

**University of Lancaster**

**Student Complaints Procedure**

**Student Complaints Procedure:**

**A. Definition and Scope:**

1. What is a student complaint?

A student complaint is a formal expression of dissatisfaction made by either a single or group of students against the whole or a part of the University for which an identifiable outcome is sought. A student complaint is made by either a single student or by a group of students; only in very exceptional circumstances can it be made by someone else acting as a third party advocate (advice on exceptions is available from the Complaints Coordinator).

2. What is not a student complaint?

A student complaint is not a student appeal (a request for a formal reconsideration of academic results). For appeals processes see the MARP section E4 ([http://www.lancs.ac.uk/celt/celtweb/marp\\_e](http://www.lancs.ac.uk/celt/celtweb/marp_e)). Neither is a student complaint the way to express dissatisfaction against University policy. Dissatisfaction on this should be directed to the appropriate University governance structures, advice on which is available via Lancaster University Students' Union (LUSU).

3. Who can complain and about what?

3.1 The procedures that follow apply to complaints made by current Lancaster University students or leavers within one month of the date of their graduation or withdrawal (complaints beyond this period may be accepted if exceptional circumstances apply), in respect of:

- the delivery and/or management of an academic module or programme, or supervised research (although some aspects of supervision will be considered as academic appeal rather than complaint);
- any services provided by academic, administrative or support services (other than LUSU, who will operate to their own Complaints Procedure).

3.2 Student complaints may be lodged against:

- members of University staff;
- constituent elements of the University (departments, Faculties, the Library, Colleges, administrative or support services, et al.);

- the entire University (via the University Secretary).

3.3 Under these procedures, students cannot complain about:

- other students;
- persons on campus who are not members of the University;
- on campus facilities over which the University has no authority (e.g. commercial businesses, transport links, et al.);

Students wishing to complain about these areas can seek the advice of either LUSU or the Complaints Coordinator as to how best to take them forward.

3.4 These procedures also do not apply to dissatisfaction about:

- decisions of Boards of Examiners or other academic matters governed by the Academic Review and Appeal Procedures (i.e. matters of academic judgement);
- actions and behaviours where other University procedures apply and take precedence;
- any potential breach of criminal law (these should normally be referred to the police);
- decisions made by College Deans/University Dean in line with the Rules of the University.

**B. Main Principles and Complaints Coordinator**

1. The complaints procedures abide by the following principles:

- i. Lancaster University is committed to providing its students with a high quality learning experience. Where it falls short of this it both wants to be informed and to seek to rectify the failure.
- ii. It is accepted that the vast majority of concerns raised by students are best answered or resolved quickly and informally by direct contact between the student and the relevant department/section, without the need for the more formal processes prescribed by this Procedure.
- iii. If students feel they have reasonable grounds for complaint, they will not be hindered in making a complaint. All parties will act without bias or prejudice, with the objective of establishing the facts and coming to a reasonable and just resolution, which is relevant and proportionate.
- iv. Students seeking guidance on how to make a complaint will have easy access to timely and accurate advice.

- v. Complaints will be dealt with in a timely manner and students will be kept informed of the progress of the investigation at every stage (a timeline for the complaints procedures is attached as appendix two).
  - vi. No students should be disadvantaged for making complaints in good faith, and all reasonable complaints will be taken seriously and dealt with according to the agreed procedures. However, if it is established that complaints are frivolous or spurious, then they will not be considered reasonable, and the University may take disciplinary action against students making such a complaint.
  - vii. The University will deal with all complaints confidentially, and expects all parties involved (including students) to honour this approach. Breaches will be dealt with under University disciplinary procedures. Unless there are exceptional considerations, any person who is the subject of a complaint has the right to be supplied with a copy of the complaint, and to comment on it.
  - viii. Members of staff who receive anonymous complaints will not investigate such complaints unless there is compelling evidence of a valid case and good reason why the students in the case would need to protect their anonymity.
2. The University will appoint and maintain a Complaints Coordinator who will oversee this process and provide advice to all parties on process. The Complaints Coordinator will be a member of the University Secretariat, the independent judiciary of the University, and will take no decisions about the outcome of any complaints at any stage. Any evidence of breaches of the principles as set out above should be brought to the attention of the Complaints Coordinator for investigation. The University Complaints Coordinator is available to all, both students and those subject to complaint, to provide advice on process. The Complaints Coordinator is not, however, an advocate for either party and will neither hear evidence nor play a formal role in the complaints process. The Complaints Coordinator will play an advisory role in appeals and acts as the primary liaison person with the Office for the Independent Adjudicator (see sections F and G below).
  3. Should a student wish to register a complaint against the Complaints Coordinator it should be sent to the Academic Registrar.

