

# Part 14

## Complaints procedure

### 1 Scope of the Complaints Procedure

- 1.1 Our university describes a complaint as an expression of dissatisfaction with any service or lack of service provided by our university. UEL believes it is important that its students feel able to express dissatisfaction to which a response should reasonably be expected. Through the Complaints Procedure, our university seeks to provide an accessible, fair and straightforward system which enables students to raise concerns and which ensures an effective, timely and appropriate response. The Complaints Procedure is not restricted to students of our university: it may also be initiated by potential students or members of the public. A complaint may also be submitted collectively by a group of students who should nominate a spokesperson who will be the channel of communication for the group, however, a complaint may not be lodged by a third party on behalf of the complainant. The complaints procedure is an internal University process, and if the complainant should instruct lawyers to act on their behalf during the complaint this will halt the procedure.
- 1.2 Students are advised to consider whether there are more suitable ways for them to express the concerns that they have before submitting a complaint. For example this may be done through Student Representatives at Programme Committees, through 'Tell Us' boxes that are distributed around our university, through other feedback mechanisms such as module evaluation questionnaires, or students can discuss their concerns informally with the relevant person in the School/Service such as the Programme Leader, Module Leader, School Registrar, Director of Studies or Research Degrees Leader.
- 1.3 The Complaints Procedure does not cover the following categories of complaint, for which separate procedures exist:
- appeals against the decisions of Assessment Boards (see Part 7 of this Manual);
  - appeals against annual monitoring reviews, transfer of research degree registration or oral examination decision for postgraduate research students (see Part 9 of this manual);
  - appeals against the decisions of the Extenuation Panel (see Part 6 of this Manual);
  - complaints against the Students' Union (see the Complaints Procedure in the Students' Union constitution);
  - appeals against decisions taken under disciplinary proceedings (see Part 12 of this Manual);

- complaints about businesses operating on University premises, but not owned by our university (contact the Deputy Vice-Chancellor and Chief Operating Officer);
- complaints about the behaviour of other students (see Part 12 of this Manual );
- appeals against the decisions of Academic Misconduct Panels (see Part 8 of this Manual).
- appeals against the decisions of Attendance Appeal Panels (see the University's Attendance Policy)

## 2 Procedure

2.1 There are three stages in the Complaints Procedure:

STAGE 1:	Conciliation
STAGE 2:	Formal complaint
STAGE 3:	Appeal to the Vice Chancellor's Group

## 3 Stage 1: Conciliation

- 3.1 Complainants are strongly advised to make every reasonable effort to resolve their complaint informally through meeting with the member of our university staff most directly concerned with the matter before proceeding to Stage 2 and submitting a formal complaint. Complaints at Stage 1 should not however be raised with the relevant manager who may investigate the complaint should it proceed to Stage 2 of the Complaints Procedure, such as the Dean or Director of Service. Normally, complaints concerning the structure or organisation of a programme will most appropriately be dealt with by the relevant Programme Committee. In these cases, the complainant should raise the complaint with the student representatives on the Committee, the Programme or Field Leader, as appropriate.
- 3.2 Where it is not clear to the complainant which member of our University's staff is directly concerned, or the complainant is studying at a partner institution and unclear on the correct complaints procedure to follow, the complainant will be advised by the Complaints Liaison Officer. Our university acknowledges that other methods may be more suitable when attempting to resolve the complaint at Stage 1 than a meeting, in particular for those students studying by distance learning.
- 3.3 All students at Stage 1 are strongly advised to seek advice and assistance from the Students' Union. The Students' Union should be able to arrange for a representative to attend conciliation meetings that are arranged between the School/Service and the student.
- 3.4 At Stage 1 the complaint should be raised as soon as possible and normally **no more than 10 working days** after the failure in the service or the matter giving rise to the complaint. The member of staff approached should try to resolve the

complaint through meeting with the complainant within 10 working days of receipt of the complaint.

- 3.5 Our University recognises that the majority of complaints will be resolved satisfactorily at this stage. However, where the procedure outlined in paragraphs 3.1 to 3.4 above does not produce a satisfactory resolution of the matter giving rise to the concern, the complaint may be formalised and dealt with as in section four below.
- 3.6 While every reasonable effort should be made to resolve complaints at Stage 1, the complainant has the right to proceed to Stage 2 at any time provided that it is **within 2 calendar months** of the matter giving rise to dissatisfaction.

