

# STUDENT COMPLAINTS POLICY AND PROCEDURE

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## STUDENT COMPLAINTS POLICY

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### 1. Introduction

- 1.1 The University is committed to delivering an excellent student experience and provision of service. However, there may be occasions where a student wishes to express concern or dissatisfaction about aspects of the student experience or service they have received. Detailed in the accompanying Procedure is the staged process the University has adopted for dealing with student complaints.
- 1.2 This Policy and accompanying Procedure underpins the University's Terms and Conditions, which sets out the expectations and responsibilities of both a student and the University, and outlines the learning experience that a student can reasonably expect the University to provide. A copy of the University's Terms and Conditions can be obtained from the University's website at [www.tees.ac.uk/studentregulations](http://www.tees.ac.uk/studentregulations).
- 1.3 Mediation can be proposed for consideration at any point during the formal complaints process. This process is co-ordinated through the University's Student Casework Office (previously known as the Office of Student Complaints, Appeals & Regulations (OSCAR)) and is a process by which an impartial member of staff from the University helps disputing parties work out an agreement to their issues.
- 1.4 Where a concern is of a general nature, it may be more appropriate for the matter to first be reported to the appropriate School/Partner Institution student representative or to the relevant member of staff, for example a Module or Course Leader or a Departmental representative. If no resolution is reached, a student may wish to submit a formal complaint under this process, and further information on how to do this is provided in the accompanying Procedure.
- 1.5 Should a complaint not be resolved through this process, students are able to request that their complaint be independently reviewed by the Office of the Independent

Adjudicator for Higher Education (OIA). Where a student is an Apprentice, enrolled on an Apprenticeship with the University, they may also ask the Education and Skills Funding Agency ("ESFA") to consider their complaint.

## **2. What is a complaint?**

For the purpose of this Policy and accompanying Procedure a student complaint, as defined by the OIA, is:

*"An expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider".*

The accompanying Procedure sets out the three stages; Early Resolution, Stage 1: (Formal Resolution Stage), Stage 2 (Review Stage) for the consideration of a complaint.

## **3. Who is eligible to complain?**

- 3.1 This process applies to current students who are registered or enrolled on a University Teesside course. In addition, former students can make a complaint provided it is submitted within the time limits set out in paragraph 6 of this Policy.
- 3.2 A person who is not a student of the University and wishes to make a complaint should use the University's Procedure for Complaints by Persons External to the University. Further information on this Procedure can be obtained by contacting the University's Student Casework Office.
- 3.3 Students studying a Higher or Degree Apprenticeship course can also follow this process, and any issues will be dealt with under the responsibilities set out in the Commitment Statement. Students also have the opportunity to raise issues through the regular tripartite review meetings.

## **4. Where to complain?**

### **4.1 Courses delivered by the University**

In the first instance, all students are encouraged to contact the relevant School or Department, where the problem arose and attempt to seek resolution. Further information on this process can be found in the Early Resolution Stage of the accompanying Procedure. If a complaint is not resolved informally, a student may raise a Stage 1 Complaint with the Student Casework Office.

### **4.2 Courses delivered by a Partner Institution**

#### **4.2.1 Using the Partner Institution's Student Complaints Procedure**

A complaint relating to local management, delivery and resourcing of the course should, in the first instance, be dealt with by the Partner Institution under their own procedure. Where a student remains dissatisfied with the outcome received from a Partner Institution, the following options apply:

- i) Academic Issues:  
If the complaint is not resolved and relates to academic standards such as course delivery, teaching, feedback, and learning resources, the student may refer the complaint to the Student Casework Office, under Stage 2 of the accompanying Procedure.
- ii) Service issues (where the Partner Institution is registered with the OIA):  
If the complaint relates to a service delivered by a Partner Institution who is a member of the OIA, then the Partner Institution, will issue the student with a 'Completion of Procedures' letter when the case has exhausted the Partner Institution's complaints procedure enabling the student to proceed with their complaint to the OIA.
- iii) Service issues (where the Partner Institution is not registered with the OIA):  
If the complaint relates to a service delivered by a Partner Institution who is not a member of the OIA, then the Partner Institution's complaints procedure will conclude the case.

#### 4.2.2 Using the University's Student Complaints Procedure

- i) If the complaint relates to a service delivered by the University, it will be dealt with entirely under the formal stage of this Procedure.
- ii) In exceptional circumstances student complaints, which by their nature cannot be dealt with by the Partner Institution, may be referred by the Partner Institution and/or student to the University for consideration under the formal stage of the accompanying Procedure.

### 5. What type of complaints can be considered?

#### 5.1 This process applies only to complaints relating to:

- 5.1.1 The quality and standards of service provided by the University, its staff or a third party acting on behalf of the University (subject to paragraph 5.2.4 below);
- 5.1.2 Failure by the University or its staff to provide a service, or other lack of action by the University or its staff (subject to paragraph 5.2.4 below);
- 5.1.3 Misleading or incorrect information in promotional material and other information provided by the University;
- 5.1.4 Concerns about the delivery of a course, teaching or administration including, where applicable, those delivered by a Partner Institution;
- 5.1.5 The quality of facilities, services or learning resources;

- 5.1.6 Events causing significant disruption to the normal delivery of a course, service or aspect of the student experience, such as industrial action, or a public health emergency;
- 5.1.7 Inappropriate behaviour or treatment by a staff member, for example, disorderly, abusive, threatening, intimidating, indecent, slanderous, libellous, or any form of bullying and harassment, victimisation, discrimination against any person on the grounds of age, disability, race, ethnic, or national origin, religion, or beliefs, sex, sexual orientation, gender reassignment, pregnancy, maternity, marriage or civil partnership or socio-economic background;
- 5.1.8 Failure of the University to follow a policy or procedure, for example relating to financial support, immigration process or welfare support;
- 5.1.9 A complaint relating to the Students' Union, which remains unresolved at the conclusion of the Students' Union's own procedure;
- 5.1.10 Unfair disadvantage attributable to opting out of Students' Union membership;
- 5.1.11 Complaints about a service delivered by another organisation or contractor on behalf of the University that has affected the student's learning experience;
- 5.2 The following examples would **not** be dealt with under the complaints process:
- 5.2.1 A concern or comment, which is informal and the University believes does not require any further action;
- 5.2.2 A concern about a decision made by an Assessment Board regarding an assessment decision, progression or award, which would normally be considered under the University's Academic Appeal Regulations;
- 5.2.3 A concern raised by a student against another student. Such matters should first be brought to the attention of the University under the University's Student Disciplinary Regulations. However, a reporting student may submit a complaint under this process if they have concerns regarding the fairness followed, or new evidence that could make a difference to the outcome which the student could not have reasonably provided earlier;
- 5.2.4 A concern about a decision made under another process, for example (but not limited to) the:
- Fitness to Practise Regulations;
  - Fitness to Study Policy and Procedure.
  - Extenuating Circumstances Regulations (Taught Provision) or Extenuating Circumstances Regulations (Research Degree Programmes).
  - Student Disciplinary Regulations.
  - Student Attendance and Engagement Policy and Procedure.
  - Academic Misconduct Regulations (Taught Provision).

- Framework and Code of Practice for Ensuring Research Integrity.

- 5.2.5 A routine, first-time request for a service;
- 5.2.6 A request under the Freedom of Information Act 2000;
- 5.2.7 A request under the UK General Data Protection Regulation and the Data Protection Act 2018;
- 5.2.8 A request for information on University policy, procedure or regulation;
- 5.2.9 A response to an invitation to provide feedback or when feedback is given through the general web;
- 5.2.10 Forms or surveys seeking feedback;
- 5.2.11 An insurance claim;
- 5.2.12 An attempt to have a complaint reconsidered when the matter complained of has already exhausted the University's procedures and a 'Completion of Procedures' letter has been issued;
- 5.2.13 A grievance by a student who is also a member of staff; such cases are to be handled through the appropriate Human Resources procedures;
- 5.2.14 Complaints relating to the Student Loans Company, which has its own Complaints Procedures.
- 5.2.15 A complaint relating to a service issue which by its nature is not in the control of the University.
- 5.2.16 Complaints relating to Disclosure and Barring Service (DBS) checks.
- 5.2.17 Complaints made by applicants regarding admission decisions which are dealt with under the University's Admissions Policy Appeals Process.

## **6. What are the timescales for the submission of a formal complaint?**

- 6.1 Complaints must be raised promptly. A formal complaint must be raised with the University no longer than **30 days** after the matters complained about had occurred. If the complaint relates to a series of connected events, the 30 days will commence from the date of the most recent event.
- 6.2 Former students must submit their formal complaint no longer than **30 days** from the notification of awards relating to the relevant course of study. In cases where public notification of awards is not given, a formal complaint (Stage 1) may be made no later than 30 days from the Record of Progress being issued, or no later than 30 days from the termination of a student's contract (for example, a withdrawal date) whichever is the latter. If a student is enrolled directly with the University on a Higher or Degree Apprenticeship (HDA), and has received public notification of their award, and wishes to

submit a complaint relating to the remaining aspects of their apprenticeship for example, the end-point assessment then a formal complaint may be submitted no later than 30 days from the end-point achievement.

- 6.3 Where a complaint is submitted late a student must enclose with their Application Form a separate written explanation for the late submission supported by evidence (if applicable). The University's nominee will determine whether or not a student has presented exceptional circumstances for their late complaint to be accepted for consideration under this process. This decision is not subject to further review. If the decision is not to accept a late complaint, the student will be informed in writing that their complaint is closed, and the student will be issued with a 'Completion of Procedures' letter.

## **7. Disciplinary matters**

- 7.1 If, at any time during the investigation of a complaint, it appears that the complaint raises allegations of misconduct which would be more appropriately dealt with under the University's Student Disciplinary Regulations, the Staff Disciplinary Policy and Procedure, or the Students' Union Disciplinary Regulations ('Regulations'), the complaint may be suspended and the matters referred for investigation under such of those Regulations. Any decision to invoke any of the Regulations as a result of a complaint will be taken following consultation with the University's nominee. If a disciplinary allegation is severable from other aspects of a complaint, the University's nominee may agree to simultaneous operation of the Student Complaints Policy and Procedure and the relevant Regulations.
- 7.2 The Student Complaints Policy and Procedure cannot be used as an attempt to challenge findings of fact and/or determination of issues considered under the relevant disciplinary process. In addition, the details of any actions taken against a member of staff/student under the Regulations will normally be confidential to the person concerned and will not be shared with the student or member of staff who has submitted the complaint
- 7.3 At the conclusion of consideration of matters under the Regulations, the student's complaint will be reinstated, and an outcome provided in accordance with the accompanying Procedure.

