we hope problems can be resolved.

In cases where an informal solution cannot be found, the Complaints Policy may be invoked. This document explains the Complaints Policy and procedure and specifies the steps that should be taken to resolve problems. All genuine complaints will be treated seriously and impartially, according to the procedures set out in the Complaints Policy.

The Complaints Policy and procedure are subject to the Articles of Government of the University. The Complaints Policy sits alongside the Appeals Procedure relating to the decisions of Examination Boards; the provision of the General Student Regulations; and the Grievance Procedure agreed between the University and the recognised trade unions.

Responsibility for implementing the Complaints Policy lies with the Executive Officer to the Vice-Chancellor, supported by the Complaints Officer. Under this policy, both individuals are authorised to act as Complaints Officer.

What is a complaint?

- a) A complaint is as any expression of grievance that a University service has failed or is failing to meet reasonable expectations, or that a member of staff or a student has behaved or is behaving unreasonably.
- b) Complaints may be made by any person with a reasonable interest or involvement in the grievance expressed. Complaints may be made on behalf of the complainant, by third parties. Third party complaints must be authorised in writing by the complainant before any action can be taken in response.
- c) The Complaints Policy will not be invoked in response to anonymous complaints as we are unable to respond to the complainant. However, any anonymous complaints received will be recorded in the complaints log and circulated to the relevant line manager(s) for noting
- d) Employees of the University may not use the complaints procedure to complain about other staff. Any such complaint should be raised through the University’s grievance procedure managed by the Human Resources Department.
- e) Complaints must be deemed to be genuine for the Complaints Policy to be invoked. The Complaints Officer may refuse to hear complaints s/he considers to be vexatious or

frivolous. In these circumstances the complainant would be advised of the reason for the decision.

- f) Complaints made against students will be managed in accordance with the procedure at Annex A. All other complaints will follow the procedure at Annex B.

What can I complain about?

Grounds for complaint include:

- a) Deficiencies in standards of service (which might include problems with support facilities such as welfare, accommodation¹ and teaching facilities)
- b) Harassment, bullying and victimisation
- c) Dissatisfaction with standards of teaching provision (for example, the basic academic framework such as structure, arrangements for assessment and information provided about a course)
- d) Dissatisfaction with the arrangements of the provision for supervision and tuition
- e) Failure to meet obligations such as those set out in the prospectus, Student Charter, disciplinary policy (including plagiarism) and management of student placements
- f) Other deficiencies in the quality of the student experience

What can I not complain about?

In line with the policies set by the Office of the Independent Adjudicator for Higher Education (OIA) we will not consider complaints about:

- a) Admission decision
- b) Assessment (instead, use the appeals procedure)
- c) Student employment
- d) Matters already considered by a court or tribunal, unless formally stayed
- e) Academic judgement or teaching quality

What is academic judgement?

OIA definition:

"The OIA cannot interfere with the operation of a university's academic judgment. Our [Rule 3.2](#) states that we do not cover a complaint to the extent that it relates to a matter of academic judgment. "Academic judgment" is a term found in Part 2 of the Higher Education Act 2004, so its interpretation will ultimately be for the courts. However, in our view academic judgment is not any judgment made by an academic. It is a judgment that is made about a matter where only the opinion of an academic expert will suffice.

For example, a judgment about assessment, a degree classification, fitness to practise, research methodology or course content/outcomes will normally be academic judgment. But the fairness of procedures, the facts of the case, misrepresentation, the manner of communication, bias, an opinion expressed outside the area of competence, the way evidence is considered and maladministration in relation to these matters are all issues where we have advised universities that academic judgment is not involved.

¹ Students residing in halls of residence managed by Unite will need to follow their own complaints procedure.

So, we cannot put ourselves in the position of examiners in order to re-mark work or pass comment on the marks given. However, we can look at whether the university has correctly followed its own assessment, marking and moderation procedures, and whether there was any unfairness or bias in the decision-making process.”

The Bath Spa University complaints procedures allow for students to make complaints against those elements of the OIA definition that are permissible for investigation under their rules.

Making a complaint

- a) Complaints must be made within three months of a perceived problem or grievance occurring and should be addressed to the Complaints Officer. Unless there are exceptional circumstances, the University will not hear a complaint which is raised more than three months after a perceived service failure.
- b) The University will keep a complaint confidential in as far as is necessary to comply with its data protection obligations. No complainant or person complained against will be discriminated against while the complaint is being dealt with. We may deem it necessary to divulge certain information if the University believes there is a Health and Safety risk.

