

# 17. COMPLAINTS PROCEDURE

## 17.1 The University's Commitment on Complaints

1. Plymouth Marjon University is committed to delivering a high-quality service and encourages its students to tell it where there is cause for concern and a case for improvement. Whilst this is normally achieved through student feedback mechanisms at module and programme level, there are exceptional occasions where a complaint needs to be taken further.
2. The University annually reviews its complaints framework with a strong emphasis being placed upon protecting the consumer rights of its students. It has been reviewed to be as clear and concise as possible, reflecting the University's commitment to plain English in public communication. Further details of the University's compliance with the Competition and Markets Authority (CMA) can be found [here](#).
3. Students who are considering making a complaint, or who need help or further information, are advised to discuss the matter first with the Student Union and/or Student Support.
4. The University, in accordance with the Good Practice Framework for Handling Complaints and Academic Appeals and the expectations set out in the [UK Quality Code For Higher Education](#), defines a complaint as 'a specific query about an aspect of experience of the provider'. It aims to handle all such complaints in a way that:
  - Encourages informal conciliation
  - Is fair and efficient
  - Treats complaints with appropriate seriousness, sympathy and confidentiality
  - Facilitates early resolution

- Allows the University as a whole or a particular part of the University to learn from the experience
  - Aligns with the University's commitment to equality and diversity
  - Has due regard to any applicable law
5. Students making a complaint will be described in this section of the Framework as 'complainants'.

## 17.2 How to Complain

1. The University's complaints procedures are set out below. Students who complain may wish to inform affected members of staff that they are doing so under the procedures.
2. The University's complaints procedures focus on matters that affect the quality of a student's learning opportunities. However, students should also note that for the following matters of potential dispute, separate procedures apply:
  - Unacceptable conduct on the part of a student (see below)
  - Unacceptable conduct on the part of a member of staff (see below)
  - Academic appeals (see Section 16 of this Framework)
  - Complaints against the Student Union (procedures available from the Student Union)
  - Complaints concerning the admissions process, including those from current students who have applied to register on another University programme. The appeals and complaints process relating to admissions can be found on the University website at Handbooks, Regulations and Procedures.

3. If a complaint refers to matters or allegations that are, or that become, the subject of an appeal against an academic decision, the Complaints Panel will convene after the appeals procedures have been completed.
4. Where unacceptable conduct on the part of a student is alleged, the allegation should be pursued initially with the Head of Student Support so that the appropriate procedures, as set out in Section 15 of this Framework, can be instigated. This is because students are not employed by the University and, therefore, are not part of the service that it provides.
5. Where unacceptable conduct on the part of a member of staff is alleged, the allegation should be pursued initially with the Head of Human Resources (via Student Support at the discretion of the student). A student who is dissatisfied with the way in which their allegation has been dealt with can invoke the formal stage of the complaints procedures; whilst a Complaints Panel cannot consider or authorise disciplinary action against a member of staff, it may review the conduct of the staff disciplinary procedures and recommend their re-opening where appropriate.

### **17.3 Acceptable Behaviour**

1. The University recognises that bringing a complaint can be a stressful experience, but that the overwhelming majority of complainants do so in an appropriately constructive way. However, it also has a duty to ensure the safety and well-being of its staff.
2. Students (and, where appropriate, their representatives) are expected to use the established procedures and channels of communication to bring and resolve formal complaints and, under those circumstances, they can expect University staff involved in their complaint to be impartial, fair and above all helpful. However, the University will take action to protect its staff from unacceptable behaviour and will, for example, not accept communication that is abusive, offensive or defamatory: aggressive, threatening, coercive or intimidating: and/or unreasonably persistent or demanding.

