

# Student Complaints Procedure



## 1. Introduction

- 1.1 Bath Spa University is committed to considering complaints from students. A complaint is a grievance relating to a specific issue regarding the delivery of teaching or other services provided by the University
- 1.2 The purpose of this procedure is to provide a formal means through which students can complain about the services provided by the University. The procedure is designed to be fair, efficient and transparent, and comprises three stages:
- Stage One: Local Informal Resolution
  - Stage Two: Formal Complaint
  - Stage Three: Review

## 2. Advice and guidance

- 2.1 Students are encouraged to seek advice both prior to and during the use of this procedure from any of the following sources:
- Personal tutor or appropriate supervisor
  - Students' Union
  - Student Support Services

## 3. Scope of the Complaints Procedure

- 3.1 This procedure can be used for complaints within the following areas:
- Provision or delivery of programmes or parts of programmes
  - Inadequate services or facilities
  - Decisions, actions or perceived lack of actions taken by the University
- 3.2 This procedure does not consider complaints about:
- admissions decisions - please refer to the Admissions Appeals Policy
  - assessment outcomes - please refer to the Appeals Procedure
  - student employment
  - matters already considered by a court or tribunal, unless formally stayed (paused)
  - academic judgement
- 3.3 If a complaint is submitted whilst a different procedure or process is ongoing regarding the same matter, the University will normally wait for that

procedure or process to be completed before considering the complaint. This can include internal procedures such as Academic Appeals, as well as external procedures such as police investigations, court proceedings and tribunals.

- 3.4 Similarly, should a submitted complaint be more appropriately dealt with via an alternative procedure or a different stage of the complaints procedure, such as where the University receives a complaint which alleges discrimination, harassment or bullying, or where such allegations form part of a wider complaint, this may be referred to the disciplinary policy or other relevant policy or procedure.
- 3.5 Academic judgement refers to judgement 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.
- 3.6 The majority of cases are satisfactorily resolved through informal discussions without the need for a formal complaint to be made. To facilitate this, the University emphasises the importance of seeking a resolution through informal discussions at the earliest opportunity to avoid a protracted investigation, therefore as far as possible complaints should be raised initially with the person or service responsible.
- 3.7 Matters of concern should be raised at the earliest opportunity and in any case no later than three (3) months from the complainant becoming aware of the incident / sequence of events giving rise to the complaint. Only exceptionally and at the University's discretion will a complaint raised after this deadline be considered.
- 3.8 If a complaint is received by the Vice-Chancellor, the Chair of the Board of Governors, or another such office-holder, the University will seek to align it with the procedure at the appropriate point. If the complainant has made no attempt to resolve the matter at a local level, they may be advised to make recourse to an informal stage of the complaint initially.
- 3.9 This procedure is intended to be an internal mechanism for the timely resolution of concerns. As such, complainants are encouraged to be accompanied to meetings relevant to the process by a peer (normally another enrolled student of the University) or Students' Union representative. We do not permit legal representatives at any meetings.

#### 4. Group Complaints, Third Party Complaints, and Anonymous Complaints

- 4.1 This procedure is not intended to be used by a third party making a complaint

on behalf of a student. Where the issues raised in a complaint affect a number of students, those students can submit a complaint as a group complaint. In such circumstances, in order to manage the progression of the complaint, the group should nominate one student to act as group representative. In such cases, the University will normally communicate through the nominated student representative only and they will be expected to liaise with the other students throughout this procedure.

4.2 The University's relationship is with the student, irrespective of who pays the student's fees, as such where it is appropriate to make a complaint, students should raise the matter themselves unless there are exceptional reasons why they may be unable. Under data protection legislation, the University cannot deal with third party complaints without the written permission of the student (this includes complaints made by a student's parent(s) or spouse). In such cases, evidence will be required that a third party has been formally authorised or instructed to act on a student's behalf. Whilst correspondence will then be copied to the student (unless specifically directed to the contrary by the student), the University will only deal with the single individual authorised to act on the student's behalf in respect of a complaint. Where a student has nominated a third party to act as their representative, they will still be expected to engage with the procedure when required to allow for a full and thorough investigation.

4.3 The University is unable to investigate anonymous complaints under this procedure as we are unable to complete an appropriately robust investigation. Any anonymous complaints that are submitted will be recorded and may be notified to relevant staff.

## 5. Frivolous and vexatious complaints

5.1 The University expects that students will not engage in making frivolous or vexatious complaints. Examples of frivolous or vexatious complaints include but are not limited to:

- complaints which are obsessive, harassing or repetitive
- insistence on pursuing non-meritorious complaints and/or unrealistic outcomes
- insistence on pursuing what may be a meritorious complaint in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress which lack any serious purpose or value

5.2 The University may decline to consider a complaint if it considers it to be frivolous or vexatious and in these circumstances the student will receive a written explanation of the reasons. Where a student has made a complaint of this nature, or used false information, the University may consider taking

action under the Disciplinary Procedure.

## 6. Victimisation: declaration of intent

- 6.1 Subject to the above, any student who submits a complaint or seeks to use this procedure will not be treated less favourably in University life as a result of action taken to pursue a complaint.

## 7. Confidentiality, Record Keeping, and Data Protection

- 7.1 The University will do all within its power to limit the disclosure of information as is consistent with conducting a fair investigation and the implementation of any recommendations following investigation into a complaint. However, if a student names another member of the University, then the person(s) named will normally have the right to know the complaint made against them in order to be able to reply to the complaint.
- 7.2 The University will process complaints and records associated with the investigation of complaints in line with the University's relevant [privacy notices](#) and [data protection policy](#) aligned with its obligations under Data Protection legislation.

## 8. Timescales

- 8.1 This procedure outlines timescales which apply to both the University and the complainant. Only in circumstances that the University considers to be exceptional will complaints be accepted outside these timescales.
- 8.2 The University endeavours to respond within the timeframes that are outlined. Where this is not possible, any delay should be communicated to the complainant.

## 9. Resolution of Complaints

- 9.1 Where a complaint is upheld in whole or in part, possible outcomes may include an apology, a clear explanation of the events or context that led to the incident in question, a change in procedures to ensure that the circumstances do not recur, referral of the complaint for consideration under another University procedure or a combination of these or other outcomes.
- 9.2 At each stage of the procedure, complainants will receive the reasons for the outcome of their complaint.

## 10. Stage One: Local Informal Resolution

- 10.1 This stage aims to resolve problems in the first instance through the student directly engaging informally with the relevant department or service area to find a satisfactory outcome.
- 10.2 Students are expected to contact the relevant department or service area verbally or in writing as soon as possible to make them aware of the complaint and to make a genuine effort to resolve the issue before making a formal complaint at Stage Two.
- 10.3 Where an issue is raised formally before a reasonable attempt has been made for local informal resolution, the University may refer the matter back to Stage One. Only in exceptional circumstances will the University permit Stage One to be bypassed.

## 11. Stage Two: Formal Complaint

- 11.1 Should a complaint not be dealt with informally to the satisfaction of the complainant they may initiate a formal complaint. Stage Two of this procedure involves an investigation.
- 11.2 The University must receive the Stage Two complaint via the Stage Two Complaints Form (available on the University website or by contacting the Complaints Office directly) within 10 working days of the date of the outcome from the Department or Service with regard to the issue raised.
- 11.3 Submissions under Stage Two should be as detailed and precise as possible, clearly explain the nature of the complaint and the service and/or persons involved and include a dated log of all events and actions relevant to the complaint. The complaint should also include references to any evidence that will be provided and state the desired outcome.
- 11.4 Complainants will normally receive a written acknowledgement within 5 working days. Whilst it is anticipated that the investigation will be completed and a written response issued within 20 working days, this period may need to be extended in certain circumstances such as where a complaint is particularly complex or where staff necessary for the investigation of the complaint are unavailable.
- 11.5 Should a complaint not be eligible for consideration under this procedure the student will receive written confirmation outlining why the complaint is not eligible and what further action the student can take.
- 11.6 An Investigating Officer will be appointed to investigate the complaint. A Formal Complaint can be investigated by a member of staff who does not have any direct involvement in the matter being investigated.
- 11.7 The Investigating Officer will carry out a formal investigation which will

include consultations with any parties that they consider relevant. During this investigation the Investigating Officer shall inform the identified respondent (which may be a named individual against whom a complaint has been raised, a responsible 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. The respondent will then be given the opportunity to respond to the complaint raised.

- 11.8 On the occasions where it has been deemed necessary that a face-to-face meeting is required for the investigation, all parties in attendance are entitled to be accompanied.
- 11.9 Following the conclusion of an investigation, the complainant will receive a Stage Two Outcome Letter and a copy or summary of the Investigation Report. This will normally include the Investigating Officer's decision and any recommendations for further actions relating to their complaint.
- 11.10 The possible decisions of the Investigating Officer are as follows:
- Upheld – the complaint has been found to be justified
  - Partly Upheld – the complaint has been found to be justified in part
  - Not Upheld – the complaint has been found to be not justified, or there is not sufficient evidence to uphold the complaint
- 11.11 Where complaints have been Upheld or Partly Upheld, the Investigating Officer will make recommendations for further action to offer resolution to the complaint. Examples of recommendations could include, but are not limited to, a written apology from the University, or a list of actions the Department or service will make as a result of the complaint.

