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# The good practice framework: handling student complaints and academic appeals

Revised  
December 2016



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# Preface

The *Good Practice Framework: handling student complaints and academic appeals* was first published in December 2014, following extensive consultation with the sector, and came into effect in September 2015. It is a guide to handling complaints and academic appeals in higher education in England and Wales. It sets out principles and operational good practice but does not include prescriptive detail.

The framework complements the “expectations” and “indicators” set out in Chapter B9 of the UK Quality Code.<sup>1</sup> It is rooted in the OIA’s experience over ten years in dealing with student complaints and appeals, and in discussing practice with providers, students’ unions and student complainants. The result is a framework that is informed by the day to day experiences of providers and students and that will underpin effective handling of complaints and academic appeals. It is kept under continuous review and updated as new issues arise or to provide further clarification.

This second edition updates and revises the framework to take account of feedback from Scheme users, gathered through workshops and webinars, and from the OIA’s experience of how it has worked in practice. It reflects the views of providers which became members of the OIA during 2015 and bring a helpful additional perspective. The principles and the core guidance remain unchanged.

The framework informs the way the OIA considers complaints and academic appeals from students. It is not intended to be an exact template for dealing with every complaint and academic appeal. Each provider remains free to draft its own policies and procedures to fit its own size and context. Where a provider chooses to depart from the framework, the OIA will consider whether the process it follows is reasonable when it reviews individual complaints.

In due course further guidance will be published on specific issues including delivering learning opportunities with others, supporting students with disabilities, and disciplinary procedures.

The creation and development of the framework is overseen by a steering group, led by the OIA. The group has provided sound counsel, excellent leadership and determination throughout and I pay tribute to its members, past and present – my predecessor Rob Behrens, Huw Morris and Alison Wells (ARC), Sophie Bowen (AHUA), Tim Burton and Gemma Long (QAA), Bethan Dudas (NUS), Derek Boyle, Bromley Schools’ Collegiate, Helen Kinghorne, Warwickshire College Group and OIA staff members.

## **Judy Clements OBE**

*The Independent Adjudicator and Chief Executive  
Office of the Independent Adjudicator for Higher  
Education*

December 2016

<sup>1</sup> QAA, *UK Quality Code for Higher Education, Chapter B9: Academic appeals and student complaints* (April 2013).

## A good complaints process →

### Accessibility

- Is open to anyone who is or was recently a registered student.<sup>†</sup>
- Is easy to navigate for students.
- Gives students clear information about how to access advice and support.
- Allows students to appoint a representative.
- Is responsive to the needs of individuals.

### Clarity

- Is well signposted so that students know which process to follow.
- Is easy to understand and gives clear information about time limits.
- Includes clear definitions of what constitutes a complaint.
- Includes effective record keeping.

### Proportionality

- Is flexible where a student raises issues which fall under more than one process.
- Expects all parties to act reasonably and fairly towards each other, and to treat the processes themselves with respect.
- Allows for the complaint to be resolved informally and as early as possible, including by mediation or conciliation where possible and appropriate.
- Consists of three stages:
  - Early resolution at the local level
  - Formal stage
  - Review stage.

### Timeliness

- Includes time limits within which students are normally expected to submit complaints.
- Allows for the identification of complaints which require particularly swift action.
- Will normally be completed within 90 calendar days of the start of the formal stage.

### Fairness

- Ensures that decision-making staff are properly trained, resourced and supported, and able to approach each decision afresh.
- Allows each party an equal opportunity to present their case.
- Requires clear reasons to be given for decisions reached.
- Ensures that students are not disadvantaged as a result of bringing a complaint.

### Independence

- Ensures that decisions are taken by people without actual or perceived conflicts of interest at all stages of the process.

### Confidentiality

- Ensures an appropriate level of confidentiality without disadvantage.

### Improving the student experience

- Captures learning to ensure that:
  - Decisions are made consistently.
  - Decisions are made at the appropriate level.
  - Appropriate action is taken on issues identified.
  - Information gathered is used to improve services for students and the student experience.

<sup>†</sup> Please see the glossary for definition

## APPEALS

## A good academic appeals process →

<b>Accessibility</b>	<ul style="list-style-type: none"> <li>Is open to anyone who is or was recently a registered student.<sup>†</sup></li> <li>Is easy to navigate for students.</li> <li>Gives students clear information about how to access advice and support.</li> <li>Allows students to appoint a representative.</li> <li>Is responsive to the needs of individuals.</li> </ul>	<b>Fairness</b>	<ul style="list-style-type: none"> <li>Ensures that decision-making staff are properly trained, resourced and supported, and able to approach each decision afresh.</li> <li>Allows each party an equal opportunity to present their case.</li> <li>Requires clear reasons to be given for decisions reached.</li> <li>Ensures that students are not disadvantaged as a result of bringing an academic appeal.</li> </ul>
<b>Clarity</b>	<ul style="list-style-type: none"> <li>Is well signposted so that students know which process to follow.</li> <li>Is easy to understand and gives clear information about time limits.</li> <li>Sets out the grounds upon which an academic appeal may be brought.</li> <li>Includes effective record keeping.</li> </ul>	<b>Independence</b>	<ul style="list-style-type: none"> <li>Ensures that decisions are taken by people without actual or perceived conflicts of interest at all stages of the process.</li> </ul>
<b>Proportionality</b>	<ul style="list-style-type: none"> <li>Is flexible where a student raises issues which fall under more than one process.</li> <li>Expects all parties to act reasonably and fairly towards each other, and to treat the processes themselves with respect.</li> <li>Normally consists of two stages:             <ul style="list-style-type: none"> <li>Formal stage</li> <li>Review stage.</li> </ul> </li> </ul>	<b>Confidentiality</b>	<ul style="list-style-type: none"> <li>Ensures an appropriate level of confidentiality without disadvantage.</li> </ul>
<b>Timeliness</b>	<ul style="list-style-type: none"> <li>Includes time limits within which students are normally expected to submit academic appeals.</li> <li>Allows for the identification of academic appeals which require particularly swift action.</li> <li>Will normally be completed within 90 calendar days of the start of the formal stage.</li> </ul>	<b>Improving the student experience</b>	<ul style="list-style-type: none"> <li>Captures learning to ensure that:             <ul style="list-style-type: none"> <li>Decisions are made consistently.</li> <li>Decisions are made at the appropriate level.</li> <li>Appropriate action is taken on issues identified.</li> <li>Information gathered is used to improve services for students and the student experience.</li> </ul> </li> </ul>

