



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

PROCEDURE for STUDENT COMPLAINTS

Extract from Chapter 13 of the Academic Quality Handbook 2015/16

13.7 Procedure for Student Complaints

13.7.1 Definitions

- (1) For the purposes of this procedure, a complaint is defined as the expression of a specific concern about the provision of a module, a Programme of Study, supervision for taught degrees, a related academic service or a related support service. It also includes inappropriate or negligent behaviour of staff likely to cause physical or mental harm to the student. The procedure does not cover complaints against the decisions of Examining Boards or disputes with persons not employed by or subject to the jurisdiction of the University.
- (2) The term student refers to any person enrolled or registered to follow a Programme of Study or module(s) delivered by the University and persons who have been students of the University for up to 6 months after they have left the University. This procedure applies equally to complaints made by individual students and complaints made by groups of students.
- (3) This procedure does not apply to student complaints about the behaviour or conduct of other students. Complaints of this nature should be raised with the Director of Student Services in the first instance.
- (4) A separate procedure applies to complaints about supervision for postgraduate research degree students set out in Chapter 8.
- (5) In the event that a complaint relates specifically to the personal conduct of an individual member of staff such that the matter is likely to require a higher level of confidentiality than is appropriate to the Procedure for Student Complaints, the matter shall be referred to the Human Resources Department for consideration as soon as possible. The Human Resources Department shall take forward the matter under the appropriate University procedure. In such cases, the Human Resources Department shall inform the complainant that the matter is being taken forward. For reasons of confidentiality, it may not be possible to provide the complainant with the details of the outcome of the complaint.
- (6) This procedure is designed to enable students to raise legitimate concerns without fear of disadvantage or recrimination and to enable the University, in turn, to be able to investigate such concerns in full. The University is able to give formal consideration to complaints channelled through the Student Union or, in the case of a complaint from a group of students, by two representatives from the group. However, the University is unable to respond or give formal consideration to complaints by third parties in any other circumstances or to anonymous complaints under this procedure.
- (7) The University will follow the same procedures for dealing with complaints relating to external examiners, adjusted as necessary if appropriate.
- (8) This procedure is intended to incorporate the principles of natural justice and procedural fairness.
- (9) Complaints by students studying one of the University's programmes at a collaborative partner institution should in the first instance be dealt with through the partner institution's procedures. In the event that the complainant is not satisfied with the outcome, then the student has a right to request that their complaint be reviewed by the University. In doing so, the University will follow the procedure described in Section 13.7.4.

13.7.2 Informal Complaints Procedure

- (1) Most complaints can be resolved simply and swiftly in an informal manner, at a local level, by discussing the issue or concern with the relevant person. For issues relating to a module or a programme of study, the relevant person will normally be the Programme Director or the Head of School. For concerns relating to services provided by the University, the relevant person will normally be the manager of the department or service concerned. The University encourages students to raise matters of concern as soon as they arise. The University seeks, in turn, to find effective remedies to those concerns as quickly as possible and with minimum disruption.
- (2) A student or group of students who express a specific concern about the provision of a Programme of Study, or a related academic or support service should, where appropriate, seek to resolve the matter through their Student Representatives, including, where appropriate, their Student Union officers and Year Tutors or Personal Tutors. Staff Student Committees can also be used for this purpose. The University will make every effort to address the concern at this stage. The Quality Assurance procedures established by the University including module questionnaires, Boards of Study/Annual Reviews of Programmes of Study will take account of all forms of student feedback and ensure that appropriate action is taken.
- (3) Students or groups of students who remain dissatisfied should seek remediation through the University's formal complaints procedure.

13.7.3 Formal Complaints Procedure

- (1) The complaint should be raised as soon as practicable in writing on the Formal Complaint Form (Appendix GA5) and submitted to the Academic Office.
- (2) The Academic Office will acknowledge receipt of the complaint normally within 5 clear working days.
- (3) In the event that the complaint relates to the behaviour or conduct of another student or students, the Respondent shall refer the matter to the Director of Student Services for action.
- (4) In the event that a complaint relates specifically to the personal conduct of an individual member of staff, the procedures as set out in paragraph 13.7.1 (5) will be followed.
- (5) In the event of a complaint against one or more individuals, the Academic Office shall request that the complainant authorises in writing the disclosure of the written complaint. If such authorisation is not forthcoming, the Academic Office shall explain to the complainant that the complaint cannot be taken further.
- (6) The Academic Office will forward the complaint to the relevant Dean of Faculty, his/her nominee or the relevant manager. The relevant Dean of Faculty, his/her nominee or the relevant manager shall raise the matter with the member(s) of staff concerned and shall submit an initial report to the Academic Office within 15 clear working days which sets out the findings of the Respondent's investigation and, where appropriate, makes recommendations on possible remedies to the complaint.
- (7) On receipt of the initial report from the relevant Dean of Faculty, his/her nominee or the relevant manager, the Academic Office may request a meeting with the complainant to clarify statements made in the formal complaint and to confirm the details of the complainant's stated desired outcome. If for reasons of distance or other good reason, physical attendance in person is not possible, the complainant shall be invited to contribute via video link, audio link or to make an additional written submission. Legal representation

is not allowed. On completion of the investigation a final complaint investigation report shall be produced.

