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# STUDENT COMPLAINTS REGULATIONS 2018/2019

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| **Title**: Student Complaints Regulations |
| **Version** | **Issue Date** | **Revision Description** | **Author** | **Approved By & Date** | **Next Review Date** |
| 1.0 | September 2016 | First Issue | Siobhan Coakley | Academic Board8 June 2016 | June 2017 |
| 2.0 | January 2017 | Second Issue | Siobhan Coakley | Academic Board24 January 2017 | June 2017 |
| 3.0 | August 2017 | Third Issue | Siobhan Coakley | Board of Governors4 July 2017 | June 2018 |
| 4.0 | September 2018 | Fourth Issue | Siobhan Coakley | Academic Board3 July 2018 | June 2019 |

**1. Introduction**

1.1 The University of South Wales is committed to providing high quality education and support to its students. There are many routes through which students can raise any concerns or issues. Feedback regarding the University’s provision is welcomed so that the University can develop and enhance the services it provides.

1.2 When a complaint is received the University seeks to resolve it as quickly, fairly and equitably as possible, whether the complaint is about services provided by the University, treatment by any staff member, student or visitor, or any other issue.

1.3 The University’s regulations for student complaints apply to:

* Students studying at the University, at the University’s Dubai Campus and University of South Wales courses through distance delivery.
* Students studying at the Royal Welsh College of Music and Drama, in respect of the review stage only.
* Former students, for a period of 3 months after leaving the course to which the complaint relates.
* Students studying university courses at the University’s partner institutions where the complaints relate to academic matters. Where matters are the responsibility of the partner institution, for example crèche facilities, the student will need to access the partner institution’s complaints procedure.
* Students studying on work placements or engaged in work-based learning.
* Students on an approved leave of absence.

# 2. Advice and Support

 The University is committed to safeguarding the emotional, mental and physical well-being of all parties involved during the complaints process.

***2.1 Advice and support for students***

2.1.1 The University has a Dignity at Study Policy, which explains how the University handles complaints about harassment, bullying, unfair treatment and victimisation. This policy should be used by any student who feels that they have been subject to unacceptable behaviour within the University.

2.1.2 It is recognised that making a complaint to the University can have an adverse impact on the welfare of students. Before making a complaint, students are advised to seek support and guidance from a trusted source; this could be:

The University’s Wellbeing Services - <http://thewellbeingservice.southwales.ac.uk/>

The Chaplaincy - <http://chaplaincy.southwales.ac.uk/>

The Students’ Union - <http://su.southwales.ac.uk/>

2.1.3 The Student Casework Unit provides authoritative, formal guidance on the applicability and operation of the Student Complaints Regulations.

2.1.4 For a second opinion on complaints about debt advice/debt counselling, students are advised to contact the Financial Ombudsman Service (FOS).

***2.2 Advice and support for staff***

2.2.1 It is recognised that dealing with student complaints or being the subject of a complaint can cause pressure for staff. The Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer formal and informal confidential advice and support.

2.2.2 A member of staff who is the subject of a complaint has:

* the right to be supported by a colleague or a trade union representative throughout the process;
* the right of reply to any such complaint;
* access to relevant documentation presented as part of the complaint.

## 3. General Principles

### *3.1 Timely and transparent procedures*

In the interests of students and the University, all complaints are dealt with in a timely manner and through processes which are open and straightforward.

### *3.2 Anonymous complaints*

Anonymous complaints will not be considered unless there are exceptional reasons, supported by evidence, to do so. A complaint made anonymously will be referred to the Academic Registrar who will then consider:

* the gravity of the issues;
* the credibility of the concern;
* the likelihood of confirming the allegation from attributable sources;
* whether enough information has been provided to enable any further action;
* whether anonymity can reasonably be maintained.

Students should be aware that raising a complaint anonymously could impact on the process and timescale of the investigation.

***3.3 Third party complaints***

The University expects that students with concerns should be responsible for making these concerns known themselves. Only in exceptional circumstances will a complaint from a third party be investigated; the complainant must provide valid reasons for this request together with written authorisation that they are happy for the third party to act on their behalf.

### *3.4 Submission in good faith*

The University presumes all complaints are submitted in good faith and will not disadvantage any student for bringing forward a complaint.

The University will not continue with a complaint procedure if the University considers that the complaint is being pursued in an unreasonably persistent or vexatious manner.  In this context ‘unreasonably persistent’ means, for example, that the complaint is being made in a way that is obsessive, prolific or repetitious, or might be considered to be harassment. It may be one that is being pursued in a way that hinders the ability of the University to carry out its complaints process.  A ‘vexatious complaint’ is one that the University considers is designed to cause disruption or annoyance, or makes demands for redress which lack serious purpose or value.

Where the Associate Registrar: Student Casework considers that a complaint is unreasonably persistent or vexatious, the complainant will be written to and informed that the University will not consider the complaint any further.  Reasons for this decision will be given and a Completion of Procedures letter will be issued. In addition, the University may take action in line with the Student Conduct Regulations where complaints have been identified as such.

***3.5 Submission of evidence***

Complaints must be supported by corroborating evidence upon submission. Evidence must be provided in English or Welsh. Complaints which do not provide such evidence will not be considered, unless the complainant can provide a good reason for the lack of evidence.

If a complainant submits any evidence which turns out to be false, they will be dealt with under the Student Conduct Regulations.

The University recognises that with advances in modern technology, it is easier to make covert recordings i.e. recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Regulation of Investigatory Powers Act. In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant’s Article 8 rights under the Human Rights Act and the UK’s data protection laws. For this reason, the University will not permit the use of covert recordings in complaints cases, except in exceptional circumstances.

The facts that will be considered are:

* The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
* The extent to which the evidence has been obtained unlawfully or its use otherwise interferes with privacy rights.
* The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.

***3.6 Timeliness of submission***

All complaints should be submitted no more than three months after the last occurrence of the issue leading to the complaint. In exceptional circumstances the Associate Registrar: Student Casework (or nominee) will consider extending this deadline where there is good reason supported by evidence (for example a family bereavement, in which case a death certificate should be provided).

***3.7 Complainants’ engagement with the process***

It is expected that complainants will engage with the process in a timely manner. If the complainant fails to respond to a request for further information or a meeting within timescales specified by the member of staff dealing with the case, without good reason (for example an incapacitating illness, in which case a doctor’s note should be provided), the Associate Registrar: Student Casework (or nominee) will suspend or close the case.

### *3.8 Impartiality in investigation*

All complaints are investigated by university staff who have no material interest in the complaint.

### *3.9 Privacy*

Staff investigate complaints with due regard to the privacy of all parties. The complaint is only disclosed to those immediately involved and/or those whose participation is necessary for a resolution. All parties respect the confidentiality of the process.

### *3.10 Confidentiality*

Confidentiality will be respected in conducting all aspects of the complaints regulations. However, any member of staff about whom a complaint is made will have the right to be informed of the complaint and its nature and have access to any relevant evidence.

If a complainant requests that his/her identity be kept confidential, this is respected up to the point when disclosure is necessary to progress or resolve the issue, in which case the complainant is informed in advance of the disclosure.

The University will not disclose any information to third parties regarding investigations and outcomes from student complaint cases unless legal exceptions under the UK’s data protection laws apply.

### *3.11 Complainant representation*

The complainant is allowed to be accompanied to any discussions, meetings or hearings, for example by a friend or representative. At least 24 hours before the meeting, the complainant should advise the University of the name and status of the person accompanying them. Although the University would not anticipate the attendance of a legal representative, the chair of the meeting/hearing may exercise discretion should the complainant indicate that they wish to bring someone with a legal background.

### *3.12 Referral to other regulations*

 The Associate Registrar: Student Casework (or nominee) may refer a complaint, or elements of a complaint, to be dealt with under other University regulations if it is considered appropriate.

### *3.13 Group complaints*

 Complaints may be submitted by individuals or groups. Where a complaint is submitted by a group of students, one of the group should be nominated as the main contact and to act as a spokesperson. Each member of the group must confirm in writing that they wish the nominated individual to act in this capacity and that the complaint reflects their concerns. The nominated spokesperson will receive updates on the complaint on behalf of the group. All members of the group will receive a copy of the outcome letter.

***3.14 Complaints by students on placement***

 Students who wish to make a complaint about an aspect of their experience whilst on placement should, in the first instance, contact their faculty who will advise on the process. Whether the complaint will be dealt with by the University or the placement provider will depend on the circumstances of the complaint. If the complaint is more appropriately dealt with through the placement provider’s own complaints procedure, complainants will be assisted by an appropriate member of staff in the faculty in taking this forward.

***3.15 Complaints against members of staff***

The University’s Human Resources (HR) department may, dependent on the outcome, be notified of complaints against members of staff. If a complaint made against a member of staff is of a serious disciplinary nature, advice will be sought from the Academic Registrar in relation to suspending the student complaints procedure pending the outcome of an investigation by HR.

## 4. Complaints Covered by these Regulations

### *4.1 Academic matters*

4.1.1 Academic matters mean specific concerns a student may have about the provision of academic courses and related services, including complaints about the conduct and management of academic appeals.

4.1.2 Students who have concerns regarding academic matters should raise them, through these regulations, at the time when the issue first arises. Complaints about the provision and conduct of academic courses cannot be retrospectively used as grounds for an appeal against the decision of an assessment board.

***4.2 Students’ experience***

Students may complain about any aspect of their experience at the University, including their learning and relationships with the administration or support services.[[1]](#footnote-1)

### *4.3 Discrimination*

Students may complain about discrimination by the University, in contravention of the University’s Strategic Equality Plan.

### *4.4 Malpractice or impropriety*

Students may complain about concerns relating to malpractice or impropriety in the conduct or management of the University, the disclosure of which is deemed to be in the public interest.

***4.5 Exceptional Case Process***

The University has a legal duty under the Equality Act to provide reasonable adjustments for disabled students. If a student requests an adjustment from the University and the University determines the adjustment is not reasonable, the student can complain using these regulations. Please see also the Exceptional Case Process: <http://dds.southwales.ac.uk/DEQ/and/polices/>.

## 5. Complaints Falling Under Separate Regulations

### *5.1 Academic appeals*

Representations by students against decisions made by assessment boards are handled under the Academic Appeals Regulations. Students wishing to submit an appeal may seek advice from the Students’ Union, Advice Zone or Welfare Services and should address their submission to the Student Casework Unit.

### *5.2 Harassment*

Allegations of harassment by a student or member of staff fall under the Dignity at Study Policy. Students believing they are being harassed in any way should first seek the advice of their harassment advisor. The Students’ Union or Welfare Services can also help.

### *5.3 Allegations of misconduct*

Allegations of misconduct by any student or member of staff are governed by the Student Conduct Regulations and the Staff Disciplinary Procedures respectively. Students wishing to raise such allegations must bring them to the attention of the Student Casework Unit, who will then act under these separate regulations/procedures.

**6. Complaints about the Students’ Union**

6.1 Students who are dissatisfied in their dealings with the Students’ Union will have the opportunity to raise their complaint with the Students’ Union in the first instance through procedures contained within the Students’ Union’s Standing Orders. The procedure will be made known annually to all students through publications and/or notices displayed prominently. Complaints will be dealt with promptly and fairly and where a complaint is upheld there will be an effective remedy.

6.2 Those who fail to obtain a satisfactory outcome through the Union, or who claim to be disadvantaged as a result of exercising their right not to be a member of the Union, will be entitled to appeal to the Board of Governors of the University, who will appoint an independent person to investigate the complaint. The Board of Governors will receive a report from that independent person and determine what remedy, if any, is appropriate. The procedure may include recourse to the Office of the Independent Adjudicator, being an independent party, should the University not be able to provide a response to the complainant’s satisfaction.

## 7. Principles Relating to the Handling of Student Complaints

7.1 Students making the complaint must be made aware that, in the interest of fairness, those who are either themselves the subject of the complaint, or responsible for the provision or service complained about, will be invited to comment on the complaint at the earliest opportunity.

7.2 Students making the complaint will be allowed reasonable time to seek advice for any meeting which forms part of the process, whether at the early resolution or formal stages of the regulations.

7.3 At the formal investigation and review stages, every effort should be made to come to a resolution acceptable to all parties, including through informal discussion and agreement, should that be the complainant’s wish.

7.4 If the complaint refers to the dean of an academic faculty[[2]](#footnote-2), it should be referred to the Deputy Vice-Chancellor (Academic); if it relates to the head of a corporate department, it should be referred to the appropriate Deputy Vice-Chancellor; if it relates to a Deputy Vice-Chancellor it should be referred to the Vice-Chancellor; if it relates to the Academic Registrar, it should be referred to the Vice-Chancellor; if it relates to the Vice-Chancellor, it should be referred to the Chairman of the Board of Governors.

7.5 The deadlines for investigation may be extended in consultation with the Associate Registrar: Student Casework where the complexity of the case, or other unforeseen circumstances, necessitate further time to complete the investigation. The complainant will be kept informed of progress and the reason for any delay.

## 8. Stages in the Handling of Student Complaints

***8.1 Early Resolution***

8.1.1 An informal complaint is defined as a concern that is raised by a student either verbally or in writing with a member of staff. When considering a concern, the emphasis will be on local resolution.

8.1.2 All concerns should be raised no more than 3 months after the last occurrence of the issue. In exceptional circumstances consideration will be given to extending this deadline, where there is good reason supported by evidence; for example, if the student has been ill, in which case any such request should be supported by a doctor’s note.

8.1.3 Students should raise their concerns directly with the person responsible, or if they still have concerns, with the Advice Zone. Students may subsequently be referred to another, more appropriate, member of staff depending on the nature of the concern raised. However, it is recognised that there are complaints that cannot be dealt with at the early resolution stage and that will need to be referred directly to the formal investigation stage (see 8.2.2).

8.1.4 It is anticipated that it will be possible to resolve many concerns at this stage before it becomes necessary to take a complaint to a formal investigation. If a student’s concern has not been resolved to their satisfaction, they have the right to proceed to a formal investigation.

***8.2 Formal Investigation***

8.2.1 A formal complaint is an expression of dissatisfaction concerning the provision of a course or related academic or administrative service, where the complainant has raised the concern with the University under the early resolution stage of its regulations but has not received a satisfactory response.

8.2.2 Complainants should have attempted to resolve their concerns informally in the first instance; however, it is recognised that there may be certain complaints that are unable to be dealt with informally and, consequently, should be progressed directly to a formal investigation. The Student Casework Unit should be contacted for advice and guidance on such cases. The Associate Registrar: Student Casework is responsible for making the final decision on any requests for direct access to the formal investigation stage of the regulations.

8.2.3 To invoke a formal investigation the complainant must submit a formal investigation ‘Complaint Form’ (found on the University website at https://registry.southwales.ac.uk/student-regulations/student-complaints/) to the Student Casework Unit.

8.2.4 The Complaint Form should be completed, detailing the nature of the complaint, the steps already taken to resolve the complaint and a statement as to why the complainant remains dissatisfied. It should also detail the reasonable steps that the complainant would wish to see taken to resolve the matter. Appropriate evidence should be submitted with the form.

8.2.5 The University would not expect complainants to submit spurious or vexatious complaints and reserves the right to refuse to consider such complaints. In addition, the University may take action in line with the Student Conduct Regulations where complaints have been identified as such.

8.2.6 The Complaint Form will be logged by the Student Casework Unit and passed to one of the University’s team of investigating officers, a senior member of staff with no prior involvement with the case. Normally the investigating officer will be independent of the school/department. However, it is recognised that occasionally a degree of subject expertise may be necessary in conducting investigations. Where it is considered that this is the case, the Associate Registrar: Student Casework will make the final decision on the appointment of the investigating officer.

8.2.7 The investigating officer will meet with the complainant to discuss the complaint. The complainant has the right to be supported by a friend or representative throughout the process.

8.2.8 The investigating officer will also meet with any relevant members of staff and witnesses to discuss the detail of the complaint from their perspective. Any member of staff who is the subject of a complaint has the right to be supported by a colleague or a trade union representative throughout the process.

8.2.9 Following completion of the investigation, the investigating officer will prepare a report and present it to the dean of faculty/head of department/Principal of College (or nominee), who will include a faculty/departmental/College response within the report. The final report is submitted to the Student Casework Unit.

8.2.10 Where the outcome includes an offer of financial reimbursement/compensation the investigating officer should ensure that the faculty/department/College is aware of this. The Student Casework Unit will obtain approval from Executive. This will be done prior to notification of the outcome of the complaint to the complainant. (See Procedures for Approving Financial Recompense Arising from the Complaints process.)

8.2.11 The investigating officer will seek to resolve the complaint within 30 working days. The dean of faculty/head of department/Principal of College (or nominee) will have 5 working days to provide their response. The Student Casework Unit will provide a response to the student within 5 working days of receipt of the investigating officer’s report. Where the complexities of the case and the need to contact a range of individuals in the course of the investigation make this difficult, the complainant will be kept informed of progress and the reason for any delays.

8.2.12 The complainant will respond to the University to confirm in writing whether or not they accept the outcome. The complainant must respond within one month.

8.2.13 If no communication is received from the complainant within the specified timescales, the University will close the case.

***8.3 Review***

8.3.1 If, upon receipt of the outcome from the formal investigation, the complainant believes that they have reasonable grounds to consider that their complaint has not been adequately addressed, the complainant may be eligible to request a review.

8.3.2 A review may only be invoked when the formal investigation has been completed. Complainants are strongly advised to seek advice from the Students’ Union, Student Services or the Advice Zone before they seek to progress a complaint to the review stage.

8.3.3 To invoke a review the complainant must submit a ‘Request for Review Form’ (found on the University website at:

https://registry.southwales.ac.uk/student-regulations/student-complaints/) to the Student Casework Unit. The form must be submitted within one month of receipt of the response to the formal investigation. The complainant must provide relevant evidence when submitting the request for review.

8.3.4 The only grounds under which a complaint may be considered at the review stage are:

1. The complainant has evidence that the procedures at the formal investigation stage were not conducted in line with the regulations and that this materially affected the outcome of the investigation.
2. The complainant can evidence that there were specific issues of the complaint which they raised during the formal investigation which were not considered.
3. The complainant has new material evidence that they were unable, for valid reasons, to provide earlier in the process. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason.)*
4. The complainant has evidence thatthe outcome was not reasonable in the circumstances.

8.3.5 Prior to referring the case to a complaint review officer, the Academic Registrar (or nominee) will review the Request for Review Form in order to determine whether the complainant has grounds under which their complaint can be considered at this stage. One of the following actions may be taken:

1. conclude that the complaint meets the criteria for further consideration set out in 9.4.4 above, or
2. dismiss the case.

The complainant will be informed in writing of the decision of the Academic Registrar (or nominee) within 5 working days.

8.3.6 If a complaint is deemed not eligible for review the complainant will be issued with a Completion of Procedures Letter.

8.3.7 If a complaint is deemed eligible for review the complaint will be allocated by the Student Casework Unit to a complaint review officer. The complaint review officer will have had no prior involvement with the case and will be independent of the faculty/department/college.

8.3.8 In considering the case, the complaint review officer may wish to re-interview the complainant/staff/witnesses but this is not a requirement.

8.3.9The complaint review officer will review the case and provide an outcome to the Student Casework Unit within 15 working days. Where the complexities of the case and the need to contact a range of individuals in the course of the investigation make this difficult, the complainant will be kept informed of progress and the reason for any delays. The complaint review officer may:

1. overturn the outcome of the formal investigation and propose an alternative outcome;
2. refer the complaint for re-investigation by an investigating officer (this could be the investigating officer of the original complaint, or a new investigating officer); in this case the regulations under 9.3, including timescales, will apply;
3. uphold the findings of the original investigation.

8.3.10 The Student Casework Unit will liaise with the faculty/department/College with regard to the outcome and provide a response to the complainant within 5 working days of receipt of the complaint review officer’s report.

8.3.11 If a complaint is not upheld at the review stage the Student Casework Unit will automatically issue the complainant with a Completion of Procedures letter.

8.3.12 If a complaint is upheld or partly upheld at the review stage the complainant must request a Completion of Procedures letter if they remain dissatisfied. The request must be made within one month of notification of the decision of the complaint review officer.

***8.4 Communication***

8.4.1 Details on responsibilities for communication at each stage of the complaints process are included in the Communication Plan.

**9. Monitoring**

9.1 The Student Casework Unit will monitor the actions taken by the faculty/department/College in relation to recommendations arising from investigations into student complaints. A report will be submitted to the annual meeting of the Student Casework Group.

9.2 The Student Casework Group may make recommendations for consideration by the Learning, Teaching and Enhancement Committee, Quality Assurance Committee and Academic Board, as appropriate, on any matters arising from the consideration of complaints that require amendments to regulations.

**10. Office of the Independent Adjudicator**

10.1 Following the issue of a Completion of Procedures letter, the complainant may lodge a complaint with the Office of the Independent Adjudicator (OIA). Details of the OIA and the relevant information in relation to the Scheme can be accessed at [www.oiahe.org.uk](http://www.oiahe.org.uk). Further information and advice can be obtained from the Student Casework Unit, Academic Registry.

**11. Financial Ombudsman Service**

11.1 Following a complaint about debt advice or debt counselling provided by the University, students will be informed of their right to request a review of their case by the Financial Ombudsman Service (<http://www.financial-ombudsman.org.uk/>) should they remain dissatisfied with the outcome of the internal procedures.

1. For students studying University courses at the University’s collaborative partner institutions, matters which are the responsibility of the partner institution, e.g. crèche facilities, should be dealt with under the partner institution’s own complaints procedure. [↑](#footnote-ref-1)
2. Complaints relating to the Principal of the RWCMD should be referred to the Company Secretary, who will consult with the Vice-Chancellor and/or the Chair of the Board of Directors as appropriate. [↑](#footnote-ref-2)