<sup>†</sup> Please see the glossary for definition

# Introduction

- 1 The *Good Practice Framework: handling student complaints and academic appeals* is built on existing good practice identified by providers, students' unions, complainants and the OIA. It draws on extensive consultation with the sector, the outcomes of the early resolution pilots initiative, case work, provider visits and networking events. The framework steering group has contributed its expertise in complaints and academic appeals and the learning and feedback received since publication in December 2014 has provided a rich source of experience.
- 2 The Consumer Rights Act 2015 extended the range of higher education providers that are required to participate in the Scheme. Our membership now includes Further Education and Sixth-Form colleges providing higher education, alternative providers and providers of School Centred Initial Teacher Training, as well as universities. The framework is published by the OIA to support providers that subscribe to the OIA Scheme, and to create a model against which providers can evaluate their own processes. Throughout the document the framework uses the term 'provider' to refer to any higher education provider in England or Wales which is a qualifying institution for the OIA and other higher education providers that have opted to join and subscribe to the OIA.
- 3 Complaints and academic appeals may arise in any provider. The Dearing report of 1997<sup>2</sup> recognised that there will inevitably be occasions when students will be dissatisfied and that it is essential for good governance that concerns are dealt with fairly, transparently and in a timely way.
- 4 There are certain overriding principles that govern the development and operation of effective complaints and academic appeals procedures.<sup>3</sup> These principles underpin the framework and are set out on pages 4 and 5.
- 5 The framework is neither prescriptive nor mandatory and each provider is free to develop its own policy and procedures that are consistent with its academic regulations and broader context, including the size and composition of the student body. It recognises that providers have a responsibility to approach complaints and academic appeals fairly, following processes that are easy for students to understand, while retaining a right to make decisions on the merits of any individual case.
- 6 The Competition and Markets Authority has indicated that procedures are more likely to comply with consumer law if they follow guidelines published by the OIA or the Scottish Public Services Ombudsman.<sup>4</sup> The OIA suggests that each provider, along with its students' body, compares its own complaints and academic appeals processes to the framework and satisfies itself that there are sound reasons for any differences.

2 *Dearing Report of National Committee of Inquiry into Higher Education*, (1997).

3 These principles are drawn from guidance issued by the Ombudsman Association, *Guide to Principles of Good Complaint Handling*, British and Irish Ombudsman Association, 2007. *Principles of Good Administration*, Parliamentary and Health Services Ombudsman (2007) and *The Pathway Report: Recommendations for the development of the OIA Scheme*, OIA, February 2010.

4 The CMA's advice on Consumer Protection Law and the Higher Education undergraduate sector, March 2015.



# Complaints and academic appeals

- 7 Providers normally operate separate complaints and academic appeals procedures. The framework distinguishes between complaints and academic appeals where appropriate but expects the underlying principles of good practice to apply to both.
- 8 It is reasonable for providers to expect students to refer to and follow the provider's own policies and procedures (and access local support available to them through advice centres or the students' union) if they wish to make a complaint or academic appeal. A provider's procedures will specify any deadlines that students need to meet for making submissions at each stage of the process.
- 9 It is important for providers and students to be clear about which procedure students should use in different circumstances.

## Who can make a complaint or academic appeal?

- 10 A provider's complaints and academic appeals procedures are intended to be used by its students. The term 'student' refers to students who have registered or enrolled on their course.<sup>5</sup> It also includes those who have recently left a provider, although former students may only be able to raise issues of complaint or academic appeal within an explicitly defined period after the end of their studies. This will be made clear in each provider's own published regulations and procedures.
- 11 Students will usually be able to access and submit a complaint or academic appeal themselves. However, there may be cases where a student is unable or reluctant to make a

complaint or academic appeal without support. It is good practice for the provider's regulations to permit students to be supported, advised or represented by third parties, for example a students' union officer or adviser. If a student has a representative, that should not delay the process. The provider should take care to comply with data protection legislation and the provider's guidance on handling personal information. It is reasonable for providers to decline to accept complaints from third parties unless they are acting as a student's representative.

- 12 Where the issues raised affect a number of students, those students can submit a complaint or academic appeal as a 'group complaint' or a 'group appeal'. In such circumstances, the provider can ask the group to nominate one student to act as group representative. The provider may decide to communicate only through the representative and expect him or her to liaise with the other students.
- 13 Students should have confidence that they will be protected under the terms of a provider's complaints procedure and it should not be necessary to bring anonymous complaints. Exceptionally, however, a provider may decide to consider an anonymous complaint if there is a compelling case – supported by evidence – for the matter to be investigated. Providers should explain to students that raising a concern anonymously might impede the investigation and communication of the outcome.

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<sup>5</sup> To bring a complaint to the OIA a student must be or have been a registered student at a provider that subscribes to the OIA.

## What is a complaint?

- 14 For the purpose of this framework, a student complaint is defined as:

*“an expression of dissatisfaction by one or more students about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider.”*

This embraces, but is broader than, the definition of a complaint within the UK Quality Code, which is limited to the *“expression of a specific concern about matters that affect the quality of a student’s learning opportunities.”*<sup>6</sup> Some providers use different terminology, for example referring to ‘grievances’ or ‘representations’.

- 15 Examples of complaints include:

- failure by the provider to meet obligations including those outlined in course/student handbooks or a student charter
- misleading or incorrect information in prospectuses or promotional material and other information provided by the provider
- concerns about the delivery of a programme, teaching or administration including, where applicable, that provided by a partner provider
- poor quality of facilities, learning resources or services provided directly by the provider
- complaints involving other organisations or contractors providing a service on behalf of the provider.

- 16 Some issues may more appropriately be considered under alternative processes rather than under the complaints procedure. For example, the following are not normally dealt with as complaints:

- a concern about a decision made by an academic body regarding student progression, academic assessment and awards

- dissatisfaction about the outcome of an academic misconduct or disciplinary process
- a concern about a decision made under other specific regulations, such as fitness to practise
- matters relating to the Student Loans Company, which has its own complaints procedures.