- (8) The final complaint investigation report shall be submitted for consideration by the Dean of Quality and Standards who has no conflict of interest with respect to the subject of the complaint or the individuals concerned.
- (9) The final complaint investigation report will normally be submitted to the Dean of Quality and Standards within 30 clear working days of receipt of the complaint. If the final complaint investigation report cannot be completed within this time period, the Dean of Quality and Standards and the complainant shall be informed accordingly and provided with an estimated completion date.
- (10) The Dean of Quality and Standards shall, upon receipt of the report, consider the findings and determine whether to uphold or reject the complaint. In giving due consideration to the complaint, the Dean of Quality and Standards shall have discretion to consult, as appropriate, with relevant colleagues.
- (11) The final decision on the complaint shall be communicated to the complainant by means of a Complaint Outcome letter (which may take the form of an electronic communication), no more than 5 clear working days after the receipt of the report. The Complaint Outcome letter should include a brief explanation of reasons for the decision and, if appropriate, details of the proposed remedy.
- (12) Other officers of the University shall be informed of the decision where appropriate.

13.7.4 Review of Complaint Outcome

- (1) On receipt of a Complaint Outcome letter, if the complainant is not satisfied with the outcome or the remedy proposed, the complainant may request that the complaint outcome be reviewed by the Deputy Vice-Chancellor (Academic) or his/her nominee.
- (2) A request for a review may only be made on one or more of the following grounds:
 - a) irregularities in the conduct of the complaints procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
 - b) the existence of relevant evidence and there are compelling reasons why this evidence was not provided earlier in the complaints procedure;
 - c) the complaint outcome was not reasonable given the circumstances of the case.
- (3) If the complainant does not wish to request that the complaint outcome be reviewed, the complainant may request that a Completion of Procedures letter be issued.
- (4) A request for review of the complaint outcome must be sent to the Academic Office on the Request for Review of Complaint Outcome Form (Appendix GA25) normally not later than 15 clear working days after the notification of the complaint outcome. Simple notice of a desire to request a review by a student within the above deadline shall not be deemed to constitute a formal request for review and shall not be accepted. The complainant shall provide full details of the grounds on which the request for a review is being made.
- (5) If no request for review is received within 15 clear working days, the University will assume that the complainant does not wish to request a review. The complainant may request that a Completion of Procedures letter be issued.
- (6) Receipt of the request for review shall be acknowledged normally within 5 clear working days.

- (7) The Deputy Vice-Chancellor (Academic) or nominee shall review the request to ascertain if the request has been made on permissible grounds and if a clear case has been made. The Deputy Vice-Chancellor (Academic) or nominee may refuse any request which is not based on the grounds stated above or in which it is apparent that no clear case to review the complaint has been made. The complainant shall be informed by means of a Completion of Procedures letter that the request for review has been rejected and that the original complaint outcome stands.
- (8) If it is determined that the request has been made on permissible grounds and that a clear case for reviewing the complaint has been made, the Deputy Vice-Chancellor (Academic) or nominee shall consider the request on the grounds indicated by the complainant.
- (9) In reaching a decision on the request, the Deputy Vice-Chancellor (Academic) or nominee shall base his/her decision on the evidence of the complainant's submission together with any further evidence which he/she considers relevant.
- (10) The Deputy Vice-Chancellor (Academic) or nominee shall be empowered to take one of the following decisions:
 - a) to uphold the original complaint outcome;
 - b) to refer the complaint back to the formal complaint procedure;
 - c) to offer a modified outcome and remedy.
- (11) The decision of the Deputy Vice-Chancellor (Academic) or nominee shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Deputy Vice-Chancellor (Academic) or nominee with the complainant or any other person.
- (12) In the case of paragraph 13.7.4 (10) a) above, the decision of the Deputy Vice-Chancellor (Academic) or nominee shall be communicated to the complainant by means of a Completion of Procedures letter, normally within 15 clear working days of receipt of the request for review.
- (13) In the case of paragraph 13.7.4 (10) b) above, the complainant shall be informed that the case has been referred back to the formal complaint procedure and that the procedures set out in Sections 13.7.3 (6) to (11) will be followed. There shall be no right to request a further review of the complaint outcome as set out in a revised Complaint Outcome letter issued in accordance with paragraphs 13.7.3 (11) where the case has been referred back after review by the Deputy Vice-Chancellor (Academic) or nominee. On receipt of the revised Complaint Outcome letter, the complainant may request a Completion of Procedures letter.
- (14) In the case of paragraph 13.7.4 (10) c), the complainant shall be informed of the modified outcome and remedy by means of a Complaint Outcome letter (which may take the form of an electronic communication). There shall be no right to request a further review of the complaint outcome as set out in the revised Complaint Outcome letter. On receipt of the revised Complaint Outcome letter, the complainant may request a Completion of Procedures letter.

13.7.5 Completion of Procedures and Independent Review

- (1) The Completion of Procedure letter confirms that the internal procedures of the University in relation to the complaint have been completed. The letter will indicate whether or not a review of the complaint outcome was requested. The complainant will be advised via the Completion of Procedures letter, that he/she can take his/her complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.

- (2) Complaints to the Office of the Independent Adjudicator (OIA) for Higher Education must be made within 12 months of the date of the Completion of Procedures letter. Full details of the procedure are available from the Academic Office or from the OIA website: www.oiahe.org.uk.

13.7.6 Legal proceedings

- (1) In the event of a student commencing any legal proceedings or in the event of proceedings being commenced against the complainant in relation to a complaint, the above procedures may be suspended or abandoned at the University's discretion.

13.7.7 Reporting on complaints

- (1) The Academic Office shall report annually to the Senate on the operation of these procedures in a form that maintains confidentiality and enables the University to reflect upon lessons learnt from student complaints and disseminate advice accordingly.

13.7.8 Complaints against senior members of staff

- (1) In the event of a complaint against a designated senior member of staff the procedures will be as for the currently agreed Human Resources procedures.