#### **4 Stage 2: Formal complaint**

- 4.1 If a complainant is dissatisfied with the outcome of Stage 1 or wishes to proceed direct to Stage 2, he/she shall make a written complaint on the complaints form (available from the Students' Union and Quality Assurance & Enhancement).
- 4.2 By proceeding direct to Stage 2 the complainant should be aware of the lost opportunity to resolve the matter by informal means. Any complainant who has not attempted to resolve their complaint through conciliation (Stage 1) will be asked to explain on the complaints form why they have not completed Stage 1 of the Complaints Procedure.
- 4.3 The complaints form should be completed in full and signed by the student before being lodged with Quality Assurance & Enhancement within 10 working days of the unsatisfactory outcome of Stage 1 or within two calendar months of the complainant becoming aware of the matter with which he/she is dissatisfied. **An extension of these time limits will only be possible in exceptional circumstances**, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a case, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the complaint form the reason for the complaint being lodged outside of the time limits.
- 4.4 If the complaint is made by a research student about the quality of supervision, the complaint form should be lodged with Quality Assurance & Enhancement within six months after first perceiving that there is inadequate supervision or provision of materials or equipment. As detailed in para 4.2, **an extension of these time limits will only be possible in exceptional circumstances**, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a case, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the complaint form the reason for the complaint being lodged outside of the time limits.

4.5 The complaints form will be acknowledged within 5 working days of being lodged with Quality Assurance & Enhancement.

4.6 Investigation of complaint

4.6.1 Following receipt of the completed complaints form, the Complaints Liaison Officer will inform the student in writing when the investigation into the complaint has begun by writing to them summarising their main complaint points and informing them who is investigating their complaint. A written response to the complaint, responding to all points and making clear the grounds on which a decision or settlement has been reached will normally be sent to the complainant within 15 working days of the investigation beginning. During periods outside of the academic calendar this timescale may be slightly longer.

4.6.2 If the issues raised on the complaint form are considered to be more appropriately investigated through the Appeals Procedure then the Complaints Liaison Officer will pass the complaint to the Appeals Liaison Officer. The complaint will cease to be handled as a complaint at this point and will instead be processed as an appeal. If a student has submitted both an appeal and a complaint then the appeal will usually be dealt with prior to the complaint. The complaint will be placed on hold until the investigation into the appeal has been completed.

4.6.3 When the investigation into the complaint has begun the Complaints Liaison Officer will forward a copy of the complaint form, and any accompanying documentation, to the responsible manager asking them to provide the complainant with a response to specific points raised on the complaints form within 15 working days.

4.6.4 The responsible manager is outlined below:

- (a) Dean or Director of School, if the complaint is about an academic matter, or relates to a matter arising in the context of a placement/practice placement;
- (b) Director of a Service, or specifically named person, if the complaint is about a non-academic matter.
- (c) If the person cited above is him/herself personally involved in the matter of the complaint, the complaint will normally be dealt with by his/her manager.

4.6.5 The manager responsible for dealing with the complaint will be asked to:

- (a) make such investigations as he/she deems appropriate;
- (b) ask any person being the subject of a complaint for a written statement on the alleged failure/deficiency;

- (c) where the complaint relates to a placement/practice placement, ensure that consultation takes place with appropriate placement staff before concluding any investigation. The placement organisation will be asked to nominate a member of staff to act as liaison in respect of the complaint; this may be the practice placement supervisor;
- (d) provide the Complaints Liaison Officer with copies of any documentation referred to during the investigation;
- (e) keep the Complaints Liaison Officer and all other people involved informed on the progress of the investigation, in particular when and why the time limit cannot be adhered to.

4.6.6 If the complaint concerns staffing and/or harassment matters, the investigating manager should consult with HR Services regarding the appropriate procedure to adopt before conducting an investigation. If the complaints form, or any documentation submitted with the form, refer to a named member(s) of staff that member of staff will be entitled to see the complaint and any other information relating to them. If the complaint relates to a member of staff in a placement organisation, the investigating manager should consult the manager in the placement organisation regarding the appropriate procedure to adopt in this case.

4.6.7 If the investigating manager considers that there is a *prima facie* case to proceed under the staff disciplinary procedure, the case will cease to be handled through the complaints procedure. Where harassment is involved, special provisions apply at each stage of the disciplinary procedure (the anti-harassment procedure refers). Where the member of staff is located in a placement organisation the case will be handled through the arrangements of that organisation. The complainant and the Complaints Liaison Officer will be notified of this decision; the complainant will not be disadvantaged by this decision.

4.6.8 In concluding their investigation the responsible manager may make one of the following decisions within the procedures laid down by our University and under the rules of natural justice:

- (a) to dismiss the complaint;
- (b) to suggest an amicable settlement to the complainant and member of staff if appropriate. Where the complaint relates to a placement organisation the proposed settlement should also be communicated to the nominated liaison. If this is not mutually accepted within five working days, then the manager shall make a decision under (a) or (c) of this section. If the settlement is accepted, the procedure terminates at this stage;

- (c) to find the complaint justified and make an offer of redress to the complainant, e.g. an apology and/or appropriate recommendations to the UEL School or Service or placement organisation.