## What is an academic appeal?

- 17 For the purposes of this framework, and in line with the UK Quality Code, an academic appeal is defined as:

*“A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.”*<sup>7</sup>

Some providers use different terminology, for example referring to a ‘discretionary panel procedure’ or a ‘representation.’

- 18 An academic appeal relates to the outcome of an assessment or examination, or a student’s progression, and may be based on:

- a procedural irregularity in the assessment process
- bias or perception of bias
- mitigating (extenuating) circumstances where, for good reason, the academic body was not made aware of a significant factor relating to the assessment of a student when it made its original decision.

- 19 The provider needs to state clearly the scope of the academic appeals process and the grounds on which an academic appeal may be lodged. The following are not normally considered to be legitimate grounds for an academic appeal:

- where a student questions the exercise of academic judgment, that is, the decision made by academic staff on the quality of the work itself or the criteria being

6 QAA, UK Quality Code, Ibid.

7 QAA, UK Quality Code, Ibid.



applied to mark the work (rather than the administrative marking process)

- where a student disagrees with the conclusions reached by the individual or panel which considered his or her mitigating (extenuating) circumstances.

- 20 In line with the language of the Higher Education Act 2004 all submissions to the OIA are called 'complaints' whether they relate to a complaint or an academic appeal.

### Deciding which process to use

- 21 Many students raise issues which do not fall neatly into the category of either complaint or academic appeal. Where this happens, it is good practice to tell the student which specific issues will be considered under which specific procedure and to direct the student to the alternative appropriate procedure, for example, the academic appeals procedure, for the remaining issues.

## CASE STUDY

### Deciding which process to use

A student submits an academic appeal on several grounds, one of which is that he has been bullied by his supervisor. The provider informs the student that it is suspending consideration of the appeal until the bullying allegation has been investigated under its Harassment and Bullying Procedures. Once that process has been completed, the appeal process can continue.

- 22 Alternatively a provider may, with the agreement of the student, decide to consider matters together, for example, where an academic appeal raises issues which need to be investigated under the complaints procedures. The provider should explain to the student how the matters will be investigated, where

responsibility for overall conduct of the matter lies, and who will issue the final decision.

- 23 It is good practice to inform the student of the implications, if any, of following two procedures at the same time, particularly where one procedure may be suspended pending the completion of another.

### Complaints and appeals involving more than one academic provider or awarding body

- 24 Guidance on dealing with complaints and academic appeals involving more than one provider or awarding body can be found in the *Good Practice Framework: delivering learning opportunities with others*.<sup>8</sup>

### Complaints involving other organisations or contractors who provide a service on behalf of the provider

- 25 A student may wish to complain about the service provided by another organisation (which is not a higher education provider) on behalf of the higher education provider, for example accommodation services or IT. It is good practice to advise the student to contact the appropriate organisation directly, and for providers to ensure that those organisations have appropriate complaints procedures in place.
- 26 Students should be able to complain directly to the provider about a service provided by another organisation, for example, a placement provider, which the student feels has impacted on his or her learning experience.<sup>9</sup>
- 27 If a provider needs to make enquiries to an outside organisation when investigating a complaint, it should take care to comply with data protection legislation and the provider's guidance on handling personal information.

<sup>8</sup> Draft guidance published for consultation December 2016.  
<sup>9</sup> QAA, *UK Quality Code*, Ibid.

## Complaints about staff

- 28 Complaints by students about staff can be difficult to handle as there may be a conflict of interest for the staff investigating the complaint. When complaints are raised against staff it is essential that the investigation is conducted by an individual who is independent of the situation. Appropriate support should be in place to help the student and staff member through the process. It is important to ensure that there are robust governance arrangements in place that set out clear procedures for handling such complaints.

## Complaints about the students' union

- 29 Providers should ensure that complaints about their students' union are dealt with fairly and promptly and that an effective remedy is provided when a complaint is upheld. The students' union procedures must include provision for an independent person appointed by the provider's governing body to investigate and report on complaints.<sup>10</sup>

## Making a complaint or academic appeal

- 30 Individual providers will normally ask students to submit a complaint or academic appeal by e-mail or online by completing the appropriate form. Students may appoint a representative to submit the complaint or academic appeal for them.
- 31 Providers can require students to set out their concerns clearly and succinctly and provide evidence to substantiate the issues raised where possible. An investigation will gather information, but it is reasonable to expect students to obtain and provide evidence relevant to their complaint or academic appeal. It is good practice for the provider's procedures to set out the types of evidence that may be required. This may include independent medical
- evidence, reports by professionals, financial information or witness statements.
- 32 Students may indicate that they wish their complaint or academic appeal or elements within it (for example, a statement from a witness or medical evidence) to remain confidential. All complaints and academic appeals need to be managed in a confidential and sensitive way. However, it may be necessary to ask staff involved in the complaint or academic appeal to comment on or respond to the statements made. It is good practice for procedures to set out the circumstances in which the entire complaint or academic appeal – or elements of it – can be kept confidential. An example might be where a student provides a corroborating statement in support of a complaint about a member of staff and wishes his or her name to be removed from the statement when it is shown to that member of staff.
- 33 It is good practice for procedures to set time limits within which students are to submit complaints and academic appeals, and for these time limits to be clearly communicated to students. It is also good practice to draw students' attention to relevant time limits in correspondence notifying them of the decision of an academic body.
- 34 Providers will need to exercise discretion where there is good reason, supported by evidence, for late submission of a complaint or academic appeal. Providers must also be mindful of their obligations under the Equality Act when considering whether there are exceptional reasons to accept a complaint or academic appeal outside the normal time limit, or whether it would be reasonable to make adjustments to the provider's normal procedures. Advice should be sought from the provider's disability support team where appropriate. It is good practice to document cases where late submission is accepted.

<sup>10</sup> Section 22 of the Education Act 1994 sets out the responsibilities of providers for their students' unions.

## CASE STUDY

### **Late submission – the Equality Act**

A student has mental health difficulties and receives support from the provider's disability support team. She submits an appeal to the provider on the grounds that she missed her examinations because of her ongoing mental health difficulties. Her appeal is submitted late and she says that this is because she has difficulty in meeting deadlines as a result of her disability. This is supported by the disability support team. The provider should consider whether its appeal procedures are placing the student at a disadvantage as a result of her disability, and whether it would be reasonable to adjust those procedures, for example by extending the deadline, in order to remove that disadvantage.

## **Timeliness**

- 35 Each provider has its own timelines and deadlines for the formal and review stages. It is good practice for providers to complete consideration of a formal complaint or academic appeal and any associated review within 90 calendar days. The 90 calendar day timeframe requires students to meet any deadlines set by the provider for the submission of material. There will occasionally be circumstances when, for good reason, the provider will need to extend the timeframe. Where this is the case the provider should notify the student and keep the student regularly informed of progress.

# The complaints process

## Overview

- 36 It is good practice for providers' complaints procedures to include:
- opportunity for early resolution at a local level
  - a formal stage for the investigation and determination of complaints
  - a review stage.
- 37 **Early resolution** is designed to address straightforward concerns swiftly and locally, for example at school or faculty level, before a student escalates them into a formal complaint. This might include, for example, face to face discussion with the student, or asking an appropriate member of staff, or mediator or conciliator, to deal with the matter. Where proportionate the provider should write to the student setting out the outcome.
- 38 **The formal stage** is used where a student is dissatisfied with the outcome of early resolution, or where early resolution is not possible or suitable due to the character, complexity or seriousness of the case. The formal stage should normally be dealt with by people who have not been involved previously, and may include mediation or conciliation where appropriate. The provider should write to the student setting out the outcome at the conclusion of this stage.
- 39 **The review stage** is where the student can appeal to a higher body within the provider for a review of the process of the formal complaint to ensure that appropriate procedures were followed and that the decision was reasonable. This stage does not necessarily require a reconsideration of the issues raised. The

provider should write to the student setting out its decision at the conclusion of this stage.

## Mediation and conciliation

- 40 Mediation and conciliation<sup>11</sup> are usually voluntary processes where an impartial, independent third party helps parties to a dispute resolve issues confidentially. Using mediation or conciliation during the early resolution stage can help both parties to understand what is driving the concern and may be more likely to result in a swift and mutually satisfactory conclusion being reached. Mediation or conciliation may be particularly helpful in resolving disputes between students.
- 41 Where both the provider and the student agree to mediation or conciliation in the formal stage of considering a complaint they should agree revised timescales. All parties need to be clear about the scope of the mediation or conciliation process, how the arrangement fits with other procedures, and whether the parties are expected to agree in advance to accept the solution offered by the conciliator. It may be necessary to restart the formal process if agreement cannot be reached.

## Early resolution

- 42 Effective complaints handling systems have a local, informal element which is capable of resolving student concerns before they escalate into formal complaints. Providers have developed many effective ways of dealing with routine student concerns. These include:
- giving more information or a more detailed explanation

11 For definitions please see the glossary. The processes are examined in detail in *Pathway 3*, Ibid.

- suggesting solutions
  - being empathetic and understanding when there is no apparent solution
  - giving an apology where it seems appropriate to do so
  - introducing student and staff conciliators.
- 43 Research indicates that the amount and nature of early resolution in dispute resolution may not be well understood or documented.<sup>12</sup> Nevertheless, the success of the OIA Early Resolution Pilots Initiative in a number of universities in England and Wales demonstrates the value of providers having mechanisms available to resolve concerns before they escalate into formal complaints.
- 44 Questions to consider in attempting early resolution of concerns might include:
- What specifically is the concern about and which area(s) of the provider is/are involved?
  - What outcome is the student hoping for and can it be achieved?
  - Is the concern straightforward and likely to be resolved with little or no investigation?
  - Can it be resolved on the spot by providing, where appropriate, an explanation, an alternative solution or an apology?
  - Can someone else assist in seeking resolution, for example where an informal administrative resolution is required?
  - Would it be helpful to use confidential mediation or conciliation, and are the student and the provider willing to do so?
  - What assistance or support can be provided to the student in taking this forward?
- 45 Whatever early resolution mechanism is used, students should be able to air their concerns and feel that they have been listened to. It may be possible to resolve the concern by providing an on-the-spot explanation of why the issue occurred and/or (where appropriate) an apology and an explanation of what will be done to stop a similar situation happening in the future. Providers may wish to advise staff on issuing and recording apologies and to allay any concerns that an apology creates a legal liability.
- 46 If responsibility for the issue raised lies in the staff member's area of work, every attempt should be made to resolve the concern at source in consultation with the student. If responsibility lies elsewhere, the staff member should work with the relevant colleagues to help resolve the student's concern, rather than simply passing the student on to another office. Where this is not possible, and the student is directed to liaise with another office, it is good practice to introduce the student to the person who will deal with the concern or to make an appointment for the student to meet them at the earliest opportunity.
- 47 Where it is clear early resolution is not appropriate or possible, and that a concern will need to proceed immediately to the formal stage, the student should be directed promptly to the relevant procedure. He or she should be advised to complete the appropriate form to provide full details of the complaint and to provide any relevant documentation. It is good practice to inform the student of any time limits for submission and where and how to access advice and support, for example the students' union or student representative(s), the student advice centre, professional association or the relevant trade union.
- 48 At the conclusion of an attempt at early resolution, and where proportionate, the provider should write to the student setting out the outcome.
- 49 It is good practice to record the actions taken to consider and resolve the concern, the decision, and minimum details of what was communicated to the student, and when. This can then be accessible to those dealing with any formal complaint at a later stage.

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12 Margaret Doyle, Varda Bondy, Carolyn Hirst, *The use of informal resolution approaches by ombudsmen in the UK and Ireland: A mapping study* Nuffield Foundation, October 2014.

## Formal complaint

50 The formal complaints process is triggered when:

- the student declines to engage with early resolution and initiates the formal process in line with the provider's procedures
- early resolution was attempted, but the student remains dissatisfied and initiates the formal process in line with provider procedures
- the issues raised are complex and will require detailed investigation, for example where a complaint relates to the conduct of staff members or covers a number of different incidents.

51 Key questions to consider could include:

- Is this a complaint or academic appeal? Should the student be referred to another procedure?
- Was early resolution attempted? If not, should the matter be referred back to that stage?
- Has the student set out clearly what the complaint is about and which area(s) of the provider is /are involved?
- Has the student provided evidence in support of the complaint?
- What outcome is the student hoping for and can it be achieved?
- Is the complaint suitable for mediation or conciliation?
- What assistance or support can be provided to the student in taking this forward?