## STUDENT COMPLAINTS PROCEDURE

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### 1. INTRODUCTION

The Student Complaints Procedure is intended to be read in conjunction with the University's Student Complaints Policy ('Policy') and appendix 1 - 'General Principles'.

### 2. EARLY RESOLUTION STAGE

The University is committed to resolving matters quickly and in the interests of all parties. Students are therefore encouraged to initially raise a complaint as soon as they become aware of the issue giving rise to the complaint. This form of informal resolution is designed to address straightforward concerns swiftly and locally without the need for escalation to the formal stages of this Procedure.

The matter should be raised with the member of staff most directly concerned, or the person who the student feels can best resolve their complaint. If the complaint cannot easily be resolved in this way, the student should proceed to the submission of a formal complaint. Where proportionate, the student will be provided with a written response setting out the outcome of their informal complaint, how to submit a formal complaint if they remain dissatisfied with the outcome, and where to obtain advice and support.



### **3. STAGE 1 – FORMAL RESOLUTION STAGE**

3.1. A Stage 1 Complaint should be instigated when:

- The student declines or is unable to engage with the Early Resolution Stage;
- The Early Resolution Stage has been attempted but an acceptable outcome was not reached;
- The Early Resolution Stage is not appropriate due to the nature, complexity or seriousness of the complaint.
- The University determines that the student's complaint should be considered at the Formal Resolution Stage without first attempting to resolve issues informally.

3.2 Students must submit their complaint on a University Stage 1 Complaint Form. A Stage 1 Complaint Pack is available from the University's website or by emailing [sco@tees.ac.uk](mailto:sco@tees.ac.uk). Students are suggested to follow the guidance in the Pack, and all sections of the Complaint Form must be completed as fully as possible. Students should state clearly what they are dissatisfied with, and how they seek the complaint to be resolved.

3.3 Receipt of the Stage 1 Complaint will normally be acknowledged by the Student Casework Office and they will determine whether:

- It has been submitted under the correct policy and procedure.
- It falls into one of the categories listed in paragraph 5.1 of the Student Complaints Policy;
- If the matters complained about are clearly outlined, relevant supporting evidence is provided, and the outcome sought is clearly articulated;
- Mediation may be possible;
- The complaint has been submitted within the stipulated timescales as cited in paragraph 6 of the Student Complaints Policy.
- It would first be appropriate to consider the complaint with the relevant area of the University under the Early Resolution Stage.

3.4 If the Student Casework Office believes that the Stage 1 Complaint does not meet the above criteria, the student may be asked to provide more information. If no further information is received by an appointed date, and/or it is determined by the Student Casework Office that the complaint falls out of the scope of the Student Complaints Policy, it will liaise with the University's nominee. If the University's nominee determines that the complaint does not meet the above criteria, the student will be issued with a 'Completion of Procedures' letter.

- 3.5 If the Student Casework Office believes it is appropriate to progress the Stage 1 Complaint, it will normally send it to the relevant Dean/Director for consideration. The relevant Dean/Director must ensure that any person(s) named in the complaint are provided with the details of any aspects of the complaint relating to them.
- 3.6 The Dean/Director will appoint an Investigating Officer who has not previously been involved in the case, to oversee the investigation, who may:
- Gather and consider the evidence, written or otherwise, that relate to the complaint.
  - Offer to meet with the student to discuss their complaint; and
  - Meet with other relevant members of staff and/or students to gather their evidence or ask them to provide a written statement of matters relevant to the complaint.
- 3.7 Where the Investigating Officer believes that additional information is required to assist them to consider the complaint, they may request it and set a reasonable deadline for its submission. Alternatively, with the consent of the student and the relevant Dean/Director, the Investigating Officer may refer the case for Mediation to assist in reaching a satisfactory outcome for all parties.
- 3.8 Where a student provides additional documentation or evidence after the Student Casework Office has commenced processing their complaint, the Investigating Officer shall determine whether there is sufficient time, within the timescale set for their response to the complaint, in which to consider this additional information and, if not, shall inform the student of any necessary and reasonable adjustments to the deadline for their response or whether it is not possible for the additional information to be considered.
- 3.9 At the conclusion of the investigation, the relevant Dean/Director will normally write to the student, and any named person(s) who are subject to the complaint, no longer than **30 days** from the time that the complaint was received for investigation by the relevant Dean/Director with the outcome to inform them:
- What steps have been taken to investigate the complaint;
  - Whether the complaint has been upheld, partially upheld, or not upheld;
  - The reasoning behind the decision;
  - A summary or description of the evidence made available;
  - Any measures that will be taken as a result of the decision;
  - The student's right to escalate the Stage 1 Complaint to Stage 2 of the process, the grounds on which this is permissible, and the prescribed time limit within which to do so;
  - Where a student can obtain independent advice and support.
- 3.10 If the student does not escalate the complaint to Stage 2 no longer than **7 days** after the publication of the Stage 1 outcome, the complaint will then be closed.

