

University of Chichester

**Academic Regulations: Procedures -
RESOLVING STUDENT (INCLUDING DEGREE APPRENTICES)
COMPLAINTS**

2019/20

PROCEDURES FOR RESOLVING COMPLAINTS

1. Introduction

Students or degree apprentices at the University of Chichester may on occasion feel dissatisfied with the quality of a service that is provided. The University seeks to provide a framework for the resolution of these complaints which ensures that complaints are:

- (i) treated seriously and dealt with speedily and fairly;
- (ii) resolved as close as possible to their point of origin with a minimum of formality;
- (iii) progressed through two stages where necessary, an informal and a formal, and resolved at the informal stage wherever possible;
- (iv) dealt with in a way that respects privacy and confidentiality;
- (v) resolved without prejudice to the complainant.

For the purposes of these procedures a complaint is defined as any concern about the provision of a programme of study or a related service by the University.

The complaint must be made within 42 calendar days (six weeks) from its cause.

The University's Admissions Policy provides for complaints about the admissions process or an admissions decision.

The procedures for resolving postgraduate research students' complaints are the same as for other students or degree apprentices.

These procedures can be invoked in cases where a student or degree apprentice wishes to complain about the actions of another student or degree apprentice and where the Harassment Procedures do not apply. In such cases, however, it is expected that the Complaints Procedure, detailed here, will be used for the sole purpose of triggering the Disciplinary Procedures or resolving the matter at the informal stage.

Students or degree apprentices cannot use this procedure to pursue matters related to the outcomes of academic assessment. A separate appeals procedure is detailed in the Academic Regulations.

Whenever a student or degree apprentice is interviewed in relation to a complaint they are entitled to be accompanied by a friend. 'Friend' may include a representative from the Students' Union, other personal friend or family member, or employer but excludes any form of legal representation.

These procedures are operated without prejudice to the right to pursue legal remedies outside the University.

No complaint can be made anonymously, but students or degree apprentices who make complaints through this procedure can do so without fear of disadvantage or recrimination.

Redress might include, for example, a letter of apology, or in exceptional cases a fee waiver.

A very few complaints may be found to be vexatious, where a complaint is pursued over time with little prospect of resolution. This may involve making serial complaints about different matters or continuing to raise the same, or similar, matters over again. The University may terminate complaints that are considered vexatious after a reasonable attempt has been made at resolution (see following guidance for the University's definition on 'acceptable behaviour').

It is expected that trivial or frivolous complaints will be dealt with under the Informal, Stage 1 below and will not proceed to the formal stage. A trivial or frivolous complaint which proceeds to the formal Stage 2 may be rejected as not requiring serious investigation.

Burden of proof

When making a complaint it is for the student to show how the circumstances of which they have complained have affected them.

Standard of proof

The standard of proof applied by the University is that of the balance of probability; that it is more likely than not something was or was not the case.

Procedures

Stage 1 - Informal

Where a student or degree apprentice has a complaint about a programme of study or a service provided by the University he or she should discuss the matter with the member of staff associated with the matter in question. If apprentices have concerns or queries about any aspect of their apprenticeship they should discuss these with the Apprenticeship Manager in the first instance. Students or apprentices may seek advice or assistance from the Students' Union particularly if they are unsure how to complain, if they are unsure who to complain to, or need help in making their complaint. It is the aspiration of the University that most complaints will be dealt with satisfactorily at this stage.

Stage 2 - Formal

If action under the informal part (Stage 1) of the procedure does not successfully resolve the difficulty, the complainant should write a clear and concise letter, setting out the grounds for the complaint. This should contain all relevant details including contact details and why the complainant believes the informal stage provided no redress in this case. This should be directed to the Director of Quality and Standards or an email can be sent to acadvice@chi.ac.uk

The University will:

- write to the complainant acknowledging the complaint, within five working days of its receipt;
- inform the relevant member of the Vice-Chancellor's Group
- investigate the complaint, or nominate an appropriate member of the senior management team to investigate - the complainant and any other interested party will be interviewed, if it is deemed necessary;

- respond to the complainant in writing, normally within 14 calendar days of receipt of the complaint - this letter will detail the outcome of any investigation of the complaint, the conclusion reached and explain the action taken (if any) to redress the position;
- maintain a record of all complaints.

Complaints about the operation of Boards of Examiners will proceed directly to Stage Three.

Stage 3 - Review of a Stage Two decision

If a student or apprentice is dissatisfied with the outcome of Stage Two of the procedure he or she may request a review within 14 calendar days of receiving the outcome of Stage Two. This will only consider a review of the procedures followed at the formal stage, and/or a consideration of whether the outcome was reasonable, and/or new material evidence which the student was unable, for valid reasons, to provide earlier in the process.

That will normally be:

The Deputy Vice-Chancellor

A member of the senior management team who has not previously been involved in the case will be nominated by the VCG member receiving the request for a review to chair a panel to hear the case on his/her behalf. The Panel Chair will:

- acknowledge receipt of the appeal, indicating whether it will be heard or not, within five working days - details will be given in writing where the person hearing the case is able to agree alternative action for redress or where an appeal will not be heard;
- where appropriate, convene a Complaint Panel as indicated below.

The Complaint Panel shall consist of the Panel Chair and three members of the senior management team. The exact composition of the Panel shall be determined by the Panel Chair but no member shall have previously been involved with the case. The Panel will meet to consider the complaint, drawing on any evidence that is deemed relevant to the case, normally within 21 calendar days of receiving the appeal.

Whenever a student or degree apprentice is interviewed in relation to a complaint they are entitled to be accompanied by a friend. 'Friend' may include a representative from the Students' Union, other personal friend or family member, but excludes any form of legal representation.

The Panel will conduct its hearing as follows:

The Panel will invite the complainant (or friend) to provide a statement or produce evidence or witnesses to support the complaint; the manager or person responsible for the service about which the complaint has been made shall not be present. The Panel may ask such questions necessary to explore and test the evidence. The complainant (and friend) will withdraw;

The manager or person responsible for the service about which the complaint has been made will be invited to provide a statement or produce evidence or witnesses to address the complaint. The Panel may ask such questions necessary to explore and test the evidence. The manager or person

responsible for the service about which the complaint has been made will withdraw;

The Panel will then consider the evidence and decide whether the complaint has been substantiated. In reaching its findings, the Panel will be guided by the accepted rules of evidence and the relevance of evidence to the specific nature of the complaint. The Panel should make due allowance for any difficulty that the student or degree apprentice may have experienced in presenting his or her case;

The Panel Chair will inform the student or degree apprentice of the outcome of the Panel's deliberations, including any action for redress to be taken, as soon as possible after the Panel has met;

The Panel Chair will ensure that a record is kept.

Complainants who have exhausted the internal complaints procedures will be issued with a formal Completion of Procedures letter and may then consider applying to pursue their cause through the Office of the Independent Adjudicator, within three months of the issue of the Completion of Procedures letter. There shall be no further internal appeal against a decision taken by a properly constituted Complaint Panel.

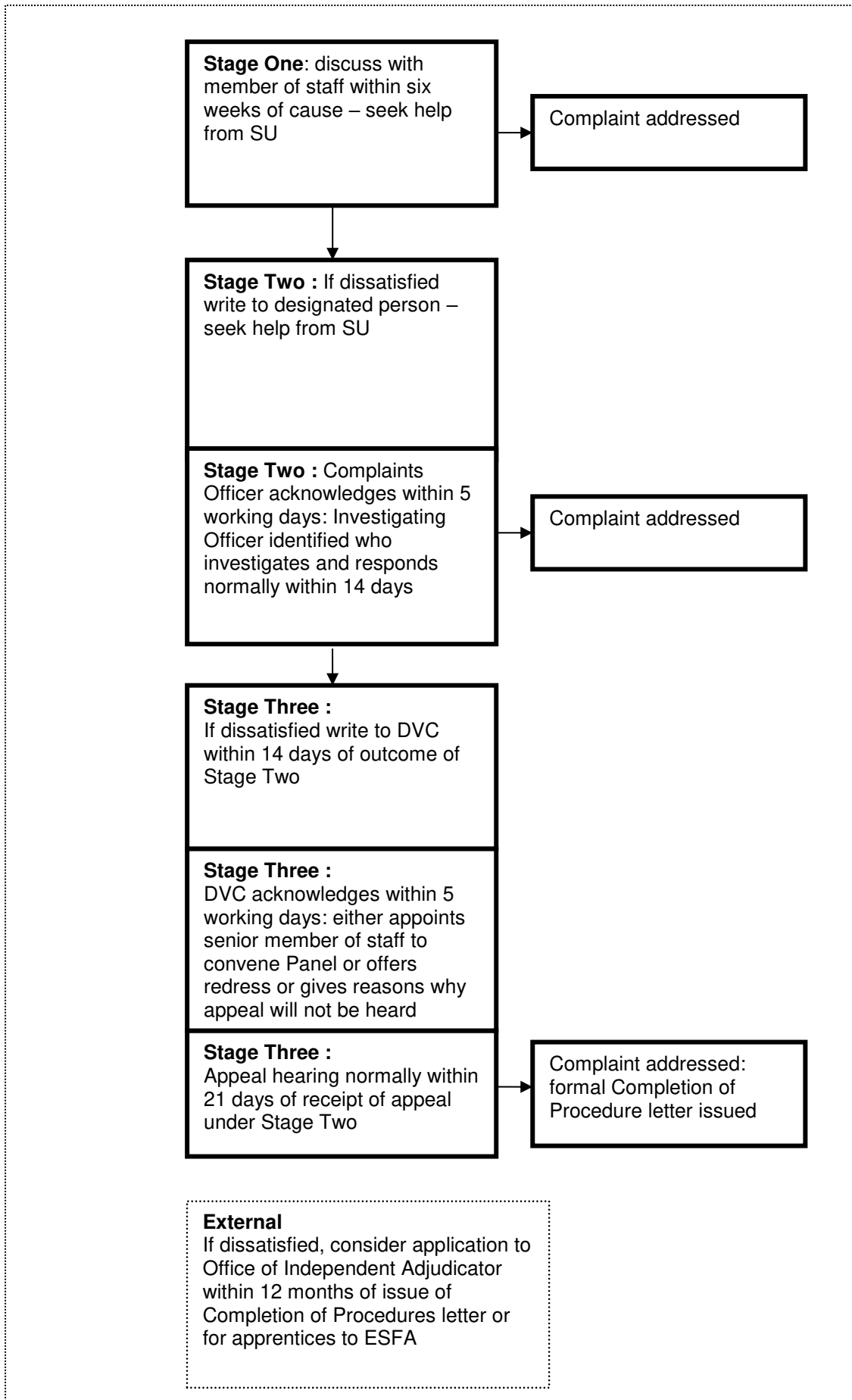
Apprentices can contact the apprenticeship helpline regarding apprenticeship concerns, complaints and enquiries - the ESFA Guide to making a complaint can be found on GOV.UK :
<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

08000 150400 or email nationalhelpdesk@apprenticeships.gov.uk

3. Annual Review of Procedures

- 3.1 Each year a report will be made to Academic Board and to the Chief Executive's Team by the Academic Quality and Standards Service on student or degree apprentice complaints that have been addressed within the formal stages of these procedures. This report will be based on the records kept by AQSS. A report will also be made to the Equality and Diversity Committee where a formal complaint relates to issues concerning that Committee.
- 3.2 The Academic Board will make any changes necessary to procedures, each year, in the light of this report. The Academic Board will also draw the lessons needed from the successful complaints and ensure that such action as is necessary is taken to prevent a recurrence.

STUDENT COMPLAINTS PROCEDURE: FLOWCHART



Annexe to Procedures for Resolving Student Complaints

1.0 Acceptable behaviour

- 1.1 This policy is intended to alleviate the need for further contact with a complainant on the matter of their complaint, where there is no merit in doing so. It is a last resort after all reasonable efforts have been made to satisfy a complaint, and where it is determined that a complainant's continued persistence is adversely impacting on University resources. It is a policy for ensuring University resources are used efficiently and appropriately.
- 1.2 In handling complainants using these procedures, University staff should make two considerations:
- i) They should ensure the complaints procedure defined in the *Academic Regulations* has been correctly followed and that no material element of a complaint has been overlooked or inadequately addressed. It should be appreciated that complaints may have different aspects needing consideration.
 - ii) They should ensure that due warning is given in a written notice to the complainant that they are being considered as habitual and/or vexatious, before the University makes the decision to dismiss the complaint

2.0 Definition of behaviour that is not acceptable

- 2.1 Complainants or their representatives may be deemed to be habitual or vexatious where previous or current contact with them demonstrates that they meet two or more of the following criteria:
- 2.2 Where complainants :
1. Attempt to persist in pursuing a matter internally with the University where the University's complaints procedure has been properly followed already, under the *Academic Regulations*
 2. Continually change the substance of a complaint or continually raise new issues or prolong contact by raising further concerns or questions during a complaint investigation. (Care should be taken not to discard new issues that are substantively different from the original complaint. These might need to be addressed as separate complaints.)
 3. Are unwilling to accept documented evidence provided by the University and/or fail to accept where some matters are impossible to verify and therefore cannot reasonably be investigated (e.g. matters out of time or where no documentary evidence exists).
 4. Do not clearly identify the precise issues to be investigated whilst insisting an investigation takes place, despite reasonable and continual efforts on the part of the University to help them specify their concerns.
 5. Continually focus on a trivial matter to an extent which is out of proportion to its significance

6. Persist in making unsubstantiated complaints.
7. Continually focus on matters of opinion rather than matters of fact, and provide no documentary evidence.
8. Have been personally abusive or threatened to harm staff on any occasion with physical violence or any other form of retribution.
9. Have harassed or made unreasonable demands on more than one occasion towards staff dealing with their complaint despite warnings (reasonable allowance should be made for out of character behaviour at times of anxiety and distress). No action will be taken regarding undocumented incidents.
10. Making excessive contact with University staff (by any medium, but particularly by e mail)
11. In written communications with the University, using increasing or excessively large or emboldened typeface
12. Record telephone or face to face meetings without the consent of the parties involved.
13. Fail to accept that their behaviour or demands are unreasonable (e.g. insist on responses being provided more urgently than is reasonable).
14. Raise/challenge policy that is not of the University's making such as Government financial support policies where the circumstances of that policy have been explained by University staff.
15. Demand that the University investigate issues which are beyond its remit.