52 Some complaints may require the provider to take particularly swift action. These may include, but are not limited to:

- complaints involving a threat of serious harm
- cases where the impact of the issues raised has detrimental consequences for the student's mental health or where the student displays significant distress
- complaints relating to disability support

- issues of serious and repeated service failure and/or significant delay
- issues of a highly sensitive nature.

## CASE STUDY

### Complaint about disability support requiring swift action

A student has recently discovered that he has dyslexia and the provider's disability support team has prepared a report setting out his support needs. The student is unhappy about the support proposed in relation to examinations, and he makes a complaint. His final examinations are coming up. The provider considers the complaint within days of receiving it, and agrees to change the support for his examinations in time to implement those changes before the examinations commence.

### What the provider will do when it receives a complaint for investigation

53 On receipt of a formal complaint the provider should undertake an initial evaluation to check that the complaint is submitted under the right procedures, within any deadline, and in the required format. This might result in:

- the student being referred to a different procedure
- the complaint being rejected, for example because it is submitted late
- the complaint proceeding to formal consideration
- referral to conciliation or mediation.

54 If the complaint is accepted for consideration it is good practice for the provider to allocate it to a member of staff who has had no previous involvement in the matter. It will not normally be appropriate to keep the name of the staff member investigating the complaint



## THE COMPLAINTS PROCESS

confidential. That would lack transparency and may undermine the student's confidence in the process.

- 55 In smaller providers or departments it can be difficult to find a member of staff who has had no previous involvement to investigate the complaint. Every effort should be made to find a staff member who is sufficiently removed from any earlier process. It may be possible to ask a staff member from another part of the provider to investigate. Where this is not possible, the provider may be able to consult with the student in selecting an investigator in whom he or she would have confidence. Some providers may wish to develop a reciprocal arrangement with neighbouring providers so that each can call upon the other to provide a staff member to investigate a complaint, or to supervise the investigation to ensure that it is conducted impartially.
- 56 It is essential to be clear about exactly what is being investigated to ensure that both the staff member and student understand the purpose and scope of the investigation. The staff member should consider meeting with the student to facilitate this. If the student's expectations appear to go beyond what the provider can reasonably deliver or what is in its power to deliver, the staff member should explain this to the student as soon as possible in writing in order to manage expectations about possible outcomes.
- 57 The procedures followed should be proportionate to the nature of the complaint and the complexity of the issues raised. The member of staff investigating the complaint may talk to key staff or other students and consider documents and other evidence. The staff member will produce a report based on his or her investigations which outlines the process followed, the information gathered, the conclusions drawn and any recommendations. The student or their representative should receive copies of the information considered and a copy of the investigation report. The staff

member will also need to consider whether mediation or conciliation might be effective at this stage.

- 58 The staff member may refer his or her report to another senior member of staff for the recommendations to be agreed, or to a complaints panel if the provider's procedures allow for the complaint to be considered by a panel at this stage. In appropriate cases, it may be reasonable to refer the complaint to another member of staff for a second opinion.
- 59 The complaints procedures should state whether the staff member investigating the complaint will meet with the student, and whether a complaint panel will be convened. It is good practice to set out clearly:
- the circumstances in which a hearing or meeting will be held or a panel convened
  - the process to be followed
  - whether and in what circumstances the student may attend a panel hearing or meeting
  - whether they can be accompanied and/or be represented
  - whether the student is permitted to attend the meeting or panel by alternative means (for example by video link); and
  - whether the panel is permitted to conduct its discussions electronically.

### Complaint hearings or meetings

- 60 If the complaint is to be considered by a panel hearing, or a meeting is to be held to consider the complaint, providers should take all necessary steps to ensure that the proceedings are conducted in a timely manner with adequate notice given to the student. This includes informing the student of any right to attend; how to access advice and support; any right to be accompanied, for example by a friend or students' union representative; what role the representative or friend is permitted to play in the hearing or meeting; and any right to submit evidence or call witnesses. If the student

is permitted to attend the panel hearing or meeting by alternative means (for example by video link), the procedures should explain how the provider will arrange and facilitate this.

- 61 It is good practice to provide the student in advance with information about the composition of the panel and others who may attend to give evidence and a copy of the information to be considered.
- 62 Fairness requires panels to be free of a reasonable perception of bias. The provider needs to consider the constitution of panels and take steps to ensure that those charged with reaching a decision have had no previous involvement in the matter, and are properly trained, resourced and supported. In addition it is good practice for panels to include an independent students' union officer or representative.
- 63 A provider may decide that it would be helpful to hold a complaint hearing, but find it difficult to convene a panel of individuals who have had no previous involvement in the complaint. In those circumstances consideration should be given to bringing in staff from other parts of the provider, or from neighbouring providers, and to consulting with the student about the selection of panel members, in order to preserve the student's confidence in the impartiality of the panel.

## CASE STUDY

### Information about a complaint panel

A student's complaint is to be referred to the provider's complaint panel. Under the provider's procedures, she may attend a meeting of the panel. The provider writes to the student, inviting her to a panel meeting, three weeks before the proposed meeting date. The letter sets out:

- the date of the meeting and an explanation of what the student needs to do if she cannot attend on that date, or does not wish to do so
- the names of the panel members and their job titles
- the names of anyone else attending the meeting and what their role will be
- that she may be represented by a member of the Students' Union Advice Centre, or may bring a friend to support her
- an outline of how the meeting will proceed
- copies of relevant documents.

- 64 Complaints procedures are internal to a provider and do not have the same degree of formality as a court of law. In most cases it will not be necessary or appropriate for a student or the provider to be legally represented at a complaints panel or meeting.
- 65 It is good practice to take a note of any meeting, setting out attendance, a brief outline of the proceedings, and the reasons for the decisions taken.

### Closing the complaint at the formal stage

- 66 The provider should write to the student setting out the outcome of the formal stage, including any decision to reject the complaint

at initial evaluation, giving a clear explanation of and outlining the reasons for each decision in straightforward language. This will help the student decide whether or not to pursue the matter further.

