STUDENT COMPLAINTS & RESOLUTION PROCEDURE



Preliminary Notes

- 1. This procedure applies to all informal and formal complaints.
- 2. The principles of this procedure apply to all registered students in all locations on and off campus both in the UK and overseas.
- 3. On a case by case basis some staff roles may vary from those detailed below.
- 4. Impartial advice about this procedure may be sought from the Student Advice Centre of the Students' Union (www.nusu.co.uk/sac), Student Wellbeing Service (www.ncl.ac.uk/students/wellbeing/contact/) or the Student Progress Service (casework@ncl.ac.uk).

INTRODUCTION

This procedure applies from 1st September 2019

The University provides a clear three-stage procedure for students to complain to the university about the level of service or treatment which may have fallen short of what might reasonably be expected from the University.

Level 1 – This is the informal stage for complaint resolution. Complainants are expected to make every effort to informally resolve an issue of concern from the relevant Service or Academic Unit by seeking help/advice in writing from their tutor/supervisor or appropriate Head of School / Head of Service.

Level 2 - This is the formal stage for complaint investigation. This Level should be undertaken for particularly serious complaints, such as those against individuals or when the steps taken under Level 1 of the procedure have failed or when the complainant considers that the complaint has not been resolved. Level 2 of the Complaints & Resolution Procedure can be invoked by submission of the Complaints Form together with full details of the complaint and any supporting evidence.

Level 3 – This stage provides an opportunity for review of the Level 2 outcome, where the complainant requests a review of the outcome of the complaint.

DEFINITIONS

Authorised Person: The Head of the Academic School / Service or nominee considering a Level 1

Informal Complaint.

Complainant: The student or recent former student making an informal or formal complaint.

Complaint: An allegation in the appropriate form set out for Levels 1-3 that the level of

service or treatment of a student falls short of what may reasonably be

expected.

Complaint Officer: A Student Progress Officer appointed to process a submitted formal

complaint and, where appropriate, to advise the Complaint Adjudicator. The Complaint Officer is authorised to reach conclusions on cases unless the

matters raised are deemed to be particularly serious.

Chair of Complaint

Committee:

In cases determined by the Complaint Officer to be particularly difficult or serious, the Complaint Officer may not determine the matter but instead will refer the case to a Pro-Vice-Chancellor with no previous involvement in or close connection to the case who will act as the Chair of the Complaint

Committee.

Complaint The Chair of the Complaint Committee may appoint further independent members of academic or administrative staff as deemed appropriate and

without previous involvement in or close connection to the case to consider the case as a Committee. Although the Chair of the Complaint Committee

may also consider the case alone without a hearing.

Complainant(s)
Representative:

An individual who is formally authorised in writing by a Complainant or group

of Complainants to act on their behalf in a complaint made under this

procedure

Friend / Supporter:

In accordance with all formal University procedures, a Complainant may be accompanied by one friend or supporter who may not act as a representative unless permitted by the person conducting the proceedings with the express

consent of the Complainant.

https://www.ncl.ac.uk/students/progress/assets/documents/RPSPSFriendSupporterRole.pdf

Senior Complaint Officer:

If the complaint concerns the Student Progress Service, Academic Registrar or a Pro-Vice-Chancellor, a senior officer of the University with no previous involvement in or connection to the matter will be appointed to consider the

complaint

The Student Progress Service:

The University service with responsibility for Student Complaints.

www.ncl.ac.uk/students/progress/

Vexatious / frivolous complaint:

Any complaint determined to be without substance or demanding redress lacking serious purpose or value. This includes but is not limited to obsessive, harassing and repetitive complaints having the effect of causing disruption or offence. This also includes complaints that request unrealistic / unreasonable outcomes or are pursued in an unreasonable manner.

1. POLICY & SCOPE OF PROCEDURE

- 1.01 The University has complementary policies about expectations in respect of dignity at work and study, racial equality and equality of opportunities (see www.ncl.ac.uk/hr/policy/). Students wishing to make a complaint about actions which are contrary to any one of these policies will do so by following this student complaint & resolution procedure. The complainant needs to clearly indicate any specific policy on which the complaint is based.
- 1.02 Complaints and appeals relating to Student Disciplinary (including Assessment Irregularities), Academic Appeal and Fitness to Study Procedures will be considered under this Complaints & Resolution Procedure. Appeals / Requests for Review resulting from Student Disciplinary and Fitness to Study Procedures are dealt with under the relevant procedure. The Complaints and Resolution Procedure does not apply to cases in which an individual wishes to appeal against an academic decision (including Personal Extenuating Circumstances (PEC), unsatisfactory progress decisions) and other Degree Programme Director decisions; in such instances the applicant should follow the Academic Appeals Procedure for Students. The Head of the Student Progress Service may determine whether a complaint should be handled under alternative University procedures. The Head of the Student Progress Service will determine whether a complaint may proceed where the subject of the complaint is still under consideration in any other recognised procedure.
 - Academic Appeals Procedure www.ncl.ac.uk/students/progress/Regulations/Procedures/appeals.htm
 - Assessment Irregularity Procedure <u>www.ncl.ac.uk/students/progress/Regulations/Procedures/assessment.htm</u>
 - Support to Study Procedure www.ncl.ac.uk/students/progress/Regulations/Procedures/f2s.htm
 - Student Disciplinary Procedures www.ncl.ac.uk/students/progress/Regulations/Procedures/disciplinary/
- 1.03 Complaints about fellow students may not be dealt with under the Complaints and Resolution Procedure. Students who wish to report an issue regarding another student should contact the Student Progress Service (casework@ncl.ac.uk), where the Student Disciplinary Procedure will be followed to carry out an investigation of their concerns.
- 1.04 Complaints about staff conduct will normally be investigated under Level 2 of this procedure and the Head of the Student Progress Service will decide whether Human Resources (HR) should be notified at the point of complaint submission. Any evidence or outcome resulting from the investigation will normally be considered separately by HR and any action against a member of staff would be determined by the separate HR disciplinary process.

- 1.05 The University will only consider parallel procedures about the same substantive matter in exceptional circumstances. Advice on which procedure should take precedence can be sought from casework@ncl.ac.uk.
- 1.06 The University will not normally investigate a complaint made anonymously. Exceptionally, however, an anonymous or confidential (where the identity of the complainant is known to the University but the identity is not disclosed until after the investigation) complaint may be considered when the University accepts that there is a compelling case supported by additional evidence.
- 1.07 Where the issues raised affect a number of students, those students can submit a group complaint. One student must be nominated as the group representative and will be responsible for liaising with the other students. The University will communicate only with the nominated student
- 1.08 Students will not be disadvantaged for lodging a complaint in good faith.
- 1.09 The University may, in the discharge of its duty of care, consider whether any arrangements or reasonable adjustments should be put in place to enable the complainant to continue to study whilst the complaint is being considered.
- 1.10 In exceptional circumstances the Head of Student Progress, on behalf of the University, may terminate a complaint investigation where a student's behaviour during the complaint process/investigation is deemed unacceptable or disruptive, or where the complaint is deemed to be vexatious or malicious. The following applies;
 - 1.10.1 If after consultation with the Head of the Student Progress Service, the Authorised Person under Level 1 determines that a complaint is vexatious or frivolous, the complaint will be dismissed and the Complainant informed.
 - 1.10.2 The University reserves the right to decline, suspend or terminate a complaint made under the Student Complaints' Procedure if a complaint on the same/similar matters has been made to or is being considered by a third party organisation.
 - 1.10.3 If a complaint contains inappropriate language, the Complainant will be informed that there is an expectation of civil language. The Complainant will be given the opportunity to rephrase their complaint. A complaint may be rejected where the Complainant persists with inappropriate language.
 - 1.10.4. Whilst students will not be disadvantaged for lodging a complaint in good faith, where a complaint is found to be malicious, the complainant may be subject to the University's Student Disciplinary procedure.
- 1.11 The Complaints & Resolution Procedure consists of three levels (see section 3). Students should follow the Level 1 informal complaint & resolution procedure in the first instance for investigation by the appropriate Head of School / Service. In exceptional circumstances, particularly in relation to a serious complaint about an individual member of staff, the Head of the Student Progress Service may determine that there are good reasons for submitting a Level 2 formal complaint directly to the Student Progress Service. Advice on whether this would be appropriate can be sought from casework@ncl.ac.uk. Level 3 reviews may not be made until the Level 2 procedure has been completed or rejected.
- 1.12 At all levels those receiving and considering a student's informal or formal complaint are required to observe confidentiality, although it is acknowledged that there may be some circumstances when confidentiality cannot be maintained, where there is a potential risk to staff or students. All information will be held in confidence and in accordance with data protection law. The Complainant, together with any friend or representative, is also required to observe confidentiality in respect of the complaint.
- 1.13 If the complaint relates to University Student Housing the complaint may be referred by the complainant to the UUK Code Management Committee at: https://www.universitiesuk.ac.uk/.

2. CONTEXT AND PRINCIPLES

2.1 Level 1 informal complaints must, subject to 2.2 below, be submitted in writing directly to the appropriate Head of School/Service or nominee (referred subsequently as the Authorised Person) no more than 3 months after the event about which the complaint is made. For a formal (Level 2) complaint, the Complainant is required to complete the Level 2 Student Complaint & Resolution Form (www.ncl.ac.uk/students/progress/assets/documents/Student-Complaints-Form-and-GuidanceLevel2_Final18_19.pdf), indicating both the full circumstances and the outcome of the pre-requisite Level 1 procedure.

The Level 2 complaint form must, subject to 2.2 below, be submitted to the Student Progress Service via casework@ncl.ac.uk or to Level 2 Reception, King's Gate, **no more than 3 months** after the Level 1 response from the School. The complaint form should be submitted together with a detailed statement of complaint and any additional information or evidence in support of the complaint.

The Level 3 request for review of the formal complaint outcome must be submitted in writing within 14 days of notification of the outcome of the Level 2 determination via casework@ncl.ac.uk for the Academic Registrar's attention.

2.2 Complaints submitted under Level 1 or Level 2 after the 3 month time limit set out in paragraph 2.1 above may not normally be accepted for investigation.

For Level 1, the Authorised Person may exceptionally extend the 3 month time limit by up to a further month where the complainant presents compelling evidence of good cause for the late complaint.

At Level 2, the Head of Student Progress may exceptionally extend the 3 month time limit by EITHER up to one month where the complainant presents compelling evidence of good cause for the late complaint, as defined in 2.1 above OR for such other period within the discretion of the Head of the Student Progress Service as may be judged necessary in the particular case.

- 2.3. Any determination that a complaint is not made within the time limit as set in paragraph 2.1 and 2.2 will be given to the complainant. The complainant shall be informed of this in writing. The Head of the School / Service shall be consulted before any complaint request at Level 1 is rejected and the Head of the Student Progress Service shall determine whether any duly submitted Level 2 complaint is rejected.
- 2.4 The University will disclose all case documents to all parties involved in the complaint. This will be carried out in such a way so as not to prejudice the outcome of the complaint.
- 2.5 Under data protection law, the University is required to obtain a Complainant's consent for relevant members of staff to view any personal data provided in connection with the Level 2 formal complaint. By signing the complaint form (or submitting the complaint via your Newcastle University email account) or declared and noted during a complaint interview, you are giving permission for all relevant staff to have access to your documentation. If you do not wish a particular staff member to see your documents, you must ensure that this is made clear in your letter of complaint/or at the complaint interview but also note that the University may be unable to proceed satisfactorily with your complaint if we are unable to seek a response from a key member of staff.

3. STUDENT COMPLAINTS PROCEDURE

LEVEL 1 - INFORMAL COMPLAINT & EARLY RESOLUTION

- 3.1 The Head of the Academic School/Service or nominee (Authorised Person) will acknowledge receipt of the informal complaint in writing within 7 calendar days of the receipt of the complaint. The Authorised Person may invite the complainant to a meeting to clarify details of the complaint. If such a meeting does take place the Complainant may be accompanied, at any meeting under this procedure, by a friend/supporter. https://www.ncl.ac.uk/students/progress/assets/documents/RPSPSFriendSupporterRole.pdf
- 3.2 The Authorised Person will determine in consultation with the Head of the Student Progress Service / Student Wellbeing Service whether early resolution by the mediation service may be appropriate and offered to the complainant. If mediation is appropriate and the complainant agrees to participate, the informal complaint will be put on hold until mediation is complete. If mediation is unsuccessful, the informal complaint consideration will resume.
- 3.3 The Authorised Person will gather evidence relating to the informal complaint either to reach a decision under Level 1 of the procedure or, where the Authorised Person considers the issues raised to be particularly serious at the outset, refer the case with the consent of the Head of the Student Progress Service for a Level 2 formal complaint investigation to be considered. Where the Authorised Person is able to reach a decision or resolve the informal complaint the outcome will be sent to the complainant in writing.
- 3.4 Subject to the written consent of the complainant, and sufficient evidence, the following provisions apply:
 - 3.4.1. The Authorised Person will arrange for the informal complaint to be investigated.
 - 3.4.2. The Authorised Person will gather evidence from relevant individuals (the Complainant, members of staff and anyone against whom the complaint is made or who is judged to be helpful in resolving the matter). Evidence may be gathered either in writing or by oral interview, which may not be recorded without prior consent.
 - 3.4.3 The Authorised Person will send a copy of any responses to the informal complaint to the complainant and invite a response.
 - 3.4.4. The Authorised Person will determine, on the available evidence, whether it is possible to reach a final decision on the complaint. Any decision, may be communicated verbally in the first instance, but will always be formally communicated in writing to the Complainant with a summary of reasons of the decision.
 - 3.4.5. In particularly serious cases, the Authorised Person may, with the consent of the Head of the Student Progress Service, refer the case for consideration under Level 2. The Head of the Student Progress Service or nominee will determine whether a Level 2 formal complaint investigation should be initiated.
 - 3.4.6. Appropriate action will be taken in light of the outcome of the Level 1 procedure. The action will be intended to resolve the matter but it may include the initiation of formal disciplinary action against a member of staff under the University's disciplinary procedures.
 - 3.4.7 A Level 1 complaint procedure will normally be determined within **14 calendar days** from receipt of the complaint but circumstances may result in a longer period. The Complainant will be informed of the reasons should a longer period of investigation be required.
- 3.5 The Authorised Person will retain a copy of the outcome of the Level 1 Informal Complaint & Early Resolution investigation to be made available should the complainant remain dissatisfied and wish to progress to Level 2 of the complaint procedure.
- 3.6 If the complainant does not consent to the matter being investigated, no further action will be taken. The School/Service will keep a confidential record of the details of the informal complaint on file for 12 months.
 - A Complainant may, within **3 months** of the date of the original receipt of the informal complaint, subsequently lodge a request for the matter to be investigated by notice in writing. This time limit may not be extended, without consultation with the Head of the Student Progress Service.

4. LEVEL 2 - FORMAL COMPLAINT & RESOLUTION

Submission of the Complaint

- 4.1 For a Level 2 formal Complaint, the complainant is required to complete the Level 2 Complaint Form, available at https://www.ncl.ac.uk/students/progress/Regulations/Procedures/complaints.htm, indicating the action taken and the outcome received during Level 1 of the Student Complaints and Resolution Procedure. The Level 2 Complaint Form and supporting evidence should be submitted to the Student Progress Service via casework@ncl.ac.uk or to Level 2 Reception, King's Gate. N.B. recordings without prior permission will not be considered as evidence and should not form part of the Complaint Submission.
- 4.2 The Head of the Student Progress Service or nominee (referred to subsequently as the Complaint Officer) will acknowledge receipt of the Complaint within 7 calendar days of the receipt of the completed Complaints form. The Complaint Officer must ascertain the nature of the formal complaint. For this purpose, the Complaint Officer may invite the Complainant to a meeting to clarify the complaint. The Complainant may be accompanied at any meetings under this procedure by a friend or supporter, as defined under this procedure,. Further, a Complainant may appoint an individual to act as the Complainant's representative by providing written authorisation in advance, giving appropriate details of the representative including contact details.
- 4.2 The Complaint Officer will determine whether resolution by the mediation service may be appropriate at this level and offered to the complainant if this has not previously been offered / accepted. If mediation is appropriate and the complainant agrees to participate, the formal complaint process stops until mediation is complete. If mediation is unsuccessful, the formal complaint consideration will resume.

Investigating the Complaint

- 4.3 The Complaint Officer will gather all material evidence relating to the formal complaint either to reach an immediate decision, or where the Complaint Officer considers the issues raised to be particularly serious, to refer the case to a Complaint Committee for determination.
- 4.4 Subject to the written consent of the complainant the following provisions apply:
 - 4.4.1 The Complaints Officer will arrange for the formal complaint to be investigated.
 - 4.4.2 The Complaint Officer will request documentation relating to any Level 1 Informal Complaint & Early Resolution investigation and may consult relevant members of staff and also seek information from anyone else likely to be helpful in resolving the matter, including the complainant. Information may be sought in writing, via oral interview or both.
 - 4.4.3 The Complaint Officer will send a copy of any responses to the complaint to the complainant and invite a response.
 - 4.4.4 Once all necessary evidence has been gathered, the Complaint Officer will normally proceed to determine the complaint. Any decision will be communicated in writing to the complainant with a summary of reasons for the decision.
 - 4.4.5 If the issues raised are, in the view of the Complaint Officer, particularly serious, the Head of the Student Progress Service will refer the matter to a Complaint Committee. The Chair of the Complaint Committee will be supported by a Complaint Officer. The Chair of the Complaint Committee may appoint further independent members of academic or administrative staff as deemed appropriate, including the Welfare Officer or another independent officer of the Students' Union to form a Complaint Committee. The Chair of Complaint Committee and any members, with no previous involvement in or close connection to the case, will be appointed. The Complaint Committee, will investigate the complaint and may seek any such evidence as appears to be necessary to reach a decision.
 - 4.4.6 The Chair of the Complaint Committee will determine whether a complaint hearing is to be convened. If a complaint hearing is convened, the Chair of the Complaint Committee may invite the complainant / representative, and any other relevant parties, to a hearing. A Complainant invited to attend a hearing may be accompanied by a friend or supporter. The Complaint Officer will ensure that the Complainant is given reasonable notice of the

date of the hearing and will provide the Complainant, as soon as is reasonably practicable, with all case papers in accordance with the requirements of the current Data Protection legislation, together with written advice about the general nature of hearings. The conduct of the hearing will, be for the Chair of the Complaint Committee to decide.

4.5 **Complaint Outcome**

- 4.5.1 On completion of the investigation and any hearing, the Complaint Officer will notify the Complainant and other parties to the complaint in writing of the outcome and of any consequential action to be taken. This will include a summary of the reasons for the decision.
- 4.5.2 Appropriate action will be taken in light of the outcome of the investigation. The action will be intended to resolve the matter but may include the initiation of formal disciplinary action against a member of staff under the University's disciplinary procedures.
- 4.5.3 A formal level 2 complaint will normally be determined within 60 calendar days from receipt of the complaint form but circumstances may require a longer period. The Complainant will be informed of the reasons should a longer period of investigation be required.
- 4.6 If the complainant does not consent to the matter being investigated, no further action will be taken. The Student Progress Service will keep a confidential record of the details of the complaint on file for 12 months.
- 4.7 4.7.1 If the Head of the Student Progress Service considers a complaint vexatious or frivolous, the complaint will be dismissed and the Complainant informed.
 - 4.7.2 The University reserves the right to decline, suspend or terminate a complaint made under the Student Complaints' Procedure if a complaint on the same/similar matters has been made to or is being considered by a third party organisation. The Head of the Student Progress Service will determine which action is appropriate.
 - 4.7.3 If the Head of the Student Progress Service considers a complaint to contain inappropriate language, the Complainant will be informed that there is an expectation of civil language. The Complainant will be given the opportunity to rephrase their complaint. The Head of the Student Progress Service may reject a complaint where the Complainant persists with an inappropriate language.
 - 4.7.4 Students will not be disadvantaged for lodging a complaint in good faith. However, if a complaint is found to be malicious, the complainant may be subject to the University's disciplinary procedure.

5. LEVEL 3 - REQUEST FOR REVIEW

- 5.1 A Complainant may seek a review of the outcome of the Level 2 procedure on the ground of procedural irregularity on the part of the Authorised Person, Complaints Officer, Complaint Committee or that the decision reached was unreasonable or perverse. Any appeal lodged will be treated as a request for review.
- 5.2 A Complainant wishing to lodge a request for review of the outcome of a complaint which has been investigated is required to do so in writing to the Academic Registrar, King's Gate (via casework@ncl.ac.uk) within **14 calendar days** of notification of the outcome of the complaint investigation.
- 5.3 The Academic Registrar will normally complete the review of a complaint outcome within 30 calendar days following its receipt but circumstances may require a longer period in which case the Complainant will be informed of the reasons for the longer period of review. An application for review which does not on the face of the submitted documentation provide sufficient evidence to support a finding in favour of the complainant, on the specified grounds, will be dismissed.
- 5.4 Where the Academic Registrar, having reviewed the original complaint file and sought any evidence to reach a decision, considers there to be grounds for the review. Appropriate

- arrangements will be made to have the complaint reconsidered under Level 2 of the procedure by personnel not previously involved in or connected with the matter of complaint.
- 5.5 If the issues raised are, in the view of the Academic Registrar, particularly serious, the matter can be referred to a Complaint Committee and, for this purpose, 4.4.5, 4.4.6 will apply to the referral of the review application.
- 5.6 The Chair of the Complaint Committee, following consideration of the evidence and any hearing, will determine whether or not there has been a procedural irregularity or that the decision reached was unreasonable or perverse. A finding of no such irregularity will result in the dismissal of the review application. A finding of such an irregularity will result in new Level 2 proceedings by personnel under the procedure not previously involved in or connected with the matter of the complaint.
- 5.7 Consideration of a Level 3 Review Appeal against the outcome of the complaint will normally be determined within **30 calendar days** from receipt of the request for review but circumstances may require a longer period. The complainant will be informed of the reasons should a longer period of investigation be required.
- 5.8 The outcome reached from a Level 3 review will conclude the consideration of the case within the University. Provision for independent external review is made through the existence of the Office of the Independent Adjudicator. The Independent Adjudicator's role is to review the application by the University of its own internal procedures. Further information about the Adjudicator's role is available from www.oiahe.org.uk.

6. MONITORING

- The Head of the Student Progress Service will make an annual report to University Learning, Teaching and Student Experience Committee (ULTSEC) of all complaints investigated under this procedure, including:
 - The number of formal Level 2 complaints made, and whether they were upheld or rejected;
 - The nature of the matters raised and any remedial action recommended and taken.

7. CONFIDENTIALITY

- 7.1 All information which a Complainant, or anyone else, provides to the Academic School/Service, Student Progress Service, Academic Registrar, Pro-Vice-Chancellor, or to other officers dealing with the matter in the course of an investigation of a complaint, shall be treated as confidential, subject to the need to divulge information to investigate a case and any requirements of the Data Protection legislation. It is equally important that the Complainant also respects the need for confidentiality throughout the complaints process. Where confidentiality is breached the University's Disciplinary procedures may be invoked.
- 7.2 In submitting a complaint the student understands that their complaint will be shared with the staff member responsible for conducting the investigation into the matters raised, and that the content of their complaint may need to be disclosed to relevant staff in order for the complaint to be investigated and/or resolution sought. If there are elements of a student's complaint which are particularly sensitive and they have concerns about their confidentiality, they are welcome to raise this with the Student Progress Service: Casework@ncl.ac.uk, who will discuss if / how disclosure can be minimised.
- 7.3 Students should avoid disclosing unnecessary personal information (e.g. medical conditions etc.) in their complaint unless they feel that it is relevant to the issues raised. Students must also avoid disclosing personal data of another person/s in their complaint unless they have been given permission by them to do so, and this is also submitted.
- 7.4 Relevant members of staff involved or investigated in the complaint will be informed of the outcome, in confidence. Senior members of staff may also receive a copy of the outcome, in confidence in order for the University to learn / act on issues identified from complaints.