3. If a complainant's behaviour is deemed to be unacceptable, the University will explain the reason(s) for this and will ask the complainant to modify his/her behaviour. If the unacceptable behaviour continues, action will be taken to restrict the complainant's communication with the University on the authorisation of the University Secretary and Registrar. Under such circumstances, the complainant will be issued with a letter that sets out the reason(s) why his/her behaviour has been deemed unacceptable and the action/s that will be taken in response.
4. Any restrictions imposed will be appropriate and proportionate and may include the following (please note that these are not exhaustive):
  - Requiring contact in a particular form (e.g. by letter only)
  - Requiring that contact takes place with a single, named individual
  - Restricting telephone calls to specified days and times
  - Asking the complainant to appoint a representative to correspond with the University
  - Asking the complainant to enter into an agreement about their conduct
5. Where a complainant behaves unacceptably during a telephone conversation or a face-to-face meeting, the University may, as a last resort, terminate the call or the meeting.
6. Where unacceptable behaviour on the part of a complainant continues, despite the complainant's communication with the University having been restricted, the University may terminate consideration of the complaint. Under these exceptional circumstances, a Completion of Procedures Letter (as per Section 17.11 of this Framework) will be issued.
7. The University may also refuse to process a formal complaint if it considers it to be frivolous or vexatious, issuing a Completion of Procedures Letter accordingly. Examples of frivolous or vexatious complaints include, but are not necessarily restricted to, the following:

- Complaints which are obsessive, harassing or repetitive
  - Complaints which seek unrealistic and unreasonable outcomes
  - Complaints which are designed to cause disruption or annoyance
  - Demands for redress which lack any serious purpose or value
8. Anyone making malicious allegations concerning the reputation or conduct of students or members of staff in the context of a complaint may be subject to misconduct proceedings, on the grounds that they have harmed or attempted to harm the good order and discipline of the University, and/or brought the University or its staff or students into disrepute.

## **17.4 Results of Complaints**

Complaints will not always produce the outcome preferred by a complainant. For instance, policy decisions or resourcing beyond the University's control may affect the level of service provided. In addition, a successful complaint might not benefit a complainant directly if it results, for example, in service improvements applicable to students in the future.

## **17.5 Anonymity with regard to complaints**

1. In general, those about whom complaints are made, under these specific procedures, will be informed about the source and content of a complaint. If this is likely to deter a student from making a complaint, they are invited to contact the Academic Standards Officer to discuss. An anonymous complaint will only be investigated in exceptional circumstances, where there is a compelling case (supported by appropriate evidence) to justify its investigation.
2. A copy of the complaint will normally be supplied to all affected parties.

3. A complainant will not suffer recrimination as a result of making a complaint unless it contains malicious unfounded allegations.

## **17.6 Confidentiality of complaints**

The University expects the confidentiality of the documentation generated by a complaint to be respected by all parties. Where disclosure is necessary to progress a complaint, the affected party will be notified in advance of the disclosure.

## **17.7 Group Complaints**

1. On occasions, a group of students might wish to raise a complaint. Under these circumstances, the best way to do so is by way of a single form submitted by an identified spokesperson. Each member of the group must agree in writing, by way of an attachment to the form, to the spokesperson and they will also be invited to submit separate copies of the equal opportunities monitoring form. Where separate forms are submitted, the University reserves the right to process them together.
2. The decision letter will be sent to the spokesperson (where applicable) at the early resolution and formal stages. However, as each member of the group would have the ultimate right to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their complaint if it remains unresolved after the final stage of the process (as per Section 17.11 of this Framework), separate Completion of Procedures Letters will be issued at that point.

## **17.8 Early Resolution (Stage One)**

1. Students are invited to raise any issues informally with the appropriate members of staff, with a view to resolving any issues at a local level. The appropriate members of staff include, but are not necessarily restricted to, the following:

- Academic: Programme/Programme Area Leader and/or Personal Development Tutor
- Accommodation: Campus Services Manager
- Equality and Diversity: Inclusion Co-ordinator
- Estates (apart from accommodation): Head of Estates
- Finance: Head of Finance
- IT: IT Services and Infrastructure Manager or Head of Digital Innovation
- Library: Head of Library
- Registry/Student Administration: Administrator to the Registrar
- Sports Centre: Sports Centre Operations Manager
- Welfare: Head of Student Support

Any issues that do not fall into these categories should be communicated to the Head of Student Support in the first instance.

