

# The University of Warwick

## Student Complaints Resolution Procedure

### 1. **Focus on Early Resolution**

The University is committed to providing a high quality service to our students from the application process, to graduation and afterwards as part of the Warwick global community. The University actively encourages feedback on all aspects of the teaching and learning experience and other services provided by the University. However there may be occasions when the level of service received falls short of that which might reasonably be expected.

The aims of this Procedure are:

- to resolve complaints in a timely, effective and fair manner; and
- to resolve complaints as close as possible to the area in which they arise.

Options for early resolution, such as mediation, should be considered wherever possible. A fair and thorough investigation of formal complaints will be undertaken when necessary. The most up to date Procedure, together with further information and supplemental guidance about the University of Warwick's Student Feedback and Complaints Resolution Framework, including mediation, are available at the following webpage:

[www.warwick.ac.uk/go/studentfeedbackandcomplaints/](http://www.warwick.ac.uk/go/studentfeedbackandcomplaints/)

The University is committed to promoting equality and diversity in all its activities. This Student Complaints Resolution Procedure should be read in conjunction with the University's statements and policies in relation to Academic Appeals, Dignity at Work and Study, Disciplinary Regulations, Research Misconduct and Whistleblowing. Links to these and other related information can be found on the University's Feedback and Complaints Resolution webpage at:

[www.warwick.ac.uk/go/feedbackandcomplaints/](http://www.warwick.ac.uk/go/feedbackandcomplaints/)

### 2. **Overview of the Procedure**

The Student Complaints Resolution Procedure has three levels:

- Stage 1:** Frontline / Local Resolution
- Stage 2:** Formal Departmental Resolution
- Stage 3:** Formal Institutional Review and Final Resolution

Early resolution of the complaint should be sought and it is expected that the vast majority of complaints will be resolved at Stage 1. Should any complaint not be resolved through this internal three stage process, students are able to request that their complaint be independently reviewed by the Office of the Independent Adjudicator (OIA).

To make a complaint, students must start at Stage 1 unless there are truly exceptional circumstances which make it inappropriate not to do so.

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

***A complaint is defined for this Procedure as "an expression of significant or sustained dissatisfaction where a student seeks a specific action to address the problem".***

### 3.1 Types of complaint

A complaint may relate to:

- the quality and standard of service provided by the University, including teaching and learning provision;
- failure to provide a service;
- unsuitable facilities or learning resources;
- inappropriate behaviour or treatment by a staff member, student or individual associated with the University (including contravening the University's Dignity at Work and Study Policy);
- failure of the University to follow an appropriate administrative or academic process.

### 3.2 What is NOT classed as a complaint

Although the above list is not exhaustive, not every concern raised with the University can be categorised as a complaint. The following examples are not complaints and would not be eligible for consideration under this Student Complaints Resolution Procedure:

- a routine, first-time request for a service;
- an academic appeal that should be dealt with through processes set out in the University's Regulations
- a request under the Freedom of Information Act or Subject Access Requests;
- a request under the Data Protection Act;
- a request for information on University policy or practice;
- a response to an invitation to provide feedback or when feedback is given through general web forms or surveys seeking feedback;
- an insurance claim;
- an attempt to have a complaint reconsidered when the University has already given its final decision;
- a grievance by a student who is also a member of staff where the case is handled through the appropriate Human Resources procedures.
- an accusation of research misconduct

Such issues should be raised and considered under the appropriate alternative University procedures available from the above cited University webpage as follows:

- Freedom of Information and Subject Access Requests
- University Data Protection Policy
- Human Resources Grievance Procedure
- Insurance Services
- University's Code of Practice for the Investigation of Research Misconduct
- University's Whistleblowing Code of Practice

### 3.3 Assessing eligibility under the Procedure

A student complaint may involve an element of the issues above or other issues that may potentially be relevant to other University processes. The Academic Registrar will assess this on a case-by-case basis and will determine the appropriate sequence in which each key element will be investigated and outcomes determined.

### 3.4 Complaints under the Students' Union

Complaints relating to the Students' Union are not eligible for consideration through the Student Complaints Resolution Procedure. Further details of the Students' Union Complaint Procedure can be found at the following link:

<http://www.warwicksu.com/contact/complaints/>

Complaints relating to the quality of support or guidance provided by the Students' Union in relation to a complaint are conducted through the Students' Union's procedure.