## 4. STAGE 2 – REVIEW STAGE

- 4.1 The Stage 2 Complaint must be received by the Student Casework Office no longer than **7 days** from the written outcome of Stage 1 being provided to the student, otherwise the complaint will be considered closed. If a student submits a Stage 2 Complaint outside of the timescales, it will be considered in accordance with paragraph 6.3 of the Student Complaints Policy. Complaints taken to Stage 2 must already have been considered at Stage 1. New issues of complaint may not be introduced at Stage 2 and the process will not normally involve a further investigation.
- 4.2 A student may proceed to Stage 2 when:
- 4.2.1 There is evidence of procedural irregularity at Stage 1, which has materially disadvantaged the student;
  - 4.2.2 Additional information has come to light which may have affected the outcome of Stage 1, but was unavailable at the time of the submission of the Stage 1 complaint.
  - 4.2.3 That evidence is available to show that the outcome reached at Stage 1 was unreasonable. In this context, unreasonable shall be taken to mean perverse for example, that the outcome was not a possible conclusion which a similar hearing or process of consideration might have reached.
- 4.3 Students must submit their complaint on a Stage 2 Complaint Form. A Stage 2 Complaint Pack is available from the University's website or by emailing [sco@tees.ac.uk](mailto:sco@tees.ac.uk). Students are suggested to follow the guidance in the Pack, and all sections of the Complaint Form must be completed as fully as possible. Students should state clearly which of the three Stage 2 grounds are relevant to their complaint.
- 4.4 Receipt of the Stage 2 Complaint will normally be acknowledged by the Student Casework Office and they will determine whether:
- The grounds for review and the outcome sought have been clearly identified, and if not request the student provide further context to their complaint;
  - The student has attached the relevant documentary evidence cited in their complaint;
  - The complaint has been submitted within the stipulated timescales as cited in paragraph 4.1 of the Student Complaints Procedure;
  - The complaint is valid for consideration under Stage 2 of the Student Complaints Policy.

If the Student Casework Office believes that the Stage 2 Complaint does not meet the above criteria, the student may be asked to provide more information. If no further information is received by an appointed date, and/or it is determined by the Student

Casework Office that the complaint falls out of the scope of the Student Complaints Policy, it will liaise with the University's nominee. If the University's nominee determines that the complaint does not meet the above criteria, the student will be issued with a 'Completion of Procedures' letter.

- 4.5 The Student Casework Office may, if appropriate, request from the relevant School/Department/Partner Institution a copy of any information/ documentation used to determine the outcome of Stage 1. The Student Casework Office will then send the complaint and all relevant documentation to the University's nominee, who will have had no prior involvement in the case, and they will make a determination as to whether the case is suitable for consideration at Stage 2. A copy of the complaint will be sent by the Student Casework Office to the relevant Dean/Director who must ensure that the member of staff who undertook the Stage 1 investigation (if different to the relevant Dean/Director) and any person(s) who are named in the complaint are informed of the student's request to proceed to Stage 2.
- 4.6 No longer than **25 days** after receipt of the Stage 2 Complaint, the University's nominee (or within such longer period as may be reasonably necessary), will consider the request for a review and will either:
- (i) Reject the Stage 2 Complaint on the basis that it does not meet the grounds for a review.
  - (ii) Arrange for the complaint to be reconsidered under Stage 1 by a new Investigating Officer who has had no previous involvement in the case;
  - (iii) Convene a Complaints Panel to further consider and resolve the complaint where particular serious issues are raised;

The University's nominee may request further evidence from the student and/or School/Department/Partner Institution to assist them in reaching one of the above options.

- 4.7 The decision of the University's nominee will be communicated in writing to the student, and any named individual(s) related to the complaint. If the decision has been to Reject the Stage 2 Complaint (paragraph 4.6 (i)) the student will be issued with a 'Completion of Procedures' letter.
- 4.8 Where paragraph 4.6 (ii) is the outcome agreed by the University's nominee, the new Investigating Officer should investigate the complaint in its totality based on the information already submitted. On conclusion, the student will have the opportunity to submit a fresh Stage 2 Complaint Form no longer than **7 days** after being informed of the decision of Stage 1.

## **5. PROCEDURE FOR A STAGE 2 COMPLAINTS PANEL**

If the University's nominee determines that a Stage 2 Complaints Panel (paragraph 4.6 (iii)) is to be convened, the following process will apply:

## **5.1 Membership of the Complaints Panel**

- 5.1.1 The Panel shall consist of three members who have had no prior involvement in the case. A Panel will have the following membership:
- A Chair, who will be the University's nominee;
  - One elected officer from the Students' Union;
  - One senior representative of a School/Department/Partner Institution not related to the case.
- 5.1.2 The Panel will have a Clerk who will attend in an advisory capacity, and a Secretary.

## **5.2 Procedure for the Stage 2 Complaint Panel**

- 5.2.1 On confirmation from the University's nominee to convene a Panel, the Student Casework Office will ask the School/Department/Partner Institution to provide their written observations relating to the Stage 2 Complaint. These observations will be included in the documentation provided to the Panel.
- 5.2.2 The student and the relevant School/Department/Partner Institution representative will be notified by the Student Casework Office of the date and time of the Hearing, their right to be accompanied by one friend and call witnesses, the membership of the Panel, and where they can obtain advice and support. The University is committed to making reasonable adjustments to facilitate a student's attendance at a Hearing, and should they require any reasonable adjustments, they should inform the Student Casework Office prior to the Hearing.
- 5.2.3 Except where any reasonable adjustments to facilitate attendance are considered necessary, it will not normally be possible to change the date of the Hearing or the Panel membership. This will only be done in exceptional circumstances. Any requests to change the date of the Hearing or Panel membership must be submitted in writing to the Student Casework Office no longer than 3 days after being notified of the Hearing, and the decision will be at the discretion of the Chair. Where a decision to re-arrange a Hearing and / or the Panel membership has been refused, the student will be informed, in writing, of the refusal and, if necessary, the case will be considered in their absence.
- 5.2.4 Only the student and School/Department/Partner Institution representative and their friend will normally be allowed to be present throughout the whole of the Hearing, except when the decision is being debated. If the Panel, in its absolute discretion, decides that the presence of any person is not appropriate throughout the whole Hearing or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such a person is given an adequate opportunity to present their case.

