

Chapter 9 Student Complaints Procedure

De Montfort University's Students Complaints Procedure (SCP) has been developed to reflect the framework of the Office of the Independent Adjudicator (OIA), the Higher Education Ombudsman. It is based on "The Good Practice Framework: handling student complaints and academic appeals"¹ and complements the advice and guidance on concerns, complaints and appeals published by the UK Quality Code for Higher Education.²

The University recognises the importance of effective complaints management as both a tool and a source of information for service improvement. The University recognises the right of current Students and alumni to raise issues of concern about the services provided by the University.

If you want to understand how we process your personal data, and our legal basis for doing so, please refer to our Privacy Notice, found here:

<https://www.dmu.ac.uk/documents/dmu-students/academic-support-office/academic-appeal-form-2019-20.pdf>

1 Who can use the Student Complaints Procedure

- 1.1 The Student Complaints Procedure can be used by all Students and alumni of the University. Students on courses leading to awards of De Montfort University but who are based at the campus of a partner organisation, must first exhaust the student complaint procedure for that organisation.

2 What can be dealt with under the Student Complaints Procedure

- 2.1 A complaint is defined as "an expression of dissatisfaction by one or more Students about the action or lack of action of the University, its Staff or representatives, or about the standard of service provided by or on behalf of the University."
- 2.2 The SCP can be used by Students or alumni to raise any concerns or expressions of dissatisfaction about the services provided to them by the University
- 2.3 A complaint may relate, but is not limited, to:
 - the quality and standard of service provided by the University, including teaching and learning provision;
 - failure to provide a service;
 - unsuitable facilities or learning resources;
 - failure of the University to follow an appropriate administrative or academic process

¹ The good practice framework: handling student complaints and academic appeals – Office of the Independent Adjudicator Revised December 2016

² UK Quality Code for Higher Education, Advice and Guidance, Concerns, Complaints and Appeals – Quality Assurance Agency November 2018

3 What will not be dealt with under the SCP

- 3.1 Academic appeals or other matters that relate to Assessment Board decisions. Appeals against Assessment Board decisions are managed by the Academic Support Office and are dealt with under a separate appeals procedure contained within the General Regulations and Procedures Affecting Students. Any complaint made under the SCP which appears to be an academic appeal will be referred to the Academic Support Office for consideration. If you require further information about the procedure for academic appeals, please contact acasupportoffice@dmu.ac.uk and the team will assist you.
- 3.2 A challenge to an admissions decision. This should be raised under the University Admissions Policy found here: <https://www.dmu.ac.uk/documents/dmu-students/academic-support-office/student-admissions-policy.pdf>
- 3.3 Complaints about matters which have already or are under consideration by the Office of the Independent Adjudicator for Higher Education (“OIA”), a court or tribunal.
- 3.4 Allegations that Students or Staff are in breach of the University’s Dignity & Respect Policy. Such complaints will be dealt with under a separate process by the Head of the Academic Support Office (or nominee) and/or the Head of Security (or nominee) and HR in cases of alleged staff breaches.

4 The Three Stages of the SCP

- 4.1 The Student Complaints Procedure is intended to provide a streamlined process with a focus on local resolution. The SCP has three stages:
 - 4.1.1 Stage 1: Local Resolution Stage is the stage where most concerns should be resolved swiftly and effectively, at the point at which a complaint is made, or as close to that point as possible. Stage 1 can be used for difficult interpersonal matters where early resolution strategies such as mediation may be beneficial.
 - 4.1.2 Stage 2: Formal Investigation by the Office of the Student Appeals and Conduct Officer is appropriate where a Student is dissatisfied with the outcome of local resolution attempted at Stage 1.
 - 4.1.3 Stage 3: Appeal to the University Complaints Committee (UCC) is the Student’s right to appeal the outcome of the Stage 2 process. A Stage 3 appeal is a review of the Stage 2 decision, not a rehearing. The UCC can review the procedure that was followed, consider whether the decision made was reasonable and/ or consider new information if such information could not reasonably have been made available by the Student at Stage 1 or Stage 2.