#### **4. Who can make a complaint?**

The Student Complaints Resolution Procedure covers complaints from anyone who receives, requests or is directly affected by the services offered by the University and whose complaint does not relate to issues of academic judgement, including:

- Full time or part-time students undertaking a programme of study at the University;
- Former students of the University whose complaint relates to an incident or problem that took place within the approved timescales;
- students on courses leading to awards of the University of Warwick, based on campuses other than the Warwick campus or based at partner organisations, where the local student complaint procedure has been exhausted and/or where the student has been notified that the University of Warwick's complaints procedure apply.

The Student Complaints Resolution Procedure is the same for all students.

The University recognises that some individuals may be unable or reluctant to make a complaint. Under these circumstances, the University will accept complaints brought by a representative of the student who is dissatisfied with the University, provided the student gives personal consent under the requirements of the Data Protection Act. The student must give consent for a representative to act on their behalf and must confirm the accuracy of any documentation or evidence submitted by a representative. Following written authority the complaint will be processed according to the same timescales as outlined in Student Complaints Resolution Procedure. Students are encouraged to engage with the complaints process to facilitate early resolution, including where mediation may be appropriate. When investigating certain types of complaints, it may be that investigation into the complaint can only be progressed should the student, not solely their representative, participate within an investigatory meeting.

A complainant must be able to demonstrate that the complaint is not vexatious and is based on evidence which the complainant honestly and reasonably believes to be true. Under such circumstances the complainant will be protected by the University against any subsequent recrimination or victimisation.

#### **5. Anonymous Complaints**

Complaints submitted anonymously will only be considered if sufficient information is provided to enable the University to investigate the complaint. Students are discouraged from making anonymous complaints. Informal feedback about a service provided by or activity run by the University is encouraged and can be submitted anonymously. If sufficient information is not provided the University will be unable to pursue the investigation. If a complaint cannot be investigated immediately, the key aspects of the complaint will be recorded and further investigation may be undertaken if later deemed possible and appropriate.

#### **6. Complaints involving organisations who provide a service on behalf of the University**

If a student complains to the University about the service of another organisation the individual will be advised to contact the appropriate organisation directly. Where a complaint relates to a University service provided by another organisation the complaint will be handled through this Student Complaints Resolution Procedure in liaison with the partner organisation.

#### **7. Timescales for making complaints**

Complaints should be raised with the most relevant service area or member of staff as soon as possible to ensure prompt investigation and, wherever possible, swift resolution. Complaints must be raised within three months of the problem becoming apparent. A request to the Academic Registrar to consider a complaint beyond this 3 month time limit will not normally be granted unless there is evidence that the student was precluded from raising the complaint within the normal timescales. Consideration will be given to whether the complaint can be accepted at Stage 2 when there are extenuating circumstances as to why the complaint was not raised previous to this. Requests to the University should be supported by relevant evidence. International students must make themselves aware of immigration implications should consideration of their complaint extend beyond their permission to stay. A complainant would not typically

be required to be present at the University for a complaint to be investigated, though participation in an investigatory interview via the phone or other means may be necessary.

## **8. The Three Stages of the University's Procedure**

The University's Student Complaints Resolution Procedure is intended to provide a streamlined process with a focus on early resolution. The Student Complaints Resolution Procedure has three stages:

**Stage 1: The Frontline / Local Resolution stage** is the stage where straightforward concerns should be resolved swiftly and effectively at the point at which a complaint is made, or as close to that point as possible.

**Stage 2: The Formal Departmental Resolution stage** is appropriate where a student is dissatisfied with the outcome of informal resolution attempted at Stage 1, or where informal resolution is not possible or appropriate due to the complexity or seriousness of the case.

**Stage 3: The Formal Institutional Review and Final Resolution** is where the student can appeal to a higher body within the University for a review of the process to ensure that appropriate procedures were followed and that the decision was reasonable.

While there are three clear stages in the Procedure, seeking resolution may potentially be an iterative process within each stage, with active engagement by student complainant and relevant others prior to the complaint outcome for that stage being communicated to the complainant.

### **Stage 1: Frontline / Local Resolution – to be completed typically within 20 University working days**

Complainants are encouraged to raise complaints as soon as they become aware of the problem and to raise it with the academic school, department or appropriate service area in which the incident or problem arose. Stage 1 complaints may be raised in person, by email, in writing or by phone. The purpose of Frontline / Local Resolution is to attempt to resolve as quickly as possible complaints which are straightforward and typically would require little or no investigation.

Members of staff to whom Stage 1 complaints are made will consider the following questions:

- What specifically is the complaint about and which area(s) of the University are involved?;
- What outcome is the complainant hoping to achieve?;
- Is the complaint straightforward and likely to be resolved or responded to with minimal investigation or by using an existing University policy?;
- Can another member of staff assist in seeking informal resolution if I am not in a position to do so?;
- What assistance or support can be provided to the student in taking this forward?
- Should the central mediation service be asked if mediation might be appropriate in this case?

Frontline / Local Resolution may be achieved by providing an on-the spot explanation of why the incident or problem occurred and/or an apology, as appropriate, potentially noting what will be done to stop a recurrence.

If responsibility for the incident or problem being complained about lies in the staff member's area of work, every effort will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will liaise with the relevant area in an attempt to resolve the problem for the complainant. If the staff member is not able to resolve or respond to the complaint themselves, they should agree with the appropriate colleague who will progress consideration of the complaint and communicate this to the complainant.

Stage 1 Frontline / Local Resolution will typically be completed with 20 University working days, though a resolution should be sought as quickly as possible. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint (for example by obtaining information from other areas of the University) at this stage. Where an extension is required this should be clearly communicated to the complainant before the end of the expected time period.

The outcome of the Stage 1 complaint should be communicated to the complainant in person, by phone, in writing or by email. The response to the complainant will address all the key elements raised in the complaint and will explain the reasons for the determinations made, including any agreed resolutions. The student should be advised of their right to submit a formal Stage 2 complaint and reference given to the Procedure. The formal Stage 2 complaint must be received within 10 University working days following the outcome of the Stage 1 process being communicated to the complainant and, where appropriate, his/her representative, otherwise the complaint will be considered closed.

### **Stage 2: Formal Departmental Resolution – to be completed typically within 30 University working days**

Stage 2 complaints will already have been considered at the Frontline / Local Resolution Stage 1 unless there are exceptional circumstances. The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response.

A Stage 1 complaint will be moved to the formal Stage 2 when:

- Frontline / Local Resolution has been attempted but the complainant remains dissatisfied following receipt of the Stage 1 outcome;
- the problems raised by the complainant are complex and require detailed investigation and the implications are significant.

If a student remains dissatisfied after Stage 1 Frontline / Local Resolution and wishes to escalate the complaint within the University they must complete a Formal Stage 2 Departmental Resolution form available at:

[www.warwick.ac.uk/go/studentfeedbackandcomplaints/](http://www.warwick.ac.uk/go/studentfeedbackandcomplaints/)

The complainant will be expected to provide full details of the complaint and the resolution they are seeking, including all relevant supporting evidence and documentation. The complainant is advised to seek advice and assistance prior to completing the Stage 2 complaint form from at least one of the following: Student Support Services (including the University Senior Tutor), the Students' Union Advice and Welfare Centre, their Personal Tutor or Supervisor.

The Central Student Complaints Resolution Team will allocate the Stage 2 complaint to the appropriate area of the University where a member of staff will be responsible for investigating the Stage 2 complaint. If a complaint which escalates to Stage 2 relates to more than one department or academic unit the Central Student Complaints Resolution Team will confer with the area(s) named in the complaint with a decision taken on who will take the lead in the investigation and resolution. The student will be informed who is investigating each key element of their complaint and a coordinated response typically will be provided.

The Head of Department or Service Area is ultimately accountable for the outcome issued in Stage 2, however, another senior individual in the department may be appointed to oversee the investigation and write to the complainant with the Stage 2 outcome. In consultation with the complainant the investigator will consider a number of key questions:

- What specifically is the complaint? What are the key elements?
- Why was Frontline / Local Resolution at Stage 1 unsuccessful? Was any potential resolution offered?
- What does the complainant seek to achieve by escalating the complaint to Stage 2?
- Do the complainant's expectations appear to be reasonable and achievable?
- Should the central mediation service be asked if mediation might be appropriate in this case?

If the complainant's expectations appear to exceed what the University may reasonably provide, or are not within the University's power to provide, the complainant should be advised of this as soon as possible in order to manage their expectations about possible outcomes.

Complaints submitted to Stage 2 Formal Departmental Resolution using the Stage 2 online form will be acknowledged within 2 University working days. A full response will be provided to the complainant typically no later than 30 University working days from the time that the complaint, and all associated documentation, was received for investigation.

Not all investigations undertaken during Stage 2 Formal Departmental Resolution will be able to meet the indicative timescales. For example, some Stage 2 complaints may be so complex that they will require careful consideration and detailed investigation beyond the timescale or there may be an agreement with the complainant that an investigatory meeting should be postponed. Where there are clear and justifiable reasons for extending the timescale the Central Student Complaints Resolution Team will exercise judgement and will set time limits on extending the investigation, notifying the complainant in writing giving an explanation for the need for the extension. The complainant will be kept updated on the projected timescales and given a revised deadline for bringing the formal Stage 2 to a conclusion and issuing the written Stage 2 outcome. If the complainant feels the outcome is being unreasonably delayed, s/he can write to the Academic Registrar as to why s/he feels this is the case. The Academic Registrar will consider whether and how the case may be expedited or recommend escalation to Stage 3 of the Procedure.

The outcome of the Formal Departmental Resolution Stage 2 will be communicated to the complainant in writing giving a clear explanation for the determination made on each key element of the complaint and any resolution to the complaint agreed. The complainant should be advised of their right to escalate the Stage 2 complaint to Stage 3 Review, the grounds on which this is permissible, the time limit for escalation, the appropriate procedure and the availability of support (reference to online information provided for students relating to the Procedure is sufficient). Once the outcome has been issued, a record will be kept by the University detailing the decision reached. If the complainant does not escalate the complaint to Stage 3 within 10 University working days, the complaint will then be closed.

### **Stage 3: Formal Institutional Review and Final Resolution – to be completed typically within 30 University working days of receipt**

A complainant who is dissatisfied with the outcome of the Formal Departmental Resolution Stage 2 of the Student Complaints Resolution Procedure may request a Stage 3 review within 10 University working days of the written outcome of the Stage 2 process being provided to them. A Stage 3 review may be requested when:

- there is evidence of procedural irregularity or bias at Stage 2;
- the Stage 2 outcome is considered unreasonable;
- material evidence is available that was unavailable at Stage 2 and it is determined that it would not be appropriate for the relevant Department to re-open the case within Stage 2.

The student should complete a Stage 3 Formal Student Complaints Form including full details of the complaint and the outcomes from the Formal Departmental Resolution Stage 2, which is available at:

[www.warwick.ac.uk/go/studentfeedbackandcomplaints/](http://www.warwick.ac.uk/go/studentfeedbackandcomplaints/)

The complainant is advised to seek advice and assistance prior to completing the complaint form from at least one of the following: Student Support Services (including the University Senior Tutor), the Students' Union Advice and Welfare Centre, or their Personal Tutor or Supervisor. The Provost or his nominee will make a determination as to whether there are sufficient grounds for the complaint to be considered under Stage 3. This determination will be communicated in writing to the complainant. Should it be determined that there are sufficient grounds for the complaint to be considered at Stage 3, the Central Complaints Resolution Team will allocate the request to review to a senior member of staff not previously involved in the complaint. In consultation with the student the senior member of staff will consider:

- Whether the complainant's expectations exceed the scope of the review?
- Were appropriate procedures followed?

- Were the outcomes of the formal stage reasonable and proportionate?
- Has relevant new evidence been submitted? Is the submission of new evidence valid?
- Would there be benefit from mediation?

Stage 3 complaints submitted for review via the Stage 3 online form will be acknowledged within 2 University working days. Where it is determined there are sufficient grounds, the University will review the complaint and provide an outcome, in writing, typically no later than 30 University working days from the time that the complaint was submitted for Stage 3 Formal Institutional Review. A Panel approved by the Provost and Chaired by a Pro-Vice-Chancellor or Senior Officer may be constituted to determine the final outcome of the review should a resolution not be agreed with the complainant prior to this being necessary. In addition to the Chair, the Panel will typically include one individual from a Senate approved Panel and one Students' Union Sabbatical Officer not involved previously in the complaint. The Panel will convene either in person or by correspondence to make its determination on the final outcome, and the complainant or his/her representative would not typically be in attendance.

Where there are clear and justifiable reasons for extending the timescale for considering a complaint in Stage 3, the senior member of staff responsible for the investigation will exercise judgement and set time limits on extending the review, notifying the student in writing. The student will be kept updated on the need for any extension and given a revised deadline for bringing the review at Stage 3 to a conclusion. If the complainant feels the outcome is being unreasonably delayed s/he can write to the Registrar setting out why they feel this is the case.

The outcome of the Formal Institutional Review and Final Resolution Stage 3 will be communicated to the student in writing. In line with OIA guidelines, a Completion of Procedures Letter will be issued within 28 days as appropriate. The outcome will include a clear explanation of the determinations made on the key elements within the complaint under review. The University will give an explanation of how any outcomes from the review are to be implemented. The Completion of Procedures Letter issued will advise the student of the right to submit a complaint to the Office of the Independent Adjudicator (OIA) and the time limit for submission.

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.

## **9. Mediation**

Mediated complaint resolution may be sought at any point in this Procedure. Mediation in the context of complaint resolution is a structured joint attempt to clarify and resolve an incident or problem through dialogue and negotiation, facilitated by a trained mediator with no connection to the complaint or the other individuals involved. This is a confidential process which, if successful, leads to a written agreement which is binding on all parties. Mediation can often bring about an early resolution where both parties understand the other's point of view and co-operate to produce a workable outcome. If however agreement is not reached, the parties are not bound by any concessions made and can return to the relevant stage in the Procedure. Mediation may be used at any stage of the Procedure typically at little or no cost to any party.

The aim of mediation would be to recognise the problem, address its impact upon the parties, look for means to enable the student to proceed with their studies at Warwick, and ideally agree on an outcome that will put the student back in the position they were before the problem occurred, with relationships undiminished. The University encourages the use of mediation to resolve disputes at all stages of the Student Complaints Resolution Procedure, and a complainant will usually be offered mediation if it is felt that it could help resolve the problems raised.

All complaints submitted through this Procedure will be considered for suitability for mediation by a University Complaints Resolution Officer. Where it is felt that mediation would be beneficial in bringing about a satisfactory resolution for a particular complaint, all parties involved in the complaint will be

contacted and offered the option of undertaking mediation. All parties must be in agreement to take part in the mediation for it to go ahead. In addition, any person involved in a complaint may propose mediation at any time.

Examples of cases that may benefit from mediation include: the level or quality of academic support, a breakdown in supervisory relationships, resources provided to support student's individual learning needs, and disputes over accommodation. Mediation will not be used in cases which challenge academic judgement or the University's Regulations and conventions.

Where parties involved in a complaint agree to mediation a trained mediator will be allocated to the case and an "agreement to mediate" form will be signed by parties involved. The mediator will then manage the process of mediation, arranging and facilitating dialogue between the two parties to aid mutual understanding and resolution. In most cases this will involve initial individual meetings or conversations with the mediator, before a joint meeting between all parties takes place. Where a joint meeting is not possible the mediator would typically continue to facilitate discussion between parties in individual meetings throughout the process. It is not the responsibility of the mediator to suggest resolutions; instead the mediator will help parties work towards their own agreed resolution, giving advice and guidance where appropriate. A mediator would typically continue to work with parties until a suitable and agreed resolution is reached, or until it is felt that mediation is no longer beneficial to the case.

At the end of the mediation process, a "Memorandum of Agreement" will be signed by all parties, outlining the agreed outcome of the mediation, and next steps for all parties involved.

#### **10. Independent External Review**

Once the Review Stage 3 has been completed and an outcome issued to the complainant, or it is determined there are insufficient grounds for the complaint to be considered within Stage 3, the University's Student Complaint Resolution Procedure has concluded and the student is entitled to ask the OIA to look at their complaint. The OIA considers complaints from students who remain dissatisfied at the conclusion of the University's internal complaints handling procedures and which meet the OIA's eligibility requirements. The complaint must be received by the OIA within three months of the Completion of Procedures Letter being issued by the University. It typically takes a number of months for the OIA to consider a complaint and issue an outcome. Further information about escalating a complaint to the OIA is available on [www.warwick.ac.uk/go/studentfeedbackandcomplaints/](http://www.warwick.ac.uk/go/studentfeedbackandcomplaints/)

#### **11. Feedback**

The University values all feedback and will take it into account when reviewing its policies, procedures and services. We are committed to ensuring we deliver the most effective service possible and to that end welcome feedback on the Student Complaints Resolution Procedure. If you would like to assist in improving this Procedure or the service provided, you can either complete the online form at the following web address:

<http://www.warwick.ac.uk/go/feedback/>

or email [Studentcomplaints@warwick.ac.uk](mailto:Studentcomplaints@warwick.ac.uk)

As at 18 September 2014