

# **Student Complaints**

## ***Policy and Procedure***

Date approved by Academic Board	November 2017
Date of (next) review	November 2019

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## 1. INTRODUCTION<sup>1</sup>

- 1.1 Complaints may be made by anyone who is, or was, enrolled as a student of the University; and, in accordance with the QAA expectations, complaints may be made by individual students or, where appropriate, collectively by groups of students represented by a lead complainant.
- 1.2 Enrolled students include those who are on placement, engaged in work-based learning, distance/remote learning or on an approved leave of absence.
- 1.3 Student complaints are managed through the Registrar.
- 1.4 This document describes the three-stage process for making a complaint at the University of Gibraltar.

## 2. DEFINITIONS and SCOPE

- 2.1 A complaint is defined as an expression of dissatisfaction by one or more students about a university's action or lack of action, or about the standard of service provided by or on behalf of the University.
- 2.2 The following are examples of what can be complained about under this policy:
  - A University service (e.g., library, laboratory, classroom facilities, general learning resources);
  - The delivery and administration of courses (e.g., notice of classes/timetable changes, notice of assessment results);
  - Arrangements for the provision of tuition and supervision;
  - The behaviour of a student and/or a member of staff (e.g., concerning discrimination, harassment and/or bullying);
  - Information about academic programmes (e.g., that is misleading or incorrect);
  - Facilities;
  - The University's failure to reasonably meet the expectations and obligations it sets out in regulatory and procedural documents.
- 2.3 Concerns about assessment decisions (i.e. the outcome of an assessment at module or award level) must be progressed through the Academic Appeals Procedures rather than through these Complaints Procedures.
- 2.4 Where a student's or students' concerns are generic (e.g. in relation to University regulations and procedures, the content and/or assessment of programmes) this should, in the first instance, be directed through a relevant mechanism (e.g., the programme committee, Academic Quality and Standards Committee).

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<sup>1</sup> The arrangements governing student complaints at The University of Gibraltar are informed by the expectations of the UK QAA Quality Code for Higher Education, in particular chapter B9 Academic Appeals and Student Complaints (<http://www.qaa.ac.uk/assuring-standards-and-quality/the-quality-code/quality-code-part-b>). This policy and procedure have also been scoped with reference to the Office of the Independent Adjudicator's "Good practice framework for handling student complaints and academic appeals" and with reference to the policies and procedures of the University of Bath, University of Bath Spa, University of Gloucestershire, University of Bristol, University of Kingston, University of Lincoln, University of London/UCL, Oxford Brookes University, Queen Margaret University).

- 2.5 Complaints relating to a collaborative provision should be dealt with according to the respective partner's procedures. In the event that this is not resolved at this level, the student may request a review by writing to the Registrar.
- 2.6 Whatever the outcome of a complaint, once the University investigation process has been concluded a Completion of Complaint Procedures letter will be sent to the complainant(s).

### 3. PRINCIPLES

- 3.1 The University seeks to minimise student complaints by ensuring that, wherever possible, students have opportunities to participate in the appropriate formal decision-making processes of the University.
- 3.2 The University is committed to fostering an environment in which students are encouraged to raise any matters of concern informally at a local level (e.g., module level, programme level) as soon as they arise, as this often removes the need for formal complaints.
- 3.3 In order to ensure the thorough and fair investigation of a complaint, the University expects to be able to collect appropriate information from all the parties involved. Hence anonymous complaints will not be considered.
- 3.4 Equally, in order to ensure the thorough and fair investigation of a complaint, and in the interests of natural justice, the University will contact any student or member of staff who is named in a complaint to enable an informed and equitable response.
- 3.5 Students are encouraged to raise the concern or complaint as soon as possible after the occurrence. All students, including those who have left/graduated from the University, have a right of complaint no later than **three months** from when the initial event or issue occurred, in order to enable the issue to be addressed in a timely manner.
- 3.6 The processes described below are underpinned by the principles of objectivity and respect and are intended to safeguard, as far as possible, the interests and well-being of students making a complaint and all parties who may be named or otherwise involved.
  - All parties involved in a complaint are required to act reasonably and fairly towards each other and to respect the University's procedures.
  - Wherever possible, all complaints will be resolved informally at the earliest opportunity.
  - All complaints will be dealt with promptly, and any time-critical factors set out in the complaint form will be taken into account.
  - Time limits should be met by all parties and may only be extended by the relevant decision-maker where it is necessary to do so to ensure a fair outcome.
  - Complaints will usually only be considered where they are made directly by the student concerned, or by the authorised student representative of a group of students.
  - Complaints made by third parties on behalf of a student/students will not be considered.
  - Complaints will be dealt with confidentially by all parties involved, except where it is necessary to disclose information to conduct a fair investigation and/or where a breach of confidentiality is deemed necessary to meet professional body expectations concerning safeguarding vulnerable individuals (e.g., this might arise on Counselling, Education, Health and Social Care/Work courses). Where it emerges that

confidentiality has been breached unnecessarily, disciplinary action and/or sanction may follow.