- 4.2 While there are three clear Stages in the Procedure, the people involved in the complaint may resolve matters informally at any point in any Stage, with active engagement by the complainant and relevant others prior to the final complaint outcome for that Stage being communicated to the complainant.
- 4.3 All parties involved in investigation and determination of an outcome of a complaint will be offered appropriate support by the University, through services established to enable the University to meet its duty of care towards staff and Students. For Students the support services include:
- De Montfort Students Union
 - The Student Welfare Service
 - The University's Senior Tutor
 - Departmental Personal Tutors
 - The Chaplaincy
- 4.4 Human Resources will be able to direct Staff members to the appropriate support available.

5 Focus on Local Resolution

- 5.1 The University is committed to providing a high-quality service to our Students throughout their courses of study through to graduation and beyond as part of the DMU global community. The University actively encourages feedback on all aspects of the teaching and learning experience and other services provided by the University. However, there may be occasions when the level of service received falls short of that which might reasonably be expected.
- 5.2 The aims of the Student Complaints Procedure are:
- to resolve complaints in a timely, effective and fair manner;
 - to resolve complaints in the area in which they arise; and
 - to improve service delivery and the Student experience
- 5.3 Options for early resolution, such as mediation (facilitated discussion), should be considered wherever possible. A fair and thorough investigation of formal complaints will be undertaken when necessary. The most up-to-date University Student Complaints Procedure, together with further information and guidance about De Montfort University's Student Mediation service, are available at the following webpage: <https://www.dmu.ac.uk/current-students/student-support/exams-deferrals-regulations-policies/student-complaints/index.aspx>
- 5.4 The University is committed to promoting equality and diversity in all its activities. The policy of the University is that no person (Student, Staff or visitor) shall be unlawfully discriminated against, either directly or indirectly, on the grounds of their race, colour, ethnic or natural origin or nationality, gender, marital status, age, disability, sexual orientation, religious or political beliefs, disability or offending background. No person shall be

discriminated against or adversely affected for making a complaint.

- 5.5 This Student Complaints Procedure should be read in conjunction with the other University's statements and policies which might apply to the concern the complainant wishes to raise, for instance in relation to Academic Appeals, the Dignity & Respect Policy, General Regulations Affecting Students, Student Code of Conduct, Student Disability Policy, Research Misconduct and Whistleblowing. Links to these and other related information can be found on the University's webpage at: <https://www.dmu.ac.uk/current-students/student-support/index.aspx>

6 Mediation

- 6.1 Mediation can be undertaken at Stages 1 or 2 of the SCP. This is a voluntary process where an impartial, independent third party helps to try and reach an agreement. The parties to mediation follow a series of agreed steps. In mediation, the parties to the dispute, not the mediator, decide whether they can resolve the complaint and on what basis. Where the parties agree to mediation at Stage 2 of the SCP, revised timescales for Stage 2 will be agreed. If the resolution at Stage 2 is not acceptable to the complainant, they can go to a Stage 3 appeal. Mediation will not be used in cases which challenge academic judgement or the University's Regulations and procedures.