- 67 The decision should also give information about:
- the student's right to take the complaint to the review stage
  - the grounds on which he or she can do so
  - the time limit for escalating to the review stage
  - the appropriate procedure
  - where and how to access support.

If the complaint has been rejected, for example because it has been submitted late, the provider should issue a Completion of Procedures letter.

- 68 If the student does not take the complaint to the review stage within the time limit for doing so, the provider should close the matter and notify the student in writing. It is good practice to issue a Completion of Procedures letter at this stage if the student asks the provider to do so, but the letter should explain that the student has not completed the provider's internal processes. The OIA publishes guidance on issuing Completion of Procedures letters.<sup>13</sup>
- 69 Where a complaint is upheld, the provider should explain how and when it will implement any remedy, whether that includes an apology, and what the student can do if he or she remains dissatisfied.
- 70 The provider should keep records of formal complaints and their outcomes (see paragraphs 127-129).

### Review of formal complaint

- 71 If a student is dissatisfied with the outcome of the formal stage, he or she can request a review. Providers can specify the grounds on which a student can request a review. A request for a review may be on limited grounds, including but not confined to:
- a review of the procedures followed at the formal stage
  - a consideration of whether the outcome was reasonable
  - new material evidence which the student was unable, for valid reasons, to provide earlier in the process.
- 72 The review stage will not usually consider the issues afresh or involve a further investigation. A complaint must have been considered at the formal stage before it can be escalated to the review stage.
- 73 Providers can require a student (or his or her representative) to submit a request for review in writing, by e-mail or online by completing the appropriate form.

### What the provider will do when it receives a request for review

- 74 The provider will allocate the request for review to a designated member of staff not involved at any previous stage. It is important to be clear from the start of the review stage exactly what is being reviewed, and to ensure that both the reviewer and the student understand the purpose and scope of the review. If the student's expectations appear to exceed the scope of the review stage, the provider should explain this to the student as soon as possible in writing in order to manage expectations about possible outcomes.
- 75 The provider needs to make it clear in its procedures whether the reviewer is able to overturn the outcome of the formal stage, or

<sup>13</sup> [www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx](http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx)

whether the matter needs to be referred back to the formal stage for reconsideration.

76 Key questions to consider could include:

- Were the relevant procedures followed during the formal stage?
- Was the outcome reasonable in all the circumstances?
- Has the student received clear reasons why the complaint was rejected at the formal stage?
- If new material evidence has been provided, has the student given valid reasons for not supplying this earlier?

### Closing the complaint at the review stage

77 If the complaint is not upheld the outcome of the review stage should be communicated to the student in writing by issuing a Completion of Procedures letter as soon as possible and within 28 days.<sup>14</sup> This should include a clear explanation and outline the reasons for the decision in straightforward language. This will help the student decide whether or not to pursue the matter further.

78 The decision should also advise the student about:

- their right to submit a complaint to the OIA for review
- the time limit for doing so
- where and how to access advice and support.

The time limit for bringing a complaint to the OIA is 12 months. It is good practice to draw the student's attention to any factors of which the provider is aware which mean that it is particularly important for the student to bring the complaint to the OIA promptly (for example because the remedy the student is seeking is time-sensitive).

79 Where a complaint is upheld, the provider should explain how and when it will implement any remedy, and whether that includes an apology. It is good practice to issue a Completion of Procedures letter if requested by the student. If the remedy proposed includes referring the complaint back to the formal stage for reconsideration, it is good practice to ensure that reconsideration is concluded as soon as possible and, where practicable, within the 90 calendar days timeframe.

### Independent external review (OIA)

80 Once the review stage has been completed, the student is entitled to ask the OIA, the independent ombudsman service, to review his or her complaint about the outcome of the provider's complaints process. The complaint should be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.

14 OIA Completion of Procedures Guidance, Ibid.

# The academic appeals process

## Overview

- 81 A provider's academic appeals procedure should set out clearly the grounds upon which an appeal may be made.
- 82 It is good practice for providers' procedures for academic appeals to include:
  - a formal stage for the investigation and determination of academic appeals
  - a review stage.

## Early resolution

- 83 Academic appeals may not be readily amenable to early resolution because the core academic judgment will not be open to challenge. Nevertheless many providers have developed good practice in giving students an opportunity to seek clarification of an assessment or examination board's decision, or to discuss their concerns with a nominated member of staff, for example at a 'Results Surgery' following the publication of results. This can provide an opportunity to manage the student's expectations before he or she decides whether to submit a formal appeal. Where appropriate and proportionate the student should be provided with a written outcome.
- 84 The formal stage should be dealt with by people who have not been involved previously. The provider should write to the student setting out the outcome at the conclusion of this stage.
- 85 The review stage is where the student can appeal to a higher body within the provider for a review of the process of the formal academic appeal to ensure that appropriate procedures were followed and that the decision was reasonable. This stage does not necessarily

require a reconsideration of the issues raised. The provider should write to the student setting out its decision at the conclusion of this stage.

## CASE STUDY

### Early resolution of academic appeal

A student is concerned about her examination result and wants to make an academic appeal. The provider's appeal regulations include an early resolution process under which students can discuss concerns about assessment outcomes with a member of staff. The student attends a meeting with her Head of Department and they discuss her concerns. The Head of Department explains how the examination was marked and moderated, and checks the marks awarded are correctly recorded on the results database. The student is reassured that the examination has been marked properly and the marks recorded accurately. The Head of Department explains how she can appeal if she remains dissatisfied. A note of the meeting is made.

## Formal academic appeal

- 86 At this stage academic appeals will normally be considered centrally by the provider. In a larger provider appeals may be managed at faculty or department level but according to the provider's procedures and with oversight by central staff.
- 87 Key questions to consider could include:
  - Is this a complaint or academic appeal? Should the student be referred to another procedure?

- Has the student set out clearly what the academic appeal is about and which area(s) of the provider is /are involved?
- Has the student provided evidence in support of the academic appeal?
- What outcome is the student hoping for and can it be achieved?
- What assistance or support can be provided to the student in taking this forward?

88 Some academic appeals may require the provider to take particularly swift action. These may include, but are not limited to:

- cases where the impact of the issues raised has detrimental consequences for the student's mental health or where the student displays significant distress
- cases where external time limits apply for example in meeting regulatory requirements for the completion of professional courses.