2. Concerns can be raised either verbally or in writing at this stage. The appropriate member of staff will contact the student and discuss the concern with relevant colleagues before responding. A central record will not be kept at this point, although members of staff are encouraged to alert their senior managers and other relevant colleagues to any multiple concerns relating to the same issue, so that appropriate remedies can be considered.
3. If an informal remedy is not possible or appropriate, concerns should be raised in writing, stating the precise remedy sought, by way of the concerns pro-forma available from the Academic Standards Officer. An anonymous questionnaire for equality monitoring purposes will also be supplied at this point.
4. The concerns pro-forma should be returned to the Academic Standards Officer, who will normally forward it to an appropriate member of the Senior

Management Team or Senate. However, complaints with regard to the way in which Human Resources has investigated an earlier complaint of alleged unacceptable conduct, on the part of a member of staff, will be escalated direct to the formal stage. This may also apply, at the discretion of the Academic Standards Officer in consultation with the Registrar, if the issues raised are particularly complex and require detailed consideration. In exceptional circumstances, a complainant may ask to initiate the formal process immediately and any such request will be considered on its merits.

5. All such concerns must be raised within twenty working days of the most recent event or decision to which they relate. Where a complainant fails to meet this deadline, the concern may be rejected on the grounds that a sound investigation can no longer be conducted.
6. The senior member of staff will investigate the concern and advise the Academic Standards Officer, supplying the precise sources of evidence that have been drawn upon so that an appropriate evidence base can be maintained centrally. The Academic Standards Officer will then respond in writing to the complainant, normally within fifteen working days of receipt of the complaint. If a delay is envisaged, the complainant will be notified in writing before the end of the fifteen working day period. Where a complainant requests additional information, every effort will be made to provide this within ten working days of the receipt of the request.
7. The senior member of staff may suspend consideration in exceptional circumstances, where relevant supporting evidence has not been supplied or a practicable remedy has not been proposed. Where additional information is requested from a complainant in order to clarify their concern, this should normally be received within twenty working days of the request. In such cases, where any discrepancies have not been addressed within this period the University reserves the right, exceptionally, to reject a concern without further consideration and issue a Completion of Procedures Letter accordingly.

## 17.9 Formal Stage (Stage Two)

1. If the complainant remains dissatisfied with the response from the relevant senior colleague, they should contact the Academic Standards Officer to request a Complaints Submission Form.
2. The Academic Standards Officer will supply the Complaints Submission Form, which (if not already supplied at the early resolution stage) will include an anonymous questionnaire for equality monitoring purposes, and indicate any possible sources of advice and support as appropriate. As per Section 17.8.2 of this Framework, the Academic Standards Officer will supply the form if a complaint is escalated immediately to the formal stage.
3. Completed Complaints Submission Forms must be received within twenty working days of the conclusion of the early resolution stage; otherwise, they will normally be rejected on the grounds that a sound investigation can no longer be conducted.
4. The complainant should send copies of any evidence supplied in support of their complaint, to avoid any risk that the originals will be lost. Moreover, complainants should respond to any communications relating to their complaint in a timely manner.
5. The Academic Standards Officer will normally acknowledge all complaints within five working days of receipt, and issue a decision within thirty-five working days of receipt if possible. If a delay is envisaged, the complainant will be notified in writing before the end of the thirty-five working day period. Where exceptional factors affect the timing of these procedures, reasonable attempts will be made to avoid undue delay in the processing of complaints. Where a complainant requests additional information, every effort will be made to provide this within ten working days of the receipt of the request.
6. Whilst every attempt will be made to expedite complaints that may require particularly swift action, due process will always be carried out and arrangements for Complaints Panel hearings will not be compromised.

