

## SECTION 9

### STUDENT COMPLAINTS PROCEDURE

**Students are advised to seek impartial help, advice, guidance and support from sabbatical officers in the Students' Union and the Students' Union Advice Centre.**

#### 1 INTRODUCTION AND CONTEXT

**1.1** The student complaints procedure enables students to bring matters of concern about their learning experience to the attention of the University, and provides mechanisms through which those concerns may be resolved. The procedure comprises three stages:

Stage 1: an informal approach with emphasis on conciliation and local resolution within the School/Service;

Stage 2: a formal Registry based procedure which may include mediation;

Stage 3: request for review of Stages 1 and 2 to the Pro Vice-Chancellor (Teaching and Learning)

**1.2** The University takes all complaints seriously and has designed this procedure to give an equitable approach to all concerned. If a student wishes to make a complaint, they will:

- a. be listened to - the concern, in most instances, being dealt with at an informal level in the School/Service;
- b. be encouraged to seek advice from the Students' Union Advice Centre.

**1.3** This procedure takes effect from August 2015 and supersedes all previous procedures.

#### 2 DEFINITION

**2.1** A complaint is defined as an oral or written expression of dissatisfaction about an aspect of a service or facility, which is provided to registered students of the University. This procedure applies to undergraduate and postgraduate students, including those registered for research degrees.

#### 3 PRINCIPLES AND SCOPE

**3.1** The procedure aims to be simple, clear and fair to all parties involved, where informal resolution is encouraged. From both a student and staff point of view, complaints will be handled sensitively and with due consideration to confidentiality. Any person named in a complaint will be given details of the complaint as soon as is reasonably practicable and will have the right to reply as part of any investigation.

**3.2** This complaints procedure is for students enrolled on University courses. A student who wishes to make a complaint must invoke the Informal Stage within 1 calendar

month of the incident which is the cause for complaint. Students who have left the University may invoke this procedure within 1 month following termination of their academic studies.

- 3.3** Students studying at partner institutions away from the University are required to follow the University's complaints procedure which, in the first instance, will be progressed by the partner institution. If issues remain unresolved through these local complaints procedures, then the student may refer to the University and will enter the procedure at Stage 2, the formal stage as described in 6.3.1 below, though it must be appreciated that the University will not always have the authority to determine matters at partner institutions.
- 3.4** No student bringing a complaint under this procedure, whether successfully or otherwise, will be treated less favourably by the University than if the complaint had not been brought. Likewise, any member of staff mentioned in a complaint will not be treated less favourably by the University than if the complaint had not been brought. If, however, the complaint against a member of staff is upheld, that member may be subject to disciplinary proceedings under University policy.
- 3.5** From time to time there will be the need to consider action under two different University procedures. For example, a student might wish to appeal against a charge of academic misconduct under the Students' Handbook of Regulations and may also make a related complaint that would be considered under this procedure. Rather than delay the academic misconduct defence until the complaint has been resolved, it is possible that, with the express agreement of all parties, the two interlinking matters can be considered together by invoking this complaints procedure, starting as usual with the informal approach under Section 6.2. If, however, the related complaint is considered to be of a serious nature by any of the parties, for example, disciplinary matters which should take precedence, the two actions must be considered separately. Should it not be clear which approach is the best for all parties; the matter should be referred to the Pro Vice-Chancellor (Teaching and Learning) whose decision will be final.

## **4 OPERATIONAL CONDITIONS**

### **4.1 Anonymous Complaints**

With reference to this procedure, such an investigation can only be effected satisfactorily if the investigator is able to collect all the background information. Clearly, this is not possible where the complaint is sent anonymously and so normally such complaints will not be considered.

### **4.2 Third Party Complaints**

No investigation of a complaint made on behalf of a student will be undertaken unless a signed statement by the student is forwarded to Registry which must not be via email. This includes complaints made by the parent or spouse of the student concerned. See also Section 4.6 below.

### **4.3 Group Complaints**

Students wishing to submit a group complaint must nominate one student to communicate with the University on behalf of the group. The complaint form must be signed by the nominated person and a sheet attached to the complaint form containing the names and signatures of the complainants within the group. The

evidence submitted to support the complaint must be agreed with the group and included with the complaint form. No additional evidence will be accepted once the complaint has been submitted.

#### **4.4 Complaints to the Vice-Chancellor and Other Senior Members of Staff**

Should the Vice-Chancellor's Office or the Office of any Senior Manager receive a complaint, it will be acknowledged and referred to the Head of Registry who will ensure that it enters the procedure at the appropriate point. If no substantive attempt has been made by the complainant to resolve the complaint locally using the informal procedure as outlined in 6.2.1 below, the complainant will be advised to take up the issues raised with a Student Conciliator, or Head of Department or Dean as appropriate dependent on the nature of the complaint.

#### **4.5 Vexatious or Malicious Complaints**

The University may consider invoking the disciplinary procedures under the Student Handbook of Regulations, Section 8, in those cases where complaints are found to be vexatious or malicious. A vexatious or malicious complaint is defined as a complaint which is trivial or untrue, having been put forward so as to abuse the process of the complaints procedure or, for example, to attempt to defame the name or character of another person.

#### **4.6 Complaints Made by Students Under the Age of 18**

If a complaint is made under the formal procedure by a student who is under the age of 18, unless it is the student's express wish that this should not be done, the University will notify the parents or guardians of the student in writing, and keep them informed of the progress of the complaint. The University will permit the parents or guardians of the student to act on their behalf during the process, provided the student has confirmed agreement in writing beforehand.

#### **4.7 Complaints Made Against a Specific Member(s) of Staff**

It has been recognised that members of staff about whom a complaint is made, may be somewhat anxious upon hearing about the complaint whether or not it is justified. It is the University's duty to ensure that its staff are also treated fairly throughout the process, and to that end:

- a. A member of staff has the right to be supported by his/her line manager or a trade union representative throughout the process. If the line manager is also involved in the complaint, then the respective Dean/Director or Head of Service will take the lead in providing that support.
- b. Such members of staff will be advised at the outset of any complaint.
- c. A member of staff shall have the right to reply to any such complaint at any stage in the process.
- d. A member of staff shall have the right of access to any documentary evidence presented as part of or in support of any such complaint.

However, if any complaint made against a member of staff under this procedure is of a disciplinary nature or should in the view of the Pro Vice-Chancellor (Teaching and Learning) be investigated under the University's disciplinary procedures then the complaints procedure will be suspended immediately until the disciplinary matter has been concluded.

### **4.8 Complaints Made Against Staff in Partner Agencies**

If a complaint is received about a student's placement, the University will work with the placement provider **to attempt to resolve the complaint by mutual consultation and negotiation**, which may be achieved through the placement provider's own staffing procedures where the student is employed by the placement provider.

It is likely, in dealing with a complaint regarding a member of staff at the placement provider, that similar principles to those set out at paragraph 4.7 above will be applied by the provider in respect of the support available to the member of staff that is the subject of the complaint. The information and evidence regarding the subject matter of the complaint that is received by the University will be provided to the placement provider and to that member of staff.

### **4.9 Changes to Policies or Procedures**

The complaints procedure may not be appropriate if the complaint concerns the process or content of an established University policy or procedure relating to an Academic or Service Department. Issues of this nature should instead be channelled through the Dean/Director or Head of the Academic or Service Department or through course, school and University committee structures as appropriate. Students wishing to receive advice on which procedure is appropriate should contact the Head of Registry, the Students' Union Advice Centre or a Student Conciliator.

### **4.10 Attendance at the Complaint Hearing**

The Head of Registry (or nominee) may postpone the hearing if the student, who has made the complaint, or a member(s) of staff to whom a complaint is directed, can show good reason for not being able to attend at the originally specified time. However, the failure or inability of a student or member(s) of staff to attend the re-arranged meeting will not preclude the panel from reaching a decision.

### **4.11 Reimbursement of Out of Pocket Expenses**

If a complaint is upheld, the University will meet reasonable out of pocket expenses within the UK connected with the formal stage of the procedure, on production of receipts; this may include travel and subsistence costs in connection with the student's attendance at a complaint hearing.

### **4.12 Timing of all Communications**

To ensure that all complaints are dealt with as promptly as possible, both the University and the complainant will respond to all correspondence within the number of days prescribed within the procedure. The University reserves the right to make reasonable extensions during vacation periods.

## **5 MONITORING, EVALUATION AND REVIEW**

- 5.1** The Head of Registry will oversee the tracking of complaints progressed through the procedure in consultation with the Dean, Director or Head of Service and will ensure that records show the nature of the complaint, how it was dealt with, the time taken for each part and the outcome. All data held will be monitored in accordance with the University's Equal Opportunities and Diversity Policy and reported on an annual basis to the University Teaching and Learning Committee and the University Research Committee. This report will identify any issues that need prompt attention.

## **6 COMPLAINTS PROCEDURE FOR STUDENTS**

- 6.1** The procedure is divided into three parts: Stage 1 which emphasises resolution at the 'local' point where the complaint arose; Stage 2, which involves the Head of Registry as manager and facilitator of the procedure, and Stage 3 which is a request to the PVC for a review of the decision made at Stage 2. The role of the Head of Registry is to ensure that the formal procedure is operated according to these procedures and with regard to the set timescales aimed at resolving complaints within Part I and Part II as quickly as possible.

### **6.2 Stage 1 Local Resolution**

- 6.2.1** Students are advised to seek help from the Students' Union Advice and Information Centre and/or the School Student Conciliator who have experience of dealing with complaints. At all stages of the complaints procedure the student may be accompanied by a Students' Union representative or the student representative for her/his course. Alternatively, the matter can be brought to the attention of the member of staff by the student representative for the course if it involves an issue of general rather than personal concern.
- 6.2.2** The student should in most cases seek to resolve the issue by discussing it with the member of staff concerned or a School Student Conciliator. Every effort will be made to resolve the matter at this stage and all parties should seek to find a mutually satisfactory resolution. If the complaint relates to a Head of Department and direct resolution is not appropriate/ successful the matter should be raised with the Dean, Director or Head of Service.
- 6.2.3** If the matter cannot be resolved at this stage the student should complete Boxes A and B of the Student Complaint Form:  
[http://www.hud.ac.uk/media/universityofhuddersfield/content/documents/registry/regulationsandpolicies/studentregulations/section8\\_complaints\\_form](http://www.hud.ac.uk/media/universityofhuddersfield/content/documents/registry/regulationsandpolicies/studentregulations/section8_complaints_form). The complainant should set out full details of her/his complaint. The form of resolution or redress sought should also be clearly indicated in Box B. The student should note this statement of complaint cannot be extended at a later date. This should be submitted to the Head of Department who will meet with all parties and make every effort to broker a mutually satisfactory resolution. If the complaint relates to the Head of Department and direct resolution is not appropriate/successful the complaint form should be referred to the Dean/Director or Head of Service.

- 6.2.4 Every effort will be made to resolve matters in a timely manner and the student will receive a full response from the School within 20 working days. The University reserves the right to make a reasonable extension to this timescale during student vacation periods.

### 6.3 Stage 2 Registry

- 6.3.1 If the student does not consider the complaint to have been resolved by the response to Stage 1, he/she may invoke Stage 2 by completing the Student Complaint Form, Boxes C and D:

[http://www.hud.ac.uk/media/universityofhuddersfield/content/documents/registry/regulationsandpolicies/studentregulations/section8\\_complaints\\_form](http://www.hud.ac.uk/media/universityofhuddersfield/content/documents/registry/regulationsandpolicies/studentregulations/section8_complaints_form) and

submit it to the Head of Registry within 10 working days from the date of the final response to Stage 1.

The form should detail why it is necessary for the issue to be taken to Stage 2 and what has been done by the student to make a serious attempt at resolving the matter with the School/Service. It will be expected by all parties concerned that the matter will not be taken forward on a formal basis unless there is an indication that at least one meeting has been held with the Student Conciliator and Head of Department/Dean/Director or Head of Service. The Head of Registry will acknowledge receipt of the complaint form within five working days. Advice on the completion of the complaint form can also be obtained from the Registry or the Students' Union Advice Centre.

- 6.3.2 The Head of Registry will attempt resolution at this stage either by correspondence between the parties, negotiation with the Head of Department/Dean/Director or Head of Service or other senior members of staff, or facilitation of a conciliation or mediation meeting between the student(s) concerned and the Department/member(s) of staff against whom a complaint is made or convene a formal complaint hearing. The circumstances of the complaint will dictate which of these methods is considered most likely to result in a resolution of the complaint. Should a complaint concern services within the Registry or the work of the Head of Registry, the Pro Vice-Chancellor for Teaching and Learning will assign a senior manager to oversee the formal procedure.
- 6.3.3 It is anticipated that Stage 2 would normally be completed, with the outcome in writing from the Head of Registry, within 2 calendar months of the receipt date of the completed Student Complaint Form. The University reserves the right to make a reasonable extension during vacation periods. The Head of Registry will keep all parties informed of any delay in proceedings, if applicable.
- 6.3.4 Should a complaint hearing be appropriate, it will be chaired by the Pro Vice-Chancellor for Teaching and Learning (or nominee). A Complaints Panel will be convened, consisting of one other member of academic or support staff, drawn from academic or service departments unrelated to the complaint and a representative from the Students' Union. The Head of Registry (or nominee) will act as technical adviser and note-taker to the Panel. The Department may be represented by up to two members. Notes for Guidance on the conduct of a complaint hearing can be found at the end of this section.

6.3.5 The Complaints Panel shall meet, normally within 20 working days (excluding University vacations) of the referral from Stage 1, and communicate its conclusions to the student and the Department within 20 working days. The Head of Registry will explain reasons for any necessary extension of the timescale, for example, if an adjournment in the proceedings is necessary.

### 6.4 Stage 3 Request for Review

6.4.1 If the student does not consider the complaint to have been resolved by the response to Stage 2, he/she may apply to invoke Stage 3 for a review of the decision. The request should be made in writing, within 10 working days from the date of the notification of the outcome of the correspondence, negotiation or meeting referred to in Stage 2. The request should be addressed to the Head of Registry outlining why the outcome of Stage 2 does not resolve the complaint. New evidence cannot be introduced at this point.

6.4.2 If, at Stage 2 a complaint hearing had not been convened, taking into account the substance of the complaint, the Pro Vice-Chancellor for Teaching and Learning will then review the case and a decision will be made about the appropriateness of the matter being referred to a complaint hearing. The decision of the Pro Vice-Chancellor will be final. If a complaint hearing is not to be held, the student will be advised in writing within 20 working days of the receipt of the appeal request, giving the reason(s) for not taking the matter forward and a Completion of Procedures letter will be issued. In complaints where exceptionally it is considered by the Pro Vice-Chancellor for Teaching and Learning that it is appropriate that further effort be made to resolve the matter under Stage 2 he/she may refer the case back to the Head of Registry to mediate with all the parties.

6.4.3 Should a complaint hearing be appropriate, it will be chaired by the Pro Vice-Chancellor (or nominee). A Panel will be convened, consisting of one other member of academic or support staff, drawn from academic or service departments unrelated to the complaint and a representative from the Students' Union. The Head of Registry (or nominee) will act as technical adviser and note-taker to the Panel. The Department may be represented by up to two members. Notes for Guidance on the conduct of a complaint hearing can be found at the end of this section.

6.4.4 The Complaints Panel shall meet, normally within 20 working days (excluding University vacations) of the referral from Stage 2, and communicate its conclusions to the student and the Department within 20 working days from the meeting of the panel. The Head of Registry will explain reasons for any necessary extension of the timescale, for example, if an adjournment in the proceedings is necessary. The decision of the Complaints Panel is final and not subject to appeal.

## 7 OUTCOMES OF THE COMPLAINTS PROCEDURE

7.1 On completion of the process, the complainant and any person, whether staff or student, complained against will have the outcomes conveyed to them

simultaneously. For the student, the Head of Registry will communicate the response and issue a Completion of Procedures letter. In the case of an individual member of staff, this will be through their respective Dean/Director or Head of Service. The response will be in a form appropriate to the level of the procedure at which the complaint is dealt with and accordingly a written or verbal acknowledgement will be made within 10 working days and a full response within 20 working days. The University reserves the right to make a reasonable extension during vacation periods.

- 7.2 Should a complaint be upheld, the Chair of the Complaints Panel may make recommendations to the Dean/Director or Head of the Academic or Service Department.
- 7.3 Recommendations may also be made to University committees in respect of quality assurance procedures or policies.
- 7.4 If a complaint is not upheld, the complainant will be informed in writing with reasons for its rejection. Any conclusions and recommendations on how the matter can be remedied and to prevent such an occurrence in the future will also be communicated in writing by the Head of Registry to the complainant and the Dean//Director/Head of the Academic or Service Department.
- 7.5 A report on each case which comes before the Complaints Panel will be prepared by the Head of Registry for the Pro Vice-Chancellor for Teaching and Learning, to assist in monitoring the effectiveness of the complaints procedure and to identify relevant quality assurance issues. A follow-up after 6 months will be made by the Head of Registry to verify that any proposed new arrangements have been introduced, a report of which will also be sent to the Pro Vice-Chancellor for Teaching and Learning.

## 8 INDEPENDENT REVIEW OF STUDENT COMPLAINTS

- 8.1 The Office of the Independent Adjudicator (OIA) provides an independent scheme for the review of student complaints to current students of the University. If a complaint is not upheld, the complainant can ask the OIA to review the complaint. The OIA will not consider a complaint if:
  - a. it relates to Admissions;
  - b. it relates to a matter of academic judgement;
  - c. student employment;
  - d. matters which have already been considered by a court or tribunal and where the proceedings have been concluded;
  - e. matters which are being considered by a court or tribunal where the proceedings have not been stayed;
  - f. matters which we consider have not materially affected the complainant as a student;
  - g. Matters which the OIA has already dealt with.
- 8.2 For further information on the scheme:
  - a. write to the Head of Registry, CSB Level 9 at the University

- b. see Office of the Independent Adjudicator on the Registry website: <http://www.hud.ac.uk/registry/a-zsitelisting/#O>
- c. see the OIA website on <http://www.oiahe.org.uk>

### **9 TRAINING AND AWARENESS**

- 9.1** The Registry will organise activities to raise awareness of the complaints procedure and how it is to be used amongst the student body. The Head of Registry will also provide support and guidance for departments in handling complaints and resolving them as closely as possible to their point of origin.
- 9.2** This policy will be reviewed on a regular basis.

**STUDENT COMPLAINT FORM**

**This form is in two sections. Boxes A and B should be completed when attempting to resolve a complaint at Stage 1 via the School or Service department. This section must be completed before referral to the School/Service and Registry.**

**Boxes C and D should be completed if the student does not consider the complaint to have been resolved by the response to Stage 1 via the School or Service department and should be sent to the Head of Registry.**

**Advice on completion of the form can also be obtained from the Students' Union Advice Centre.**

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**COMPLETE IN BLOCK CAPITALS OR TYPE**

**Personal Details**

Full Name:.....Enrolment No:.....

Course and year: .....

Address for correspondence in connection with the complaint:

.....  
.....  
.....

Postcode:..... Telephone/Mobile number:.....

Email: .....

**STAGE 1**

**BOX A: Details of complaint, including dates of actions and any supporting evidence for example; any correspondence, Extenuating Circumstances forms (please use additional sheets if necessary):**

**BOX B: Please indicate what outcome or further action you are expecting:**

Note: this cannot be added to at a later date

**STAGE 2**

To be completed if the student does not consider the complaint to have been resolved by the response to Stage 1 of the procedure via the School or Service department

**BOX C: Please explain why you are unsatisfied with the response you have received:**

**BOX D: Please explain here what steps you have taken, together with dates and supporting evidence, to resolve your complaint locally (as per Stage 1 of the procedure):**

**As part of the investigation of your complaint, any members of staff mentioned, for example, the course team will be made aware of the complaint, as will the Dean/Director/Head of the Academic or Service Department involved.**

**Declaration**

I declare that the information given in this form is true, and that I am willing to answer further questions relating to it if necessary.

Signed:..... Date:.....

### Notes for Guidance on the Conduct of a Complaint Hearing

(to be provided to all parties)

#### 1. Purpose

- 1.1 The purpose of the Complaint Hearing shall be to hear both the complaint and the response. Taking into account previous attempts to resolve issues, the Panel shall determine whether the student's complaint is justified and whether the Department/member(s) of staff has provided a reasonable response or resolution.

#### 2. Process

- 2.1 A Complaint Hearing may be convened by the Head of Registry following a request in writing by the student who has brought the complaint, as Stage 2 of the complaints procedure.
- 2.2 Membership of the Panel, which shall be determined by the Head of Registry in consultation with senior colleagues, shall consist of a Dean, Director or Head of Department as Chair, one other member of staff and a representative of the Students' Union. The Chair and staff members shall be drawn from outside the Department involved in the complaint and may be academic or support staff, depending on the nature of the complaint. The Head of Registry shall act in the capacity of technical adviser and note-taker to the Panel.

#### 3. Documentation

- 3.1 The Panel will have access to all previous documentation in connection with the complaint. In addition, the complainant and the Department/member(s) of staff are each asked to produce an A4 synopsis in Arial 12, single line spacing, of their case for distribution to the Panel and the other party, together with statements from any witnesses pertinent to the case. The synopsis must be in Registry 5 working days prior to the hearing. No additional documents may be tabled at the hearing.

#### 4. Witnesses

- 4.1 If the student wishes to supply witness statements, it is the responsibility of the student to supply the witness statements and to ensure that any witnesses are informed of the date of the hearing and that they are available to attend. The student should also inform the Head of Registry of any witnesses he/she wishes to call. Students should be advised that the names of service users or any other means of identifying services users should not be included in their statement or those of their witnesses. Any details identified in documents received from the student will be removed prior to the hearing.
- 4.2 Vulnerable persons will not normally be asked to produce statements or attend the hearing. For example students who fear intimidation, harassment or other reasonable fear of reprisal may request via the Registry that their names and addresses be removed from any statements provided to the hearing and the student.

- 4.3 The evidence provided to hearings may be oral or in writing. It is expected that anyone wishing their evidence to be heard would attend a hearing. In the event that a person having provided evidence does not wish to attend a hearing, any statement submitted must be signed and dated. In these circumstances panels must give due consideration to the fact that the witness has not been present to respond to questioning.

### 5 Order of Proceedings

5.1 The Order of Proceedings is as follows:

- i) Introduction of those present – noting that, at the discretion of the Chair of the Panel, not everyone involved in the process need be present for the duration of the hearing.
- ii) The Chair outlines the purpose of the complaint hearing and explains the format of the hearing.
- iii) Confirmation of the documents.
- iv) Complainant presentation.
- v) Opportunity to question complainant's presentation by Panel and Department/member(s) of staff.
- vi) Department/member(s) of staff presentation.
- vii) Opportunity to question Department/member(s) of staff presentation by Panel and complainant.
- viii) If appropriate the witness for the complainant joins the hearing to give evidence and leaves the hearing following any questions from the panel/student.
- ix) If appropriate the witness for the Department/member(s) of staff joins the hearing to give evidence and leaves the hearing following any questions from the panel/student.
- x) Complainant summing up.  
New evidence is not admissible at this time.
- xi) Department/member(s) of staff summing up.  
New evidence is not admissible at this time.
- xii) Adjournment - Chair and Panel to consider the submission in private  
Either side may be required to be available to provide further information or clarification of matters to the Panel.

### **6. Conclusions and Recommendations**

- 6.1 Should the Panel uphold the complaint, it may make any recommendations which it sees fit to the Department.
- 6.2 Recommendations may also be made to University committees.
- 6.3 It may be determined that the Department or member(s) of staff has no case to answer and acted reasonably during the earlier part of the complaints procedure.
- 6.4 Any conclusions and recommendations will be communicated in writing to the complainant and the appropriate Dean/Director/Head of Service simultaneously. In the case of a student, the Head of Registry will communicate the response. Where the complaint involves individual members of staff, the Dean/Director/Head of Service will personally report the findings to those members.