- 5.2.5 Both parties may call witnesses, and further information on the use of witness is available at appendix 1, paragraph 20.
- 5.2.6 At least **5 days** prior to the Hearing, the parties should confirm to the Student Casework Office the names of the witnesses who will be attending. Where appropriate, the Chair may call an appropriate person(s) to give evidence.
- 5.2.8 The documentation to be considered by the Panel will be circulated to all parties prior to the Hearing. After this point, the presentation of any new documentation, by either party, will only be accepted in exceptional circumstances, with the agreement of the Chair. In this event, a suspension of proceedings may be necessary in order to provide all parties with the opportunity to consider the new documentation.
- 5.2.9 During the Hearing:
- The Chair will outline the procedure of the Hearing to all parties;
  - The Chair will ask the student and/or their friend to present their case in support of their complaint including the presentation of any witnesses;
  - Members of the Panel may ask questions of the student, their friend and any witnesses;
  - The School/Department/Partner Institution may ask questions on any representations made by the student and witnesses via the Chair;
  - The Chair will ask the School/Department/Partner Institution representative(s) to present their case and any witnesses;
  - Members of the Panel may ask questions of the School/Department/Partner Institution representative(s) and any witnesses;
  - The student may ask questions on any representations made by the School/Department/Partner Institution and witnesses via the Chair;
  - Both parties will be given the opportunity to sum up their response;
  - The Chair will ask the student, their friend and the School/Department/Partner Institution representative(s) to leave the Hearing;
  - The Panel will consider the evidence in private and reach a decision in accordance with paragraph 6.3.
- 5.2.10 The Panel has the authority to adjourn the Hearing at any time, for any reason, for such period as it, in its absolute discretion, thinks fit.

- 5.2.11 If it appears to the Panel that the case, raises allegations of misconduct this may lead to action under the relevant Disciplinary Policy and Procedure.

### **5.3 Decision of the Stage 2 Complaints Panel**

- 5.3.1 The decision of the Panel will be by majority decision.
- 5.3.2 The student will be issued with a 'Completion of Procedures' letter concluding Stage 2, normally within 10 days. The outcome will include a clear explanation of the determinations made on the key elements within the Stage 2 Complaint Hearing. Where relevant, the University will provide an explanation of how any outcomes are to be implemented. The 'Completion of Procedures' letter will advise the student of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) and the time limit for submission.
- 5.3.3 A copy of the letter to the student, along with any other directive from the Panel regarding the conclusions reached, will also be sent to the relevant Dean/Director, who will share the outcome with the member of staff who undertook the Stage 1 investigation, and any named individual(s) who are subject to the complaint.
- 5.3.4 Once a decision has been issued, a record will be kept by the University detailing the outcome and the complaint will then be closed subject to further external escalation.

## **6. OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)**

- 6 At the conclusion of the University's internal processes, the student shall be issued with a 'Completion of Procedures' letter of internal proceedings. A student who is of the opinion that their case is unresolved may ask the OIA to review the complaint outcome under the rules of its scheme. This will require completion of an OIA scheme application form upon receipt of the 'Completion of Procedures' letter. The scheme application form must be submitted no longer than 12 months from the date that the 'Completion of Procedures' letter was issued. Information on the process may be obtained directly from the OIA's website at <http://www.oiahe.org.uk>. Independent advice about submitting a complaint for review to the OIA is available through the Students' Union.

## **7. COMPLAINTS TO THE EDUCATION AND SKILLS FUNDING AGENCY**

- 7 As well as the student having the opportunity to have their complaint independently reviewed by the OIA, where a student is an Apprentice directly enrolled on an Apprenticeship with the University and is dissatisfied with the handling of their complaint by the University, they can also ask the Education and Skills Funding Agency ("ESFA") to consider their complaint.

The student must contact the ESFA no longer than 12 months from the incident about which they have complained.

The student can submit their complaint to the ESFA complaints team by emailing: [complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk) or posting to:

Complaints team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

The ESFA will reply to inform the student of the next steps.

If the student is unhappy with the way in which the ESFA has dealt with their complaint, they can contact the Department for Education.

## APPENDIX 1 GENERAL PRINCIPLES

### 1. **Legal Proceedings**

If a student chooses to start legal proceedings against the University, relevant to their complaint, any complaint will be stayed until legal proceedings are completed. If a determination on the matters which are subject to the complaint is made during legal proceedings, the University may terminate consideration of the complaint and the student will be issued with a 'Completion of Procedures' letter.

### 2. **Simultaneous Applications**

- 2.1 If a student raises issues which may also be covered by more than one University process, for example, a related appeal against an academic decision when pursuing a complaint, the University has the discretion to decide how to progress matters in the best interests of all parties involved. This may involve deciding which matter should take precedence, run concurrently, or whether interlinked matters can be considered under one process. The decision on how to proceed will be taken by the University's nominee, and the student will be informed by the Student Casework Office of the process to be followed and any implications for the consideration of their case.

### 3. **Fair Treatment**

- 3.1 No student submitting a complaint under this process, whether or not it is successful, will be treated less favourably by any member of staff. If evidence to the contrary is found, the member of staff may be subject to action under the University's Staff Disciplinary Policy and Procedure.
- 3.2 Where a student or staff member believes that consideration of a complaint is likely to affect their relationship, all parties will be expected to continue that relationship in a



professional manner. Only in exceptional circumstances will the University's nominee consider agreeing to a request for alternative working arrangements whilst the complaint is being investigated.

- 3.3 The University will make reasonable adjustments to these procedures where possible, when it is reasonable to do so, to prevent any student from suffering a substantial disadvantage as a result of a disability. Students requiring reasonable adjustments are expected to disclose any adjustments required to the process on their Stage 1 or Stage 2 Complaint Form and any appropriate adjustments will be discussed with the student.

#### **4. Group Complaints**

- 4.1 A group of students may use this process, which will be considered as one collective group complaint. Where the case is considered at Stage 1 or Stage 2, the Group Complaint Form should be completed. This Form should include the names of all students, including their Teesside University student numbers. The evidence submitted to support the complaint must be agreed by the group and provided with the Group Complaint Form. No additional evidence will be accepted after submission of the Group Complaint Form unless there are exceptional grounds.
- 4.2 A lead complainant should be identified on the relevant Group Complaint Form. The University will normally only communicate with the lead complainant, but there may be occasions when the University may need to contact others within the group. Students who have not associated themselves with the complaint, at the point of submission, will not normally be permitted, subsequently, to do so.
- 4.3 In circumstances where the University receives multiple complaints from students affected by the same issue(s) and where there are common characteristics or similarities in the subject matter, then the University may combine these complaints and deal with them as a group. In such circumstances, the Student Casework Office will first discuss this with the student(s).
- 4.4 The University will not accept an individual complaint from a student about any linked matter where they are already a party to a Stage 1 or Stage 2 Group Complaint.
- 4.5 The University will ensure that, where appropriate, each member of a group complaint will be issued with a 'Completion of Procedures' letter setting out the final decision of the University.

#### **5. Third Party Complaints**

- 5.1 Complaints submitted by third parties (for example, legal representative, parent, guardian, or spouse) will not normally be accepted for consideration except where written consent is provided by the student. Where written consent is provided and accepted by the University, any response to a complaint shall be provided to both the third party and the student.
- 5.2 The University will not accept a complaint made by a third party on behalf of a student where the student has already made a complaint on the same subject matter.

## **6. Anonymous Complaints**

A complaint will not normally be dealt with by the University if submitted anonymously. However, the University may need to take action if evidence is presented that a risk to the University community or the public exists. However, in most circumstances, raising a concern anonymously may hinder an investigation and communication of any outcome.

## **7. Multiple Complaints**

If a student presents a “Multiple Complaint”, relating to more than one School or Department, the Student Casework Office will confer with the area(s) named in the complaint. In such cases, a coordinated response will typically be provided to the student. If the complaint is complex and/or diverse, there may be some delay in the provision of full responses within the time periods referred to in this process.

## **8. Complaints to the Vice-Chancellor and Other Senior Members of Staff**

If a complaint is made directly to the Vice-Chancellor or a member of the University’s Executive Team it will normally be referred to the Student Casework Office, who will ensure that the complaint is directed to the most appropriate person for consideration, in line with the Student Complaints Procedure.

## **9. Frivolous or Vexatious Complaints**

9.1 A student who submits a complaint, which is deemed to be frivolous or vexatious, will be forwarded to the University’s nominee, for consideration as to whether the complaint is acceptable for consideration or should be rejected. The decision of the University’s nominee is final and not subject to further review. In such cases, the student will be issued with a ‘Completion of Procedures’ letter.

9.2 Frivolous or vexatious applications may include matters:

- That have been previously considered and concluded by the University;
- That are about something which may reasonably be considered as trivial by an objective party;
- That the student is pursuing in a way that is having a seriously negative effect on members of staff, work or other students;
- Where the student is looking for a remedy that lacks any serious purpose or value.

## **10. Confidentiality and Data Protection**

10.1 All parties are required to observe confidentiality during the investigation of a complaint. Any breach of confidentiality may result in formal disciplinary action being taken.

- 10.2 Information provided by students will be handled in confidence and released only to those members of staff who require it for the purposes of considering the case. However, where there are concerns regarding the welfare or safety of an individual, it may be necessary to share information with internal or external services to ensure the protection of those individuals.
- 10.3 Investigating Officers will gather all information they consider relevant to the complaint. This may include gathering information held by other University staff and departments and in some cases third parties. Where this relates to special category data as defined by the UK General Data Protection Regulation and the Data Protection Act 2018, explicit consent of the data subject will need to be obtained prior to the Investigating Officer collecting the information. Where consent of the data subject is not supplied, this may affect the University's ability to consider the case and the University will be required to make a determination without the relevant facts. The University also reserves the right to contact any person named in the submission to seek clarification or further information.
- 10.4 Data Protection legislation provides a data subject with the right to request access to a copy of personal data held by the University. As such, any third party identified in a complaint may be entitled to access a copy of the information that has been written about them on request. Equally, individuals that are the subject of a complaint have a right to understand the nature of the complaint about them in order that the complaint can be adequately investigated and to ensure they are afforded the right to respond. Therefore, where a member of staff is named in a complaint, that individual is entitled to know what is being claimed and who is making the complaint. This information will be shared with the member of staff, and they have the right to respond through the Procedure.
- 10.5 If a student submits recordings which have been, or appear to have been, taken without the knowledge or permission of the person whose image or voice is in the recording, then the University's nominee will consider whether it should be considered as evidence, or excluded from proceedings. This is because covert recordings can breach the law or the rules of procedural fairness.
- 10.6 Whilst a student will be notified of the outcome of their complaint, it may not be appropriate to share specific details affecting a staff member, particularly where disciplinary action is being taken.
- 10.7 Where the student submits a complaint to the OIA or ESFA, relevant information shall be disclosed to the relevant body in order for their review to take place. This will include all personal data, including special category data, which has been considered by the University during its investigations. Such sharing is necessary to comply with the University's legal obligations under the Higher Education Act 2004 and in the performance of tasks carried out in the public interest, namely to allow the OIA to operate a scheme for the review of students.
- 10.8 Any documentation obtained, or produced, as part of this process will be retained in accordance with the University's Classification Scheme and Retention Schedule.

- 10.9 Third party data will normally only be accepted from a student with the written consent of the individual concerned. Where third party data is submitted without consent it should be anonymised (i.e. names and personal identifiers should be redacted). Students should be aware that documents may not be accepted where third party data submitted without consent has not been anonymised, but that documents may be re-submitted once anonymisation has been carried out by the student, or consent provided. Where third party personal data has been accepted in error, the University reserves the right to redact such information from the document. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.
- 10.10 Any outcome of a meeting/hearing is confidential until formal notification is sent to the parties involved.

## **11. Monitoring and Evaluation**

The outcome of some formal complaints may include a number of recommendations providing a remedy and attempting to prevent recurrence. The Student Casework Office shall inform the relevant Dean/Director of these recommendations. If any recommendations are made and they are not implemented, the Student Casework Office shall report this to an appropriate senior staff member.

On an annual basis, the Student Casework Office shall provide a written report to relevant University Committee Boards. The report shall provide anonymous statistical data, identify any trends or wider issues, and make any observations and/or recommendations that may assist the University to further good practice in the management of this process.

## **12. Burden of Proof and Balance of Probabilities**

When making a complaint or a request to review a complaint outcome it is for the student to show how the circumstances for which they have complained have affected them and their studies.

The standard of proof applied in the consideration of a complaint is that of the balance of probability; that it is more likely than not something was or was not the case.

## **13. Meetings or Hearings**

- 13.1 During the consideration of a case, it may be necessary for a University representative to meet with the student and/or member(s) of staff. A note taker may be in attendance at such meetings/hearings.
- 13.2 Students and staff may attend the relevant University campus or participate in meetings/hearings electronically, for example, via Skype or Microsoft Teams. Those who wish to do so must inform the University prior to the meeting/hearing and the identity of the student will need to be verified at the start of the meeting/hearing.
- 13.3 If the student or relevant member of staff does not attend a meeting/hearing, the meeting/hearing may proceed in their absence. In this instance, the case will be

considered on the evidence available at the time of the meeting/hearing. The decision on whether a meeting/hearing will be deferred will be made by the relevant Chair.

- 13.4 If the student and/or their friend has a disability or a mental health difficulty which calls for additional facilities or adjustments, those requirements should be made known to the Investigating Officer or the Student Casework Office prior to the meeting/hearing in order that, if possible, appropriate reasonable adjustments can be made.
- 13.5 So far as is possible, the principles of equality and diversity will be taken into account when determining the composition of a Panel. Students are encouraged to make the University aware of any specific needs or requests in this respect. The Chair will have the final decision on the composition of the Panel.
- 13.6 The membership of a Panel shall remain constant throughout a meeting/hearing of any particular case, and the Chair shall be present throughout. However, should the Panel find it necessary to adjourn its proceedings, no more than one of its members may be absent when it is reconvened; when such a member is absent, that member may not subsequently rejoin the proceedings.

#### **14. The right to be accompanied**

- 14.1 A student or member of staff has the right to be accompanied to any meeting/hearing by one friend who may not act as a representative or attend in any legal capacity unless permitted by the person conducting the proceedings. The role of the friend is to provide moral support during a meeting or hearing. The friend must not be a witness. The friend is able, at the discretion of the person convening the meeting or the Chair of any relevant committee, to make representations and ask questions of witnesses via the Chair. If an individual wishes to request the attendance of any additional friend(s), this will be at the discretion of the person conducting the proceedings, and all relevant parties will be informed of this prior to any meeting/hearing.
- 14.2 If the student, or member of staff is accompanied at any meeting/hearing by a friend, it is their responsibility to provide all relevant communications and documents to their friend.
- 14.3 The student, or member of staff, must provide the name of their friend to the relevant Chair **5 days** prior to any meeting/hearing to the meeting organiser.

#### **15. Standards of Behaviour**

- 15.1 The University expects all its students to comply with the standards of behaviour outlined in its Student Code of Conduct. During the process, the University expects all parties to act reasonably and fairly towards each other, and to treat the process with respect. Where students (or friends) demonstrate behaviour deemed to be inappropriate during this process, the University reserves the right to restrict contact with the student or their friend and if appropriate, invoke its Disciplinary Regulations
- 15.2 If the appropriate Chair of the meeting/hearing believes it necessary, they may adjourn or halt proceedings if, in their opinion, the progress of the meeting/hearing is being hampered by a participant's behaviour.

15.3 Examples of unacceptable behaviour might include:

- Aggressive or abusive behaviour;
- Unreasonable demands;
- Unreasonable persistence.

## **16. Recording of Proceedings**

The audio recording of meetings/hearings is prohibited subject to such reasonable adjustments as may be agreed by the University under the Equality Act 2010.

## **17. Advice and Guidance**

17.1 Advisers in the Students' Union can provide students with advice, independent of the University. Staff and students can also seek advice and support on understanding the Policy and Procedure from the Student Casework Office. Additionally, Student & Library Services also provide a range of services including financial, welfare advice, counselling and disability services. Any member of staff who is subject to a student complaint can obtain advice on the Policy and Procedure from their Union representative.

17.3 Students based at a Partner Institution should contact their own Students' Union or equivalent.

## **18. Documentation**

18.1 All sections of the Stage 1 or Stage 2 Complaint Form must be completed as fully as possible. It is the responsibility of the student, at the point of submission, to provide all relevant information / documentation which they wish to be considered. For example, independent medical evidence, reports by a professional, financial information or witness statements. It is not the responsibility of the University to gather information on behalf of a student. If there is evidence which the student cannot reasonably obtain, but which they feel is important to their case, they should seek advice from the Student Casework Office before submitting their complaint.

18.2 Any evidence submitted should normally be the original and not a photocopy. Where photocopies of documents are submitted, the student may be required to provide the Student Casework Office with sight of the original documents in order to verify their authenticity. Students are advised to retain a photocopy of any documentation submitted to the University. Documents will not normally be returned and may be securely destroyed unless the return of documentation is requested at the point of submission. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.

18.3 For the use of this process, third party data will normally only be accepted from a student with the written consent of the individual concerned. Where third party data is submitted without the consent of the individual, it should be anonymised (i.e. names should be redacted). Students should be aware that documents may not be accepted where third party data is submitted without consent and/or has not been anonymised.

However, they may be re-submitted once anonymisation has been carried out and/or consent provided. Where non-anonymised third party personal data has been accepted in error, the University reserves the right to redact personal data. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.

- 18.4 The University reserves the right to seek to confirm the authenticity of any evidence submitted including, but not restricted to, contacting any third parties named.

## **19. Timescales**

- 19.1 Where appropriate, timescales for the University's responses, are set out in the Procedure. It is anticipated, however, that there may be occasions when it is not feasible for a full and thorough investigation to be carried out within those normal timescales and when a longer period of time is required. These may include, but are not limited to:

- Periods when the University is closed (e.g. Bank Holidays and the University's Winter vacation period);
- Availability of staff due to work commitments, scheduled or unscheduled leave, sickness or other good reason;
- Particularly complex issues;
- Issues which are related to other ongoing procedures which may need to be completed before the complaint can be fully addressed.

- 19.2 Where it is apparent that the stated deadlines cannot be met, the student will be informed at the earliest opportunity at which an indication of the revised deadline for response and the reasons for the delay can be given.

## **20. Witnesses**

- 20.1 Students are able to submit statements from witnesses to support their case. However, there is normally no expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them may be shared with relevant parties. Exceptionally, the person(s) considering a complaint may keep a witness's identity confidential, where it is reasonable and necessary to do so.
- 20.2 The parties presenting a case to a Stage 2 Complaints Panel may call witnesses, who may be accompanied by one friend as defined in appendix 1, paragraph 14.
- 20.3 At least **5 days** prior to the Hearing, the parties should confirm to the Student Casework Office the names of any witnesses attending the Hearing.
- 20.4 All parties will normally be told the names of any witnesses whose evidence is relevant to the case. There should be no normal expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to all parties considering a complaint.

- 20.5 Witnesses will only be invited to attend the portion of the Hearing when their evidence is required for consideration, and are expected to leave at the conclusion of their evidence. It is the parties' responsibility to inform their witnesses of the date, time and venue of the Hearing and provide them with copies of appropriate documentation.
- 20.6 Witness evidence presented at the Hearing will normally be oral, given by witnesses appearing in person. Each party will be given the opportunity to question the witness. Inappropriate questioning will be stopped at the discretion of the Chair. The Stage 2 Complaints Panel may accept a witness' written statement as evidence where all parties agree that the witness need not attend, or where it is impracticable for the witness to attend, or where, in the opinion of the Chair, it is for some other reason in the interests of natural justice to do so.
- 20.7 The presentation of any new witnesses on the day of the Hearing, by either party, will only be accepted in exceptional circumstances with agreement of the Chair of the Stage 2 Complaints Panel. This may result in an adjournment of proceedings to provide all parties with the opportunity to consider the matter.
- 20.8 At the discretion of the Chair, any appropriately qualified person(s) may be called to give evidence.
- 20.9 A witness may be recalled to give further evidence only with permission of the Chair.
- 20.10 At the conclusion of proceedings, witnesses will not be informed of the outcome of a case.