Stage One: Informal Complaints

- a) The University intends to deal with complaints quickly and will endeavour to respond within 15 working days. To this end, complainants are encouraged to discuss issues in the first instance with the relevant member of University staff or his/her line manager. It is hoped that this will result in a satisfactory resolution to the issue. If a resolution cannot be achieved formal procedures will then apply.
- b) The University encourages anyone with a complaint to bring it forward informally in the first instance. An informal complaint can be looked at and responded to by any member of the University Policy Advisory Group, Senior Staff Forum or an appropriate deputy.
- c) All complaints are expected to follow the logical route of ‘stage one: informal’ before proceeding onto ‘stage two: formal’. Only in exceptional cases will the University permit stage one to be bypassed.
- d) The procedure for informal complaints can be varied according to the nature of the grievance expressed. In all cases the Complaints Officer will maintain a record of decisions taken. In the instance of a complaint against a student or member of staff any action taken will remain on file for 12 months.
- e) Where an informal complaint is not satisfactorily resolved through informal means, a formal complaint may be made in writing to the Complaints Officer. Complainants have 10 working days to object to a decision made at stage one and submit a formal complaint under stage two of the procedure.
- f) Details of all informal complaints and their outcomes will be reported to the Complaints Officer at the earliest opportunity. A record of informal complaints will be held and will be referred to during the investigation of a formal complaint.

Stage Two: Formal Complaints

- a. Formal complaints should be made in writing to the Complaints Officer using the proforma at Annex C. Complaints should be as detailed and precise as possible, clearly explaining the nature of the complaint and the service and/or persons involved. The complaint should also specify the desired outcome.
- b. Complainants should have submitted an informal complaint before proceeding to the formal stage. The Complaints Officer will refer to the complaints log to verify the progress of complaints submitted. In the event that a formal complaint is lodged before the informal process is invoked, the Complaints Officer may advise the complainant on the informal procedure and refer the complaint informally to a relevant manager for consideration.
- c. A formal complaint can be investigated and responded to by any member of the University Policy Advisory Group who does not have a direct involvement in the matter being investigated.
- d. The Complaints Officer will keep a log of all formal complaints and their outcomes. An annual report highlighting any common themes or trends will be presented to the Board of Governors.

Annex A

Complaints against students

1. Students at Bath Spa University are subject to the Student General Regulations, which can be found on the University's website. Upon notification of a possible breach of the student disciplinary regulations, the Complaints Officer will determine whether an informal resolution is appropriate, or whether the formal procedures need to be applied.
2. The procedure for investigating an informal complaint against a student is described in Stage One of the Complaints Policy (page 3)
3. If informal resolution is not appropriate, or if it is a formal complaint, the Complaints Officer will refer the investigation to a member of the University's Policy Advisory Group.
4. The appointed Investigating Officer will then investigate the complaint in consultation with such individuals as s/he considers relevant. The student against whom the complaint has been made may be asked to attend a meeting with the Investigating Officer at which the circumstances of the complaint and the investigation will be explained. The student may be accompanied by another currently enrolled student or a Students' Union representative. We do not permit legally qualified representatives at this meeting. At this meeting the Investigating Officer will provide the students with an opportunity to respond to the complaint made against them.
5. All papers used by the Investigating Officer will be shared with the student. These will include:
 - A statement setting out the points of complaint against the student
 - Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
 - The student's file including conduct record, where applicable
6. At a meeting the student will have the opportunity to state his / her side of the case.
7. If the student and / or his / her friend or representative has any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Investigating Officer so that appropriate arrangements can be made.
8. The Investigating Officer will then decide one of the following:
 - a) The allegation or complaint has not been substantiated and no further action is necessary;
 - b) The allegation or complaint has been substantiated, but either appropriate steps have already been taken to deal with it, or it is not significant and no further action is necessary;

