

STUDENT COMPLAINTS & RESOLUTION PROCEDURE

*This procedure applies to all informal and formal complaints.
Implementation of Procedure: 1 September 2018*

The principles of this procedure apply to all registered students in all locations on and off campus both in the UK and overseas. On a case by case basis some staff roles may vary from those detailed below.

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

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, except where the complaint relates to the behaviour of a specific member of staff which may contravene the behavioural expectations set out in Section B of the Student Charter.

Level 2 - This is the formal stage for complaint investigation. This Level should be undertaken for particularly serious complaints against individuals or when the steps taken under Level 1 of the procedure have failed or when the complainant considers that their 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 their 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.
Complaint Adjudicator:	<p>In cases determined by the Complaint Officer to be particularly difficult or serious, the Complaint Officer shall not determine the matter but instead refer the case to a Pro-Vice-Chancellor with no previous involvement in or close connection to the case who will act as the Complaint Adjudicator.</p> <p>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 shall be appointed to consider the complaint.</p>
Complaint Committee:	The Complaint Adjudicator 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.

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.

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

- 1.1 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 shall do so by following this student complaint & resolution procedure. The complainant shall clearly indicate any specific policy on which the complaint is based.
- 1.2 Complaints and appeals relating to Student Disciplinary (including Assessment Irregularities), Academic Appeal and Support to Study Procedures shall not at any stage be considered under this Complaints & Resolution Procedure. Appeals/Requests for Review resulting from Student Disciplinary and Support to Study Procedures are dealt with under the relevant procedure. The Complaints and Resolution Procedure shall 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 shall determine whether a complaint shall proceed where the subject of the complaint is still under consideration through any other recognised procedure.
 - Academic Appeals Procedure
<https://www.ncl.ac.uk/students/progress/Regulations/Procedures/appeals.htm>
 - Assessment Irregularity Procedure
<https://www.ncl.ac.uk/students/progress/Regulations/Procedures/assessment.htm>
 - Support to Study Procedure <https://www.ncl.ac.uk/students/progress/Regulations/Procedures/f2s.htm>
 - Student Disciplinary Procedures
<https://www.ncl.ac.uk/students/progress/Regulations/Procedures/disciplinary/>
- 1.3 Complaints about fellow students shall 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.
- 1.4 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.
- 1.5 The University will not normally investigate a complaint made anonymously. Exceptionally, however, an anonymous complaint may be considered when the University accepts that there is a compelling case supported by additional evidence.
- 1.6 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

- 1.7 Students shall not be disadvantaged for lodging a complaint in good faith.
- 1.8 The University has a duty of care to its students. The University shall 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.
Students who consider they have a disability or condition which affects their ability to engage with the appeal process, need to disclose this with appropriate evidence, for a reasonable adjustment to be made during the handling of the case.
- 1.9 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. However, in exceptional circumstances, particularly in relation to a serious complaint about an individual member of staff which may contravene the behavioural expectations as set out in Section B of the Student Charter 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.
- 1.10 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 in adherence with the Data Protection Act. The Complainant, together with any friend or representative, is also required to observe confidentiality in respect of the complaint.
- 1.11 If your complaint relates to University Student Housing you may also refer your complaint to the UUK Code Management Committee at: www.uukcode.info.

2. CONTEXT AND PRINCIPLES

- 2.1 Level 1 informal complaints should be submitted in writing directly to the appropriate Head of School/Service or their office **no more than 3 months after the event**. For a formal (Level 2) complaint, the Complainant shall complete the Level 2 Student Complaint & Resolution Form, linked with this procedure or from the Student Progress Service, indicating the action taken and the outcome of the Level 1 procedure. The Level 2 complaint form must 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** or exceptionally 6 months after the event under consideration. Level 3 *requests for review of the formal complaint outcome* should be submitted via casework@ncl.ac.uk for the Academic Registrar's attention.

The complaint form should be submitted together with a detailed statement of complaint and any additional information or evidence in support of the complaint.

- 2.2 Complaints received more than 3 months after the event in question shall not normally be accepted for investigation. 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 and any such determination shall be final.
- 2.3 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.
- 2.4 Under the current Data Protection legislation, the University is required to obtain a Complainant's consent for relevant members of staff to view any personal data you may provide in connection with your Level 2 formal complaint. By signing the complaint form (*or submitting the complaint via your Newcastle University email account*), 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 – but also note that the University may be unable to proceed with your complaint if we are unable to seek a response from a key member of staff.
- 2.5 Where a student submits a complaint to the Office of the Independent Adjudicator, for external review, the complete complaint case file will be disclosed to the OIA to allow the review to take place.

3. STUDENT COMPLAINTS PROCEDURE

LEVEL 1 – INFORMAL COMPLAINT & EARLY RESOLUTION

- 3.1 The Head of the Academic School / Service or nominee (referred to subsequently as the Authorised Person) shall acknowledge receipt of the informal complaint within 7 calendar days of the receipt of the complaint in writing. The Authorised Person must ascertain the nature of the informal complaint. For this purpose, the Authorised Person may invite the complainant to a meeting to clarify the details. The Complainant may be accompanied by a friend/supporter at this meeting and at any other meetings under this procedure.
- 3.2 The Authorised Person shall 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 shall stop until mediation is complete. If mediation is unsuccessful, the informal complaint consideration will resume.
- 3.3 The Authorised Person shall either 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 shall apply:
 - 3.4.1. The Authorised Person shall 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 shall 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 shall 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 shall determine whether a level 2 formal complaint investigation should be initiated.
 - 3.4.6. Appropriate action shall 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 shall be informed of the reasons should a longer period of investigation be required.
- 3.5 The Authorised Person shall 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 shall be taken. The School/Service shall 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.

- 3.7 3.7.1. If after consultation with the Head of the Student Progress Service, the Authorised Person determines that a complaint is vexatious or frivolous, the complaint will be dismissed and the Complainant informed.
- 3.7.2 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 Authorised Person shall consult the Head of the Student Progress Service to determine which action is appropriate.
- 3.7.3 If the Authorised Person considers a complaint to contain inappropriate language, the Complainant shall be informed that there is an expectation of civil language. The Complainant shall be given the opportunity to rephrase their complaint. The Authorised Person may reject a complaint where the Complainant persists with inappropriate language.
- 3.7.4. Students shall 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.

4. LEVEL 2 – FORMAL COMPLAINT & RESOLUTION

Submission of the Complaint

- 4.1 For a Level 2 formal Complaint, the complainant shall complete the Level 2 Complaint Form, available at <https://www.ncl.ac.uk/students/progress/Regulations/Procedures/complaints.htm> or from the Student Progress Service, 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) shall 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 by a friend or supporter at this meeting and at any other meetings under this procedure. [see definitions] Further, a Complainant may appoint an individual to act as their Representative by providing written authorisation in advance, giving appropriate details of the representative including contact details.
- 4.2 The Complaint Officer shall 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 shall stop until mediation is complete. If mediation is unsuccessful, the formal complaint consideration will resume.

Investigating the Complaint

- 4.3 The Complaint Officer shall 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 Adjudicator for determination.
- 4.4 Subject to the written consent of the complainant the following provisions shall 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 shall 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 shall refer the matter to the Complaint Adjudicator. The Complaint Adjudicator shall be supported by the Complaint Officer. The Complaint Adjudicator 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 Complaint Adjudicator and members of the Complaint Committee, if appointed, shall have no previous involvement in or close connection to the case. The Complaint Adjudicator, with or without a Complaint Committee, shall investigate the complaint and may seek any such evidence as appears to be necessary to reach a decision.
- 4.4.6 The Complaint Adjudicator shall determine whether a complaint hearing is to be convened. If a complaint hearing is convened, the Complaint Adjudicator may invite the complainant/representative, and any other relevant parties, to a hearing. A Complainant invited to attend a hearing by the Complaint Adjudicator 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 shall, unless otherwise provided in this procedure, be for the Complaint Adjudicator to decide.

Complaint Outcome

- 4.5 4.5.1 On completion of the investigation and any hearing, the Complaint Officer/Adjudicator shall 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 shall 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 shall 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 shall be taken. The Student Progress Service shall keep a confidential record of the details of the complaint on file for 12 months.

A Complainant may subsequently lodge, within 3 months of the receipt of the original informal complaint under Level 2, a request for the matter to be investigated by notice in writing to the Head of the Student Progress Service. This time limit may not be extended.
- 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 shall 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 shall be informed that there is an expectation of civil language. The Complainant shall 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 shall 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 where they can demonstrate:
- procedural irregularity on the part of the Authorised Person, Complaints Officer, Complaint Adjudicator or Complaint Committee or;
 - that the decision reached was unreasonable or perverse or;
 - there is material new evidence which the student was unable, for valid reasons, to provide when the Level 2 complaint was made and which would have significantly affected the outcome of the Level 2 complaint.

Any appeal lodged shall 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 shall do so in writing to the Academic Registrar, King's Gate (casework@ncl.ac.uk) within **14 calendar days** of notification of the outcome of the complaint investigation.
- 5.3 The Academic Registrar (or nominee) 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 shall 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 ground, shall be dismissed.
- 5.4 Where the Academic Registrar (or nominee), having reviewed the original complaint file and sought any evidence to reach a decision, considers there to be grounds for the review. Appropriate arrangements shall 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 (or nominee), particularly serious, the matter can be referred to a Complaint Adjudicator and, for this purpose, 4.4.5, 4.4.6 shall apply to the referral of the review application.
- 5.6 The Complaint Adjudicator, following consideration of the evidence and any hearing, shall 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 shall result in the dismissal of the review application. A finding of such an irregularity shall 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 shall be informed of the reasons should a longer period of investigation be required.
- 5.8 The outcome reached from a Level 3 review shall 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.

Where a student submits their case to the OIA, for external review, all relevant information shall be disclosed to the OIA to allow a review to take place.

6. MONITORING

- 6.1 The Head of the Student Progress Service shall make an annual report to University Education Committee (UEC) 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 obtained within the process of consideration of the complaint will be held in accordance with Data Protection legislation and the University's Student Privacy Notice. www.ncl.ac.uk/data.protection/documents/StudentPrivacyNotice20180525.pdf
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.