### What the provider will do when it receives an academic appeal for investigation

- 89 On receipt of a formal academic appeal the provider should undertake an initial evaluation to check that the academic appeal is submitted under the correct procedures, falls within the grounds upon which an appeal may be made, is submitted within any deadline, and is in the required format. This process may result in:
- the student being referred to a different procedure
  - the academic appeal proceeding to formal consideration
  - the academic appeal being rejected because it is not made under the permissible grounds.

Where some parts of the student's academic appeal fall outside the permissible grounds, this should be explained to the student. The appropriate member of staff should consider meeting with the student to do this.

- 90 There will be some cases where an appeal relates to external assessment by a Professional, Statutory or Regulatory Body (PSRB). In these cases the PSRB is likely to have its own appeals procedures and the provisions of the framework may not apply.

## CASE STUDY

### Student's mental health

An international student, studying for an MA, failed an assessment at the second attempt and was withdrawn from the programme. She submitted an academic appeal against the decision to withdraw her, on grounds of procedural error in an assessment. She also provided independent medical evidence which confirmed that the withdrawal has been affecting her mental health. The provider expedited the formal stage of her academic appeal in order to minimise any further detriment to the student's health.

- 91 If the academic appeal is accepted for consideration the provider should allocate it to a member of staff who has had no previous involvement in the matter. It will not normally be appropriate to keep the name of the staff member investigating the appeal confidential. That would lack transparency and may undermine the student's confidence in the process.
- 92 If the student's expectations appear to go beyond what the provider can reasonably deliver or what is in its power to deliver, the staff member should explain this to the student as soon as possible in writing in order to manage expectations about possible outcomes.



## CASE STUDY

### Appeals that fall outside permissible grounds

A student submits an academic appeal on the ground that his printer broke on the afternoon of the assessment deadline. The provider's academic appeal procedures permit students to bring an appeal on grounds of (1) procedural irregularity in the assessment process; (2) mitigating circumstances which were not (for good reason) made known to the exam board; and (3) bias on the part of the examiners. The procedures give examples of the sort of situations which might amount to mitigating circumstances. The examples specifically exclude computer or equipment failure.

The provider rejects the student's appeal on the basis that it does not fall within the permissible grounds of appeal. It writes to him explaining that his appeal has been rejected because (a) equipment failure is not an acceptable mitigating circumstance; and (b) he did not bring his circumstances to the attention of the exam board at the appropriate time. The provider explains to the student how to take his appeal to the review stage if he is not satisfied with the outcome.

- 93 The procedures followed should be proportionate to the nature of the academic appeal and the complexity of the issues raised. The member of staff investigating the academic appeal may talk to key staff and consider documents and other evidence. The student's school or department will usually be asked to comment on the academic appeal.
- 94 The appeal procedures should state whether the staff member investigating the complaint will meet with the student and whether an appeal panel will be convened. It is good practice to set out clearly:

- the circumstances in which a hearing or meeting will be held or a panel convened
- the process to be followed
- whether and in what circumstances the student may attend a panel hearing or meeting
- whether the student can be accompanied and/or be represented
- whether the student is permitted to attend the meeting or panel by alternative means (for example by video link); and
- whether the panel is permitted to conduct its discussions electronically.

Where the procedures do not allow for a referral to an appeal panel, it is good practice for the member of staff investigating the academic appeal to be able to confer with a second member of staff, where it is proportionate to do so.

### Academic appeal hearings or meetings

- 95 In cases where a meeting or hearing is to be held, providers should take all necessary steps to ensure that the proceedings are conducted in a timely manner, with adequate notice given to the student. This includes informing the student of any right to attend; how to access advice and support; any right to be accompanied, for example by a friend or students' union representative or student representative; and what role the representative or companion is permitted to play in the hearing or meeting. If the student is permitted to attend the panel hearing or meeting by alternative means (for example by video link) the procedures should explain how the provider will arrange and facilitate this.
- 96 It is good practice to provide the student in advance with information about the composition of the panel and a copy of the information to be considered.
- 97 Fairness requires panels to be free of a reasonable perception of bias. In the context of

an academic appeal, such a perception might arise where the student has a close relationship with a panel member, or has made a formal complaint about a panel member. The provider needs to consider the constitution of panels and take steps to ensure that those charged with reaching a decision come to the matter afresh and are properly trained, resourced and supported. In addition it is good practice for panels to include an independent students' union officer or representative.

- 98 Where a provider finds it difficult to convene a panel of individuals who can come to the appeal afresh, consideration should be given to bringing in staff from other parts of the provider, or from neighbouring providers, and to consulting with the student about the selection of panel members, in order to preserve the student's confidence in the impartiality of the panel.
- 99 Academic appeal procedures are internal to a provider and should not be unduly formal. It will not be appropriate for a student or the provider to be legally represented at an academic appeal hearing except in the most exceptional circumstances.
- 100 It is good practice to take a note of any meeting or hearing, setting out attendance, a brief outline of the proceedings, and the reasons for the decisions taken.

### **Closing the academic appeal at the formal stage**

- 101 The provider should write to the student setting out the outcome of the formal stage, including any decision to reject the appeal because it is not made under the permissible grounds, giving a clear explanation and outlining the reasons for each decision in straightforward language. This will help the student decide whether or not to pursue the matter further.

- 102 The decision should also give information about:

- the student's right to take the academic appeal to the review stage
- the grounds on which he or she can do so
- the time limit for escalating to the review stage
- the appropriate procedure
- where and how to access support.

If the appeal has been rejected because it does not come within the permissible grounds the provider should issue a Completion of Procedures letter.<sup>15</sup>

- 103 If the student does not take the academic appeal to the review stage within the time limit for doing so, the provider should close the matter and notify the student in writing. It is good practice to issue a Completion of Procedures letter at this stage if the student asks the provider to do so, but the letter should explain that the student has not completed the provider's internal processes. The OIA publishes guidance on issuing Completion of Procedures letters.<sup>16</sup>
- 104 Where an academic appeal is upheld, the provider should explain how and when it will implement any remedy, whether that includes an apology and what the student can do if he or she remains dissatisfied with the outcome.
- 105 The provider should keep records of academic appeals and their outcomes (see paragraphs 127-129).

