**APPENDIX 1**

**UNIVERSITY OF BATH**
**STUDENT COMPLAINTS PROCEDURE**

## Introduction

1.1 The University welcomes feedback in respect of the services it provides, and believes that students are entitled to have access to effective systems for handling any complaints that might arise during the course of their studies as a way of ensuring the University provides the highest possible academic and service standards. Students should feel able to make a complaint, knowing that it will be fairly investigated.

1.2 Detailed below is the three stage process the University has adopted for dealing with students' complaints, which is intended to provide a clear means of resolving such complaints to the satisfaction of all parties.

## Definitions and scope

2.1 The University defines a student complaint as an expression of dissatisfaction levelled by a student against another student, member of staff, service or facility of the University. For the purpose of this procedure a student is defined as a person who has been accepted to study at the University, a student registered for an award of the University, or a former student who has left the institution within the last four calendar months.

2.2 Examples of what can be complained about under this policy include the following:

- A University service, academic or non-academic
- Information about academic programmes
- Teaching or supervision
- Facilities
- The behaviour of a member of staff
- The behaviour of another student

2.3 Issues covered by other specific procedures will not be dealt with under this procedure. For example:

- Academic Appeals and Reviews, the procedures for which can be found in Section 17 of the Student Regulations.

- Complaints relating to services provided by the Students' Union, which should be pursued with the Students' Union in the first instance.

- Complaints relating to franchise provision, should the Institutional Agreement allow, will be dealt with according to the franchise partner's procedures, unless they relate to a University service. Where the complaint is not resolved at this level the student may request a review by the University Secretary, under Stage 3 of these procedures.

- Complaints relating to University accommodation, which should be submitted under the Accommodation Services' own complaints procedure. Where the complaint is not resolved at this level the student may request a review by the University Secretary, under Stage 3 of these procedures.

- Complaints relating to the service provided by Westwood Nursery, which has its own complaints procedure, which can be found at: http://www.bath.ac.uk/hr/working/childcare/westwood-nursery/complaints/index.html

2.4 Complaints about any form of discrimination, bullying, harassment or victimisation fall within the University's Dignity and Respect for Students and Staff Policy and Procedure. This policy and procedure can be found at: http://www.bath.ac.uk/equalities/policiesandpractices/dignityandrespectpolicy.pdf Formal complaints from students under the Dignity and Respect Policy will be considered under Stage 2 of this procedure.

2.5 Research Postgraduates who have a complaint in respect of an academic matter can, if they deem it inadvisable to raise concerns at a local level, contact the Students' Union Advice and Representation Centre for advice. Alternatively they may approach the Postgraduate Research Ombudsman directly. Further details can be found in the Postgraduate Guide: http://www.bath.ac.uk/student-records/pgresources/docs/pgguide2015/index.html

**General Principles**

3.1 The University seeks to minimise student complaints by ensuring that students have opportunities to participate in all the appropriate formal decision-making processes of the institution through representation on committees at programme, departmental, faculty and institutional levels. The University is committed to the continuing review and improvement of its provision and seeks regular feedback from students through Staff/Student Liaison Committees, evaluation questionnaires and user groups. The University is also committed to providing an environment within which students are encouraged to raise any matters of concern in an informal manner as soon as they arise. This often removes the need for formal complaints.

3.2 Students are encouraged to raise a concern or complaint as soon as possible after the event has taken place, and normally no later than four months from the date the initial issue or event occurred, to enable the matter to be addressed in a timely manner.

3.3 A group of students may use this procedure to make a collective complaint, provided that one student identifies themselves as the main contact for purposes of communication.

3.4 As far as possible matters raised as a complaint will remain confidential to those directly involved in investigating the complaint, providing a response to it and communicating with the student. However, it should be noted that, in the interests of natural justice, parties to a complaint have the right to know the full details of the

complaint or, if necessary in exceptional circumstances, only those details which need to be shared to enable a proper response to be made.