### **C. Informal Process**

1. Many complaints are the result of either a misunderstanding or a lack of communication and can be resolved easily at a 'local' level. Every effort should be made to solve complaints quickly and without these formal complaints procedure. In the first instance, the student wanting to complain should contact the member of staff who is most immediately relevant (either the subject of the complaint or the person best in a position to fix the problem). If the student feels unable to approach

this person directly, then they should speak to the Head of Department, College Principal or equivalent senior member of staff who will be able to advise them where to go for help in making their complaint. Alternatively, advice can be sought from a LUSU Advisor (<http://advice.lusu.co.uk/>) or the Complaints Coordinator. It is expected that students will be able to show evidence of informal attempts to solve issues within any formal complaint.

#### **D. Formal Process: First Stage**

1. If informal processes do not succeed in solving issues satisfactorily students should invoke the formal complaint procedures. Normally, a formal complaint should be submitted within one month of the issue giving rise to the complaint. A single complaint form (available at <https://gap.lancs.ac.uk/complaints/Pages/default.aspx>) should be sent to the appropriate Head of Department, College Principal, Faculty Dean, head of service or officer with relevant operational responsibility. Where more than one student is complaining together they will need to nominate one person to be the named contact. The form can be submitted by a third party advocate only in very exceptional circumstances (advice available from the Complaints Coordinator). The form will include: the basis for the complaint, what evidence is available to support it, what actions have already been taken and what outcome is being sought. The student (or named contact) will receive a written acknowledgement of the complaint normally within 5 working days. The submission of a completed form constitutes the formalisation of the complaint, and all future correspondence regarding the complaint will be kept on record.
2. The Head of Department, College Principal or equivalent will either investigate the complaint personally or nominate a relevant individual. This individual will be someone who has not previously been involved in the specific elements of the complaint, but who is aware of the relevant issues (for example a relevant Director of Studies or senior member of the College). The Head of Department or nominee will investigate the evidence surrounding the complaint, including but not limited to that supplied by the student; a personal hearing with the student will always be offered as part of the process of evidence gathering, at which the student may be accompanied by a fellow member of the University. It is also expected that the investigator will meet with the person(s) that are the subject of the complaint.
3. Following the investigation, the Head of Department or nominee will produce a written report which summarises the evidence and proposes recommendations against the outcomes proposed in the complaint form. This will be sent to the student normally within twenty working days of the formal complaint having been received. Should additional time be required this will be communicated along with reasons why. Should the recommendations be acceptable to everyone concerned they will be formally recorded as the resolved outcome of the complaints procedure. Copies of these agreed reports will be lodged with the University Complaints Coordinator, so as to maintain an institutional record and to allow systemic issues to be identified and investigated.

