

Public Complaints Policy

Equalities, Conduct and Complaints
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UNIVERSITY OF
WINCHESTER

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Description	
<p>This document defines the policy and procedures for dealing with complaints by people or organisations external to the University.</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.

25/07/2022	1. This is a newly written policy focusing solely on public complaints and replacing the Complaints Policy which incorporated student, staff and public complaints.

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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. The Policy below sets out the steps that should be followed should a person consider that there has been a failure to maintain those standards of a kind which would make it appropriate to make a complaint.

The University defines a complaint as ‘an expression of dissatisfaction 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 people 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 recrimination should be brought immediately to the attention of the Director of Equalities, Conduct and Complaints.

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 Director of Equalities, Conduct and Complaints.

The University will consider all complaints with the highest 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.

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 correct any mistakes or misunderstandings 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. People who wish to make a complaint 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. The recipient of a formal complaint may recommend that a complainant 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 complainants may wish to proceed directly to the Formal Stage of these procedures.

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.

We expect those bringing a complaint to treat our staff and students with respect. We reserve the right to dismiss a complaint which involves any unacceptable behaviour, language, threats or allegations and may forward any such to the police where appropriate. We also expect all staff and students to treat complaints with respect and courtesy. Complaints made persistently and unreasonably based on substantially similar facts as a matter that has been considered under this policy or other policies or regulations will not be considered.

2 Who may raise a complaint under this Policy?

2.1 The following people can complain using these procedures:

- a) Visitors to the University
- b) Members of the public
- c) Other organisations, including contractors working in the University (unless a separate provision exists within the contract for services), placement providers, suppliers, customers of the University and other organisations with which the University works

2.2 Third party involvement

The University will not investigate a complaint made on another individual's behalf by a third party unless the person has confirmed in writing that they wish to appoint the third party as their representative to manage the complaint on their behalf.

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

2.3 Group Complaints

This Policy can be used for collective complaints. When raising group complaints, each member of the group must affirm their membership in writing at the start of the process. All members 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 person 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). Only one outcome letter will be issued in response to the complaint; it will be for the spokesperson to communicate the outcome to the rest of the group.

3 Who may not raise complaints under this Policy?

The following people cannot complain under this Policy:

- a) Students (or their parents/carers/relatives/friends on their behalf) registered on programmes of study at the University, including those attending for a limited time (such as on credit-bearing short courses), students who have recently (within three calendar months) left or graduated from the University, prospective students and students on programmes validated by the University but undertaken at another institution. Students of the University should refer to the Student Complaints Policy.
- b) Staff of the University - 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. They can also contact Human Resources at HR@winchester.ac.uk for advice about which process to follow.
- c) Anonymous complainants - the effectiveness of this Policy depends on the University being able to collect appropriate information from the parties involved in order to investigate the matter properly. Therefore, anonymous complaints cannot normally be considered. It is at the discretion of the Director of Equalities, Conduct and Complaints to determine how the matter is handled.

4 What can be complained about under this Policy?

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

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.

Complaints relating to issues under contracts with the University or related to any subsidiary companies owned or operated by the University are not covered by this policy.

5 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 9-11 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.

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

6 Representation and the Right to be Accompanied at meetings

Though this is not an expectation, the person making the complaint (the complainant) is entitled to be accompanied by one other person, such as a peer, family member or friend – but not a legal representative – at any meeting that is held in relation to the complaint. The complainant 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 complainant will be there only to support them, not to present the case on their behalf, but reasonable adjustments will be made where we are notified of a disability.

Legal representation is not permitted and the University will correspond only with the complainant and not with any legal representatives. The University reserves the right to terminate proceedings if a complainant threatens legal action in correspondence or a legal representative of a complainant contacts the University.

7 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 Representative or the Director of Equalities, Conduct and Complaints.

8 Stage 1: Early Resolution

Most concerns can normally be resolved informally. In most cases this approach provides a quick solution and avoids the formality of submitting a formal complaint. 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 Director of Equalities, Conduct and Complaints.

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. You can contact complain@winchester.ac.uk for help to identify who the relevant member of staff is.

Recipients of informal complaints are responsible for addressing them promptly and fairly. The University will aim to acknowledge receipt of the complaint within 5 working days. The recipient will aim to let the complainant 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.

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.

9 Stage 2: Formal Complaint

If a person 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 person 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](#). Supporting evidence can be sent to complain@winchester.ac.uk. Please provide details of the nature of your complaint, any dates, witness information or other information that may assist an investigation and details of any outcome you are seeking. The complaints team will forward the complaint (minus the equality and diversity information) to a complaint handler who may be a member of the complaints team, or the appropriate Dean of Faculty or Director of Professional Service (or their nominee) for investigation. Investigations will be carried out by staff who have had no prior involvement in the issue.

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

The complainant should receive an acknowledgement of receipt of their complaint from the complaints team within five working days, and an investigation will follow. This may include meeting with the complainant, meeting with anyone complained about and gathering evidence from relevant individuals and departments in the University.

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 mediation) and will write an Outcome Letter to the complainant. This will include confirmation of the outcome, a full explanation of why the outcome has been decided, details of any remedy or redress agreed (subject to due authority), any apology required 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 Director of Equalities, Conduct and Complaints. Where relevant, an independent external investigator may be appointed.

10 Stage 3: Review

If the complainant is not satisfied with the outcome of the formal complaint and believes that their complaint has not been handled properly or fairly according to this policy, or if they have new relevant evidence which they were unable (for credible and compelling reasons) to provide with the formal complaint, they may request a Review.

To commence the Review the complainant should submit a review request (via the online [Complaints form](#)) detailing the grounds for review, their reasons, proposed resolution within 10 working days of the letter (or email) from the Faculty or Service provider informing them of the outcome to their formal complaint. Supporting material can be sent to complain@winchester.ac.uk. A request for a Review will be acknowledged within 3 working days of receipt.

A member of the Executive Leadership Team or the Director of Equalities, Conduct and Complaints if nominated, 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 complainant and/or from others concerned.

The complainant 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 section 11 of these Procedures. The complainant will be given reasons for any decision reached. The decision of the Executive Leadership member or Director will be final in the University.

11 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
- 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.

12 Monitoring complaints and record management

All complaints raised at the Formal and Review Stages shall be recorded and reported on annually to Upper Management Group. The purpose of this report is to ensure appropriate monitoring, evaluation and review of the Public 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 will be responsible for deleting records after this time.

Appendix 1: 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.

Complainants are asked to complete an Equality and Diversity Monitoring form, for monitoring purposes. The form will be kept on record by the Director of Equalities, Conduct and Complaints but not shared with any staff members involved in investigating the complaint.