7. On receipt of the completed submission form and associated evidence, the Academic Standards Officer will nominate a member of Senate, who has no involvement with the student or the complaint, to investigate the complaint. He or she will determine the witnesses to be called to the Complaints Panel and the documentation to be circulated to all parties in advance of the meeting, advised by the Academic Standards Officer as appropriate.
8. The member of Senate investigating a complaint may suspend consideration in exceptional circumstances, where relevant supporting evidence has not been supplied or a practicable remedy has not been proposed. Where additional information is requested from a complainant, this should normally be received within twenty working days of the request. In such cases, where any discrepancies have not been addressed within this period the University reserves the right, exceptionally, to reject a complaint without recourse to a Complaints Panel and issue a Completion of Procedures Letter accordingly.
9. Subject to any suspension of consideration as above, the Academic Standards Officer will convene a Complaints Panel. This shall comprise:
  - The member of Senate appointed to investigate the complaint (Chair).
  - A member of Senate or Programme/Programme Area Leader who has no involvement with the student or the complaint.
  - A member of the Executive Committee of the Student Union, normally the President or Deputy President, who also has no involvement with the student or the complaint.

The Academic Standards Officer, or a nominee, will act as Secretary to the Panel and proceedings may also be recorded, either electronically or by a minute taker, by mutual agreement. The Panel will not meet unless all members and the Secretary are present. The Academic Standards Officer will endeavour to secure an adequate gender balance in the Panel.

10. The complainant shall be informed of the date of the meeting of the Panel and the venue, which will normally be a formal meeting room on the University campus, not less than ten working days in advance; this deadline can only be reduced with the complainant's written consent. They will be invited to appear in person but, in exceptional circumstances, the Panel may also hear a case, at the discretion of the Chair advised by the Academic Standards Officer, in their absence. A Panel can be scheduled at any time in the calendar year; however, reasonable steps will be taken to schedule it at a point in the year when the student would normally be present in the University.
11. The student may be accompanied by a 'friend', to provide support and speak only when instructed to do so by the student. The name and status of any such 'friend', who cannot be an employee of the University, must normally be notified to the Academic Standards Officer no less than five working days in advance of the hearing. The University must grant its consent beforehand for the 'friend' to attend the meeting. The student may also choose to call witnesses in his or her defence.
12. The Academic Standards Officer shall normally circulate the list of witnesses to be called, and all relevant documentation, to all parties not less than five working days before the meeting. Where this is not possible, the Academic Standards Officer will advise the complainant who will have the right to request a postponement. Complainants have the right to call witnesses on the same basis as the University; any such witnesses should also be notified to the Academic Standards Officer not less than five working days before the meeting.
13. The meeting will commence with private discussions within the Panel to clarify matters of process. The complainant will then be called to appear, along with any member of the University they have nominated, followed by the members of University staff involved in the complaint. The complainant and the members of University staff will then be invited to make a statement to the Panel, after which the Panel will interview all parties in order to obtain the information it requires to reach an informed decision. This may involve discussion between the complainant and the members of University staff,

which must be conducted through the Chair of the Panel. The complainant will then be invited to make a final statement to the Panel, in the absence of the members of University staff, after which the Panel shall consider its decision in private. In exceptional circumstances, the Panel might reserve its decision, pending the outcome of additional investigations and appropriate correspondence.

14. The Academic Standards Officer shall notify the complainant in writing of the Panel's decision, and the reasoning behind that decision, normally within five working days and not less than ten working days of the meeting. This letter, which will also constitute the official record of the meeting, will explain the grounds under which a complainant may request a review of the decision, and make it clear that if the complainant does not take the formal complaint to the review stage within the time limit for doing so the complaint will be closed automatically.
15. The University may award compensation to a complainant when a complaint is upheld either in whole or in part. A proposed compensatory payment is agreed, in the first instance, by a Complaints Panel. Compensatory payments can only be agreed by a Complaints Panel and cannot, therefore, be made at the early resolution stage (Stage One).
16. The University's compensation protocol for formal complaints will determine the level of the payment, and will be supplied to complainants for information where applicable. Payments that exceed a predetermined amount will be subject to the ratification of the University's Senior Management Team. Contestation of the payment offer can only be considered at the review stage (Stage Three) on the grounds that the outcome was unreasonable.

