

STUDENT COMPLAINTS POLICY AND PROCEDURE

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STUDENT COMPLAINTS POLICY

1. Introduction

- 1.1 Whilst the University hopes to deliver an excellent student experience, there may be occasions where a student wishes to complain about the services they have received.
- 1.2 The Policy and Procedure underpins the University's Terms and Conditions, which sets out the expectations and responsibilities of both a student and the University, and outlines the learning experience that a student can reasonably expect the University to provide. A copy of the University's Terms and Conditions can be obtained from the University's website at www.tees.ac.uk/studentregulations.

The formal procedure for resolving complaints comprises of two stages:

- Stage 1 (Formal Resolution Stage);
 - Stage 2 (Formal Institutional Review and Final Resolution Stage).
- 1.3 Mediation/Conciliation can be proposed for consideration, by either party or by a Vice-Chancellor's nominee, at any point during the formal complaints process. This process is co-ordinated through the Office of Student Complaints, Appeals & Regulations (OSCAR).
 - 1.4 Should a complaint not be resolved through this process, students are able to request that their complaint be independently reviewed by the Office of the Independent Adjudicator for Higher Education (OIA).

2. What is a complaint

A complaint is broadly defined as:

An expression of dissatisfaction by one or more students about the action or lack of action, or standard of service, provided by the University or by a third party acting on behalf of the University.

3. Who is eligible to complain

- 3.1 Students who are registered or enrolled on a University course, or former students, can make a complaint provided it is submitted within the time limits set out in paragraph 6.
- 3.2 A person who is not a student of the University and wishes to make a complaint should use the University's Procedure for Complaints by Persons External to the University. Further information on this Procedure can be obtained by contacting OSCAR.

4. Where to complain

4.1 Courses delivered by the University

Complaints in the first instance should be raised with the School or Department where the problem arose, and arrangements will be made for the complaint to be considered by a relevant member of staff.

4.2 Courses delivered by a Collaborative Partner

4.2.1 Using the Collaborative Partner Student Complaints Procedure

A student complaint relating to local management, delivery and resourcing of the course should, in the first instance, be dealt with by the Collaborative Partner under their own procedure. Where a student remains dissatisfied with the outcome received from a Collaborative Partner, the following options apply:

- i) **Academic Issues:**
If the complaint is not resolved and relates to academic standards such as course delivery, teaching, feedback, and learning resources, the student may refer the complaint to OSCAR, under Stage 2 of this Procedure.
- ii) **Service issues (where the Collaborative Partner is registered with the Office of the Independent Adjudicator (OIA)):**
If the complaint relates to a service delivered by a Collaborative Partner who is a member of the OIA, then the Collaborative Partner, will issue the student with a 'Completion of Procedures' letter when the case has exhausted the Collaborative Partner's complaints procedure enabling the student to proceed with their complaint to the OIA.
- iii) **Service issues (where the Collaborative Partner is not registered with the OIA):**
If the complaint relates to a service delivered by a Collaborative Partner who is not a member of the OIA, then the Collaborative Partners complaints procedure will conclude the case.

4.2.2 Using the University's Student Complaints Procedure

- i) If the complaint relates to a service delivered by the University, it will be dealt with entirely under the formal stage of this Procedure.
- ii) In exceptional circumstances, student complaints, which by their nature, cannot be dealt with by the Collaborative Partner may be referred by the Collaborative Partner and/or student to the University for consideration under the formal stage of this Procedure.

5. What type of complaints can be considered

5.1 This process applies only to complaints relating to:

- 5.1.1 The quality and standards of service provided by the University, its staff or a third party acting on behalf of the University (subject to paragraph 5.2.4 below);
- 5.1.2 Failure by the University or its staff to provide a service, or other lack of action by the University or its staff (subject to paragraph 5.2.4 below);
- 5.1.3 Misleading or incorrect information in prospectuses or promotional material and other information provided by the University;
- 5.1.4 The quality of facilities, services or learning resources;
- 5.1.5 Inappropriate behaviour or treatment by a staff member;
- 5.1.6 Failure of the University to follow an appropriate administrative process;
- 5.1.7 A complaint relating to the Students' Union which remains unresolved at the conclusion of the Students' Union's own procedure;
- 5.1.8 Unfair disadvantage attributable to opting out of Students' Union membership;
- 5.1.9 Complaints involving other organisations or contractors providing a service on behalf of the University.

5.2 The following examples would **not** be dealt with under the complaints process:

- 5.2.1 A concern or comment, which is informal and does not require any further action. Course Representatives can represent the views of students and can raise any concern a student may have with relevant University staff;
- 5.2.2 An attempt to challenge an academic decision or to challenge an outcome determined under the University's Academic Appeal Regulations;
- 5.2.3 A complaint in relation to alleged misconduct of a fellow student(s). Such matters should be brought to the attention of the University under the University's Student Disciplinary Regulations;
- 5.2.4 If there is a substantive University regulation, procedure or code which applies to any matter which may also be the subject of a complaint. In such circumstances, the Student Complaints Policy and Procedure may **not** be used to deal with that matter, and that matter should **only** be dealt with under the substantive procedure.

- 5.2.5 A routine, first-time request for a service;
- 5.2.6 A request under the Freedom of Information Act;
- 5.2.7 A request under the General Data Protection Regulation and the Data Protection Act 2018;
- 5.2.8 A request for information on University policy or procedure;
- 5.2.9 A response to an invitation to provide feedback or when feedback is given through the general web;
- 5.2.10 Forms or surveys seeking feedback;
- 5.2.11 An insurance claim;
- 5.2.12 An attempt to have a complaint reconsidered when the matter complained of has already exhausted the University's procedures and a 'Completion of Procedures' letter has been issued;
- 5.2.13 A grievance by a student who is also a member of staff; such cases are to be handled through the appropriate Human Resources procedures;
- 5.2.14 Complaints relating to the Student Loans Company, which has its own Complaints Procedures.
- 5.2.15 A complaint relating to a service issue which by its nature is not in the control of the University.

6. What are the timescales for the submission of a formal complaint

- 6.1 The University expects a student who wishes to make a complaint to initially attempt to resolve it by early resolution as soon as possible after the event. In any event, a formal complaint must normally be raised with the University **within 30 days** of the incident that is the cause of the complaint. If the complaint relates to a series of connected events, the 30 days will commence from the date of the most recent event.
- 6.2 Former students must submit their formal complaint **within 30 days** of the notification of awards relating to the relevant course of study. In cases where public notification of awards is not given, a formal complaint (Stage 1) may be made no later than 30 days of the Record of Progress being issued to the student, or within 30 days of the termination of a student's contract (for example, a withdrawal date) whichever is the latter.
- 6.3 If a student, or a former student, submits a complaint late, they must normally enclose with their formal complaint a separate written explanation for the late submission supported by evidence (if applicable). The Vice-Chancellor's nominee will determine whether or not a late complaint is accepted for consideration under

this process and this decision is not subject to further review. If the decision is not to accept a late complaint, the student's complaint will be closed, and the student may request a 'Completion of Procedures' letter from OSCAR within 28 days from the issue date of the Vice-Chancellor's nominee's decision.

- 6.4 A student is not typically required to be present at the relevant institution for a complaint to be investigated, though participation in a meeting/hearing may be necessary via electronic communication, such as Skype.
- 6.5 Reference to timescales in this process relates to calendar days excluding the University Christmas closure period and statutory bank holidays.

7. What details are required

- 7.1 Complaints should contain all relevant information and be accompanied by evidence. Further information on this can be found in appendix 1, paragraph 19.
- 7.2 Incomplete complaints, late submissions, or those which are not supported by evidence, will normally be rejected by the Vice-Chancellor's nominee.

8. Disciplinary matters

- 8.1 If, at any time during the investigation of a complaint, it appears that the complaint raises allegations of misconduct which would be more appropriately dealt with under the University's Student Disciplinary Regulations, the Staff Disciplinary Policy and Procedure, or the Students' Union Disciplinary Regulations, the matters may be referred for investigation under these Regulations. Any decision to invoke Disciplinary Regulations as a result of a complaint will be taken following consultation with the Vice-Chancellor's nominee. If a disciplinary allegation is severable from other aspects of a complaint, the Vice-Chancellor's nominee may agree to simultaneous operation of the Student Complaints Policy and Procedure and the Disciplinary Regulations.
- 8.2 The Student Complaints Policy and Procedure cannot be used as an attempt to challenge findings of fact and/or determination of issues considered under the relevant disciplinary process.

STUDENT COMPLAINTS PROCEDURE

1. INTRODUCTION

The Student Complaints Procedure is intended to be read in conjunction with the University's Student Complaints Policy and appendix 1 - 'General Principles'.

EARLY RESOLUTION

2. Students are encouraged to initially raise a complaint as soon as they become aware of the issue giving rise to the complaint. This form of early resolution is designed to address straightforward concerns swiftly and locally without the need for escalation to the formal stages of the University's Complaints Procedure. The matter should be raised with the member of staff most directly concerned, or the person who the student feels can best resolve their complaint. If the complaint cannot easily be resolved in this way the student should proceed to the submission of a formal complaint.

STAGE 1 – FORMAL RESOLUTION STAGE

3.1. A Stage 1 complaint should be instigated when:

- The student declines to engage with early resolution;
- Early resolution has been attempted but an acceptable outcome was not reached;
- Early resolution is not appropriate due to the nature of the complaint.

3.2 Students must submit their complaint on a Stage 1 Complaint Form including any supporting documentary evidence. A Stage 1 Complaint Pack is available from the University's website or by emailing OSCAR@tees.ac.uk. All sections of the Complaint Form must be completed as fully as possible, following the guidance in the Stage 1 Complaint Pack.

3.3 If a student submits a Stage 1 Complaint outside of the timescales cited in either paragraph 6.1 or 6.2 of the Policy it will be considered in accordance with paragraph 6.3 of the Policy.

3.4 Where the submission of supporting documentary evidence is not possible at the time of submission of the Stage 1 Complaint due to circumstances outside the

student's control, the Stage 1 Complaint should be submitted prior to the deadline date together with a clear statement that evidence will follow, normally within 10 days. If no subsequent supporting evidence is received, OSCAR will process Stage 1 Complaint based on the available documentation.

- 3.5 Receipt of the Stage 1 Complaint will normally be acknowledged by OSCAR within **3 days**. On receipt of the Stage 1 Complaint, OSCAR will determine whether:
- the Stage 1 Complaint falls within the scope of the Student Complaints Policy and Procedure or whether an alternative Procedure would be appropriate;
 - if the matters complained about are clearly outlined, and if not request the student provide further context to their complaint;
 - consider if mediation/consolidation may be possible;
 - the student has attached the relevant documentary evidence cited in their complaint;
 - if the complaint has been submitted within the stipulated timescales.

If OSCAR believes that the Stage 1 Complaint does not meet above criteria, it will liaise with the Vice-Chancellor's nominee and advise the student in writing within 5 days and, if necessary, ask the student to submit additional evidence/clarification within 7 days.

- 3.6 If OSCAR believes it is appropriate to progress the Stage 1 Complaint, it will normally send it to the relevant Dean/Director for consideration. If appropriate, the Dean/Director may appoint another senior member of staff in the School/Department who has not previously been involved in the case, to oversee the investigation and write to the student with the outcome. Where the relevant Dean/Director believes that there could be a perception of bias they should contact OSCAR to discuss. The relevant Dean/Director must ensure that any person(s) named in the complaint are provided with the details of any aspects of the complaint relating to them.
- 3.7 A written response will normally be provided to the student and any named person(s) who are subject to the complaint within **27 days** from the time that the complaint was received for investigation by the relevant Dean/Director. A copy must also be sent to OSCAR. In exceptional circumstances, a short extension of time may be necessary to increase the possibility of resolving the complaint. Where an extension is required the student and/or relevant members of staff will be kept informed.
- 3.8 The student should be advised of their right to escalate the Stage 1 complaint to Stage 2 of the process, the grounds on which this is permissible, and the prescribed time limit within which to do so. If the student does not escalate the complaint to Stage 2 within **7 days**, the complaint will then be closed.

STAGE 2 – FORMAL INSTITUTIONAL REVIEW AND FINAL RESOLUTION STAGE

- 4.1 Complaints taken to Stage 2 must already have been considered at Stage 1. No new issues of complaint may be introduced at Stage 2.
- 4.2 A student may proceed to Stage 2 when:
- 4.2.1 There is evidence of procedural irregularity at Stage 1 which has materially disadvantaged the student;
- 4.2.2 Additional information has come to light which may have affected the outcome of Stage 1, but was unavailable at the time of the submission of the Stage 1 complaint.
- 4.3 Students must submit their complaint on a Stage 2 Complaint Form including any supporting documentary evidence. A Stage 2 Complaint Pack is available from the University's website or by emailing OSCAR@tees.ac.uk. All sections of the Complaint Form must be completed as fully as possible, following guidance in the Stage 2 Complaint Pack.
- 4.4 The Stage 2 Complaint must be received by OSCAR within **7 days** of the written outcome of Stage 1 being provided to the student, otherwise the complaint will be considered closed. If a student submits a Stage 2 Complaint outside of the timescales it will be considered in accordance with paragraph 6.3 of the Policy.
- 4.5 Where the submission of supporting documentary evidence is not possible at the time of submission of the Stage 2 Complaint due to circumstances outside the student's control, the Stage 2 Complaint should be submitted prior to the deadline date together with a clear statement that evidence will follow, normally within 10 days. If no subsequent supporting evidence is received, OSCAR will process Stage 2 Complaint based on the available documentation.
- 4.6 Receipt of the Stage 2 Complaint will normally be acknowledged by OSCAR within **3 days**. On receipt of the Stage 1 Complaint, OSCAR will determine whether:
- The grounds for review have been clearly identified, and if not request the student provide further context to their complaint;
 - the student has attached the relevant documentary evidence cited in their complaint;
 - The complaint has been submitted within the stipulated timescales.
 - The complaint is valid for consideration under this process.
- If OSCAR believes that the Stage 2 Complaint does not meet the above criteria, it will advise the student in writing within 5 days and, if necessary, ask the student to submit additional evidence/clarification within 7 days.
- 4.7 On receipt of the Stage 2 Complaint, OSCAR may, if appropriate, request from the relevant School/Department/ Collaborative Partner a copy of any information/ documentation used to determine the outcome of Stage 1. OSCAR will then send the complaint and all relevant documentation to the Vice-Chancellor's nominee who will have had no prior involvement in the case, and will make a determination

as to whether the case is suitable for consideration at Stage 2. A copy of the complaint will be sent to the relevant Dean/Director who must ensure that the member of staff who undertook the Stage 1 investigation (if different to the relevant Dean/Director) and any person(s) who are named in the complaint are informed of the student's request to proceed to Stage 2.

- 4.8 Within **10 days** of receipt by the Vice-Chancellor's nominee (or within such longer period as may be reasonably necessary), the Vice-Chancellor's nominee will personally review the complaint and will either:
- (i) Ask the parties if they would be willing to participate in mediation/conciliation if not previously used;
 - (ii) Refer the Complaint back to the investigating officer at Stage 1 for reconsideration of their decision, in light of additional evidence;
 - (iii) Convene a Complaints Panel to further consider and resolve the complaint;
 - (iv) Reject the Stage 2 Complaint on the basis that it does not meet the grounds for a review.

The Vice-Chancellor's nominee may request further evidence from the student and/or School/Department/ Collaborative Partner to assist him/her in reaching one of the above options.

- 4.9 In exceptional circumstances, the Vice-Chancellor's nominee may require a short extension of time to consider the case. Where an extension is required the student and/or relevant members of staff will be kept informed.
- 4.10 Where 4.8 (ii) is the outcome agreed by the Vice-Chancellor's nominee, the student will have the opportunity to submit a fresh Stage 2 Complaint Form within **7 days** of being informed of the decision of the Stage 1 investigating officer.
- 4.11 The decision of the Vice-Chancellor's nominee will be communicated in writing to the student, OSCAR, the investigating officer at Stage 1, and any individual(s) who are subject to the complaint. If the decision has been to Reject the Stage 2 Complaint (paragraph 4.8 (iv)) the student will be issued with a 'Completion of Procedures' letter.

5. PROCEDURE FOR A STAGE 2 COMPLAINTS PANEL

- 5.1 If the Vice-Chancellor's nominee determines that a Complaints Panel is to be convened, the following process will apply:

6. Membership of the Complaints Panel

- 6.1 The Panel shall consist of three members who have had no material involvement with the student, or in the case under consideration. A Panel will have the following membership:

- A Chair, who will be the Vice-Chancellor's nominee;
- One elected officer from the Students' Union;
- One senior representative of a School/Department/ Collaborative Partner not related to the case.

6.2 The Panel will have a Clerk who will attend in an advisory capacity, and a Secretary.

7. Procedure for the Stage 2 Complaint Panel

- 7.1 On confirmation from the Vice-Chancellor's nominee to convene a Panel, OSCAR will ask the relevant Dean/Director of a School/Department or Head of Collaborative Partner (or nominee) to provide their written observations relating to the Stage 2 Complaint within **10 days**. These observations will be included in the documentation provided to the Panel.
- 7.2 The student and the relevant School/Department/ Collaborative Partner representative will be notified by OSCAR of the date and time of the Hearing, and of their right to be accompanied by one friend.
- 7.3 It will not normally be possible for the date of the Hearing to be changed. This will only be done in exceptional circumstances. Any requests to change the date of the Hearing must be submitted in writing to OSCAR, and the decision will be at the discretion of the Chair. Where a decision to re-arrange a Hearing has been refused, the party will be informed, in writing, of the refusal and, if necessary, the case will be considered in their absence.
- 7.4 Only the student and School/Department/ Collaborative Partner representatives and their friend will normally be allowed to be present throughout the whole of the Hearing except when the decision is being debated. If the Panel, in its absolute discretion, decides that the presence of any person is not appropriate throughout the whole Hearing or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such a person is given an adequate opportunity to present their case.
- 7.5 Both parties may call witnesses, and these witnesses may be accompanied by one friend. The witnesses will only be invited to attend the Hearing at the point their evidence is required, and are expected to leave the Hearing at the conclusion of their evidence. The parties, as well as the Panel, will have the opportunity to question the witnesses. It is the parties' responsibility to inform their witnesses of the date, time and venue of the Hearing and provide them with copies of appropriate documentation.
- 7.6 At least **5 days** prior to the Hearing, the parties should confirm to OSCAR the names of those who will be attending.

- 7.7 In considering the case, the Chair may call any appropriate persons to give evidence with at least **5 days'** notice of the Hearing. Any person called may be accompanied to the Hearing by one friend, and OSCAR will provide a copy of the appropriate documentation.
- 7.8 The documentation to be considered by the Panel will be circulated to all parties prior to the Hearing. Following which, the presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with the agreement of the Chair. In this event, a suspension of proceedings may be necessary in order to provide all parties with the opportunity to consider the new documentation.
- 7.9 During the Hearing:
- The Chair will outline the procedure of the Hearing to all parties;
 - The Chair will ask the student and/or their friend to present their case in support of their complaint including the presentation of any witnesses;
 - Members of the Panel may ask questions of the student, their friend and any witnesses;
 - The School/Department/ Collaborative Partner may ask for clarification on any representations made by the student and witnesses by addressing questions via the Chair;
 - The Chair will ask the School/Department/ Collaborative Partner representative(s) to present their case and any witnesses;
 - Members of the Panel may ask questions of the School/Department/ Collaborative Partner representative(s) and any witnesses;
 - The student may ask for clarification on any representations made by the School/Department/ Collaborative Partner and witnesses addressing questions via the Chair;
 - Both parties will be given the opportunity to sum up their response;
 - The Chair will ask the student, their friend and the School/Department/ Collaborative Partner representative(s) to leave the Hearing;
 - The Panel will consider the evidence in private and reach a decision in accordance with paragraph 8.
- 7.10 The Panel has the authority to adjourn the Hearing at any time, for any reason, for such period as it, in its absolute discretion, thinks fit.
- 7.11 If it appears to the Panel that the complaint, or associated documentation, or oral evidence, raises allegations of misconduct this may lead to action under the relevant Staff Disciplinary Policy and Procedure.
- 7.12 In some circumstances, the Panel may find that the outcomes of the student's assessment may have been affected by the matters complained about. If this is the case, the Panel may refer the matter for consideration under the Academic Appeal Regulations.

8. Decision of the Stage 2 Complaints Panel

- 8.1 The decision of the Panel will be by majority decision and based on the balance of probabilities.
- 8.2 The student will be issued with a 'Completion of Procedures' letter concluding Stage 2, normally within 7 days. The outcome will include a clear explanation of the determinations made on the key elements within the complaint under review. Where relevant, the University will provide an explanation of how any outcomes are to be implemented. The 'Completion of Procedures' letter will advise the student of the right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) and the time limit for submission.
- 8.3 A copy of the letter to the student, along with any other directive from the Panel regarding the conclusions reached, will also be sent to the relevant Dean/Director, who is expected to share the outcome with the member of staff who undertook the Stage 1 investigation, and any named individual(s) who are subject to the complaint.
- 8.4 Once a decision has been issued, a record will be kept by the University detailing the outcome and the complaint will then be closed subject to further external escalation.

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9. At the conclusion of the University's internal processes connected with this process, the student shall be issued with a 'Completion of Procedures' letter of internal proceedings in the manner prescribed by the OIA. A student who is of the opinion that their case is unresolved may apply to the OIA for reconsideration of the case under the rules of its scheme within 12 months of the issue of the 'Completion of Procedures' letter. Information on the process may be obtained directly from the OIA's website at <http://www.oiahe.org.uk>.

APPENDIX 1

GENERAL PRINCIPLES

1. Legal Proceedings

If a student chooses to start legal proceedings against the University, relevant to their complaint, any complaint will be stayed until legal proceedings are completed. If a determination on the matters which are subject to the complaint is made during legal proceedings the University may terminate consideration of the complaint and the student will be issued with a 'Completion of Procedures' letter.

2. Simultaneous Applications

- 2.1 If, after any initial investigation, it appears to OSCAR, or the investigating officer, that the complaint falls within the scope of any other University Regulation or Procedure, reclassification of the complaint will be discussed with the student, and the appropriate referral made.
- 2.2 If a student submits a complaint at the same time as a related Academic Appeal (or another appeal/review process), the complaint will normally take precedence, and the Academic Appeal (or other appeal/review process) will be stayed until the conclusion of the complaint. In making this decision the University will have due regard to the nature of the Academic Appeal (or other appeal/review process) and the other related issues.

3. Fair Treatment

- 3.1 No student submitting a complaint under this process, whether or not it is successful, will be treated less favourably by any member of staff. If evidence to the contrary is found, the member of staff may be subject to action under the University's Staff Disciplinary Policy and Procedure.
- 3.2 Where a student or staff member believes that consideration of a complaint is likely to affect their relationship, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the relevant Dean/Director consider agreeing to a request for alternative working arrangements whilst the complaint is being investigated.
- 3.3 Where a student has declared a disability, the University will endeavour to ensure that information is available to the student at all stages of the procedure in appropriate formats, and where needed, reasonable adjustments will be made to the complaints investigation process.

4. Group Complaints

A group of students may use this process, which will be considered as one collective complaint. Where the case is considered at Stage 1 or Stage 2, the Group Complaint Form should be completed. This Form should include the names of all students who wish to bring the complaint. A lead student should be

identified on the Group Complaint Form who will act as spokesperson and correspondent. Students who have not associated themselves with the complaint, at the point of submission, will not normally be permitted, subsequently, to do so.

5. Third Party Complaints

Complaints submitted by third parties (for example, legal representative, parent, guardian, or spouse) will not normally be accepted for consideration except where written consent is provided by the student. Where written consent is provided and accepted by the University, all further communications will be via the nominated individual only.

6. Anonymous Complaints

A complaint will not 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 exists.

7. Multiple Complaints

If a student presents a “Multiple Complaint”, relating to more than one School or Department, OSCAR will confer with the area(s) named in the complaint. A decision will be taken on who will take the lead in the investigation and resolution, and a coordinated response will typically be provided. If the complaint is complex and/or diverse, there may be some delay in the provision of full responses in the time periods referred to in this process. In all cases, the person to whom the complaint has been addressed will be required to keep the student informed as to the progress made in dealing with the complaint.

8. Complaints to the Vice-Chancellor and Other Senior Members of Staff

Should the Vice-Chancellor or a member of the Vice-Chancellor’s Executive receive a complaint, it will be acknowledged and will normally be referred to OSCAR who will ensure that it enters this process at the appropriate Stage. If no substantive attempt has been made by the student to resolve their complaint at Stage 1, the complaint will normally be sent to the relevant Dean/Director for consideration under Stage 1 of this Procedure.

9. Frivolous or Vexatious Complaints

9.1 If a student submits a complaint which in the opinion of OSCAR or the investigating officer is deemed to be frivolous or vexatious, OSCAR will forward the complaint to the Vice-Chancellor’s nominee for consideration as to whether their complaint is acceptable for consideration or should be rejected. The decision of the Vice-Chancellor’s nominee is final and not subject to further review. Frivolous or vexatious applications may include:

- complaints which are obsessive, harassing, or repetitive;
- insistence on pursuing unrealistic complaints and/or unreasonable outcomes;
- insistence on pursuing complaints in an unreasonable manner;

- complaints which are designed to cause disruption or annoyance.

10. Confidentiality and Data Protection

- 10.1 Information provided by students will be handled in confidence and released only to those members of staff who require it. Any breach of confidentiality may result in formal disciplinary action being taken.
- 10.2 Investigating officers will gather all information they consider relevant to the complaint. This may include gathering information held by other University staff and departments and in some cases third parties. Where such data relates to special category data as defined by the General Data Protection Regulations and the Data Protection Act 2018, explicit consent of the data subject will be obtained prior to the investigating officer collecting the information. However, it should be noted that where consent of the data subject is not supplied, it may not be possible for the University to adequately investigate the complaint.
- 10.3 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 right to respond.
- 10.4 Any outcomes of a meeting/hearing is confidential until formal notification is sent to the parties involved.
- 10.5 Where the student submits a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), relevant information shall be disclosed to the OIA in order for the review to take place.
- 10.6 Where a complaint has been raised against a member of staff and has been upheld or partially upheld, the student will be advised of this. However, information relating to specific staff members will not normally be shared, particularly where disciplinary action is taken.
- 10.7 Any documentation obtained, or produced, as part of this process will be retained in accordance with the University's Classification Scheme and Retention Schedule.

11. Monitoring and Evaluation

On an annual basis, OSCAR shall provide a written report to relevant University Committee Boards. The report shall provide anonymous statistical data, identify any trends or wider issues, and make any observations and/or recommendations that may assist the University to further good practice in the management of this process.

12. Expenses

- 12.1 In the event that a case is upheld during the Review Stage (Stage 2), the University will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), subsistence and accommodation costs where it is satisfied that it was necessary for the student to incur such expenses. Expenses will not be met without the production of original receipts to OSCAR, and any monies will not be paid until conclusion of this process. Students are required to submit claims, in writing, to OSCAR. Students who are in doubt as to the acceptability of any expenses should check in advance with OSCAR. The decision on whether to meet such expenses will be made by the Vice-Chancellor's nominee and their decision will be final.
- 12.2 The student or member of staff will initially be responsible for the costs to their friend's attendance at any meeting/hearing, and third party costs will only be reimbursed subject to approval by the Vice-Chancellor's nominee.

13. Attendance at Meetings or Hearings

- 13.1 During the course of investigating a complaint it may be necessary for the relevant member of staff to meet with the student and/or member(s) of staff. A note taker may be in attendance at such meetings/hearings.
- 13.2 If the student or relevant member of staff does not attend a meeting/hearing, without providing a good reason for their non-attendance in advance, the meeting/hearing may proceed in their absence. In this instance, the complaint will be considered on the evidence available at the time.
- 13.3 If the student or relevant member of staff is unable to attend a meeting/hearing, then they may request that it is postponed until a later date. The decision on whether a meeting/hearing will be deferred will be made by the relevant Chair.
- 13.4 If the student and/or their friend has a disability which calls for additional facilities or adjustments, those requirements should be made known to the investigating officer or OSCAR prior to the meeting/hearing in order that, if possible, appropriate arrangements can be made.

14. The right to be accompanied

- 14.1 A student or member of staff has the right to be accompanied to the meeting/hearing by one friend who may not act as a representative or attend in any legal capacity unless permitted by the person conducting the proceedings.
- 14.2 If the student, or member of staff is accompanied at any meeting/hearing by a friend, it is the responsibility to provide all relevant communications and documents to their friend.
- 14.3 The student, or member of staff, must provide the name of their friend to the relevant Chair **5 days** prior to any meeting/hearing.

15. Behaviour at Meetings/Hearings

All participants at meetings/hearings are expected to behave in an orderly and non-confrontational manner. If the appropriate Chair of the meeting/hearing believes it necessary, they may adjourn or halt proceedings if, in their opinion, the progress of the meeting/hearing is being hampered by a participant's behaviour.

16. Location of Meetings/Hearings

Any meeting/hearing will normally be held at either the University's Middlesbrough or Darlington campuses. Students and staff based in other locations may either attend the relevant campus or participate in meetings/hearings electronically for example, via Skype. Those who wish to do so must inform the relevant Chair prior to the meeting/hearing.

17. Recording of Proceedings

The audio recording of meetings/hearings is prohibited subject to such reasonable adjustments as may be agreed by the University under the Equality Act 2010.

18. Advice and Guidance on the Policy and Procedure

- 18.1 Advisers in the Students' Union can provide students with advice, independent of the University. Staff and students can also seek advice and support on understanding the Policy and Procedure from OSCAR. Any member of staff who is subject to the complaint can obtain advice on the Policy and Procedure from their Union representative.
- 18.2 Students based at Collaborative Partner should contact their own Students' Union or equivalent.

19. Documentation

- 19.1 A student must be able to substantiate their case with evidence, and this should be submitted to the University at the same time as the complaint. The evidence should normally be the original and not a photocopy. Where photocopies of documents are submitted, the student may be required to provide OSCAR with sight of the original documents in order to verify their authenticity. Students are advised to retain a photocopy of any documentation submitted to the University. Documents will not normally be returned and may be securely destroyed unless the return of documentation is requested at the point of submission. For the use of this process, third party data will normally only be accepted from a student with the written consent of the individual concerned. Where third party data is submitted without the consent of the individual, it should be anonymised (i.e. names should be redacted). Students should be aware that documents may not be accepted where third party data submitted without consent has not been anonymised, but that they may be re-submitted once anonymisation has been carried out, or consent provided. Where non-anonymised third party personal data has been accepted in error, the University reserves the right to redact

personal data. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.

- 19.2 For students studying at Collaborative Partner, original documentation may be submitted to a designated member of partner staff who will take photocopies and verify that the original documentation has been seen.
- 19.3 If, due to circumstances outside the student's control, it is not possible to obtain the supporting information, the complaint should be submitted prior to the deadline date together with a clear statement that evidence will follow, normally within **10 days**. If no subsequent supporting evidence is received OSCAR will process the complaint based on the available documentation.
- 19.4 To assist in considering a case, OSCAR and/or the investigating officer has the right to request further clarification and/or information from the student or any relevant third party.