7 Making a Complaint

- 7.1 To make a complaint, Students must start at Stage 1, in most cases by informing their personal tutor of their complaint either verbally or in writing. If for whatever reason the Student is unwilling or unable to speak to their personal tutor their complaint must be made to the Associate Professor, Student Experience. In exceptional circumstances, complaints may be dealt with at Stage 2 without going through Stage 1.
- 7.2 A panel of senior members of the University will decide on a case by case basis whether it is appropriate to start a complaint at Stage 2. This panel will consist of a PVC Dean (or nominated deputy), an Associate Professor (Student Experience), and the Executive Director of Student and Academic Services (or nominated deputy). The decision of this panel is final
- 7.3 For all other complaints, the process will start at Stage 1. Early local resolution should be sought and it is expected that the vast majority of complaints will be resolved at Stage 1. At the conclusion of the Stage 1 process, the University will write to the complainant, setting out the outcome. (see Appendix 1).
- 7.4 If the outcome of the Stage 1 process is not acceptable to the complainant, they can escalate the complaint to Stage 2. If the complaint is not resolved to the satisfaction of the complainant at Stage 2, the complainant may have grounds to appeal the Stage 2 outcome (see below for grounds to progress to Stage 3).

- 7.5 Should any complaint not be resolved through this internal three-Stage process, Students may refer to the Office of the Independent Adjudicator (OIA) www.oiahe.org.uk, the Higher Education sector ombudsman.
- 7.6 Students will be expected to engage personally with the University when raising a complaint (see the University's Communications with Third Parties Policy).
- 7.7 The **burden of proof** shall always be on the complainant, and the **standard of proof** will be the **balance of probability**.

8 Stage 1 - Local Resolution

8.1 Stage 1 is designed to address straightforward concerns informally, locally and expediently. This will include a face to face discussion between the Student and either a representative of the Faculty or Professional Service that the concern is about, or a mediator. The aim is to come to a mutually agreed outcome before the concern escalates into a Stage 2 complaint. Mediation can be requested by either the University or the Student at this stage. Examples of how De Montfort University may deal with Student concerns at Stage 1 could be:

- Being empathetic and understanding
- Apologising where it is appropriate to do so
- Actively listening to the Student voice
- Clarifying reasons why decisions have been made
- Suggesting solutions
- Referral to mediation

8.2 Where it is clear that a resolution cannot be found at Stage 1, the Student will be directed promptly to the next Stage. The Staff member will advise the Student of the correct procedure to follow, including the relevant timelines and how and where to access advice and support, for example De Montfort University's Student Union (DSU). The Staff member will write to the Student following the conclusion of local resolution, confirming the dates of any meetings that were held; the details of the concern; the actions taken to try to resolve the concern and the outcome.

9 Stage 2 - Formal investigation by the Office of the Student Appeals and Conduct Officer (or their designated nominee)

9.1 Each complaint that is referred by a complainant to Stage 2 will be assessed on a case-by-case basis. The assessment will involve checking that the complaint has been submitted within the published timelines, using the right procedure, and in the correct format. This will result in one of the following outcomes:

- Referral to a different procedure (for example to the Academic Appeals process)
 - Rejection of the complaint (for example due to lateness of submission)
 - Referral to Local Resolution (for example if this stage has not been attempted)
 - Referral to mediation (for example where this will more likely result in swift and mutual agreement) and can be requested by the Student or the University
 - Referral to formal investigation by the Student Appeals and Conduct Officer (or their designated nominee)
- 9.2 If a complaint is deemed to be eligible to go to Stage 2 following assessment, it will be allocated to a member of Staff who has had no previous involvement in the matter to investigate. The Staff member who has been allocated the complaint may contact the complainant, either face to face or by telephone, skype or other remote method, to confirm the purpose and scope of their investigation in order to manage expectations about possible outcomes.
- 9.3 The Staff member may talk to Staff and other Students and consider documents and other relevant evidence. The outcome of this investigation will be communicated to the complainant no later than one calendar month from receiving the complaint in the form of a report which outlines the process followed, the information gathered, the conclusions drawn and any other recommendations.
- 9.4 There may be times when this timescale cannot be met, for example due to the complexity of the complaint, and the Staff member will inform the complainant of the reason for the delay and the revised timescale. However, the University will make every effort to adhere to the stated timescale.
- 9.5 If the University decides that a complaint is out of time or otherwise ineligible to be dealt with at Stage 2 or Stage 3 of the SCP, the University will inform the complainant in writing within one calendar month of its decision with a clear explanation of the reasons for the decision. The University will also give the complainant information about the next steps which are available to the complainant including:
- the complainant's right to take the complaint to the next stage of the process and the grounds on which they can do so.
 - where applicable the time limit for escalating to the next stage of the process (stage 3 – formal appeal to the University Complaints Committee).
 - where and how to access support.

- 9.6 The University will formally close the complaint at stage 2 if the complainant does not take the complaint to stage 3 within 10 University working days of the notice of the outcome at stage 2. Due notice will be deemed to have been given if the notice and any supporting information was sent by either first class post and/or securely using an encrypted and password protected document to the Students University email and any personal email addresses provided by the Student.
- 9.7 Where a complaint is referred to Stage 2 or 3 and is upheld, the complainant will receive in writing from the University confirmation that the complaint has been upheld; how and when it will implement any remedy, and what next steps are available to the complainant if they remain dissatisfied.

10 Stage 3 - Appeal to the University Complaints Committee (UCC)

- 10.1 If the complainant is dissatisfied at the outcome of the Stage 2 Formal investigation by the Office of the Student Appeals and Conduct Officer (or their designated nominee), a formal appeal to the Chair of the UCC must be submitted within ten University working days of the completion of stage 2.
- 10.2 The Chair of the UCC may decline the request for an appeal without bringing the matter to the full Complaints Committee if in their reasonable opinion it appears that the grounds of appeal are not made out or are so lacking in substance that further consideration would not be justified. The decision of the Chair is final and not subject to review by any other University body.
- 10.3 The UCC will be chaired by a member of the Board of Governors, a member of the DSU and a senior staff member, all of whom will have had no previous involvement in the matter. The complainant will be offered one of the following options:
- the appeal to be conducted on paper by the Chair of the UCC; or
 - the opportunity to present their case to the UCC in person
- 10.4 Should the complainant opt for the appeal to be conducted on paper by the Chair of the UCC, the complainant will receive formal written communication of the outcome and any recommendations made by the Chair.
- 10.5 Should the complainant opt to present their case to the UCC in person, the University will ensure that adequate notice of the meeting is given to the Student, as well as advice on where and how to access support, who can accompany them to the committee hearing and what role their Student's Companion can play in the hearing, as set out in the glossary of these regulations.

- 10.6 If the complainant fails to attend the UCC hearing despite all reasonable attempts by the University to accommodate their attendance, the UCC will hear the appeal in the complainant's absence and notify the complainant of this in writing.
- 10.7 If the complaint is not upheld by the UCC, the University will write to the complainant confirming the outcome, the reasons why and the next stage that the complainant can take. The University will also issue a Completion of Procedures letter within 28 days of this outcome.
- 10.8 If the complaint is upheld by the UCC the University will write to the complainant confirming the outcome, and how and when it will implement any remedy. The University will also issue a Completion of Procedures letter at this stage.
- 10.9 Should the complainant remain unhappy with the outcome upon completion of this final stage of the University's complaints process, the complainant is entitled to submit their complaint to the OIA for review, details of which can be found on this webpage:www.oiahe.org.uk.

11 Complaints about the Students' Union

- 11.1 Complaints relating to the Students' Union services, facilities, societies and staff are not eligible for consideration through the Student Complaints Procedure. Further details of the Students' Union Complaint Procedure can be found at the following link:
<https://www.demontfortsu.com/news/article/6052/Complaints/>

12 Protocols

- 12.1 In making decisions under the Student Complaints Procedure the University takes into account guidance issued by relevant ombudsman services and other external bodies, in particular the OIA as it is published. It is recognised that any complaints procedure needs to be flexible as well as consistent, to respond to the many different issues which arise. That said, the following protocols have been developed.

13 Third party complaints

- 13.1 The University expects Students to engage directly with the University when raising complaints, complaints made by third parties on behalf of a Student will not usually be accepted unless there are valid reasons why a Student is not able to engage themselves. The University will make reasonable adjustments to ensure Students with a disability have an equitable opportunity to engage with University processes. See the University's Communication with Third Parties Policy.

14 Anonymous and confidential complaints

14.1 The Student Appeals and Conduct Officer (or their designated nominee) will not respond to anonymous complaints but issues raised in anonymous complaints may be investigated if in the University's discretion, it is felt that such investigations would be justified. The University does however recognise that complainants may wish to raise concerns in confidence. In such cases the Student Appeals and Conduct Officer (or their designated nominee) will try to resolve the issue without disclosing the complainant's identity. It must be borne in mind that:

- It may be difficult to investigate complaints without revealing the identity of the complainant.
- It may be possible to make preliminary investigations without revealing the identity of the complainant but if the allegations are serious or the case is complex, the complainant may need to be identified if the case is to be pursued further. In such instances the Student Appeals and Conduct Officer (or their designated nominee) will discuss the situation with the complainant before the case proceeds.
- The person or department which is the subject of a complaint may recognise the complainant because of the issues or allegations raised.
- No Student will suffer reprisals for making a complaint.

15 Collective complaints

15.1 Should a group of Students have a complaint, the Students can submit a collective complaint and nominate one Student as their representative in resolving the complaint, provided that all Students provide their personal consent under the requirements of the Data Protection Act and confirm the accuracy of any evidence and information submitted to support their complaint. While the complaint may be submitted and potentially investigated collectively, it may be that appropriate resolution is different for the individuals involved dependent on their individual circumstances.

15.2 When investigating certain types of complaints, it may be that investigation can only be progressed if the Student or Students, and not solely their representative, participate in an investigatory meeting.

16 Frivolous, malicious or vexatious complaints

16.1 The University reserves the right to decline to investigate a complaint at Stage 1 or Stage 2 if it considers it to be frivolous, malicious or vexatious. In such instances the Student Appeals and Conduct Officer (or their designated nominee) will write to the complainant or their

representative explaining why they are terminating consideration of the matter. In such circumstances the Student Appeals and Conduct Officer (or their designated nominee)'s decision is final and not subject to review by any other University body.

- 16.2 Should the Student Appeals and Conduct Officer (or their designated nominee) determine that a complaint is frivolous, malicious or vexatious, the complaint will be closed and appropriate disciplinary action may be taken if the complainant is found to have breached the disciplinary code set out in Chapter 2.

17 Timescales for making complaints

- 17.1 All stages of the process have a timeline and deadlines, but with the flexibility for the complainant or the University to request an extension to those deadlines where there is good reason to do so.
- 17.2 Complaints should be raised at Stage 1 (Local Resolution Stage) with the Student's personal tutor either verbally or in writing. If for whatever reason the Student is unwilling or unable to speak to their personal tutor their complaint must be made to the Associate Professor, Student Experience as soon as possible to ensure prompt investigation and, wherever possible, swift resolution. Complaints should be raised at Stage 1 within three months of the problem becoming apparent.
- 17.3 Once an outcome has been provided at Stage 1, a complainant or their representative, in the case of Student's who exceptionally cannot present their case themselves, has 10 University working days to escalate their complaint to Stage 2, together with supporting evidence, should the complaint or elements of it not be satisfactorily resolved at Stage 1.
- 17.4 Following the communication of the written outcome from the formal Stage 2 Investigation, the Student or their representative has 10 University working days to escalate their complaint to Stage 3, stating the grounds for progressing to stage 3
- 17.5 International Students must make themselves aware of immigration implications should consideration of their complaint extend beyond their permission to stay. A complainant would not typically be required to be present at the University for a complaint to be investigated, though participation in an investigatory interview via the phone or other means may be necessary.

18 Independent External Review

- 18.1 Once Stage 3 (Appeal to the University Complaints Committee) has been completed and an outcome issued to the complainant, or it is determined there are no grounds for the complaint to be considered

within Stage 3, the University's Procedure will be concluded, and therefore will issue a Completion of Procedures Letter. The Student may then refer the complaint to the OIA should they remain dissatisfied. The OIA considers complaints from Students only at the conclusion of the University's internal complaints handling procedures and only if the complaint meets the OIA's eligibility requirements. The complaint must be received by the OIA within twelve months of the Completion of Procedures Letter being issued by the University. It typically takes a number of months for the OIA to consider a complaint and issue an outcome. Further information about escalating a complaint to the OIA is available on here: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>.

Appendix 1

Stage 1 – Local Resolution

University Response Timeline	Considerations made	University's response
<i>one calendar month from receipt by the University of the complaint in writing *</i>	<ul style="list-style-type: none"> • <i>What specifically is the complaint about and which area(s) of the University are involved?</i> • <i>What outcome is the complainant hoping to achieve?</i> • <i>Is the complaint straightforward and likely to be resolved or responded to with minimal investigation or by using an existing University policy?</i> • <i>Can another member of Staff assist in seeking informal resolution if I am not in a position to do so?</i> • <i>What assistance or support can be provided to the Student in taking this forward?</i> • <i>Should the Student Appeals and Conduct Officer (or their nominee) be asked if mediation might be appropriate in this case?</i> 	<p><i>Either:</i></p> <p><i>Complaint upheld and remedy offered</i></p> <p><i>or</i></p> <p><i>Complaint dismissed with an explanation why</i></p> <p><i>The complainant will be informed of the outcome in writing via email (including right to proceed to Stage 2 if dissatisfied with the outcome)</i></p>
<p>Complainant Response timeline – 10 university working days from receipt of outcome in writing; after this time the complaint will be closed by the University</p>		

Stage 2: Formal Review and Investigation by the Office of the Student Appeals and Conduct Officer

Response Timeline	Considerations made	Outcome
<i>one calendar month from receipt by the University of the complaint in writing *</i>	<ul style="list-style-type: none"> • <i>What are the specific, key elements to the complaint?</i> • <i>Why was Local Resolution at Stage 1 unsuccessful? Was any potential resolution offered?</i> • <i>What does the complainant seek to achieve by escalating the complaint to Stage 2?</i> • <i>Do the complainant's expectations appear to be reasonable and achievable?</i> • <i>Should the Office of the Student Appeals and Conduct Officer be asked if mediation might be appropriate in this case?</i> 	<p><i>Either:</i></p> <p><i>Complaint upheld and remedy offered</i></p> <p><i>or</i></p> <p><i>Complaint dismissed with an explanation why</i></p> <p><i>The complainant will be informed of the outcome in writing via email (including right to proceed to Stage 3 if dissatisfied with the outcome)</i></p>
<p>Complainant Response timeline – 10 university working days from receipt of outcome in writing; after this time the complaint will be closed by the University</p>		

Stage 3: Formal Appeal to the University Complaints Committee

<i>Response Timeline</i>	<i>Consideration made</i>	<i>Outcome</i>
<i>one calendar month from receipt by the University of the complaint in writing *</i>	<ul style="list-style-type: none"> • <i>Was there evidence of procedural irregularity at stage 2?</i> • <i>Was the stage 2 outcome reasonable?</i> • <i>What new evidence is available that was not available at stage 2?</i> • <i>Would mediation be appropriate?</i> 	<p><i>Explanation and evidence to the complainant made in writing via email (including right to proceed to the Office of the Independent Adjudicator)</i></p> <p><i>Upheld and remedy made</i></p> <p><i>or</i></p> <p><i>Dismissed</i></p>
<p><i>Complainant has 12 months from the date of the Completion of Procedures letter to lodge a complaint with the Office of the Independent Adjudicator as detailed here: www.oiahe.org.uk</i></p>		