- No one investigating a complaint should have any conflict of interest in the matter; where conflicts of interest are apparent or arise, the Registrar will appoint substitute individuals.
- Anyone who is involved in investigating or adjudicating a complaint will need to be totally independent of the complainant.
- Anyone involved in a complaint may be accompanied by or represented at any stage of the procedure by a friend or colleague.
- Neither party in a complaint, the University or the complainant, will have recourse to legal representation.
- The University will not process complaints that are about matters which have already or are currently under consideration by a court or tribunal.
- The University will not process complaints that are deemed to be malicious, frivolous or vexatious in that they are obsessive, harassing or repetitive, abusive in tone or language, insistent on pursuing unrealistic or unreasonable outcomes, designed to cause disruption or annoyance, or demanding disproportionate redress. The University reserves the right to terminate the complaint process at any time where a complaint is judged malicious, frivolous or vexatious.
- Where a complaint is deemed to be malicious, frivolous or vexatious in that it is obsessive, harassing or repetitive, abusive in tone or language, insistent on pursuing unrealistic or unreasonable outcomes, designed to cause disruption or annoyance, or demanding disproportionate redress, the complainant may be subject to disciplinary action and/or sanction.
- The process and outcome of the complaints procedure should not have a detrimental effect on the complainant's experience at the University, and a complainant is entitled to continue to pursue his/her studies whilst the complaint is under investigation.

3.7 Where a complaint is deemed to be inadmissible, as detailed in 2.3, 2.4 and 3.6 above, the complainant will be advised in writing.

3.8 The Registrar will determine whether a complaint or an academic appeal should be reclassified (at whatever stage of the process the complaint has reached). The complainant will be consulted and advised as the appropriate procedure is progressed.

3.9 Neither party will digitally record the proceedings of any meetings; written minutes should be made and circulated to those attending.

3.10 The University will keep a record of formal complaints and their outcomes to inform decision-making in individual cases and improvements to the regulatory and operational functioning of the University.

## **PROCEDURE**

The University complaints procedure is a three-stage process as follows:

### **4. STAGE 1 - Local level resolution**

4.1 It is expected that every effort will be made to resolve most complaints by discussing the matter informally with all parties involved at a local level at the earliest possible opportunity, where this is possible and appropriate. At this stage, students are asked to explore their concerns informally (e.g., verbally and/or by email) at a local level with the relevant module tutor, the programme leader, research supervisor and/or Head of

Faculty/Director of Institute. If the complaint is in relation to a University service, the respective member of staff from that service (if there is any doubt regarding whom to contact the student should contact the Head of Service). In the event that the recommended member of staff to contact is involved in the complaint, then a member of staff of equivalent or higher grade should be contacted.

- 4.2 The member of staff to whom the complaint was made will contact the complainant, normally **within 5 working days** of the initial complaint, with an explanation of what steps (if any) will be taken to address the complaint and the expected timescale.
- 4.3 The complainant should be requested to respond, **within 5 working days**, stating that:
  - he/she is satisfied and the complaint is resolved;
  - he/she is not satisfied and intends to submit a formal complaint.

If the student does not respond, there is, for procedural purposes, a presumption of satisfaction; however, this does not preclude submitting a formal complaint.

- 4.4 The member of staff to whom the complaint was made will then advise the Registrar in writing of the complaint, the solution offered/implemented, and the (presumption of) acceptance or otherwise by the complainant.
- 4.5 The Registrar files this advice and, if no formal complaint is submitted, endorses it as a Completion of Complaint Procedures letter.
- 4.6 Staff are encouraged to share experiences and comments of complaints at this stage since this could be constructive for the respective Department or Service involved.

