

Student Complaints Policy

Complaints and Casework / Registry and Academic Quality
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UNIVERSITY OF
WINCHESTER

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Description	
<p>This document defines the policy and procedures for dealing with student complaints. It replaces the Complaints Policy. The procedures for dealing with complaints by people or organisations external to the University are now detailed in the Public Complaints Procedure.</p> <p>A summary of changes to this document appears on page 3.</p> <p>A link to the Complaints Form can be found here</p>	

SUMMARY OF CHANGES

This list summarises the changes since 2021/22. The date confirms when the changes were implemented.

04/12/2023	1. Procedures now under the authority of the Academic Registrar so updates to title and department made throughout
25/07/2022	2. This is a newly written policy focusing solely on students and replacing the Complaints Policy which incorporated student, staff and public complaints.

Contents

1	Principles.....	5
2	Who may raise a complaint under this policy?.....	6
3	Who may not raise complaints under this policy?.....	8
4	What can be complained about under this policy?	8
5	Dual Processes	8
6	Time frames	9
7	Advice, Support and the Right to be Accompanied	9
8	Mediation.....	10
9	Stage 1: Early Resolution.....	10
10	Stage 2: Formal Complaint.....	11
11	Stage 3: Review	12
12	Outcomes.....	12
13	Completion of Proceedings Letters.....	13
14	Review by the Office of the Independent Adjudicator	13
15	Equality and Diversity Monitoring	14
16	Monitoring complaints and record management.....	14
	Appendix 1: Complaints addressed by other Policies and Procedures.....	15

1 Principles

The University aims to provide a high standard and quality of service in the delivery of its academic programmes, services and facilities but recognises that occasionally things can go wrong, and students may wish to raise a complaint.

The University defines a complaint as ‘an expression of dissatisfaction by one or more students about the University’s action or lack of action, or about the standards of service by or on behalf of the University’.

The University is committed to ensuring that students have the opportunity to raise complaints without risk of disadvantage or recrimination. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented.

Every reasonable effort will be made to deal promptly and efficiently with all complaints, to investigate them thoroughly and objectively and to seek to resolve them satisfactorily. Complaints will be dealt with positively and constructively and to avoid any conflict of interest, staff determining complaints must not have had any previous involvement in the complaint.

All complaints will be treated seriously but the objective is always to resolve the complaint rather than to apportion blame. The University respects the rights of both the complainant and those complained against. All parties shall be treated with dignity and respect. No one should expect to suffer any disadvantage, recrimination or reprisals for either making a complaint or submitting evidence in good faith, and any evidence of such behaviours should be brought immediately to the attention of the Academic Registrar.

Where a complaint or evidence submitted during the investigation of the complaint is shown to be frivolous, vexatious, based on fraudulent or false evidence or motivated by malice, it shall be dismissed by the Academic Registrar and action may be taken against the individual concerned, including disciplinary action as detailed in the [Disciplinary Procedures for Students](#).

The University will consider all complaints with an appropriate level of confidentiality that can be maintained whilst still allowing for consultation with appropriate persons required to investigate the complaint. Any individual against whom a complaint is made has a right to be informed of the complaint and supplied with a copy of the complaint in order to comment on it. All parties will have access to all the evidence that will be used as a basis for determining the complaint (subject to any constraints due to data protection law and policy). For students on apprenticeship programmes, it may be necessary to inform the employer of the Complaint.

Complaints will be determined on the balance of probabilities on the basis of the evidence available. If a complaint is upheld, the University will seek to provide an appropriate response and will take all reasonable action to deal with mistakes and offer appropriate remedies and will take any other action as appropriate. If a complaint is not upheld then reasons for that decision will be given.

This Policy comprises a number of stages, both informal and formal. Students who have a complaint to make should, whenever appropriate, raise it directly with the individual(s) concerned at the earliest opportunity, as matters that are dealt with informally at an early stage have the best chance of being resolved effectively. Where informal resolution has been attempted but the complainant remains dissatisfied, the Formal Stage may be initiated at the student’s request and within fifteen calendar days. The complaint handler may recommend that a student pursues informal channels prior to the formal process, based on the nature and circumstances of the complaint, but it is

recognised that there may be occasions where an informal approach is not appropriate and the student may wish to proceed directly to the Formal Stage of the Policy.

The time limits set out in this Policy will normally be followed. However, where, for good reason, this is not possible, the complainant will be kept informed of progress.

Where students have declared a disability to the University, the University will endeavour to ensure that information is available at all stages of the procedure in appropriate formats, and where needed, reasonable adjustments will be made to the complaints investigation process.

We expect those bringing a complaint to treat our staff with respect. We reserve the right to refer any unacceptable behaviour, language, threats or allegations to the student disciplinary process for investigation or, where relevant, to the police. We also expect all staff to treat complaints with respect and courtesy. Complaints made persistently and unreasonably by a student based on substantially similar facts as a matter that has been considered under this policy or other policies or regulations will not be considered and may be referred to the Disciplinary Procedures for Students, or other relevant procedure.

The University's complaints process is subject to independent review by the Office of the Independent Adjudicator and students who are dissatisfied with the process or outcome of their complaint may qualify to apply to this scheme. Details are found in section 14 of this policy.

2 Who may raise a complaint under this policy?

2.1 The following people can complain using this Policy:

- a) Students registered on programmes of study at the University, including those attending for a limited time (such as on credit-bearing short courses), studying for apprenticeships, and those on placements.¹
- b) Students who have left the University (including recent graduates), provided that there is adherence to the timescales as set out in sections 10-12 below
- c) Students on programmes validated by the University but undertaken at another institution may also invoke these procedures once the complaints procedures of their home institution have been exhausted and if the complaint refers to something over which the University has jurisdiction and power to deliver a remedy. Normally the procedure will be accessed at the Review Stage.
- d) Anonymous complainants – while we cannot normally investigate anonymous complaints because of the difficulty of verifying evidence, we will take action to consider whether there is enough information to enable us to make further enquiries. Complainants should be aware of the risk that no further action is possible if they choose to complain in this way. **If you wish your complaint to be considered anonymously, you must indicate this clearly when making the complaint at each stage.**

¹ This includes foundation year students, and those studying on undergraduate, postgraduate taught programmes and postgraduate research programmes

Please note: for the purpose of the Student Complaints Policy, apprentices are considered as students.

2.2 Third party complaints

The majority of our students have reached the age of majority (18) and as such are encouraged to act on their own behalf in managing complaints. Students who are minors may be represented by a parent or guardian or a member of the student support service at the University as they prefer. The University will not investigate a complaint made on the student's behalf by a third party (such as a parent/guardian, spouse/partner or, exceptionally and at the discretion of the Academic Registrar, a legal representative) unless the student has confirmed in writing that they wish to appoint the third party as their representative to manage the complaint on their behalf. Students will need to give a full written authority from their university email account or other verifiable source. Any authority to deal with a complaint in this way means that the third party will have access to all details pertaining to the complaint.

Third party legal representation is dealt with in section 7 of this policy.

2.3 Group Complaints

This Policy can be used by students for both individual or collective complaints. Complaints by a group of students are often of a general nature where it is usually more appropriate for the students to raise the matter with a student representative on the relevant Student-Staff Liaison Committee in the first instance. Complaints may then be made by the group of students if the relevant representation system has not achieved a satisfactory outcome, or if this is not thought to be an appropriate route.

When raising formal group complaints, each member of the group must affirm their membership in writing at the start of the process. All students must also demonstrate that they have been personally affected by the matter which has been raised. It is then expected that there will be one student nominated to pursue the complaint on behalf of the group (i.e. a spokesperson who has the consent of all members of the group to act in this capacity). Normally, only one outcome letter will be issued in response to the complaint, subject to data protection legislation constraints; it will be for the spokesperson to communicate the outcome to the rest of the group.

Group members must re-affirm their membership in writing at the point of escalation to the Review stage. The group must decide collectively to escalate any complaint. Any Completion of Procedures Letter will be addressed to the spokesperson. All students that are members of the group at the point of the final decision will be named in the Completion of Procedures Letter and a copy will be sent to all students that are members of the group at that point.

3 Who may not raise complaints under this policy?

The following people cannot complain under this Policy:

- a) Staff of the University (unless the individual is also a student and is complaining as a result of their student experience). Staff should refer to the [Dignity at Work Policy](#), the [Grievance Policy and Procedure](#), the [Staff Disciplinary Procedures](#) or the [Public Interest Disclosure \(Whistleblowing\) Policy](#) for information about which process to follow. They can also contact Human Resources at HR@winchester.ac.uk for advice.
- b) Visitors to the University, members of the public and other organisations (including contractors working in the University, placement providers, suppliers, customers of the University and other organisations with which the University works) should refer to the [Public Complaints Policy](#).
- c) Prospective Students/Student Applicants - appeals relating to admission decisions are covered by the [Appeals by Student Applicants Policy](#)

4 What can be complained about under this policy?

This policy covers complaints relating to programmes, services or facilities provided by the University and actions or lack of action by the University or any member of the University community.

An appeal against a decision concerning academic progress, assessment or award is not a complaint. This should be submitted as an [Academic Appeal](#). However, if there are concerns about the quality of supervision or teaching which the complainant considers contributed to a failure to achieve a required academic standard, these aspects should be considered under this Policy.

Some complaints are concerned with issues that are covered by their own specific policy and procedures and are not normally addressed through this Complaints Policy. These are listed in Appendix 1. Advice on the most appropriate procedure may be obtained from the Academic Registrar. Complaints that are submitted which are more appropriate to other routes will be referred back to the student with advice on which route is appropriate.

The Winchester Student Union is a separate legal entity to the University of Winchester. Complaints relating to the Student Union should be made directly to that body. If the Student Union complaint's process has been exhausted and the complainant remains dissatisfied, a complaint can, at that point, be considered by the University.

5 Dual Processes

If there is any overlap between the issues raised in a complaint and a related matter, such as an academic appeal, the allocated case handler(s) will determine how such cases are to be handled, such as by pausing the other process so that the complaint can be considered first or by amalgamating the cases together. In such cases, the student will be informed about which specific

issues will be considered under which specific procedure and any implications, such as the suspension of one process, pending the outcome of the other.

6 Time frames

Complaints should be raised as soon as possible after the events or actions (or lack of actions) which have prompted the complaint and within the deadlines stated in sections 10-12 below. The University will not normally consider complaints that are made after the relevant deadlines unless there is a credible and compelling reason for the delay.

If a complainant considers that they have a compelling reason why the complaint should be considered out of time, this should be indicated in writing at the time of making the complaint.

Working days throughout this Policy are defined as Monday-Friday, all year round, excluding public holidays and University closure days.

The University will consider all complaints in as timely a manner as possible while allowing all relevant evidence to be gathered and considered. Normally complaints will have been considered up to appeal stage determination where applicable, within ninety calendar days from the date it is raised formally, however, if these timescales are not possible the student will be kept informed.

7 Advice, Support and the Right to be Accompanied

7.1 Advice and support for complainants

The student may seek independent and impartial advice and guidance in preparing a complaint from the Winchester Student Union Advice Centre: <https://www.winchesterstudents.co.uk/advice>. Other sources of advice and support include Student Support and Success Advisors, personal tutors and academic tutors.

Students are entitled to be accompanied at any meetings by a member of the University. This would usually be a member of staff, another student or a representative from the Students Union. The student is responsible for making any such arrangements and should provide details of any such companion in advance to the member of staff who has arranged the meeting. It is expected that any person attending with the student will be there only to support the student, not to present the case on their behalf.

Students who have notified us of a disability will have reasonable adjustments accommodated as appropriate to their disability.

Legal representation is not usually permitted and the University will correspond only with the student and not with any legal representatives other than in exceptional circumstances and if the University has agreed to legal representation. The University reserves the right to terminate or pause proceedings if a student indicates they may commence, or have commenced, legal action in correspondence or if a legal representative of a student complainant contacts the University. If an issue is being considered through the legal system we will not consider it as a complaint.

7.2 Advice and support for those complained about

Students who are the subject of a complaint may seek advice from the Winchester Student Union Advice Centre: <https://www.winchesterstudents.co.uk/advice>. Other sources of advice and support include Student Support and Success Advisors, personal tutors and academic tutors.

Staff who are the subject of a complaint may seek advice from Human Resources, a Recognised trade Union or the Academic Registrar.

8 Mediation

Mediation is a process in which disputing parties seek to resolve their difference in a mutually acceptable way with the assistance of a trained mediator acting as an impartial third party. Mediation is voluntary and aims to offer the disputing parties the opportunity to be fully heard, to hear each other's perspectives and to decide how to resolve their dispute themselves.

Mediation offers an alternative informal method of resolving any dispute and can be explored at any stage of the procedure. If a student chooses to take part in mediation, this does not mean that they will lose their right to make a complaint or continue with a complaint under this Policy.

The University will give consideration to whether mediation is appropriate within a complaints process and, if offered, mediation can be entered into before a written complaint is lodged or at any stage of the Complaints procedure. If mediation is entered in to, the usual timescales within the Complaints Policy are suspended until the mediation is concluded.

9 Stage 1: Early Resolution

The majority of concerns can normally be resolved informally. In most cases this approach provides a quick solution and avoids the formality of submitting a written complaint.

Complaints should be raised first under the Early Resolution Stage of the procedure as soon as possible and no later than 20 working days after the events or actions (or lack of actions) which have prompted the complaint, normally directly with the member of staff concerned in the first instance. However, very serious, complex, or high-risk complaints may be escalated immediately to staff at the formal stage of this policy at the discretion of the Academic Registrar.

Recipients of informal student complaints are responsible for addressing them promptly and fairly. The University will aim to acknowledge receipt of their complaint within 5 working days. The recipient will aim to let the student know (or arrange for a colleague to do so) within 15 working days of receiving the initial complaint what steps (if any) will be taken to address the complaint and the expected timescale and advise to whom they should submit a formal complaint if they are dissatisfied with this outcome. If a recipient is not available to respond within this timeframe, the student will receive an out of office response informing of the date of return or alternative point of contact. In the first instance the alternative point of contact should be contacted. If this is not

possible, the timeframes indicated will be adjusted to the point where the member of staff returns to work.

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

Any staff involved will be encouraged to share the experience where the effectiveness of their Department, Faculty or Service could benefit.

10 Stage 2: Formal Complaint

If a student has attempted to resolve matters informally but is not satisfied with the outcome, they may elect to proceed to the next stage by submitting a formal complaint. A student may also submit a formal complaint if the issue involved is too complex or serious for informal resolution.

Formal complaints must be submitted by no later than 20 working days after the events or actions (or lack of actions) which have prompted the complaint or 10 working days after a failure to resolve the complaint at the Early Resolution Stage (whichever is later).

Formal complaints should be submitted via the online [Complaints form](#). Complaints at this stage will be considered by a complaint handler who may be a member of the complaints team or a relevant Dean or Director or their nominee, to be determined at the discretion of the Head of Complaints and Casework. In an appropriate case, for instance where a complaint is very serious or involves a senior member of staff, the Academic Registrar may appoint an investigator external to the University.

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

The student should receive an acknowledgement of receipt of their complaint from the complaints team and an investigation will follow. The investigation may be conducted by email correspondence or in an appropriate case this may include meeting with the complainant, meeting/corresponding with anyone complained about and gathering evidence from relevant individuals and departments in the University. Brief notes of any meeting will be made and shared with the student.

In the interests of transparency, fairness and integrity, the investigation will be conducted through a process of open correspondence, unless there are significant reasons for any information or communications to remain confidential. The complainant and those complained about are entitled to see all the evidence and have the opportunity to comment, subject to data protection law and policy.

The complaint handler will determine the complaint or otherwise resolve it (for example through remedial actions) and will write an Outcome Letter to the complainant, normally within 20 working days. This will include confirmation of the outcome, a full explanation of why the outcome has been decided, details of any remedy or redress offered (subject to due authority), any apology if warranted and what the complainant should do if they are not satisfied with the outcome.

Very serious, complex, or high-risk complaints or complaints about senior staff may be dealt with immediately at this stage at the discretion of the Academic Registrar. Where relevant, an independent external investigator may be appointed. Complaints about the complaint team or the

Academic Registrar will be considered by a member of staff at an appropriate level from another department.

11 Stage 3: Review

If the student is not satisfied with the outcome of the formal complaint they may request a Review. This stage will be undertaken only once the formal stage has been completed and Reviews will be considered on the following grounds only:

- a) There has been a procedural irregularity in the way the decision was reached
- b) There is new evidence that, for valid reasons, was not available during the consideration of the complaint and that would materially affect the outcome
- c) The decision was not reasonable given the circumstances of the case

To commence the Review a student should submit a review request via the Online [Complaints form](#) detailing which of the Grounds for Review they are appealing under, their reasons, and a proposed resolution within 10 working days of the letter (or email) from the Faculty or Service provider informing them of the outcome of their formal complaint. Supporting material can be sent to complain@winchester.ac.uk

A student's request for a Review will be acknowledged within 5 working days of receipt and then assessed as to whether the request meets the conditions above of Grounds for Review. If a review request is not submitted within 10 working days, we will assume that the student does not wish to pursue a review. Any request made outside this timeframe will only be considered if there are valid reasons why an earlier request was not possible.

If the request meets the conditions set out in the Grounds for Review, a member of the University Leadership Team (ULT), the Head of Complaints and Casework or the Academic Registrar will review the documentary material relating to the case to determine the complaint outcome. During the Review, further information may need to be sought from the student and/or from others concerned.

The student will be informed of the outcome of the Review, in writing, normally within 20 working days of the Review request having been received. The outcome will normally be limited to a determination envisaged under paragraph 12 of the Policy. The student will be given reasons for any decision reached. The decision of the ULT member, Head of Complaints and Casework or Academic Registrar will be final in the University.

Where the complaint relates to the Head of Complaints and Casework, Academic Registrar or ULT member, a more senior member of staff will review.

12 Outcomes

At the early resolution, Formal and Review Stages, possible outcomes include:

- a) The complaint is upheld in whole or part
- b) The complaint is dismissed in whole or in part

- c) The complaint is dismissed and, if judged to be trivial, frivolous, vexatious, based on fraudulent or false evidence or motivated by malice, action against the complainant may be taken
- d) The matter is referred for consideration under another University policy or procedure. If the matter is referred to the Staff or Student Disciplinary Procedures, data protection legislation may prevent the University from disclosing the outcome or details of that process.
- e) The matter is referred to an external agency (e.g. the Police, Department of Health)
- f) Any combination of the above

Whatever the outcome, those determining the complaint may make recommendations to the relevant authority within the University on how any lessons learned should be addressed.

No determination shall include a commitment to change any University policy, procedure or process without having the agreement of the relevant authority within the University.

13 Completion of Proceedings Letters

A Completion of Proceedings letter (COP) will be available for issue at the point where all internal processes available for review of a complaint have been exhausted. This would usually be at the end of the review stage, but would also cover situations where a complaint or review request is out of time or not within permissible grounds for consideration.

If a student's initial complaint has not been upheld at the end of that process (e.g., at the end of review stage) then a COP letter will be issued automatically.

If a student's initial complaint has been upheld or partially upheld at the end of that process (e.g., at the end of review stage), or is out of time, then a COP letter will be issued if it is requested within 28 days of the communication of the outcome.

14 Review by the Office of the Independent Adjudicator

Students and former students who remain dissatisfied with the outcome of the University's internal complaints procedures may refer the matter to the Office of the Independent Adjudicator (OIA) within 12 months of the date of issue of the Completion of Procedures Letter. Further information can be obtained from the Students Union Advice Centre or the OIA website (www.oiahe.org.uk).

Students on Degree Apprenticeship programmes may also have the option to complain to the Education and Skills Funding Agency (ESFA) in circumstances where the complaint is not eligible for review at OIA. Apprentices can access details of the ESFA's procedures at: <https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa> . The ESFA helpdesk can be contacted directly using 08000 150400 or email nationalhelpdesk@apprenticeships.gov.uk.

15 Equality and Diversity Monitoring

The University is committed to equality and diversity, ensuring that all its practices are intrinsically fair, including those pertaining to complaints. All decisions will be made with regard only to the circumstances of the case and shall not be influenced by any unlawful consideration of age, colour, disability, family responsibilities, gender identity, marital and civil partnership status, national origins, pregnancy and maternity, race or ethnic origin, religion or beliefs under the Equality Act 2010, and affiliations, sex, sexual orientation, socio-economic background or other inappropriate distinction.

As students provide equality and diversity data at application or enrolment, the University will use the information on file for monitoring purposes, in support of the University's commitment to equality and diversity.

If a student states that they have a disability as part of the complaint, and it has not previously been declared to the University, the University will consider it as formal notification, and the Academic Registrar (or nominee) will pass this information on to the University's Disability team.

16 Monitoring complaints and record management

All complaints raised at the Formal and Review Stages shall be recorded and reported on annually to ULT - via the Student Experience Committee. The purpose of this report is to ensure appropriate monitoring, evaluation and review of the Student Complaints process. The report will also outline any recommendations for amendments to practice based on the data collated.

All correspondence, including emails, shall be kept for a period of five years from when the complaint is received. The Head of Complaints and Casework will be responsible for deleting records after this time.

Appendix 1: Complaints addressed by other Policies and Procedures

Some complaints are concerned with issues that are covered by their own specific policy and procedures and are not normally addressed through the Student Complaints Policy. These are listed below along with the URL links to the appropriate specific policy or procedure on the University's website. For advice on the appropriate procedure please contact the Winchester Student Union Advice Centre or the Academic Registrar.

- a) **Appeals against a Progression and Award Board decision, relating to examinations or assessments or to academic progress or against expulsion or exclusion on academic grounds**

See instead: [Academic Appeals Regulations](#)
[Academic Appeals Guidance Leaflet](#)

- b) **Appeals relating to Academic Misconduct**

See instead: [Student Academic Integrity Procedures](#)

- c) **Appeals relating to admission decisions from prospective students**

See instead: [Appeals by Student Applicants Policy](#)

- d) **Complaints by students of intimidation, harassment, bullying and discrimination**

See instead: Report and Support - [https://reportandsupport.winchester.ac.uk/Disciplinary Procedures for Students](https://reportandsupport.winchester.ac.uk/Disciplinary-Procedures-for-Students)

- e) **Complaints relating to GDPR/Data protection**

See instead: [Data Protection Policy](#)

- f) **Complaints about student behaviour which may be a breach of the University's Conduct Policy for Students.** Data protection legislation may prevent the University from disclosing the outcome or details of that Policy of the Student Disciplinary Procedures.

See instead: [Conduct Policy for Students](#)
[Disciplinary Procedures for Students](#)
Report and Support - <https://reportandsupport.winchester.ac.uk/>

- g) **Appeals against a decision to rescind an offer of a place or a requirement to withdraw from the University under the Disclosure and Barring Service (DBS) Policy**

See instead: [Disclosure and Barring Service \(DBS\) Policy](#)

- h) Complaints against staff members that are appropriate for consideration under the Staff Disciplinary procedures.** Data protection legislation may prevent the University from disclosing the outcome or details of that process.

See instead: [Staff Disciplinary Procedures](#)