## **E. Second Stage**

1. Should the first stage of the formal complaints procedure fail to reconcile the parties, i.e. either the student(s) or the person(s) at whom the complaint was raised refuse to accept the recommendations of the complaint report, a second stage institutional-level procedure is available. This is a chance for students to ask the University to consider their case, and is an automatic right. In exceptional circumstances it may be the case that students can waive the first stage and go straight from informal processes to institutional-level. Advice on where this would be appropriate can be sought from the Complaints Coordinator.
2. For the institutional-level complaint process, either the same complaint form and evidence used in the first stage can be used or the student may produce a new form and submit it, along with relevant evidence, to the University Complaints Coordinator. This should normally happen within 5 working days of the student receiving the report of the first stage.
3. The Complaints Coordinator will acknowledge the receipt of the complaint form from the student and inform the Head of Department, College Principal or equivalent that a second stage complaint is going forward, normally within 5 working days. The Complaints Coordinator will nominate a member of the Secretariat to manage the procedure. This person will initially familiarise themselves with the case using the documented evidence, i.e. the complaint form (or forms if a separate second stage form has been produced), the evidence provided alongside this and the report produced from the first stage. Before moving to the second stage, and within ten working days, the member of the Secretariat will determine whether any of the following apply:
  - That due process was not followed in the first stage. If this is deemed the case the member of the Secretariat will advise on how due process can be completed;
  - That mediation can be sought between the student or students and that element of the University to which the complaint has been directed. If this is deemed the case advice will be given as to how this mediation can be taken forward;
  - That the complaint is vexatious. If it is deemed that the complaint is vexatious (i.e. does not fit the principles detailed above) the member of the Secretariat will advise the Complaints Coordinator who, if satisfied, will issue a Completion of Procedures letter, informing the student that their complaint is not reasonable and will not be pursued, and giving reasons for this. Students may appeal against this decision to the Academic Registrar, who can over-rule the Complaints Coordinator and require that the complaint move forward to the formal second stage.

Should it be deemed that none of the above apply, the member of the Secretariat will proceed to the formal second stage.

4. There will be a Complaints Panel comprising nominated people with appropriate knowledge and expertise selected from across the University, who have been trained in the correct procedures for investigating complaints. Appendix one provides additional information on the composition and remit of the Complaints Panel.
5. The Complaints Coordinator will identify a member of the Complaints Panel and pass their name to the member of the Secretariat managing the process. The student as well as the Head of Department, College Principal or equivalent will be informed of who will be dealing with their complaint and the expected time-scale for the investigation.
6. The Panelist, supported by the member of the Secretariat, will investigate the complaint using the written evidence as the basis, but having the authority to request additional evidence as required, including that otherwise precluded under data protection (for example, student records, etc.). Any additional evidence requests will be made known to both student and Head of Department or equivalent.
7. The student will have the right to a personal hearing with the person investigating the complaint. The student is entitled to be accompanied to this hearing by another member of the University. LUSU has student advisors available. The member of the Secretariat will be present at this hearing and will keep a formal record of proceedings which will be subsequently approved by both students and Panel member.
8. At the complaints hearing, the student will be given an opportunity to present their case and evidence supporting the complaint. The person against whom the complaint is raised is also entitled to a hearing, and may be accompanied by their Head of Department or equivalent or another member of the University. All information used by the investigating person to reach a decision will be shared with both parties, so that they can contest or clarify the information.
9. Once the investigation is complete, the Panelist will write to the student, normally within 5 working days of the hearing, with details of any findings and outcomes. The findings and outcomes of the Panelist carry the authority of the University. In the outcomes the Panelist has the authority to require:
  - acknowledgement of culpability / fault;
  - actions to rectify the specific causes of the complaint (which may or may not directly correspond to the desired resolutions of the student);

- financial compensation or reimbursement (as deemed appropriate following advice).

10. The Panelist does not have the authority to require:

- changes to University policy or procedures (although reviews may follow as a consequence of complaints);
- disciplinary action to be taken against members of the University (although if subsequently actions are taken against members of the University following prescribed University procedures, the outcomes of the complaints procedures may be used as an element of that process).

11. The student's receipt of the findings and outcomes constitutes the completion of the formal complaints procedure, a copy of which will be kept by the Complaints Coordinator as a permanent record.

**F. Appeal**

1. If, following the completion of the complaints process students are not satisfied that the procedures have been followed properly, they have the right to appeal the decision. The only purpose of the appeal, however, is to review the process by which the complaint was considered; it is not an additional opportunity to have a complaint heard owing only to dissatisfaction with the outcomes. If a student requests an appeal all outcomes from the complaint procedures will be suspended pending the outcome, including any financial compensation or reimbursement.
2. The request for an appeal must be made to the Complaints Coordinator within 10 working days of the completion of the stage two complaints procedure.
3. Normally an appeal will take place only if the student can demonstrate:
  - (a) that there exists evidence, not previously made available to the process, which could not reasonably have been brought to the Panelist's attention before or at the time he/she made their decision; or
  - (b) an alleged procedural irregularity on the part of the Panelist and/or member of the Secretariat who made the decision.
4. Any request for an appeal with accompanying evidence must be supplied to the Complaints Coordinator in writing (if additional time is required to collect the necessary evidence, this can be agreed with the Complaints Coordinator). The Complaints Coordinator will review the case, and if it is considered that there is no ground for an appeal then the student will be informed in writing that their appeal will not be heard and of the reasons for this decision. They will also be provided with a formal completion of procedures letter which will allow them to proceed to external review should they wish to do so (see section G below).