## 5. STAGE 2 - Formal level resolution

- 5.1 Where the matter raised by the student is either not amendable to local level resolution or cannot be resolved at a local level the student can submit a Complaint Form (appendix 1); if local level resolution has been attempted this must be submitted **within 5 working days** of receiving notice of the outcome of the local level resolution process. The student must submit the Complaint Form to the Registrar.
- 5.2 Only in very exceptional circumstances should the complainant request, with supporting argument<sup>2</sup>, additional time to submit a complaint to the Registrar, who then has the discretion to grant an extension of a specified duration.
- 5.3 In completing the Complaint Form (appendix 1) the complainant should state the grounds of the complaint, including relevant evidence (e.g., corroborating statements, inconsistent/contradictory documentation, photographs or audio-visual material<sup>3</sup>), a statement as to why the issue(s) of concern could not be, or was not, resolved at a local level and a statement as to the preferred resolution of the matter.

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<sup>2</sup> Exceptional circumstances may include, but are not necessarily limited to, illness, injury, unavoidable delay in obtaining evidence.

<sup>3</sup> Such evidence may be available in exceptional cases where complainants are subject to harm or threat.

- 5.4 Students are strongly advised to keep a copy of their complaint, accompanying documentation and any other documentation pertaining to the complaint for their own records.
- 5.5 The Registrar will, **within 5 working days** of receipt, acknowledge in writing the formal notice of complaint along with a summary of the nature of the complaint and, if applicable, the attempted local level resolution.
- 5.6 The Registrar will copy the acknowledgement to the Vice-Chancellor along with a request to appoint a Complaints Panel comprising three members who have no prior association with the case:
- a Director or Dean;
  - a Head of Faculty or Service, or their nominees, as determined by the nature of the complaint;
  - an independent member drawn from staff, students, associate campuses, associate researchers, academic board and/or its subcommittees.

The Vice-Chancellor or the Panel itself will determine which member chairs the Panel.

- 5.7 The Chair will request the Complaint Form from the Registrar, circulate to the members of the Complaints Panel and advise the Registrar **within 5 working days** of the estimated date on which the Complaints Panel will report its findings/recommendations:
- this will normally be **within 15 working days** of receipt of the complaint by the Registrar;
  - in complex cases, however, for example where complaints are made against members of the University (either students or staff), the process may take longer.

- 5.8 The Registrar will, **within 5 working days**, inform the complainant of the estimated reporting date of the Complaints Panel.

- 5.9 The Complaints Panel will consider the complaint and in so doing will:
- accord equal procedural treatment to all parties concerned;
  - seek further clarification of all written evidence from whoever it feels appropriate;
  - have the right to interview the parties concerned.

The Complaints Panel may:

- request and view student records where the complaint is between students;
- pursue its investigation even if the complainant withdraws the complaint provided it finds it appropriate to do so;

- 5.10 The Complaints Panel must limit its investigation to the complaint and to recommending a solution; it is not constituted as a disciplinary panel for staff.

- 5.11 The Panel will hold at least one meeting which constitutes a hearing to which the Chair will invite the parties involved in the complaint in order for the Panel to hear verbal reports from them and put questions to them.

- 5.12 All parties to the complaint attending the meeting are entitled to bring a (non-legal) representative to the meeting.

- 5.13 The conduct of the meeting will normally adhere to the following format.
- The complainant, with the assistance of a representative as necessary, will explain the complaint and any supporting evidence;

- The complainant may be asked questions by the Chair of the panel to the complaint and by any other parties to the complaint who are present;
- The respondent(s) to the complaint will then, with the assistance of friend/ representative as necessary, respond to the matters raised and may present accompanying evidence;
- The respondent(s) to the complaint may be asked questions by the complainant and other members of the Panel.

5.14 If the complainant fails to attend the Panel meeting, the Panel may nonetheless determine the outcome of the complaint hearing in her/his absence.

5.15 The Panel meeting will be minuted for the purpose of providing a factual record in the event of the complaint going to Review.

5.16 The Complaints Panel can determine to:

- Dismiss the complaint;
- Overturn any decision made under Stage 1 of the complaints procedure;
- Uphold the complaint in whole, or part(s);
- Determine recommendations for any actions incumbent on behalf of the University where the complaint is upheld.

5.17 Where the Complaints Panel upholds a complaint in whole, or part, it can recommend the following compensatory actions.

- A direct apology, or the request of an apology from a third party (e.g. a student, a service/facility area).
- A mediation intervention between the conflicted parties.
- A request for the relevant procedure to be revised.
- A recommendation for the review and revision of course materials and/or the delivery of a programme.
- Recommendation for the immediate enhancement of a University resource (e.g. laboratory equipment).
- Other, as appropriate and proportionate to the nature of the complaint.