### **17.10 Review Stage (Stage Three)**

1. The complainant may request a review of the decision on the following grounds only:

- That the procedures were not followed properly.
- That the decision maker(s) reached an unreasonable decision.
- That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
- That there is bias or reasonable perception of bias during the procedure.

Any such request must be submitted in writing to the Academic Standards Officer, within ten working days of the date of the letter communicating the decision.

2. The Academic Standards Officer will refer the challenge to a member of Senate or the Senior Management Team who has had no involvement with the student or the complaint. The challenge will be copied to University staff for information only, and no response from them will be sought or anticipated at this stage.
3. If valid grounds for doing so are identified, the Academic Standards Officer will convene another Complaints Panel under the formal stage of these procedures. This will be convened with a different membership to ensure objectivity. If valid grounds are not identified, the Academic Standards Officer will advise the complainant that the University's internal complaints procedures have been exhausted and issue a Completion of Procedures Letter accordingly (as per Section 17.11 of this Framework).
4. The review stage will normally be concluded within fifteen working days of the receipt of the challenge. If a delay is envisaged, the complainant will be notified in writing before the end of the fifteen working day period. Where it is agreed that another Complaints Panel should be convened under the formal stage of these procedures, the timescales set out in Section 17.9 of this Framework will apply and the processing time recorded for the complaint will be reset accordingly.

## **17.11 Office of the Independent Adjudicator for Higher Education**

1. If a complainant remains dissatisfied after the appropriate internal processes have been exhausted, they can ask the University to issue a Completion of Procedures letter in order for the Office of the Independent Adjudicator for Higher Education (OIA) to review their complaint.
2. The University must issue a Completion of Procedures letter in order for the OIA to review a complaint. A Completion of Procedures letter will be issued automatically where valid grounds for re-hearing the complaint are not found at the review stage and otherwise on request. If a Completion of Procedures letter is issued before the review stage has been conducted, the letter will make it clear that the student has not completed the University's internal processes.
3. All requests for review must be made to the OIA within twelve months of the date of issue of a Completion of Procedures letter. For full details please contact <http://www.oiahe.org.uk>.

## **17.12 Annual Report**

The Academic Standards Officer submits an annual report on student casework to Senate, detailing (anonymously) general matters or issues arising from complaints received during the previous academic session. The Academic Standards Officer will also collate and present anonymised monitoring information to Senate on a regular basis with regard to students who have made complaints. Senate will forward recommendations to other relevant bodies, such as the Board of Governors and the Student Experience Council, so that broad concerns can be shared and appropriate action taken.

## 17.13 Procedures at Partner Organisations

1. In accordance with the expectations set out in the UK Quality Code For Higher Education and the University's Collaborative Provision Regulations and Procedures, all students registered for the University's awards have the ultimate right to complain to the University, irrespective of where they are studying. This right of complaint, however, is not absolute and is subject to the precise wording of the partnership agreement.
2. The partner organisation, accordingly, should ensure that clear information and guidance with regard to formal complaints is made available to all students registered for the University's awards. This should include clear information about the sequence of processes involved and make clear the channels through which dissatisfied students can contact the University directly.
3. Once the internal procedures of the partner organisation have been fully exhausted, students who wish to take their case to the University for review should ask the Academic Standards Officer in writing if they are eligible to do so. The complainant may request a review of the decision on the following grounds only:
  - That the procedures were not followed properly.
  - That the decision maker(s) reached an unreasonable decision.
  - That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
  - That there is bias or reasonable perception of bias during the procedure.
4. If a case is eligible for review, the Academic Standards Officer will refer the challenge to a member of Senate or the Senior Management Team who has no involvement with the partnership. If the challenge is upheld, the case will be referred back to the partner organisation to be reheard under its own procedures. Otherwise, the University will not refer the case back to the partner organisation to be reheard and the Academic Standards Officer will

advise the student accordingly. This will include advice with regard to a student's further right of complaint to the Office of the Independent Adjudicator (OIA) (as per Section 17.11 of this Framework). The review stage will normally be concluded within fifteen working days of the receipt of the request; if a delay is envisaged, the complainant will be notified in writing before the end of the fifteen working day period.

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