## 12. Stage Three: Review

- 12.1 A review of the findings at Stage Two may be allowed, subject to the discretion of the Pro-Vice-Chancellor Student Experience, or their nominee, as specified below.
- 12.2 An application for review must be requested in writing (together with a copy of the original complaint, the Stage Two outcome letter and the Investigation Report) and received by the Pro-Vice-Chancellor within 10 working days from the date of written notification of the Stage Two outcome. The grounds for review must be clearly stated as part of the application.
- 12.3 The Pro-Vice-Chancellor may allow a review to proceed if they are satisfied that either or both of the following criteria apply:
- a) that there is new evidence that could not have been, or for good reason was not, made available at the time of the investigation at Stage Two

and that sufficient evidence remains that the complaint warrants further consideration;

- b) that evidence can be produced of significant procedural error on the part of the University in investigating the complaint, and that sufficient evidence remains that the complaint warrants further consideration.

12.4 The Pro-Vice-Chancellor will take into account the overall reasonableness of the Stage Two outcome and has discretion to take into account grounds (including grounds of compassion) other than those stated above in deciding whether to allow a review.

12.5 If the Pro-Vice-Chancellor decides to allow a review they will appoint a Review Panel. They will normally advise the student, in writing, of their decision on the review application within 10 working days of its receipt. If a review application is rejected reasons will be given. Should a review be granted, the Review Panel will normally complete their review within 20 working days.

12.6 The terms of reference of the Review Panel shall be:

- a) to consider review cases referred to it by the Pro-Vice-Chancellor and to determine whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at during Stage Two;
- b) if the conditions of (a) are met, to make a judgement on the complaint and if appropriate proposals or recommendations for further actions.

12.7 The membership of the Review Panel shall be:

- a) two members appointed by the Vice-Chancellor from the senior staff, one of whom shall act as Chair;
- b) Student Union President or nominee

12.8 No member of the Review Panel will be a member of staff from a department of the University previously involved in the case, or someone who has been directly involved in the case.

12.9 The possible decisions of the Panel are as follows:

- the Panel has upheld the decision of the Investigating Officer; or
- the Panel has upheld the decision of the Investigating Officer but has made recommendations for further action or agreed a substitution of the proposed resolution; or
- the Panel has not upheld the decision of the Investigating Officer and has made recommendations for further action.



12.10 Once the Panel's review has been concluded, a Stage Three Outcome Letter will be sent to the complainant informing him/her of the Panel's decision and any recommendations for further actions relating to the complaint. The complainant will also receive a Completion of Procedures letter to state that they have completed the internal complaints procedures of Bath Spa University.

### 13. Office of the Independent Adjudicator for Higher Education (OIA)

13.1 If, after the University's internal procedures have been exhausted, the student is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator (OIA), subject to the rules of the OIA's independent complaints scheme.

13.2 Once the University's procedures have been exhausted, the University will issue a "Completion of Procedures" letter, as outlined above. Students must apply to the OIA within twelve (12) months of the issue of this letter if they wish to make a complaint. For information on how to submit a complaint to the OIA, please refer to the OIA's website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

A problem/issue has been identified:

- raise it as quickly as possible, with the manager or department responsible ideally immediately
- it must be raised within 3 months of being identified

**Does the outcome resolve the matter?**

Yes → **Matter closed**

No

**Progress to Stage Two Formal Complaint**

- this must be within 10 days of the outcome of Stage One

Within 10 working days – complainant progresses to Stage Two Formal Complaint

**Stage Two Formal Complaint**

- appointment of Investigating Officer
- investigation (including meetings) takes place
- report with findings produced

Yes → **Matter closed**

Within 5 working days – the University will acknowledge receipt

Within 20 working days, the University will aim to complete the investigation and issue an Outcome

No

**The complainant has identified grounds for review. Progress to Stage Three Review Panel**

- this must be within 10 days of the outcome of Stage Two

Within 10 working days – complainant progresses to Stage Three Review Panel

**Stage Three Review Panel**

- if acceptable grounds for a review have been presented, a Review Panel convenes to consider the case
- a decision and Completion of Procedures Letter are sent to the complainant

Within 5 working days – the University will acknowledge receipt

Within 20 working days, the University will aim to complete the investigation and issue an Outcome and “CoP” letter

**Further recourse:**

Office of the Independent Adjudicator (OIA)

[www.oia.org.uk](http://www.oia.org.uk)

## Document Details

**Responsible Office:** Student Experience

**Responsible Officer:** Pro-Vice Chancellor Student Experience

**Approving Authority:** Academic Board

**Date of latest Approval:** July 2022

**Effective Date:** 05 September 2022

**Related Policies and Procedures:** Academic and Student Policies and Procedures

<https://www.bathspa.ac.uk/about-us/governance/policies/>

**Supersedes:** Student Complaints Procedure V2.0

**Next review due:** January 2024