3.5 Any investigation into a complaint will be carried out in a timely, thorough and systematic manner, and any judgement made will be on the basis of the evidence provided by all parties.

3.6 In order to ensure that a thorough investigation of a complaint is made, the University expects to be able to collect appropriate information from all the parties involved. Anonymous complaints will therefore not be accepted. There are other routes (such as the Students' Union or Staff/Student Liaison Committees) where a concern can be raised anonymously if required.

3.7 Those investigating or adjudicating upon a complaint at any stage of the procedure will do so impartially. Anyone with a material personal interest in the complaint will neither investigate nor adjudicate.

3.8 Every effort will be made to adhere to the time limits set out in this procedure. However, the timescales may be varied by mutual agreement in individual cases. The parties to the complaint will receive an explanation of the delay and be advised of when progress is expected.

3.9 At any meeting held as part of the complaints procedure, the student will have the right to be accompanied by one person (for instance, a representative of the Students' Union) as will any other parties to the complaint. Those accompanying shall not normally be professional legal representatives, and in the case of members of staff, will either be a work colleague or Trade Union representative. Other matters of procedure for such meetings not set out in this procedure will be at the discretion of the Head of Department / Service or Review Panel as appropriate.

3.10 If a student fails to attend a meeting (which could be by Skype or in the form of a telephone call if both parties are not present at the University) in respect of their complaint within fourteen days, the investigation will continue and be concluded in their absence.

3.11 Where a deficiency in provision or process is acknowledged, a complaint may be addressed by offering an apology or an acceptable explanation for the deficiency, by undertaking to implement future improvement, or by a mutually acceptable course of action to address the individual circumstances of the case.

3.12 The University Mediation Service is available to assist all parties to a complaint to find their own solution. If at any stage in the complaint process the parties believe that the complaint could be resolved through mediation, the University Mediation Service may be used. This service is accessed through the Head of Student Services or the Mediation Service Manager. Normally mediation will form part of an informal attempt to resolve the complaint (Stage 1 of this procedure). If the parties decide to attempt to resolve the complaint through mediation once a formal complaint has been made (under Stage 2 of this procedure) the formal process will be suspended whilst mediation takes place, with the length of the suspension being agreed by all parties.

3.13 A complainant is strongly advised to report matters, which they suspect are criminal offences, to the police. Where criminal proceedings are under way, the University may delay the progression of any complaint relating to the same matters until after the outcome of the proceedings is known.

3.14 If the complaint is about the Head of Department / Service, advice should be sought from the Office of the University Secretary in respect of to whom the complaint should be submitted. If the complaint directly affects the Office of the University Secretary, the role of the University Secretary at Stage 3 would be taken by the Pro-Vice-Chancellor (Learning and Teaching).

3.15 Students will not be disadvantaged as a result of raising a matter of concern or of making a complaint, provided it is made in good faith. Where a complaint is shown to be vexatious, the complaint shall be rejected and disciplinary action may be taken.

3.16 The University recognises that making a complaint can be stressful and burdensome for all parties involved. Students are therefore advised to seek advice and guidance before making a complaint from the Students' Union Advice and Representation Centre (Tel: 01225 386906, Email: suadvice@bath.ac.uk).

**Procedure**

4.1 The three stage complaints procedure is as follows:

**Stage 1 - Informal Complaint**

4.2 It is expected that most complaints can be resolved at an early stage by discussing the matter informally at a local level at the earliest opportunity. A student should therefore bring the matter to the attention of an appropriate member of staff, who will aim to resolve the matter by informal discussion. For example, if the complaint concerns academic matters, a student might wish to take this up with their Personal Tutor / Research Supervisor / Director of Studies, or with another member of academic staff. If the complaint is about a University service, then the student should talk to an appropriate member of staff from that service. If there is any doubt regarding who to contact, or if the student feels it is more appropriate, the Head of Department or Service should be contacted.

4.3 Recipients of informal student complaints are responsible for addressing them promptly and fairly. The recipient will normally let the student know (or arrange for a colleague to do so) within five working days of receiving the initial complaint what steps (if any) will be taken to address the complaint and the expected timescale, and advise to whom they should submit a formal complaint if they are dissatisfied with this outcome.

4.4 It should be noted that this stage will normally be an informal oral process (or via email if face to face contact is not possible), but where proportionate to do so any agreed action should be confirmed (normally by email).

4.5 Any staff involved will be encouraged to share the experience where the effectiveness of their Department or Service could benefit. It is expected that the majority of complaints will be resolved in this way.

**Stage 2 – Formal Complaint**

4.6 If a student has attempted to resolve matters informally but is not satisfied with the outcome, they may elect to proceed to the next stage by submitting a formal complaint within fourteen calendar days of receiving the outcome of their informal complaint. A student may also submit a formal complaint if the issue involved is too complex or serious for informal resolution. At this point, students may wish to seek advice from the Students' Union on how best to progress their complaint. The student must submit their complaint by means of a Student Complaint Form and submit it to the Head of the Department or Service concerned. If a student is unsure who to submit their formal complaint to, they should seek advice from the Office of the University Secretary.

4.7 If a student has made an allegation under the Dignity and Respect Policy and the informal process has not resolved the issue to the student's satisfaction they may submit a written complaint to the Head of the Department or Service concerned, with a copy sent (if the complaint is against a member of staff) to the relevant HR Manager, to be considered as a formal complaint under this procedure. At the outset the Head of Department / Service should seek advice from Human Resources (where the complaint is against a member of staff) or from Student Services (where the complaint is against a student).

4.8 The student should keep a copy of their complaint and any other documentation submitted for their own records.

4.9 The Head of Department / Service should acknowledge the complaint within five working days of receipt, and at the same time notify the Director of Academic Registry and Head of Student Services. The Director of Academic Registry and / or the Head of Student Services may at this point contact the Head of Department should they feel it would be appropriate for them to become involved in the investigation of the complaint. In any event, the Head of Department is free to consult either post holder if they consider it appropriate.

4.10 The complaint will be investigated by the Head of Department or Service concerned (or their nominee), who will arrange to meet with the student to discuss their complaint in detail. If a meeting is felt to be inappropriate, undesirable or unnecessary, the Head of Department / Service may, with the consent of the student, dispense with a meeting and conduct their investigation by other means.

4.11 At this meeting the student may be accompanied by one other person (as set out in paragraph 3.9), who may participate in the proceedings. Other parties to the complaint may also be invited to attend the meeting at the discretion of the person investigating the complaint.

4.12 The meeting will follow this format:

- The student will be asked to explain their complaint and present any supporting evidence, with the assistance of their companion as necessary, following which they may be asked questions by the Head of Department / Service (or their nominee), and by any other parties to the complaint present;

- If present, other parties to the complaint will then respond to the complaint, with the assistance of their companion(s) as necessary, following which they may also be asked questions by the Head of Department / Service (or their nominee) and the complainant. If not present, the Head of Department / Service (or their nominee) will make any necessary enquiries.

4.13 The student will receive a full written response to their complaint, which should detail the nature of the complaint, the findings of any investigation carried out, and the points covered in the meeting. The student should receive this written response within twenty-eight calendar days of submitting a formal complaint (or forty-two calendar days when a complaint is submitted during or shortly before a vacation). If this is not possible, the student will be informed in writing of the progress being made towards the consideration of their complaint and given a timescale for completion. In either event, the Head of Student Services and the Director of Academic Registry should receive a copy of the correspondence.

4.14 If the complaint is considered justified, the student will be informed of the action taken to resolve or redress the complaint. If the complaint is not upheld, then the student should receive an explanation of the reason for this decision.