4.6.9 The investigating manager shall, within 15 working days of receipt of the complaint form, make a written statement responding to all complaint points making clear the grounds on which a decision or settlement has been reached. The statement shall be sent to the complainant and copied to the Complaints Liaison Officer. The written statement produced as per paragraph 4.6.3 will also be copied to the Complaints Liaison Officer, for the record.

## **5 Stage 3 – Appeal to the Vice Chancellor’s Office**

- 5.1 Following receipt of the response, if the complainant is still not satisfied with the response, he/she should give written notice to the Complaints Liaison Officer within 10 working days, explaining why he/she is not satisfied with the outcome. If the matter has been investigated under other University procedures, as provided for under para 4.6.7 above, the complainant can equally request a review of this decision. In each case, the complainant should indicate the matters which he/she considers to be outstanding.
- 5.2 If a review is requested by the complainant the complaint file will be forwarded to the Associate Head of Governance and Legal Services by the Complaints Liaison Officer. Within 10 working days of receipt of the request for review, the Associate Head of Governance and Legal Services will decide whether there is a *prima facie* case to refer the matter to the Complaints Review Panel, provided that:
- (a) there is, at the time, still a complaint which comes under the scope of this procedure;
  - (b) the student's desired outcome to the complaint is achievable;
  - (c) the complaint was lodged within the set time limit.
- 5.3 If there is no *prima facie* case for proceeding to a complaints review panel the complainant shall receive a written statement explaining the reasons for this. The complainant at this stage has completed the internal procedures and may request that the case is reviewed by the Office of the Independent Adjudicator which is a body independent of our university.
- 5.4 If there is a *prima facie* case for proceeding, the Associate Head of Governance and Legal Services may consider the possibility of a mediatory meeting with the parties involved at Stage 1 of the procedure. If the meeting is successful, the complainant and other party will be informed of the outcome in writing within 10 working days. When an attempt to achieve a resolution through mediation is unsuccessful or would appear to be inappropriate, the Complaints Liaison Officer will be advised to convene a Complaints Review Panel.

- 5.5 The Complaints Liaison Officer shall normally convene a Complaints Review Panel within 30 working days of the notification, to consider and adjudicate on the complaint.
- 5.6 The Complaints Review Panel shall normally consist of the following members:
- (a) a Chair, who shall be a member of the University Management Team or other senior member of staff;
  - (b) two members of staff;
  - (c) a trained representative of the Students' Union.
- 5.7 In the event of a complaint against a Dean or Director of a School, Director of Service, Member of the Vice-Chancellor's Group or the Vice-Chancellor, the Complaints Review Panel shall consist of the following members:
- (a) a Chair, nominated by the Board of Governors, who shall normally be a lay member of the Board of Governors;
  - (b) two members of staff one of whom shall be at management grade;
  - (c) the President of the Students' Union or nominated member of the Executive Committee.
- 5.8 Where possible our university shall seek to ensure that the composition of the panel reflects the character of our institution and/or at least one person has been trained in equality and diversity issues.
- 5.9 The Complaints Liaison Officer shall make available to the Complaints Review Panel the complaint form, previous correspondence relating to the complaint and any other relevant documentation.
- 5.10 The outcome and the reasons for the decision of the Complaints Review Panel will be communicated to the complainant within 10 working days of the hearing. The Complaints Review Panel will, at the same time, send a report summarising the complaint, the action taken to resolve it, and the Panel's conclusions and recommendations to the Vice-Chancellor and the relevant Dean of School/Director of Service. The decision of the Review Panel will be binding.
- 5.11 If the complaint is upheld the Dean of School/Director of Service concerned will be asked to respond to the Vice-Chancellor and to the Chair of the Complaints Review Panel within 15 working days of receipt of the report, stating what action has been taken or is proposed in the light of the Panel's recommendations. The Complainant will also be notified of action taken or action proposed in response to the Panel's recommendations.
- 5.12 The procedure of the Complaints Review Panel hearing shall be as specified in paragraph 6 below.

- 5.13 As far as is practicable, confidentiality shall be preserved in the investigation of the complaint. However, information provided by the complainant may be used when a complaint is investigated.

## **6 Procedural Rules for the Complaints Review Panel**

- 6.1 The hearing shall take place in private in our university on a date fixed by the Chair in consultation with members of the Panel. Where there is a clear justification for doing so e.g. where travel costs are prohibitive of the students mode of attendance makes attendance in person difficult, a request to conduct the Panel via video link can be considered. The Chair of the panel will have final say on whether the panel can be convened via video link. For any panel via video-link the Chair and internal panel members would be located at an on-campus location at our University. Guidance regarding conducting a panel via video link will be shared with all parties prior to the panel by the Complaints Liaison Officer.
- 6.2 The complainant may be accompanied at the hearing by one friend (who may be a Students' Union Advice and Information Service Representative but not a paid legal representative). Where several students are bringing the same complaint, they shall appoint two of their number (each accompanied by one friend who cannot be one of the complainants) to attend the hearing. Both the complainant and their friend will have the opportunity to address the panel and ask questions. It is recommended that students consult with the Students' Union Advice and Information Service as they may be able to represent complainants at the hearing or accompany them. The University will pay reasonable, travel expenses incurred as a result of the complainant's attendance at the hearing.
- 6.3 After the date of the hearing has been fixed the Complaints Liaison Officer shall, at ten working days before the hearing, write to the complainant(s) and the School / Service:
- (a) notifying the date of the hearing;
  - (b) requesting six copies of any written submissions from the complainant and / or respondent, to be submitted at least six working days before the hearing date;
  - (c) requesting the complainant(s) to provide the name(s) of any other friend(s) who will accompany them at the hearing and the name(s) of any witness(es) they would like to call (It is the responsibility of the complainant(s) to notify such friend(s) or witness(es) of the hearing.);
  - (d) requesting the complainant(s) to provide details of any reasonable adjustments that may need to be made for the hearing in order to accommodate the complainant if they have a declared disability.

- 6.4 At all times following the lodging of a complaint under the formal complaints procedure, a member of our university staff who is concerned or named in the complaint or whose conduct is by implications called into question by the complaint has the right to be represented by a friend, who shall normally be another member of staff of our university. Such a friend may be a trade union representative but not a paid legal representative. In addition to the complainant and respondent, the parties involved shall include the placement liaison in respect of a placement/practice placement organisation, and the Dean of the UEL School in respect of a collaborative partner acting as respondent.
- 6.5 The Complaints Liaison Officer will circulate all the information received to the Panel and to the parties involved at least five working days before the date of the hearing. Additional information received will usually be sent out to all parties by post. The complainant and School / Service will also be notified by other means (email or telephone) that additional evidence has been sent out. Please note that the University will not accept any responsibility for documentation arriving late as a result of postal delays.
- 6.6 Written information not received in advance shall not be considered by the Panel unless the Panel decides, in exceptional circumstances, to receive such evidence. If the Panel decides to receive such evidence the report of the hearing will detail the Panel's reasons for choosing to accept the information.
- 6.7 If the complainant does not appear at the date and time scheduled for the hearing, the Complaints Review Panel shall consider whether any reasons advanced for non-attendance are valid, and:
- (a) if members so judge, adjourn proceedings to a later meeting;
  - (b) if no reasons are advanced, or if they are judged invalid, proceed in the complainant's absence.
- 6.8 The Panel will decide whether or not any particular witness should be called.
- 6.9 The Complaints Liaison Officer shall be responsible for servicing the hearing, and for producing the report on behalf of the panel.
- 6.10 The Chair has the power to regulate the procedure of the hearing within the spirit of these rules, having regard to the need to maintain informality and reasonable despatch of the proceedings.
- 6.11 Time limits may be departed from only at the discretion of the Chair. If a complaint lapses as a result of failure to keep to a time limit, the complaint cannot be recommenced. Time is calculated on working days throughout the year.
- 6.12 In exceptional circumstances the Panel may consider documents or hear evidence in the absence of the parties.

- 6.13 The Panel shall endeavour to present to the Vice-Chancellor a unanimous report of the facts found and the recommendations made on the basis of those facts. If the report is not unanimous, the minority shall be entitled to record their views and submit them to the Vice-Chancellor.

## **7 Independent Review**

- 7.1 If the complainant has exhausted the internal procedures at Stage 3 and is not satisfied with the outcome he/she may request that the case is reviewed by the Office of the Independent Adjudicator which is a body independent of our university.
- 7.2 The grounds, eligibility for review and outcomes shall be determined by the Office of the Independent Adjudicator.
- 7.3 A report on the findings of cases considered by the Independent Adjudicator shall be received by Regulations Committee on a regular basis.

## **8 Reporting of Formal Complaints to the Board of Governors and the Academic Board**

- 8.1 The Complaints Liaison Officer shall report annually to the Board of Governors and the Academic Board on formal complaints received. The report will include: the number of formal complaints lodged; the number satisfactorily addressed at Stage 2; the number of complaints that proceed to Stage 3; the number of complaints that proceed to a Complaints Review Panel; and number proceeding to independent review. Data concerning equal opportunities monitoring shall also be provided. Any overall recommendation(s) arising from the reviews will be drawn to the attention of the Board of Governors and the Academic Board.

## **9 General Principles underlying the Complaints Procedure**

- 9.1 Our university's Complaints Procedure recognises the importance of the protection of the rights of those wrongly accused. Malicious or frivolous accusations will be viewed as a serious matter by our university and could lead to disciplinary action, or legal proceedings.