The Panel will complete its work and report its decision and any recommendations **within 5 working days** of the meeting at which it hears from and questions the parties to the complaint.

5.18 The Chair of the Complaints Panel is responsible for communicating its decision and any recommendations to the Registrar. The Registrar will formally communicate in writing the decision and any recommendations of the Complaints Panel to the complainant **within 5 working days**.

## 6. STAGE 3 - Review

6.1 Where a student is not satisfied with the outcome of the complaint investigation process (after STAGE 2) the student can request a further review of the complaint. This request must be made in writing to the Vice-Chancellor normally **within 5 working days** of notification of the Panel decision by the Registrar.

6.2 A complainant can only request a review, which is not a reinvestigation of the complaint, on the following grounds:

- there were procedural irregularities in the investigation of the complaint;

- new evidence has become available which was not, and could not reasonably have been made available to the original investigation.
- 6.3 The request for review must:
- EITHER specify in writing **precisely** what aspect(s) of the Stage 2 procedure was not followed; OR
  - explain **precisely** both why the new evidence was not previously available and how the new evidence may have changed the decision-making in Stage 2.
- 6.4 If the Vice-Chancellor is satisfied that a review is justified he/she will either:
- make a judgment on the basis of the request submission; or
  - convene, **within 10 working days**, a Review Panel with new members, none of whom has been involved with the complaint to review the evidence; where appropriate the Review Panel may include a member of the Board of Governors.
- 6.5 The Review Panel will review all of the evidence, where the request for review is made on the basis of new evidence the panel may seek a response from the Chair of the Complaints Panel.
- 6.6 The Review Panel has the power to reverse or modify any previous decisions as deemed appropriate.
- 6.7 The Review Panel will advise the Vice-Chancellor of its findings **within 5 working days** of convening and the Vice-Chancellor will formally advise all parties to the complaint, **within 5 working days** of receiving the decision of the Review Panel.
- 6.8 The decision of the Review Panel is final.

## **7. MONITORING, RECORDING and REPORTING**

- 7.1 The Registrar will keep a record of all complaint investigations and outcomes.
- 7.2 The Registrar is responsible for reviewing this policy on an annual basis to ensure it remains relevant and fit for purpose.
- 7.3 The University will record and report the complaints in sufficient detail and analysis to ensure that Academic Board and management will be able to identify any emerging trends in order to identify potential institutional issues and/or practices that may need to be reviewed and improved.
- 7.4 On an annual basis, an anonymised report on the number and nature of formal (STAGE 2) student complaints considered and outcomes will be presented to the Academic Board and to the Board of Governors. This process will ensure appropriate monitoring of all complaints and related outcomes and is intended to facilitate learning from complaints.
- 7.5 The University will keep and dispose of records relating to student complaints in accordance with its Data Protection Policy and Records Retention Schedule.

## Appendix 1

### Student Complaint Form



*Before completing this form, please read carefully the complaints procedures published by the University. If you are sure of your right to make a complaint, please complete this form, include relevant evidence, sign and submit to the Registrar.*

Name	
Student Number	
University Email	
Address	
Telephone Contact Number(s)	
Programme of Study	
Year of Study (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> )	
Institute/Faculty	
<p>Please indicate the grounds on which the complaint is made e.g:</p> <ul style="list-style-type: none"><li>➤ Issue(s) relating to a University service and/or facilities (e.g. the library, the laboratory, classroom facilities, general learning resources, catering facilities, etc.);</li><li>➤ The delivery and/or administration of courses (e.g. notice of classes/timetable changes, notice of assessment results) where concerns cannot be resolved at a local, Faculty and/or Institute level;</li><li>➤ Arrangements for the provision of tuition and supervision;</li><li>➤ The behaviour of a student and/or a member of staff (i.e. concerning discrimination, harassment and/or bullying);</li><li>➤ Information about academic programmes (e.g. that is misleading or incorrect);</li><li>➤ The University's failure to reasonably meet the expectations and obligations it sets out in regulatory and procedural documents</li><li>➤ Other.</li></ul>	
<p>Please explain what steps you have already undertaken to resolve your complaint including whom you contacted and when:</p>	

Please outline the details of any response(s), including dates, received:

Please explain why you remain dissatisfied:

Please indicate the outcome or further action from the University which you are seeking:

If you have written a letter of complaint to anyone else in the University please provide a copy of this and any response, and/or if you intend to copy this complaint to anyone else please advise:

**Declaration**

I declare that the information given here is true and that I am willing to answer further questions relating to my complaint if necessary

Name:

Signature:

Date:

