



Guidance Note regarding Completion of Procedures letters June 2007

Under our Rules a university must promptly issue a Completion of Procedures letter to a student after its internal complaints procedures have been completed. “Internal complaints procedures” is defined in the Rules to include complaints, appeals and disciplinary procedures.

The issue of a Completion of Procedures letter serves three main purposes:

- It fixes the date when the student completes the university's internal complaints procedures
- It clarifies the issues considered by the university under those procedures
- It establishes the timescale for bringing a complaint to the OIA

The purpose of this Guidance Note is to explain how and when universities should issue Completion of Procedures letters. The Note supersedes previous guidance about Completion of Procedures letters.

Content of the Completion of Procedures letter

The Completion of Procedures letter should summarise:

- The student's complaint/appeal made to the university,
- The issues considered at the final stage of the internal complaints procedures,
- The final decision taken by the university; and
- The reasons for that decision.

The summary helps us to ensure that the complaint made to the OIA reflects the issues the university has considered. It is acceptable for the summary to be contained in a separate document, such as a report of an appeal panel hearing, providing that document is referred to in the Completion of Procedures Letter, is clearly identifiable and sets out the required information.

A template for Completion of Procedures letters is attached to this Note.

When should a Completion of Procedures letter be issued?

The Completion of Procedures letter must be issued ***automatically*** after the exhaustion of internal complaints procedures (whether or not a complaint or appeal is upheld). There are a few exceptions which are referred to below.

Some universities incorporate the Completion of Procedures letter in a letter to the student notifying him or her of the outcome of an investigation or an appeal. This is acceptable to the OIA.

Students should not be required to go through a further procedural stage to obtain a Completion of Procedures letter such as being asked to explain why they require one or being required to attend an interview. However, a process whereby a student is issued first with an outcome letter and then a Completion of Procedures letter a few days later is acceptable, provided that the outcome letter explains that this will happen.

A letter informing students of the outcome of an appeal which advises them that they can obtain a Completion of Procedures letter on request is only acceptable if that letter:

- Explains the purpose of the OIA Scheme and/or encloses a copy of the OIA's leaflet about the Scheme, and refers to the 3 month deadline for referring a complaint to the OIA, and
- Makes it clear that a student has at least one month to request a Completion of Procedures letter after the issue of an outcome letter.
- The timescales referred to above should be highlighted.

NB. A mere reference to the OIA's website in an outcome letter is not sufficient.

If a university chooses this route it must ensure that the Completion of Procedures letter is issued without delay following a request from a student. Furthermore the Completion of Procedures letter should not be backdated to the date of the outcome letter. This means that a student will have up to 4 months from the date of the outcome letter to bring a complaint to the OIA.

Completing internal complaints procedures

Where a student has failed to comply with a university's time limits for escalating a complaint or an appeal the student has in effect exhausted the university's internal complaints procedures. However, in these circumstances there is no need to issue a Completion of Procedures letter automatically (although the university may choose to do so). This is because a student would be able to by-pass the final stage of the university's internal procedures and come directly to the OIA if such an arrangement were to be routine.

However, if the student requests one (for example, because they believe that they had a reasonable explanation as to why they could not comply with the university's deadline), then the university should issue a Completion of Procedures letter, but the university should indicate in the letter that the student was out of time under its regulations.

If a student attempts to bring a complaint or appeal to the university out of time it would be appropriate for it to provide the student with the OIA's leaflet about the Scheme.

Determining eligibility

A university should issue a Completion of Procedures Letter even where it considers that a complaint is ineligible; for example because it considers that the complaint relates to the university's academic judgement or is otherwise outside our jurisdiction. This is because it is for the OIA to determine eligibility under the Scheme, not the university. But it is helpful in these circumstances for the university to explain in the Completion of Procedures letter why it considers the complaint to be ineligible.

Resolved complaints

Most complaints are resolved by a university before they exhaust internal complaints procedures. There is no general requirement to issue a Completion of Procedures when this occurs, of course. But sometimes students allege that the complaint is not resolved and the university has refused to escalate the complaint. This may involve us in protracted correspondence with both parties to determine whether the complaint is eligible under our Rules. So we would strongly advise universities to confirm to the student in writing the outcome of a dispute and, better still, obtain the student's agreement that the matter is resolved. The university may choose to issue a Completion of Procedures letter setting out its position in these circumstances and should do so where one is requested by the student.

Engaging with the university's internal complaints procedures

Similarly, we receive complaints where the university maintains that the student has not engaged with its own internal processes. If that is the case we would expect to see contemporaneous correspondence from the university to the student explaining what the student is required to do procedurally. If the matter cannot be resolved the university may choose to issue a Completion of Procedures letter setting out its position in these circumstances and should do so where one is requested by the student.

Complaints about the final stage of the university's internal process

Where the final stage of a university's process involves a hearing or other type of formal procedure and the student complains about those procedures the OIA does not consider that a student should then be required to take the complaint through another set of complaints procedures before a Completion of Procedures letter is issued. A Completion of Procedures letter should be issued automatically making reference to the procedural complaint. However, the issuing of a Completion of Procedures letter does not prevent the university from attempting to resolve the complaint before or after the complaint comes to the OIA.

Where a Completion of Procedures letter might not be required

Notwithstanding the comments made above, under our Rules we may take on a complaint where we consider there is good reason to do so, even where a Completion of Procedures letter has not been issued (for example, where the university has unduly delayed issuing a Completion of Procedures letter, or has refused to do so). However, clearly we would prefer the university to issue a Completion of Procedures letter because this should clarify the issues we need to look at.

Complaints referred back to the university

Where the OIA makes a recommendation to the university that it should re-consider a complaint or an appeal and a student remains dissatisfied with the outcome of that re-consideration a further Completion of Procedures letter may be issued by the university, if it considers that would be helpful.

Reference to the OIA

Completion of Procedures letters (and university regulations) should not give the impression that the OIA is the final stage of the university's own internal procedures; rather they should establish that the OIA is an independent review scheme.

Internal authorisation

Universities should have procedures in place to ensure that Completion of Procedures letters are issued only by authorised officers. It is not necessary to limit authorisation to the OIA point of contact.

Other circumstances

This Note cannot deal with all the circumstances that may impact upon the issuing of Completion of Procedures letters. Please contact our help desk on 01189 599813 if you require further advice.