- c) Specific action is necessary that s/he will recommend to the Vice-Chancellor. This could include referring the issue to another existing University procedure.
9. The Investigating Officer will inform the student and the complainant of the outcome within 15 working days of the receipt of the written complaint by the Complaints Officer. The University may, at its discretion, extend the time period for responding. If this is necessary both parties will be informed of the delay and the reasons for the delay.
10. If the student or complainant is not satisfied with the decision of the Investigating Officer they may apply for a Review of the decision. The application for a Review must be made in writing and received by the Complaints Officer within 10 working days of receiving the decision.
11. In the written request for a Review the applicant must state the grounds on which he / she is asking for a Review and the outcomes he / she seeks. The grounds for a review must fall into one of the following categories:
- 1) Whether the facts of the case were sufficiently proved when the decision of the Investigating Officer was taken. The civil standard of proof, namely, 'the balance of probability' will normally apply; and / or
 - 2) Whether the decision of the Investigating Officer was warranted, that is, whether it was proportionate to the breach of the Regulations and to the legitimate aims of the University's policies.
12. The Complaints Officer will then respond within five working days of receiving the request, stating whether a Review Hearing has been granted.
13. The Review Panel will be made up of three people, including two senior members of staff appointed by the Complaints Officer and the President of the Students' Union or nominated representative. The Review Panel members will have had no direct involvement in the case.
14. The role of the Review Panel is to consider the representation made as outlined in paragraph 10 and to make recommendations to the Investigating Officer accordingly. The Review Panel may either uphold the decision of the Investigating Officer or refer the decision back to the Investigating Officer with recommendations so that he / she may consider the matter further.
15. The Complaints Officer will arrange a date for the Review Hearing (normally not more than 15 working days from receipt of the request) and inform the appellant of the date and location of the Review Hearing in writing. The Complaints Officer will also inform any witnesses that will be required to attend of the date of the Review Hearing.
16. The Review Hearing will be chaired by the Executive Officer to the Vice-Chancellor (or nominated senior representative) and will be conducted in an informal manner. All statements made at the meeting will be unsworn. The meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his / her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
17. The appellant is expected to be present at the Review Hearing, with attendance via video conferencing permitted in exceptional circumstances. The Review Panel will consider the evidence, including statements made by and / or on behalf of the appellant. The Review Panel has the power to examine witnesses and conduct further enquiries as it sees fit. The appellant will have the opportunity to ask questions of witnesses presenting oral evidence. If for any reason the appellant is dissatisfied with any aspect of the Review Hearing he / she must inform the Chair at the time.

18. When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Review Panel considers its recommendations. The Review Panel's recommendations will be reported in writing, with reasons, to the Investigating Officer and the appellant by the Chair of the Review Panel or the Complaints Officer within three working days of the Review Hearing. The Investigating Officer will provide his / her response to those recommendations in writing within five working days. In the absence of a significant procedural irregularity, the Review Panel's decision will then be final and will represent a 'completion of procedures'.

19. Students are advised to contact the Office of the Independent Adjudicator for Higher Education should they wish to appeal against the outcome of this procedure. Please visit www.oiahe.org.uk. If a student chooses to submit a complaint to the OIA they must do so within three months of the Complete of Procedures letter (received at point 17 above) from the University.

Annex B

General Complaints Procedure

1. This procedure is to be used for all complaints except those against students or complaints against a staff member by another member of staff (see University Grievance Policy). For the purposes of this procedure it is assumed that the complaint is by a student or an external party against a University process/service or a member of staff.
2. The Complaints Officer will determine which senior member of University staff is best placed to investigate a formal complaint and will nominate an Investigating Officer.
3. The Investigating Officer will then carry out an investigation, which will include consultation with such individuals, as s/he considers relevant. The Investigating Officer shall inform the respondent (staff member or University service representative) about the substance and the nature of the complaint either in writing or in a face to face meeting. In the event of a face to face meeting where a complaint has been made against an individual staff member, he or she may be accompanied by a friend or representative. We do not permit legally qualified representatives at this meeting. All papers used by the Investigating Officer will be shared with the respondent. These will include:
 - A statement setting out the points of complaint against the staff member or process/service
 - Written statements and notes of the evidence supporting the complaint, and any relevant correspondence.
 - The staff member's file including conduct record (in the case of a complaint against a member of staff only).
4. At this meeting the staff member or respondent will have the opportunity to state his / her side of the case.
5. If any attendees of the investigative meeting have any special needs or disability which call for additional facilities or adjustments (e.g. parking or the provision of documents in large print or other accessible format) those requirements should be made known to the Investigating Officer so that appropriate arrangements can be made.
6. The Investigating Officer will then decide one of the following:
 - a) The complaint has not been substantiated and no further action is necessary;
 - b) The complaint has been substantiated, but either appropriate steps have already been taken to deal with it, or it is not significant and no further action is necessary;
 - c) Specific action is necessary that s/he will then recommend to the Complaints Officer. This could include referring the issue to another University procedure.

