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| 2.1 | 2020 | Minor amendments approved by Council Chair's action on 16 October 2020 to reflect the change from Colleges and Student Experience Committee to Student Experience Committee and to provide greater clarity to Complaints Panels regarding of the ability to adjourn to seek additional information and sharing panel recommendations. The changes were implemented from 19 October 2020. |
| 3.0 | 2023 | Amendments deemed sufficiently minor so as not to require Council approval, were approved by Student Experience Committee on 17 May 2023 for implementation from 29 September 2023. |
| 4.0 | 2024 | The Student Complaints Procedures were revised and agreed by Council on 5 July 2024 to incorporate recommendations from the Office of the Independent Adjudicator (OIA), Draft Guidance from the Office for Students (OfS) regarding complaints relating to Freedom of Speech and feedback from the Students' Union. The changes were implemented from 1 August 2024. |
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| 4.2 | 29 July 2025 | Minor amendment agreed through delegations to the Deputy Chief Executive (Operations) to related to compliance with OfS regulations around freedom of speech. |

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| 4.3 | 29 July 2025 | Amendments agreed via Student Experience Committee (SEC) and Senate in relation to the procedures around review of student casework, confirmed by SEC Chair's action. |

# Student Complaint Procedures

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# Student Complaint Procedures

## SC1 Introduction

SC1.1 This document sets out the University's student complaint procedures, including the opportunity for external review by the Office of the Independent Adjudicator once all internal processes have been exhausted.

SC1.2 Advice on how to use this procedure is available from the Governance Team within the division of Strategic Planning and Governance as well as the Students' Union Advice Team a free, non-judgemental, and confidential support service.

## SC2 Definition and Principles

SC2.1 Lancaster University defines a complaint as a statement of dissatisfaction by one or more students or recent former students about the University's action or lack of action in relation to standards of service which requires a response. The University's standards of service are understood through the terms and conditions for students as found here and as articulated in university documentation.

SC2.2 The Student Complaint Procedures sets out how a formal complaint can be raised and how the University manages the process based on the following principles (for further details see annex 1, section SC.A.12).

(a) The University welcomes reasonable complaints.

(b) No one will be disadvantaged for making a complaint in good faith.

(c) The objective is to establish the reasonable probability of fact and come to a relevant and proportionate resolution.

(d) The University will act in a fair and prompt manner and expects the same of all involved.

(e) The University will handle all complaints confidentially within the process, as far as it is reasonable, and expects the same of all involved.

If a Complainant thinks that any of these principles are not being followed, they should bring this to the attention of a Complaints Co-ordinator.

## SC3 Who can complain?

SC3.1 This procedure is available to all students registered on a Lancaster University award. It is also available to those who have left the University for up to three months (see also SC A.4).

SC3.2 For some awards offered with a partner organisation or at a branch campus some aspects of the procedure are delegated for management, you may wish to speak with Governance Services who will be able to advise.

SC3.3 This process is not available to:

- members of staff (except those who are also registered as a student, and then only to matters related to their student status);
- those applying to come to Lancaster University;
- those in other relationships with the University (for example commercial businesses, sports membership, etc.);
- persons in no formal relationship with the University.

SC3.4 Anyone wanting to complain on behalf of someone eligible to make a complaint can only do so with that person's explicit consent.

SC3.5 Students can be represented within a formal complaint process by a third party such as a member of the Students' Union Advice Team. The University will require formal confirmation of representation in a timely manner from the person complaining. The University will accept legal representation but does not encourage it (see section SC.A.11).

**SC4 What can be complained about?**

SC4.1 This is one of several student-facing procedures at Lancaster University with different processes designed to manage difference aspects effectively.

SC4.2 These procedures will normally be used where a Complainant considers that Lancaster University has:

- failed in an aspect of service delivery which has had a material negative impact on the student
- provided misleading or incorrect information which has had a material negative impact on the student;
- unsuccessfully managed events that have caused significant disruption to normal delivery of services;
- failed to manage staff effectively leading to, for example, bullying or harassment. (This could involve a parallel process managed through the division of People and Organisational Effectiveness.;
- failed to manage a service delivered by another organisations or contractors on behalf of Lancaster University. (This could be alternately managed either by or in parallel with the other organisation's procedure.);
- ineffectively delivered a programme, teaching, support service or administration;
- not met its obligations as set out in the terms and conditions, course handbooks, or other documents;
- supplied poor quality learning resources or facilities.

SC4.3 Lancaster University will not normally use these procedures for the following concerns and manages them by the alternate procedure indicated in brackets.

- A dissatisfaction with the outcomes and decisions of Boards of Examiners or other academic matters (Academic Appeals).
- A concern about student conduct (Student Discipline or Academic Malpractice).
- A matter relating to a disagreement on tuition fees (Fee Appeal – noting that the Student Loans Company has its own complaint process).
- A matter relating to an outcome under other University regulations, for example fitness to study (Supported Study and Fitness to Study Policy and Procedures).
- A minor fault in the University's facilities and buildings (PlanOn).
- Dissatisfaction with services offered on campus by other providers, such as commercial tenants (these can be either taken up directly with the provider or via the University's Commercial Services).
- Actions that are or potentially are criminal (see section SC.A.11.2).
- Lawful expression of a particular viewpoint (complaints which relates to matters involving Freedom of Speech will be subject to separate processes).

SC4.4 Where dissatisfaction relates to the outcomes of one of the processes in SC4.3 the review mechanism within that process rather than the student complaint procedure will be used to address this, subject to SC4.5 below.

SC4.5 The University recognises that some concerns can cover elements from both SC4.2 and SC4.3 above. Where this is the case, the University will engage with the Complainant to agree how to manage these in the most effective way, recognising that this could involve combining processes and/or running them in parallel or in series. Such an approach would be subject to the same initial requirements as set out in section SC6 below but would then diverge at the University's instigation and by mutual consent.

SC4.6 The Students' Union is a separate organisation and has its own complaint process for its services. In limited circumstances (see Students' Union procedures) those dissatisfied with the outcome of those procedures can have this reviewed by the University following the review process as referenced in section SC7 below.

**SC5 Putting it right without a formal process**

SC5.1 Many issues can be sorted without the need for formal processes. The University encourages attempts to resolve concerns informally where this is appropriate (wholly recognising that some will require formal consideration from the start). This could be done with discussions with those providing the service or engaging with a manager such as a Head of Department or College Principal, particularly where the Complainant does not feel comfortable approaching someone directly. The Students' Union Advice Team will also support this.

SC5.2 Starting a formal procedure does not mean that it needs to finish. Should at any point in the procedure an informal resolution be proposed and accepted by everyone involved the formal procedure will stop.

**SC6 Requirements for a formal complaint**

SC6.1 Complaints can be submitted via:

- the online Complaint Form or
- writing an email to complaints@lancaster.ac.uk

University Complaints Co-ordinators can be approached via email (complaints@lancaster.ac.uk) to discuss alternate formats and in exceptional circumstances a Complaints Coordinator has the discretion to accept complaints via other routes, for example, through direct communication.

SC6.2 Regardless of format, a formal complaint is expected to include these six elements.

1. Details to identify those making the complaint (normally name and student ID).

2. A clear identification of the complaint, i.e. a description of what service(s) had led to dissatisfaction and why.

3. As appropriate (see SC5.1 above) a summary of what informal actions have already taken and why these have been unsuccessful.

4. Evidence to support each element of the complaint (see section SC.A.1).

5. A description of how the dissatisfaction can be put right (see section SC.A.2 on remedies).

6. Information on whether the same issues have been raised through other processes (internal or external).

SC6.3 Formal complaints require a declaration stating agreement with the process, including for example, processing arrangements, handling personal data, use of third party (for example for information gathering), etc. When submitting a complaint to the above email address individuals will be asked to agree to the same terms as those outlined within the online Complaint Form. Any concerns relating to this can be discussed with a Complaints Co-ordinator.

SC6.4 There is an expectation that the complaints process will be paperless except by reasonable specific request.

SC6.5 The University recognises it is best to address complaints in a timely manner. The University commits to ordinarily complete complaint processing within ninety days of formal receipt and expects those complaining to be similarly timely. A complaint must be submitted within three months of the final element of the event(s) that led to the dissatisfaction, including for those who complete their registration with Lancaster University. See section SC.A.4 for further details and variants on timings to recognise both complexity and exceptional circumstances.

**SC7 The route through the complaints process**

The sections below outline the formal route through the University's student complaint processes, the process for most individuals. Where reasonable the University will accommodate additional needs within these processes to support those making a complaint.

SC7.1 *Submission*

If the individual is unable or unwilling to seek informal resolution (see SC5 above), the complaint should be submitted as set out in SC6 above.

SC7.2 *Initial Review*

SC7.2.1 Once the individual (the '**Complainant**') has submitted a complaint it will undergo an initial review by a Complaints Coordinator. The Initial Review marks the first element of the complaints process to decide whether the complaint submitted meets the necessary criteria for it to be eligible.

SC7.2.2 The criteria are:

- it must provide the elements specified in SC6.2;
- it must meet the eligibility criteria as specified in SC4.2;
- it must be within the timescales stipulated for receiving a complaint as per SC6.5.

SC7.2.3 As part of this review a Complaints Coordinator expects the student to have submitted all relevant evidence with the complaint. Coordinators may, at their discretion and in exceptional circumstances, request further evidence from the

Complainant where insufficient materials have been provided to support the complaint or ask questions of clarification to the Complainant where details are unclear.

SC7.2.4 The Complaints Coordinator, if this has not already happened via the student using the complaint form, will signpost the Complainant to support that is available from the Lancaster University Students' Union Advice Service.

SC7.2.5 Once the Initial Review is complete, one of the following outcomes will be communicated to the Complainant by a Complaints Coordinator:

(1) the complaint meets the criteria for formal consideration (here information is provided as to how it will proceed to the next step in the process); or
(2) the matter is referred to an alternate more appropriate procedure or combined with such a procedure (see section SC4.3); or
(3) an explanation along with a Completion of Procedures letter is provided to the Complainant outlining why no action can be taken and explaining how the complainant can access the Office of the Independent.

SC7.3 *Gathering information: The Complaint Report*

SC7.3.1 If a complaint meets the criteria for formal consideration, a person identified from train ed staff within the University will gather the information relating to the complaint, compiling the information into a 'Complaint Report'. In some cases (for example the legally complex) the University may appoint this person from a trusted external organisation.

SC7.3.2 This step is to determine the circumstances of the complaint in reasonable detail and produce a Complaint Report so that when a Complaint Panel is held, that Panel has sufficient information to make a decision. This will normally involve meetings with the Complainant and any other parties deemed pertinent to the complaint, e.g. staff, students or other third parties.

SC7.3.3 This is a neutral process, and the Complaint Report contains no opinion or recommendation other than to identify areas that a Complaint Panel may wish to consider as part of its determination.

SC7.3.4 In the interests of transparency, fairness and integrity, this step will be conducted through a process of open correspondence, unless there are reasons for any information or communication to remain confidential such as provisions within the General Data Protection Regulation (GDPR). All parties will see all copies of documentation provided to the Complaint Panel (subject to legal restrictions).

SC7.3.5 If meetings are held as part of the process, notes will be taken, and all parties will be entitled to the approved copy. Failure to approve a document will not restrict its use, but the lack of approval will be noted.

SC7.3.6 Meetings will not be recorded unless there are requirements linked to reasonable adjustment. Requests to record a meeting must be made to the Complaints Coordinator prior to the meeting.

SC7.3.7 The information gathering step is expected to take no longer than one calendar month, except where cases are complex. In these cases, the University will make every effort to communicate a reasonable timeframe to the Complainant.

SC7.4 *Complaint Panel*

SC7.4.1 A Panel will hear the complaint. The role of the Panel is to decide on the aspects of the complaint that have been raised by the Complainant based on the evidence available. No new evidence can be introduced at this stage in the process.

SC7.4.2 The Panel normally will consist of three members of staff, one of whom will chair the meeting. Also normally present at the meeting will be:

- a Complaints Coordinator to advise on process;
- a clerk to take notes of the meeting;
- the author of the Complaint Report.

The University will strive to ensure that the Panel will be inclusive in its representation.

SC7.4.3 Panel meetings normally take place online but in exceptional circumstances in-person meetings may be requested. There is an expectation that panel meetings will be paperless except by specific and reasonable request.

SC7.4.4 The Complainant will be invited to the Panel meeting but is not required to attend and lack of attendance will not stop the Panel meeting proceeding. If attending, the Complainant may be accompanied by someone who can provide support but who will not normally speak on the Complainant's behalf. Alternately, the complainant can be represented as detailed in SC3.5 above. If represented, complainants are still required to attend the Panel.

SC7.4.5 The University reserves the right to refuse the Complainant's choice of representative but will only do so where there is a clear conflict of interest.

SC7.4.6 Formal paperwork associated with the panel will be prepared and finalised by a Complaints Co-ordinator and issued no later than one week prior to the meeting. In exceptional circumstances where this is not possible, or where an amendment is required to the documentation, all those invited to the Panel will be kept informed.

SC7.4.7 Prior to the meeting the Panel will meet in private to discuss the way in which the meeting will operate.

SC7.4.8 If present, the Panel will hear from both the author of the Complaint Report and the Complainant (or representative) during the meeting. A typical structure of the meeting where all are present is as follows but this can vary.

- The Chair will briefly set out the process for the hearing of the complaint including any technical matters involving the management of an online meeting.
- The Complaint Report will be presented via a brief, neutral oral statement from its author.
- The Panel and the Complainant may then ask questions of clarification.
- The Complainant will then be invited to provide a brief oral statement.
- The Panel may then ask questions of clarification to the Complainant. The Complaint Report Author is not permitted to ask questions of the Complainant.
- The Chair will then invite the Panel to raise issues of substance and related questions which will be discussed by the Complainant and the Panel. Discussions will be open and exploratory, designed to establish fact and should not be adversarial. (It is not normally permissible to call witnesses as part of the Panel hearing, as it is expected that discussions will have taken place with these people during the information gathering stage; however, the Chair has discretion as required.)
- The Chair will then invite the Complaint Report Author to provide a brief, neutral closing statement which is limited to drawing the panel's attention to points to aid their deliberation.
- The Chair will then invite the Complainant to make a concluding statement where they will have the opportunity to highlight any issues and draw the Panel's attention to points of relevance.
- The Complainant, their representative and/or support, and the Complaint Report Author will leave the meeting and the Panel will then deliberate in private, using the balance of probability as the standard of proof (see definition section SC.A.13).
- Following their deliberation the Panel will decide either to uphold or dismiss the complaint in whole or in part and agree actions/remedies accordingly. The Panel may also decide to provide a remedy if there have been unreasonable delays in the complaint management process if the cause of these lie with the University.

SC7.4.9 Any requirements to diverge significantly from this will be discussed with all parties and consent sought before proceeding.

SC7.4.10 If the complaint is upheld in whole or in part, the Panel has the delegated authority of the University to provide fair and appropriate remedy subject to the following restrictions. The Panel cannot:

- change an academic decision however, it can require that the decision be reconsidered;
- affect a staff contract however, it can refer a matter for consideration under the appropriate human resources policies;
- impose a disciplinary restriction on a student however, it can refer the matter to the relevant person identified under the Student Discipline Regulations.

SC7.4.11 If required, the Complaints Coordinator can provide advice on the scope of actions/remedies available to the Panel. As per SC.A.12.5.3, the Complaints Coordinator does not have a decision-making role and will only advise the panel on the options available to them.

SC7.4.12 Should additional factual evidence be required to make a decision, the Panel will adjourn whilst either the Complaints Coordinator seeks it (if the information is neutral fact) or the Complaint Report Author gathers it (should the information include opinion and/or interpretation).

SC7.4.13 Once a decision is made, the Complaints Coordinator will contact the Complainant and provide headline outcomes. Should additional time be needed to reach this decision the Complaint Coordinator will keep the Complainant informed. Normally within one working week, the Complaints Coordinator will then provide the Complainant with:

- a copy of the Panel notes which have been approved by the Chair; and
- a formal outcome letter which confirms the outcome of the Panel, the rationale behind the conclusions reached and any recommendations that the Panel may make, along with how the University intends to take them forward and associated indicative timescales.

The letter will also advise the Complainant of their right to refer the matter to review and describe the means to do so.

SC7.4.14 The notes represent the formal record of the Panel meeting.

SC7.4.15 The Complainant will be asked to confirm acceptance of the complaint outcome by return correspondence to a specified deadline. A lack of response from the Complainant will be interpreted as acceptance of the proposed outcome and associated remedies.

SC7.5 *Requests for Review*

SC7.5.1 Following the outcome letter, if the Complainant considers the complaint unresolved, a request for review is available. The procedure and form for requesting a review is found on the Student Casework Review page.

**SC8 Office of the Independent Adjudicator**

SC8.1 Once all internal complaints procedures have been completed, including potentially the review, if the Complainant remains dissatisfied with the way in which the University has attempted to put things right, they have the opportunity 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 12 months of the issue of the Completion of Procedures letter. Information about OIA and its processes can be found on their website.

**SC9 Ownership of Process & Review**

SC9.1 This procedure is approved by Council, acting on the recommendation of Senate. Scrutiny and approval of minor amendments will be taken by the Student Experience Committee (SEC) (or any successor body).

SC9.2 The process is managed within the Division of Strategic Planning and Governance which operates to standard operating procedures approved within the division under the oversight of the Director of Strategic Planning and Governance. The Division also provides the point of contact for the Office of the Independent Adjudicator.

SC9.3 The procedures are reviewed on a regular basis to ensure best practice within the institution and to reflect consistency and adherence with national regulations, as set out by the Office for Students and the Office of the Independent Adjudicator.

**SC10 Variation**

SC10.1 These procedures may be varied by agreement of those involved so long as the variations remain compliant with the principles as set out in SC2.2.

**SC11 Alternative Formats**

SC11.1 If alternative formats of this document are required, e.g. Large Print, Braille etc., please contact complaints@lancaster.ac.uk

# Student Complaint Procedures

## Annex 1

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## Additional Information

This annex sets out further information relating to how the University governs and manages is complaint process.

**SC.A.1 What is considered evidence?**

SC.A.1.1 Processing complaints is an internal process and does not operate using the same laws of evidence used in external process such as the courts. As detailed above, the Complaint Report is a gathering of information and is not a formal investigation with the ability, for example, to take forensic evidence and/or compel witnesses.

SC.A.1.2 Typical evidence in complaints would include (but not be limited to):

- narrative statements;
- emails and other communications;
- screenshots;
- University records;
- external documents pertinent to the complaint (for example medical records);
- witness statements.

SC.A.1.3 As the burden of proof is on the Complainant they are expected to provide this evidence. The Complainant is also expected to provide it in a reasonable and proportionate format. There are no standard means by which this is done, but the expectation is that it will come in a way which is understandable (i.e. all evidence is identifiable) and its pertinence to the complaint will be clear. For example, it would not be acceptable to provide all correspondence with an individual and expect the Complaint Coordinator, the person gathering the information and/or the panel to determine how each piece relates to the complaint.

**SC.A.2 Possible ways a Complaint may be put right**

SC.A.2.1 A Complaint Panel has delegated authority to put things right when a complaint has been upheld in whole or in part with limits as set out in section SC7.4.10.

SC.A.2.2 Whenever a complaint is upheld the complainant will receive a formal apology from the University (noting that apologies from individuals cannot be compelled). In addition, the Panel can agree the following ways to try and put things right.

(1) It can instruct for a process that was not effectively managed to be re-run.

(2) It can instruct a change of circumstance or contractual obligation (for example cancelling a debt where the service was not properly delivered or changing arrangements for supervision).

(3) It can recommend considerations to other bodies, such as exam boards.

(4) It can redress financial loss (noting that this relates to quantifiable and evidenced rather than potential loss).

(5) It can compensate for distress and inconvenience mindful of OIA's guidelines for determining amount.

SC.A.2.3 The Panel can also make recommendations to the University or a part of it (department, professional service, etc.) to review its processes or approach to reflect on what the complaint has brought to light.

**SC.A.3 Prioritising complaints**

SC.A.3.1 The University will endeavour to prioritise complaints where there is a clear risk-based reason to do so. Risk will be assessed by a Complaint Coordinator using a similar understanding of risk as detailed in section 5 of the Student Discipline Regulations.

**SC.A.4 Acting in a timely manner**

SC.A.4.1 The University recognises the expectations of timelines as set out by OIA and aims to complete the procedure within ninety days of formal receipt. However, there are times when this cannot be achieved for good reason such as the complaint being complex or evidence taking time to become available. Where there are delays in the process these will be considered by the Complaint Panel which will decide if this needs to be considered as an additional part of the complaint.

SC.A.4.2 Just as those managing the process will act in a timely manner within these procedures, the University expects all those involved to do so as well. Specifically, this means a failure to meet reasonable deadlines, for example, a deadline for agreeing a meeting or supplying evidence, will result in either the complaint process being stopped for lack of engagement (with no completion of procedures letter supplied), or the opportunity to meet and/or supply evidence being recorded in the Complaint Report as not taken up and the Complaint Panel making its decision based only on what was supplied to it with reasonable timeliness (noting that the latter applies both to the complainant and the service area subject to the complaint).

SC.A.4.3 Extensions on time can be requested from either a Complaints Coordinator or the person gathering the information. Any extension will not be considered part of the ninety days for completion of the procedure.

**SC.A.5 Group complaints**

SC.A.5.1 Where a group considers that they have all been affected by the quality or lack of service they can complain as a group. The group will collectively submit the complaint and nominate a spokesperson for communication. The complaint will be treated as a single complaint as per these procedures with all formal information in the complaint shared with all those involved, including personal sensitive data. Where an individual cannot agree to have this shared within the confidential complaint process, the expectation is that an individual rather than group complaint would be the more appropriate route.

SC.A.5.2 All members of a group complaint will have the same outcome but if the complaint is upheld how this is put right may vary for each member of the group depending on demonstrable personal impact.

**SC.A.6 Anonymous complaints**

SC.A.6.1 The purpose of a complaint to provide a resolution. To do this the Complainant's identity is required. The University, under these procedures, will not consider anonymous complaints. To raise an anonymous concern, for which independently verifiable evidence would be required, students should use the Raising Serious Concerns and Disclosing Public Interest Matters (Whistleblowing) policy where further details are provided.

**SC.A.7 Expressing dissatisfaction with a Complaints Coordinator**

SC.A.7.1 Should the Complainant wish to express dissatisfaction not with the decision but with the conduct of the Complaint Coordinator they should, in the first instance, contact the Director of Strategic Planning and Governance via the contact details available here and provide their evidence to support their dissatisfaction.

**SC.A.8 How personal data is processed by the University**

SC.A.8.1 To facilitate the effective management complaints, the University will need to process personal information relating to the Complainant and potentially other parties. This personal data could include sensitive information (e.g. health information).

SC.A.8.2 The University may obtain this information from the Complainant, from the University or, in some cases, from other organisations (for example, those providing student placements).

SC.A.8.3 In some instances, the University may also need to share personal information with third parties as part of its consideration of a complaint.

SC.A.8.4 The University will process any personal data used during the complaints process in line with its Privacy Notices and in accordance with the General Data Protection Regulation (GDPR) and any complementary national legislation.

SC.A.8.5 Any queries regarding the processing of personal data should be directed to a Complaints Coordinator in the first instance.

**SC.A.9 How long a complaint is held by the University**

SC.A.9.1 A complaint will be held by the University in accordance with its records retention schedules, details of which are available here.

**SC.A.10 How the University learns from complaints**

SC.A.10.1 It is important that the University learns from the complaints it receives and that this supports the improvement of services and the student experience. The way the University will do this is as follows.

SC.A.10.2 Outcomes from complaints which contains recommendations regarding the way in which the University might improve its services for students will be communicated to the appropriate area within the University by the Complaints Coordinator for them to consider and, where deemed appropriate, action.

SC.A.10.3 Actions taken in line with these recommendations will be recorded and the Complaints Coordinator will liaise with the Chair of the Complaint Panel or Review Panel (as appropriate) to seek confirmation that those recommendations have been actioned effectively.

SC.A.10.4 Should the Chair not be satisfied, the recommendation and actions will be taken to the senior manager with executive authority (for example Executive Dean or Director of Service) to make a final decision on action to be taken. This will be recorded in the annual report detailed below.

SC.A.10.5 On an annual basis, the University's Student Experience Committee (or successor body) shall receive an anonymised summary report of the complaints received to date. This report will highlight to the Committee areas for consideration, particularly where aspects of student experience can be improved.

SC.A.10.6 The University will also produce from time to time reports for consideration by the Management highlighting identified areas of learning from complaints.

**SC.A.11 Student complaint procedures and external (legal) actions**

SC.A.11.1 These complaints procedures do not have the same level of formality as a court of law. In most cases it will not be necessary, appropriate, or helpful for a student or the University to be legally represented during a complaint. The involvement of a legal representative has potential to change the nature of the

procedure or delay the process. But where a student asks to use a legal representative, the University will allow it unless there is compelling reason not to do so (such as conflict of interest), noting that only in very exceptional circumstances would the University recognise legal costs as financial loss for which compensation would be appropriate.

SC.A.11.2 In those rare situations where a complaint overlaps with formal criminal or similar external proceedings the complaint procedures will follow the same arrangements as set out in section 4.5 of the Student Discipline Regulations.

**SC.A.12 What the principles mean**

SC.A.12.1 Section SC2.2 sets out the principles which underpin the University's complaints procedures. This section provides further description of how these are understood.

SC.A.12.2 The University welcomes reasonable complaints.

SC.A.12.2.1 A reasonable complaint is one which can be considered using a common set of facts and decided using reasoning based on good practice and/or policy. In practice this means a reasonable complaint will demonstrate the following characteristics.

- It will relate to services which are the responsibility of the University.
- It will be based in matters of fact, and any opinion and interpretation will reflect these.
- It will be considered in relation to the University's regulations, policies, procedures and recognise custom and practice in their application.
- It will be mindful of legal obligation and national expectation (primarily as described by OIA and the Office for Students).
- It will demonstrate how something is not functioning effectively and suggest how this can be fixed.

SC.A.12.2.2 Complaint processing does not operate on a formal model of precedent (acting on the basis of previous decisions) but recognises that effective application recognised both consistency and uniqueness of circumstance.

SC.A.12.2.3 A complaint that does meet these characteristics may not be deemed reasonable and, as such, will not be considered. Similarly, a complaint that is evidenced as being one or more of the following:

i) knowingly fraudulent;
ii) relates to a lawful expression of a particular viewpoint
iii) is vexatious, frivolous or obviously unmeritorious

cannot be reasonable. In the rare cases that such a complaint is submitted, the University will consider if disciplinary action is required and whether other procedures relating to Freedom of Speech need to be followed.

SC.A.12.3 No students will be disadvantaged for making a complaint in good faith or because of their lawful expression of a viewpoint.

SC.A.12.3.1 As stated in SC.A.12.2.3 above, fraudulent, vexatious, frivolous or complaints obviously without merit are rare and anyone submitting a complaint will be treated as having submitted in good faith unless evidence shows otherwise.

SC.A.12.3.2 Disadvantage is understood as an otherwise avoidable negative impact on studies and/or the student experience as a direct consequence of submitting the complaint.

SC.A.12.3.3 Where disadvantage is suspected a Complaints Co-ordinator should be told with evidence supplied as appropriate. The Complaints Co-ordinator will liaise with the appropriate members of staff within the University to consider if disadvantage has occurred and mitigate where this is the case. The University takes any act by a member of staff knowingly to disadvantage seriously and Complaint Co-ordinators will raise concerns with management as appropriate.

SC.A.12.3.4 Where the complaint involves a significant power imbalance and the risk of disadvantage is higher, the Complaint Co-ordinator will consider what mitigations are necessary and discuss these appropriate persons as necessary.

SC.A.12.4 The objective is to establish the reasonable probability of fact and come to a relevant and proportionate resolution.

SC.A.12.4.1 The University considers complaints using reasonable probability as its basis of judgement. This means that a complaint must show that the failure to deliver a service most likely happened. It does not need to prove it definitively (beyond reasonable doubt), only that when all facts and evidence relating to the complaint are considered within the terms, conditions, and practices of the University that it is more likely than not that what the complaint is asserting is accurate.

SC.A.12.4.2 When a complaint is upheld, how it is put right (the resolution) will reflect this. Where there is a clear way to fix the issue within the scope of the delegated authority of the Panel, this will be done. Where this is not possible the Panel will consider alternatives such as proportionate compensation for distress and inconvenience using guidance provided by the Office of the Independent Adjudicator.

SC.A.12.5 The University will act in a fair and prompt manner and expects the same of all involved.

SC.A.12.5.1 Complaints are considered by determination of fact considered in relation to the University's regulations, policies, procedures and recognise custom and practice in their application. In no cases will members of the University be involved in determining a complaint against their own actions or decisions. Outcome decisions will be made by members of staff not previously involved in the matters of the complaint. The University will identify potential conflicts of interest and either remove or effectively mitigate these. There is the same expectation on those raising complaints, i.e. that they act fairly.

SC.A.12.5.2 The University recognises that alongside conflict of interest there is perception of bias, the possible subjective distortion of decision-making. Those involved in complaints will be given the opportunity to identify possible perceptions bias. Where possible perception of bias is identified the University will take reasonable steps to remove it.

SC.A.12.5.3 In relation to perception of bias, Complaints Co-ordinators are involved in all aspects of complaint processing, but except where identified in these procedures (all of which are subject to review), are not decision-makers. As such they do not bias the process through, for example: (1) providing details on process; or (2) providing the outcomes of panels in which they were present but in which they did not make the decision; or (3) procedural involvement in both panel and review stages. Requests for changes regarding the Complaints Coordinator assigned to a complaint part-way through a complaints process will only be considered in the event that sufficient evidence can be provided.

SC.A.12.5.4 The University will work to timescales as set out in the procedures as informed by OIA good practice expectations and expects the same of those submitting complaints. Reasonable deadlines will be set for those submitting complaints for each aspect with opportunity for extensions. Failure to meet a deadline without agreement will result in the complaint being closed. Exceptions and extensions can be agreed by a University Complaints Co-ordinator with decisions made against evidence (see section SC.A.1).

SC.A.12.5.5 Just as those managing the complaint will act in a fair and prompt manner, the same is expected from all those involved, including those from the service areas subject to the complaint. To not do so, for example, failing to meet reasonable deadlines in providing evidence, will result in the complaint proceeding without these materials.

SC.A.12.6 The University will handle all complaints confidentially within the process, as far as it is reasonable, and expects the same of all involved.

SC.A.12.6.1 Complaint processing is subject to the same data protection requirements of all University processes (see section SC.A.8). It is recognised that complaints can often involve personal sensitive data, and this will be handled confidentially, while recognising the legitimate business needs to share data in circumstances

such as where the complaint involves an outside entity or where the complaint information is being gathered for good reason by an external source.

**SC.A.13 Glossary**

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| Balance of probability | A basis for decision-making that considers that, on the evidence, the description of the complaint is more likely than not to be accurate. |
| Clerk | A trained member of staff who takes the notes of a complaint or review panel and plays no role in formal decision-making. |
| Complainant(s) | The individual (or group) making a complaint to the University. |
| Complaint | A statement of dissatisfaction by one or more students, or recent former students, about the University's action or lack of action in relation to standards of service which requires a response. The Complaint will be supported with evidence. |
| Complaint Form | The means by which an individual can make a complaint to the University via its website. |
| Complaints Coordinator | A member of university staff allocated to a particular complaint to in relation to administrative application of the Student Complaints Procedure. |
| Complaint Panel | Three members of university staff; one in the Chair and two others, who meet as part of the complaints process to make a decision on a complaint following discussion with both the Complainant and the author of the Complaint Report. |
| Complaint Report | A neutral report giving the facts of the complaint, the associated evidence, and identifying points of consideration for the Complaint Panel. |
| Complaint Report Author | A trained member of staff or an external organisation appointed to determine the facts regarding a complaint and produce a neutral report. |
| Completion of Procedures letter | A letter provided to a Complainant at the end of the internal processes which confirms there are no further steps the Complainant to take internally. The letter will outline to the Complainant how they can refer their complaint to the Office of the Independent Adjudicator (OIA). |
| Formal Resolution | The determination of a complaint through the University's formal complaints procedure. |
| Group Complaint | A complaint submitted by more than one individual with one person nominated as the spokesperson. |

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| Informal Resolution | The process by which a complaint can be ended by mutual satisfaction without the use of formal procedure. |
| Information gathering | A process undertaken by to collect the facts regarding a complaint which results in the production of a neutral Complaint Report. |
| Initial Review | An administrative process undertaken by a Complaints Coordinator on a submitted complaint to determine whether it meets the criteria for consideration under the Student Complaints Procedure. |
| Office of the Independent Adjudicator | An independent body (ombudsman) to review complaints against higher education providers in England and Wales. |
| Open correspondence | Gathering information in relation to a complaint where all pertinent information, as understood in relation to requirements under GDPR, is shared at the Complaint Panel. |
| Panel Chair | A member of staff appointed to lead the Complaint Panel. |
| Reasonable Adjustments | Changes made by the University to remove or reduce a disadvantage related to an individual's disability. |
| Representative | An individual who is invited to attend the Complaint Panel to speak on behalf of the Complainant (see also supporter). |
| Supporter | An individual who is invited to attend the Complaint Panel to accompany a Complainant and provides succour but who does not otherwise take an active role or speak on behalf of the Complainant (see also representative). |