

# PROCEDURE FOR COMPLAINTS MADE BY PERSONS EXTERNAL TO TEESSIDE UNIVERSITY

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## 1. Introduction

Whilst the University hopes to provide a quality service there may be occasions where individuals or organisations external to the University may wish to complain about how its staff or students have acted, and/or the level of service they have received. This Procedure aims to provide a mechanism to deal with genuine complaints in a timely, effective and fair manner.

The type of complaint the University reserves the right to decline to consider includes but is not limited to:

- any complaints it considers to be frivolous, vexatious, defamatory, abusive and/or motivated by malice;
- complaints which it determines to be as a result of the private endeavours of its staff or students;
- complaints arising from commercial relationships between the complainant and the University where the University deems that there is a more appropriate mechanism for dealing with such disputes;
- complaints where the complainant has already formally informed the University of their intention to make a legal claim, or has made a legal claim against the University.

This Procedure is not to be used by current students who are enrolled on a University course. Such students should refer to the University's Student Complaints Policy and Procedure. In addition, this Procedure should not be used by staff. Staff should use the University's Grievance Policy and Procedure. Copies of these respective Procedures can be obtained from the University's website, by contacting the Office of Student Complaints, Appeals & Regulations (OSCAR), by emailing [oscar@tees.ac.uk](mailto:oscar@tees.ac.uk).

The Education and Skills Funding Agency (ESFA) requires all providers to provide employers with a written complaints process. This Procedure addresses that requirement by setting out the framework for employers to raise complaints, and is not intended to replace or repeal any rights of the employer or the University in accordance with any contractual agreement connected with an apprenticeship, but to supplement the contractual arrangements between the parties. If there is any conflict between the terms of this Procedure and the contractual documentation between the parties, the contractual documentation shall take precedence over this Procedure.

Should you require any advice in relation to this process, please contact OSCAR using the contact details above.

## **2. Early Resolution**

Complainants are encouraged to initially raise their complaint with the person(s) directly concerned as soon as they become aware of the issue with the aim of resolving the complaint quickly and informally. If the complaint cannot easily be resolved in this way the complainant should submit a formal complaint.

## **3. What are the timescales for submitting a formal complaint?**

All complaints should be brought to the University's attention at the earliest possible opportunity and, in any event, within three months of the occurrence leading to the complaint. The decision on whether, exceptionally, to accept a late complaint will be at the discretion of the University Secretary (or nominee). If the decision is not to accept a late complaint, the complaint will be closed.

## **4. What information should the formal complaint contain?**

The formal complaint should contain:

- All relevant information relating to the complaint, together with any supporting evidence. This should include relevant dates and times of any particular incidents, the names of any people against whom you are complaining about, and the names of any witnesses who can provide evidence in support of your complaint. It is strongly advised that you keep a copy of your complaint and any supporting documentation submitted to the University, as documents will not normally be returned and may be destroyed.
- What outcome(s) you hope to achieve from the process.
- Your name, and contact details, for example correspondence address, email address, or telephone number. A complaint will not normally be dealt with by the University if submitted anonymously. However, Officers of the University may need to take action if evidence is presented that a risk to the public or the University community exists.

Where this information is not provided at the time of submission of the complaint, the University may need to contact you to request such information. If the information is not received, then it may not be possible to investigate the complaint and it will be closed.

## **5. Confidentiality and Data Protection**

Complaints will be handled with discretion and access to information will only be provided to those who have a legitimate interest for the purposes of facilitating investigations. In determining this, the University will have regard to legislative requirements for example, data protection and freedom of information legislation, as well as internal University policies and regulations.

Data Protection legislation specifies that individuals have a right to access information concerning them, except in limited circumstances. This means that

any third party identified in a complaint, may have an entitlement to access the information that has been written about them on request. Equally, individuals that are the subject of a complaint have a right to understand the nature of the complaint about them in order that the complaint can be adequately investigated and to ensure they are afforded the opportunity to respond.

## **6. Making a formal complaint**

- 6.1 If you wish to submit a formal complaint this should be submitted in writing to: Office of Student Complaints, Appeals & Regulations (OSCAR) Legal & Governance Services, Teesside University, Middlesbrough, TS1 3BX, or via email to oscar@tees.ac.uk
- 6.2 The University will acknowledge receipt of your formal complaint, and it will be forwarded to the appropriate School/Department as determined by OSCAR, for consideration. The School/Department will appoint an investigating officer to consider and respond to your formal complaint.
- 6.3 A full and considered response will normally be provided to you typically no later than 30 calendar days from the time the formal complaint was received, and a copy of the outcome will be sent to OSCAR. If the investigation cannot be completed in that time for good reason (such as staff unavailability due to holidays) or the matter is complex, the investigating officer will advise you of a revised timescale.
- 6.4 If, at any time during the investigation of your formal complaint, it appears that some or all of the matters complained about raises issues, which would more appropriately dealt with under another set of University Regulations, such matters will be transferred for consideration under the appropriate process, and you will be notified accordingly. If the matters are transferred for consideration under the University's Staff and/or Student Disciplinary Regulations, the University reserves the right to maintain confidentiality in relation to such matters.
- 6.5 The University's response is final and there is no further right of appeal.