5. If the Complaints Coordinator considers that there is a valid reason for an appeal, then the appeal will be referred to an appropriate senior officer of the University appointed by the Vice-Chancellor.
6. The senior officer will initiate an appeal, and inform the student what action they plan to take and the time scale over which the review will take place. The senior officer will conduct an investigation, supported by the Complaints Coordinator or a nominee, and has the authority to either uphold the complaint outcomes or to overturn them in the students favour. The senior officer will not overturn favourable outcomes agreed as part of the complaints process. Should the decision be to overturn, the senior officer then has authority as the Complaints Panelist as described in sections E9 and 10 above.
7. The student will have the right to a personal hearing with the person hearing the appeal. The student is entitled to be accompanied to this hearing by another member of the University. LUSU has student advisors available. The Complaints Coordinator or nominee will be present at this hearing and will keep a record of proceedings.
8. Following the appeal the senior officer will write to the student detailing the findings, and what actions will be taken, if appropriate. The decision of the senior officer is final, and constitutes formal completion of procedures. A copy of the response will be retained by the Complaints Coordinator.

#### **G. External Review**

1. Once all internal complaints procedures have been exhausted, if the student is still not satisfied they have the right to take the case to the Office of the Independent Adjudicator (OIA) for Higher Education, for further review. The application to the OIA must be made within 3 months of the issue of the "Completion of Procedures" letter. Information about OIA and its processes can be found at [www.oiahe.org.uk](http://www.oiahe.org.uk).

#### **H. Contacts**

1. The current Complaints Coordinator is Mr John Dickinson, Senior Assistant Secretary. He can be contacted as follows:

e-mail: [j.dickinson@lancaster.ac.uk](mailto:j.dickinson@lancaster.ac.uk)

telephone: 01524 592365

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Senior Assistant Secretary  
Lancaster University  
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### **Appendix One: Complaint Panel**

1. The Complaints Panel is the body of the University from which persons are drawn to hear stage two student complaints. It also acts to review the complaints processes within the University and to recommend actions to be taken as the result of systemic issues being identified through the complaints process.
2. Panelists are nominated by the Head of Section (who may nominate themselves) to serve three year renewable terms.
3. Panelists will hear a maximum of two complaints per year. Additional panelists will be appropriated if and when required.
4. All Complaints Panelists will meet on an annual basis with the Complaints Coordinator to review complaints procedures and to identify any systemic issues. An anonymised report of this meeting identifying actions will be registered with appropriate University governance structures and formally reported to the Senate.

#### **Membership**

- 3 nominations from the Faculty for Arts and Social Sciences
- 3 nominations from the Faculty for Science and Technology
- 3 nominations from the Lancaster University Management School
- 2 nominations from the School of Health and Medicine
- 3 nominations from Central Services
- 1 nomination from the Library

**Appendix Two: Complaint Procedures – Timeline in Summary**

**Formal Process: First Stage**

Student submits formal complaint

(usually within one month of the issue giving rise to the complaint)



Within 5 working days:      Written acknowledgement of submitted formal complaint



Within 20 working days:      Written report provided to the student

**Formal Process: Second Stage**

Student submits formal complaint to the University Complaints Coordinator



Within 5 working days:      Written acknowledgement of submitted Second Stage complaint



Within 10 working days:      University Secretariat to confirm if the complaint is to proceed to second stage investigation.



Investigation undertaken by member of University Complaints Panel, which will include opportunity for student to join a personal hearing.



Within 5 working days:      Upon conclusion of investigation, the Panelist will write to the student with details of any findings and outcomes.



Within 10 working days:      Student may make request for an appeal of the outcome, accompanied by evidence in writing.