**Stage 3 - Review by the University Secretary**

4.15 If the student is not satisfied with the decision taken in respect of their complaint under Stage 2 above, they may request that a review of the case be carried out by the University Secretary. Such a request must be made in writing within fourteen calendar days of the student being notified of the outcome of Stage 2. The request should state the grounds for review, which should meet one of the following criteria:

- That there were procedural irregularities in the investigation of the complaint; or

- That fresh evidence can be presented which was not or could not reasonably have been made available to the investigation; or

- That the finding of the investigation was inappropriate in light of the evidence.

4.16 If the University Secretary is satisfied that a review is justified, he / she will have discretion to either:

- Make a judgement on the complaint based on the written evidence; or

- Establish a Review Panel to examine the evidence and come to a judgement on the complaint. The Review Panel will normally comprise one lay member of Council and two members of staff chosen by the University Secretary, of

which he / she may be one. All members of the Review Panel will have had no previous association with the case.

4.17 When undertaking a review, the University Secretary or Review Panel has the power to overturn any decision made under stage 2 of this procedure.

4.18 If a Review Panel is established, the student will have the right to attend a meeting to explain their complaint, and be accompanied at this meeting by one other person (as set out in paragraph 3.9 above), who may participate in the proceedings. Other parties to the complaint, and / or their companion, may also be invited to attend the meeting on the same basis at the discretion of the University Secretary.

4.19 Meetings of the Review Panel will follow this format:

- The Student will be asked to explain their complaint and present any supporting evidence, with the assistance of their companion as necessary, following which they may be asked questions by the Panel, and by any other parties to the complaint;

- The other parties to the complaint will then respond to the complaint, with the assistance of their companion as necessary, following which they may also be asked questions by the Panel and the complainant.

- Both parties will be asked to sum up, following which the Review Panel will come to a judgement on the complaint.

4.20 If the University Secretary makes a judgement on the complaint based on the evidence already in his/her possession, the student will be notified of the outcome of the review in writing normally within twenty-eight calendar days of submitting a request for review. If a Review Panel is convened, the student will be notified of the outcome in writing within one week of the meeting of the Review Panel. If the complaint is upheld the student will be informed of any action to be taken to resolve the matter. If the complaint is not upheld, the student will be informed of the reason for this decision, and the University will also issue a completion of procedures letter to the student stating that the University's internal complaints procedures have been exhausted.

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

5.1 If recourse to the University's internal procedures has not resulted in the resolution of a complaint to the student's satisfaction, they have the option to pursue it with the Office of the Independent Adjudicator for Higher Education (OIA). Where a case is considered eligible, the OIA will provide independent adjudication on the resolution of complaints, once the institution's internal procedures have been exhausted. The Students' Union's Advice and Representation Centre can advise on this external review process. The OIA website can be found at: http://www.oiahe.org.uk.

## 6. Monitoring

6.1 Heads of Department / Service will keep a record of all formal student complaints received.

6.2 Boards of Studies will receive an annual summary of the formal complaints submitted within their Faculty / School so that experiences can be shared, and where appropriate changes to procedure / practice made to ensure the University meets the highest possible standards. This information will then be forwarded to the Office of the University Secretary.

6.3 Professional Service Heads of Department / Service will supply an annual return direct to the Office of the University Secretary.

6.4 An annual report summarising all formal student complaints received by the University shall be submitted to the Council / Senate / Students' Union Committee for consideration, and reported to Senate and Council.

6.5 The details of those students raising complaints will be checked against information held centrally by the University to enable equality monitoring to take place.

6.6 The effectiveness of these procedures will be reviewed and if necessary updated on a regular basis.

## 7. Further Enquiries

7.1 If you have any queries in respect of the Student Complaints Procedure, please contact the Office of the University Secretary. Email: studentcomplaints@bath.ac.uk, telephone: 01225 385398.

## 8. Alternative Formats

8.1 If you require this policy in an alternative format please contact the Office of the University Secretary. Students who wish to submit a complaint and require documents in alternative formats should indicate this when making the complaint.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 1st August 2016*