7. The Investigating Officer will inform the relevant parties, copying to the Complaints Officer, of the outcome of this stage within 15 working days of the receipt of the written complaint by the Complaints Officer. The University may, at its discretion, extend the time period for responding. If this is necessary all parties will be informed of the delay and the reasons for the delay.
8. If the complainant or the respondent is not satisfied with the decision of the Investigating Officer they may apply for a Review of the Decision. The application for a Review must be made in writing and received by the Complaints Officer within 10 working days of receiving the decision. In the written request for a review, the applicant must state the grounds on which he / she is asking for a Review and the outcomes he / she seeks. The grounds for a review must fall into one of the following categories:
 - 1) Whether the facts of the case were sufficiently proved when the decision of the Investigating Officer was taken. The civil standard of proof, namely, 'the balance of probability' will normally apply; and / or
 - 2) Whether the decision of the Investigating Officer was warranted, that is, whether the recommended action was proportionate to the breach of the Regulations and in keeping with the legitimate aims of the University's policies.
9. The Complaints Officer will then respond within five working days of receiving the request stating whether a Review Hearing has been granted.
10. If a Review is granted the Complaints Officer will set up a Review Panel of three senior members of staff. If appropriate the President of the Students' Union may be invited to be a member of the panel. All papers received by the Review Panel will be shared with the complainant or the person complained against.
11. The role of the Review Panel is to consider the representation made as outlined in paragraph 8 and to make recommendations to the Investigating Officer accordingly. The Review Panel may either uphold the decision of the Investigating Officer, or refer the decision back to the Investigating Officer with recommendations so that he / she may consider the matter further.
12. The Complaints Officer will arrange a date for the Review Hearing (normally not more than 15 working days from receipt of the request) and inform the appellant of the date and location of the Review Hearing in writing. The Complaints Officer will also inform any witnesses that will be required to attend of the date of the Review Hearing.
13. The Review Hearing will be chaired by the Executive Officer to the Vice-Chancellor (or nominated senior representative) and will be conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. The meeting will be directed by the Chair who will conduct it so as to ensure that all those present have a reasonable opportunity of asking questions and making appropriate comment. Everyone is expected to show courtesy, restraint and good manners. The Chair may at his / her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision will stand.
14. The appellant is expected to be present at the Review Hearing, with attendance via video conferencing permitted in exceptional circumstances. The Review Panel will consider the evidence, including statements made by and / or on behalf of the appellant. The Review Panel has the power to examine witnesses and conduct further enquiries as it sees fit. The appellant will have the opportunity to ask questions of witnesses presenting oral evidence. If for any reason the appellant is dissatisfied with any aspect of the Review Hearing he / she must inform the Chair at the time.

15. When the Chair decides that all issues have been sufficiently discussed and if by then there is no consensus, he / she may adjourn the meeting; alternatively the Chair may ask those present to withdraw while the Review Panel considers its recommendations. The Review Panel's recommendations will be reported in writing, with reasons, to the Investigating Officer and the appellant by the Chair of the Review Panel or the Complaints Officer within three working days of the Review Hearing. The Investigating Officer will provide his / her response to those recommendations in writing within five working days. In the absence of a significant procedural irregularity, the Investigating Officer's decision will then be final and represent a 'completion of procedures'.
16. Students are advised to contact the Office of the Independent Adjudicator for Higher Education (OIA) should they wish to appeal against the outcome of this procedure. Please visit www.oiahe.org.uk. If students choose to submit a complaint to the OIA they must do so within three months of the Complete of Procedures letter (received at point 15 above) from the University. Staff of the University have no such recourse as the OIA procedures do not apply in this case.
17. Students who have made a complaint relating to payment of fees by instalment and feel that their complaint has not been satisfactorily dealt with or is unresolved may be entitled to complain to the Financial Ombudsman Service. Please visit <http://www.financial-ombudsman.org.uk/faq/complain.html>



Annex C

Complaints Form

This form should be completed for all complaints to be dealt with under the formal Complaints Procedure and should be sent to the University's Complaints Officer. It should be used in conjunction with the Complaints Procedure.

DETAILS OF COMPLAINT TO BE COMPLETED

Full Name:

Student Enrolment No. (where applicable):

Address for correspondence in connection with the complaint (in the case of a Group Complaint, please attach a list of complainants' names on a separate sheet of paper):

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.....
.....

Postcode: Telephone number:

Outline of Complaint including dates of actions (please use additional sheet if necessary):

As part of the investigation of your complaint, any member of staff mentioned will be made aware of the complaint.

Please explain here what steps you have taken, together with dates, to resolve your complaint.

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.

Signed:

Print Name:

Date: