

## STUDENT COMPLAINTS PROCEDURE

### **SC 1 INTRODUCTION**

SC 1.1 Lancaster University seeks at all times to provide its students with a high-quality student experience. However, there may be occasions where students are dissatisfied with a particular service or lack of service at Lancaster University and want to seek a remedy via a formal complaint. This document sets out the University's procedures, including the opportunity for external review.

SC 1.2 Advice on how to use this procedure is available from the Students' Union Advice Team and the University Complaints Co-ordinator.

### **SC 2 PRINCIPLES**

SC 2.1 The complaints procedures abide by the following principles.

- (a) The University supports and encourages students with reasonable complaints.
- (b) The University expects all parties to act without bias or prejudice in a sensitive, fair and prompt manner.
- (c) The objective of the procedure is to establish the reasonable probability of the facts and come to a resolution that is both relevant and proportionate.
- (d) No students will be disadvantaged for making a complaint in good faith.
- (e) The University will deal with all complaints confidentially, as far as it is reasonable, and expects all parties involved to honour this approach.
- (f) The University will make reasonable adjustment to ensure that no student is disadvantaged within these procedures, including the use of technology.

SC2.2 Any evidence of breaches of the principles can be brought to the attention of the Complaints Co-ordinator for investigation.

### **SC 3 THE PROCEDURE**

#### **SC 3.1 Informal resolution**

SC 3.1.1 Before starting a formal process, a student wanting to complain should, where appropriate, contact the member of staff who is most immediately relevant to see if the matter can be resolved informally. If the student feels unable to approach this person directly, then they should informally approach the Head of Department, College Principal, Director of the relevant service, or equivalent senior member of staff.

SC 3.1.2 Students whose complaint has not or cannot be appropriately addressed through informal resolution should proceed to formal consideration.

SC 3.1.3 Should at any point in the procedure an informal resolution be proposed and accepted by all parties, the formal procedure does not need to continue.

### **SC 3.2 Formal resolution**

SC 3.2.1 In order for the complaint to be considered formally, the complainant should put the complaint in writing using the [Formal Complaint Form](#) available for online submission. The University Complaints Co-ordinator has discretion to accept complaints through other routes, for example, through direct communication with the student. However, regardless of the format, a formal complaint should include these nine elements.

1. Sufficient details to identify the student or students making the complaint.
2. A clear identification of the service or lack thereof in which the student is dissatisfied.
3. A description of why the student is dissatisfied.
4. A summary of what, if any, actions the student has already taken and why these have been unsuccessful in resolving the issue.
5. Evidence to support each element of the complaint or, where it would not be appropriate for the student to have personal access, clear signposts to how evidence reasonably can be obtained.
6. An indication of potential resolution outcomes being sought.
7. Information on whether the student is seeking resolution through any other means (internal or external).
8. An indication of whether the student would be willing to consider further informal means of resolution.
9. A declaration of understanding regarding the processing arrangements including, for example, handling personal data.

Any student who, for any reason, feels unable to provide any of these elements can discuss the matter with the Complaints Co-ordinator to determine if reasonable alternate arrangements are available.

SC 3.2.2 A student is expected to invoke the procedures within three months of the final element of the event(s) that will be subject to the complaint occurring. A student who has left the University can also invoke the procedures, again within three months of the end of registration. Exceptions and extensions will be determined on an ad hoc basis by the University Complaints Co-ordinator whose decision on this matter is final.

SC 3.2.3 The University Complaints Co-ordinator, or designated alternate nominated by the Director of Strategic Planning and Governance, will consider the complaint and make an initial decision as to whether it can be considered under this procedure. In order for the University to consider a complaint, it must meet three requirements.

1. It must be eligible under the application of this process (see section 3).
2. It must be on time or, if late, have good reasons, supported by evidence, for the delay.
3. It must provide the elements identified in 3.2.1.

Where the complaint does not meet these requirements, the Co-ordinator will either:

- (a) refer the student to an alternate more appropriate procedure;
- (b) enter into a discussion with the student, and potentially other parties as appropriate, about how to take forward the concerns; or
- (c) provide an explanation to the student as to why no action can be taken along with a description of the opportunity for challenge (as described in 3.2.5). The Co-ordinator will also offer to provide a Completion of Procedures letter which sets out their right to refer the matter to the Office for the Independent Adjudicator and describes the means to do so (this can only be done where, at minimum, requirement 1 under 3.2.1 is met).

SC 3.2.4 Where the complaint involves sensitive aspects, for example allegations of bullying, harassment or sexual misconduct, or where the Complaints Co-ordinator considers that the situation described constitutes a risk, relevant procedures will be communicated with the student and used as appropriate.

SC 3.2.5 Students have the right to challenge the initial decision and, in these cases, the decision will be reviewed by the Head of the Student Registry or designated alternate nominated by the Director of Students, Education and Academic Services.

SC 3.2.6 Where the complaint has been deemed within the scope of this procedure, it will be referred to the relevant College, Faculty or Professional Service via either a named person or the head (Principal, Dean, Director), and that person will appoint a Complaint Investigator. This will normally be someone from within the College, Faculty or Professional Service who has not been involved in any aspect of the complaint. Where such a person is not readily identifiable, particularly in smaller bodies such as the Colleges, the College, Faculty or Professional Service will appoint someone from another part of the University.

SC 3.2.7 The Complaint Investigator will then do the following.

1. Receive the complaint from the Complaints Co-ordinator via a secure means.
2. Contact both the student and those others involved in the complaint to inform them of the investigation and to provide them with the complaint and evidence, redacted as required. (Advice on redaction is available from the Complaints Co-ordinator who, in turn, will liaise with the Information Governance Manager as required.)
3. Offer separate personal meetings to the student and those others involved in the complaint. Persons attending these meetings can be accompanied or represented.
4. Undertake other work as is considered appropriate. The Complaints Co-ordinator can provide advice on the process of the investigation as required.
5. Produce a neutral investigation report setting out the particulars of the complaint and the information gathered, highlighting points for consideration, but making no determination of the case.

SC 3.2.8 The student, via the Students' Union, will be offered support for their complaint. Others involved can seek support from staff or student support arrangements as appropriate.

- SC 3.2.9 Investigations will normally take no longer than one calendar month, except where cases are particularly complex. In these cases, a reasonable timeframe will be provided to the student. In the interests of transparency, fairness and integrity, the investigation will be conducted through a process of open correspondence, unless there are reasons for any information or communication to remain confidential. As such, all parties will see all the relevant documentation (subject to data protection restrictions) and, if meetings are held with members of staff or other students, notes will be taken and all parties will be entitled to a copy. Meetings will not be recorded unless there are requirements linked to reasonable adjustment. Requests to record a meeting must be made to the Complaints Co-ordinator prior to the meeting.
- SC 3.2.10 Following investigation, the Complaints Investigator will present the findings to a Complaints Panel of three persons comprising a senior member of staff (in the Chair) plus another member of staff (both appointed by the relevant College, Faculty or Professional Service) and a student (appointed by the Students' Union). A note taker, also appointed by the College, Faculty or Professional Service, will also be present throughout. The complaining student may attend the event, although it is not required and failure to attend would not stop the proceeding. If present, the complaining student, following the presentation by the Complaints Investigator, will be invited to make a short personal statement and, through the Chair, ask questions of the Complaints Investigator. The Investigator will not be allowed to question the complainant. The panel will be allowed to question both the Complaints Investigator and the complainant. It will not normally be permissible to call witnesses as part of the panel hearing, as it is expected that these people will have been consulted during the investigation; however, the Chair has discretion as required. The complaining student will be given the opportunity to provide a final summation.
- SC 3.2.11 The burden of proof is on the complaining student, albeit within a recognition of the responsibilities of the University. Following the proceeding both the complaining student, anyone accompanying/representing and the Complaint Investigator will leave and the panel will deliberate in private using the balance of probability as the standard of proof. The panel will either uphold or dismiss the complaint in whole or in part and agree actions/remedies accordingly.
- SC3.2.12 The Panel has the delegated authority of the University to provide remedy such as it deems appropriate and fair, directly in relation to the student's complaint with the following restrictions:
- The Panel cannot change an academic decision (it can however, require that the decision be reconsidered);
  - The Panel cannot affect a staff contract (it can, however, refer a matter for consideration under the appropriate human resources policies);
  - The Panel cannot impose a disciplinary restriction on a student (it can, however, refer the matter to the relevant person identified under the Student Discipline Regulations).

The Complaints Co-ordinator can provide advice on the scope of actions/remedies available to the Panel. The Panel may adjourn whilst additional guidance is sought.

- SC 3.2.13 The complaining student will receive a written decision that addresses the complaint made and gives reasons for the conclusions reached. The letter will also advise the complainant of their right to refer the matter to review and describe the means to do so.
- SC 3.2.14 Where recommendations are made as a consequence of the complaint, the complaining student will be entitled to know the recommendations which directly relate to their specific issues (as outlined in the student's complaint) and how the University intends to take them forward.
- SC 3.2.15 If the student considers the complaint resolved, this should be indicated to the Complaints Co-ordinator in writing. Failure to do so, however, will not negate the resolution.

### **SC 3.3 The Review Stage**

- SC 3.3.1 If the complaining student considers that the complaint has not been resolved, including disputing the remedy, a request for a review can be sent to the Complaints Co-ordinator. This must be done within two weeks of the date of the written decision. The request must explain the dissatisfaction with the outcome and identify a remedy.
- SC 3.3.2 Requests for review will be judged against the following grounds:
- (a) that there exists evidence that could not reasonably have been made available for the formal consideration; or
  - (b) that there exists evidence of a material procedural irregularity in the consideration; or
  - (c) that there exists evidence that the judgement did not meet the expectations of natural justice, i.e. it was not a judgement that could have been reached by a reasonable person in receipt of the materials formally considered.

No new complaint may be requested as part of the review, but the complaining student may submit further evidence in support of their case, subject to point (a) above.

- SC 3.3.3 The University Complaints Co-ordinator, or designated alternative nominated by the Director of Strategic Planning and Governance, will consider the application and make an initial decision as to whether or not to allow a review in light of evidence provided against the grounds identified in SC 3.3.2. Where a review is rejected the Complaints Co-ordinator will write to the complainant explaining the reasons for the decision.
- SC 3.3.4 Students have the right to challenge this decision and, in these cases, the decision will be reviewed by the Head of Student Registry, or designated alternate nominated by the Director of Students, Education and Academic Services.
- SC 3.3.5 If a review is deemed not to have grounds, the student will be provided with a Completion of Procedures letter that sets out the right to refer the matter to the Office for the Independent Adjudicator and describes the means to do so.
- SC 3.3.6 Where a review is deemed within the scope of the procedures a Review Panel will be convened. A Review Panel will consist of the Vice-Chancellor, or senior management nominee not previously involved in the process, one member of staff appointed by the Vice-Chancellor and one student appointed by the Students' Union President. No

member of the panel will have been associated with the complaint or the institutional body (Faculty, *et al.*) against which the complaint has been made.

- SC 3.3.7 The Complaints Co-ordinator, or nominee, will act as Clerk to the panel and will prepare the documentation. The Chair of the original Complaint Panel will be invited to submit a statement addressing the student's submission. Both the student and the Chair of the Complaint Panel will be invited to attend; however, failure to attend by either party will not invalidate the proceeding, as determination will be made via the submitted documentation.
- SC 3.3.8 If present, the student will be invited to make an opening statement as to why, in their view, the case should be subject to review. This will be restricted to consideration against the identified review grounds; the Review Panel will not rehear the original complaint. If present, the Chair of the Complaints Panel will then be invited to present an opening statement explaining how the panel's decision was determined and how, in their view, it was reasonable. If the student presents either new evidence or alternate remedies, the Complaint Panel Chair will also be invited to comment on these. Neither the student nor the Complaint Panel Chair will be allowed to question the other, but the members of the Review Panel may question either. Both the Complaint Panel Chair and the student will be given the opportunity to sum up their position. The burden of proof will be on the student and the standard of proof will be on the balance of probability. Following the proceeding, the panel will deliberate in private and will determine their conclusions including, as appropriate, any modifications and/or additions to the Complaint's Panel actions/remedies. Only in exceptional circumstances would a rehearing be recommended. The Complaints Co-ordinator will provide advice on the scope of actions/remedies available to the Panel.
- SC 3.3.9 The student will receive a written decision that addresses the points they have made and gives reasons for the conclusion reached. They will also receive a Completion of Procedures letter that will advise of the right to refer the matter to the Office of the Independent Adjudicator and describe the means to do so.

#### **SC 4 OFFICE OF THE INDEPENDENT ADJUDICATOR**

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 12 months of the issue of the Completion of Procedures letter. Information about OIA and its processes can be found on their [website](#).

## ANNEX

### 1 Additional information

#### SCA1.1 Group Complaints

Where students want to complain as a group, the group will nominate a spokesperson for communication. Reasonable adjustment will be made in the processes as necessary to meet requirements related to protected characteristics.

#### SCA1.2 Anonymous Complaints

The purpose of a complaint is to provide a resolution for a student. To do this the identity of the student 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 (Whistle blowing)” policy [link] where further details are provided.

#### SCA1.3 Sourcing evidence

It is the responsibility of the student to source and provide the evidence to support a complaint. Where the University holds evidence, we will provide reasonable assistance in supplying this to the student, directing students to formal processes as required. Evidence should be relevant and the onus is on the student to provide any necessary editing and/or contextualisation.

#### SCA1.4 Personal data and data sharing

By using these complaints procedures the student will acknowledge their understanding that the University will handle personal details, which could include sensitive information (for example, relating to health matters) in order to deal with the complaint effectively. The University may obtain this information from the student and from the University. In some cases, the University may also obtain information from other organisations (for example, organisations providing student placements).

### 2. Application of the procedures

SCA2.1 These procedures apply when a student is dissatisfied with a service or lack of service and wants the University to consider the matter as a formal complaint. This service may involve an individual member of staff or a broader constituent, such as a department or professional service.

SCA2.2 These procedures apply to all current students registered on a Lancaster University programme, with the exception of those students registered on collaborative teaching programmes where a formally approved alternative complaints procedure is procedurally equivalent. The procedures continue to apply for three months following the end of registration.

- SCA2.3 These procedures do not apply to the following people:
1. Members of staff (except those who are also registered as a student, and then only to those aspects that related to their student status);
  2. Persons applying to come onto a Lancaster programme;
  3. Persons in other formal relationships with the University (for example commercial businesses);
  4. Persons not in a formal relationship with the University.
- SCA2.4 These procedures apply to dissatisfaction of service delivery by University staff. For the avoidance of doubt, these procedures do not address staff capability or discipline, and staff records do not record the results of student complaints. Potential staff capability or discipline issues identified under this procedure will be referred for consideration under the relevant staff policy.
- SCA2.5 These procedures do not apply to dissatisfaction about:
- other students (it may be appropriate for referral to the Student Discipline Regulations at [\[link\]](#));
  - faults in University facilities (these should be reported through PlanOn)
  - persons on campus who are not members of the University or;
  - services over which the University has no authority (e.g. on campus commercial businesses, transport links, *et al*).
- Students with concerns about these areas can seek the advice of either the Students' Union or the Complaints Co-ordinator as to how best to have these concerns addressed.
- SCA2.6 These procedures also do not apply to dissatisfaction about:
- outcome and decisions of Boards of Examiners or other academic matters governed by the Academic Appeal Procedures (i.e. matters of academic judgement);
  - outcomes, decisions, actions and behaviours where other University procedures apply and take precedence (for example those elements considered under the auspices of the Standing Academic Committee or Board of Discipline);
  - Services provided by the Students' Union (they have their own complaints procedures [webpage](#));
  - any potential breach of criminal law (these should be referred to the police).
- SCA2.7 The University will make every reasonable effort to complete complaints procedures in a timely manner and aims to complete all aspects of the complaints process normally within ninety calendar days. If the University is unable to comply, on reasonable grounds, (for example, complaints involving factually complex matters or mutually agreed pauses in proceedings) it will provide the complainant with an explanation and inform them of the timeframe for completion.
- SCA2.8 A student has the right to be accompanied and supported at any meeting by one person, and may be represented where the student expressly authorises a third party in writing to act on their behalf.

### 3 Implementation, oversight and review

- SCA3.1 This procedure is approved by Council, taking into consideration the recommendation of Senate, and of the Student Experience Committee (SEC) (or any successor body).
- SCA3.2 SEC shall keep these procedures under review to ensure best practice internally as well as consistency with national expectations, primarily as set out by the Office for the Independent Adjudicator.
- SCA3.3 SEC will discuss and approve an anonymised annual review of complaints. Council and Senate will receive the review for information.
- SCA3.4 The University will appoint a University Complaints Co-ordinator who will oversee this procedure and provide advice to all parties on process. The Complaints Co-ordinator is not an advocate for either party and will not act in this capacity.
- SCA3.5 The Complaints Co-ordinator will play an advisory role in complaint reviews, provide training to those involved in handling complaints, act as the primary liaison with the Office for the Independent Adjudicator, and provide both strategic and case-specific advice to the University on the management of complaints.
- SCA3.6 Where a complaint carries matters entailing substantial reputational risk the Complaints Co-ordinator will ensure that these are identified and given the appropriate internal profile.
- SCA3.7 Should a student wish to register dissatisfaction with the Complaints Co-ordinator this should be sent to the Director of Strategic Planning and Governance.
- SCA3.8 Each College, Faculty and Professional Service will designate a named person as complaints liaison. Unless otherwise agreed this will be the Principal, Faculty Manager and Service Director respectfully, rising to the respective line manager should the complaint involve one of these persons directly. This person will ensure completion of the following aspects of the procedure.
1. Appointment of an Investigator.
  2. Appointment of Panel members (with the student representative provided by the Students' Union) and clerk.
  3. Details of the Panel agreed (date, time, location, any reasonable adjustments etc.).
  4. Outcome of the Panel, including details of review opportunities, communicated to both the student and the Complaints Co-ordinator (unless the Panel Chair has this delegated role).
- SCA3.9 In this procedure, any reference to named members of University staff also includes reference to nominees and named staff may delegate their responsibilities to other appropriate members of staff without invalidating the procedure. The University will notify the student complaining of the identity of nominees or delegated members of staff.

## Document Details

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