15 OIA Completion of Procedures Guidance, Ibid.

16 OIA Completion of Procedures Guidance, Ibid.

## Review of academic appeal

- 106 If a student is dissatisfied with the outcome of the formal stage, he or she may be able to request a review. A request for a review may be on limited grounds, including but not confined to:
- a review of the procedures followed at the formal stage
  - a consideration of whether the outcome was reasonable in all the circumstances
  - new material evidence which the student was unable, for valid reasons, to provide earlier in the process.
- 107 The review stage will not usually consider the issues afresh or involve a further investigation. An academic appeal must have been considered at the formal stage before it can be escalated to the review stage.
- 108 Providers can require a student (or his or her representative) to submit a request for review in writing, by e-mail or online by completing the appropriate form.

## What the provider will do when it receives a request for review

- 109 The provider will allocate the request for review to a designated member of staff not involved at any previous stage. It is important to be clear from the start of the review stage exactly what is being reviewed, and to ensure that both the reviewer and the student understand the purpose and scope of the review. If the student's expectations appear to exceed the scope of the review stage, the provider should explain this to the student as soon as possible in writing in order to manage expectations about possible outcomes.
- 110 The provider needs to make it clear in its procedures whether the reviewer is able to overturn the outcome of the formal stage, or whether the matter needs to be referred back to the formal stage for reconsideration.

- 111 Key questions to consider could include:

- Were the relevant procedures followed during the formal stage?
- Was the outcome reasonable in all the circumstances?
- Has the student received clear reasons why the academic appeal was rejected at the formal stage?
- If new material evidence has been provided has the student given valid reasons for not supplying this earlier?

## Closing the academic appeal at the review stage

- 112 If the academic appeal is not upheld, the outcome of the review stage should be communicated to the student in writing by issuing a Completion of Procedures letter as soon as possible and within 28 days.<sup>17</sup> This should include a clear explanation and outline the reasons for the decision in straightforward language. This will help the student decide whether or not to pursue the matter further.
- 113 The decision should also advise the student about:
- their right to submit a complaint to the OIA for review
  - the time limit for doing so
  - where and how to access advice and support.

The time limit for bringing a complaint to the OIA is 12 months. It is good practice to draw the student's attention to any factors of which the provider is aware which mean that it is particularly important for the student to bring the matter to the OIA promptly (for example because the course is being discontinued).

- 114 Where an academic appeal is upheld, the provider should provide the student with a written outcome and explain how and when it will implement any remedy, and whether that

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17 OIA Completion of Procedures guidance, Ibid.

includes an apology. It is good practice to issue a Completion of Procedures letter if requested by the student. If the remedy proposed includes referring the academic appeal back to the formal stage for reconsideration, it is good practice to ensure that reconsideration is concluded as soon as possible and, where practicable, within the 90 calendar days timeframe.

### **Independent external review (OIA)**

- 115 Once the review stage has been completed, the student is entitled to ask the OIA, the independent ombudsman service, to review his or her complaint about the outcome of the provider's academic appeals process. The complaint should be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.

# Factors for providers to consider when handling complaints and academic appeals

## Maintaining confidentiality

- 116 Complaints and academic appeals should be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint or academic appeal. No third party should be told any more about the investigation than is strictly necessary in order to obtain the information required from them.
- 117 Where a student has made a complaint about another student or a member of staff, the student bringing the complaint should be told the outcome. However, it may not be appropriate to share specific details affecting the other student or staff member, particularly where disciplinary action is being taken. It is important that this is explained to the student at the earliest opportunity in order to manage expectations.

## Managing behaviour

- 118 It is good practice for providers to have in place policies and procedures setting out:
- the expectation that students, their representatives and staff members should act reasonably and fairly towards each other, and treat the processes themselves with respect; and
  - that the provider has a responsibility to protect its staff against unacceptable behaviour.

These policies and procedures will set out the type of behaviour which would be considered unacceptable and the circumstances in which a student's access to staff or procedures might be restricted. They will include a requirement to inform the student of a decision to restrict access, and the procedures for reviewing such a decision.

## Frivolous or vexatious complaints and academic appeals

- 119 It is good practice for providers to develop their own policies for dealing with frivolous or vexatious complaints or academic appeals. Examples of such complaints and academic appeals include:
- complaints or academic appeals which are obsessive, harassing, or repetitive
  - insistence on pursuing non-meritorious complaints or academic appeals and/or unrealistic, unreasonable outcomes
  - insistence on pursuing what may be meritorious complaints or academic appeals in an unreasonable manner
  - complaints or academic appeals which are designed to cause disruption or annoyance
  - demands for redress which lack any serious purpose or value.
- 120 The provider may terminate consideration of a complaint or academic appeal if it considers it to be frivolous or vexatious. In such cases, the provider should write to the student explaining why it is terminating consideration

of the matter. The student should be provided with details of how to appeal against the decision, for example by taking the matter to the vice-chancellor/principal or a member of the governing body, and any associated timescale.

## Supporting the student

- 121 Students should be directed towards the support services available, for example the students' union, which can provide helpful independent support and advice to those who wish to pursue a complaint or academic appeal. It is good practice to provide students with access to support and advice and, where it is not practicable to do so internally, providers should consider making arrangements for students to access support services at neighbouring institutions, partner providers or other local community services.
- 122 It is good practice to ensure that procedures are available to all students in accessible formats. Providers should consider on a case by case basis whether to make reasonable adjustments to procedures to take account of the individual needs of students. It is good practice to keep a record of any adjustments which have been made.
- 123 Students who have mental health issues should be advised of specific support services available to them at the provider, for example counselling services and, where appropriate, services external to the provider. If a student appears unable to engage effectively with the complaints or academic appeals procedures, the provider may wish to suggest that the student appoints a representative. It may be appropriate to suspend the consideration of a complaint or academic appeal until the student has accessed appropriate support.
- 124 Complaints and academic appeals should be covered by procedures and guidance in English or Welsh, as appropriate. It is reasonable to expect students whose first language is not English (or Welsh) to be able to follow the

complaints or academic appeals processes, as these are the languages used for tuition, but providers may need to be sympathetic to individuals who need a degree of language support.

## Straightforward language

- 125 Providers should write their regulations and procedures clearly and in straightforward language. Footnotes should be kept to a minimum and acronyms should be defined.
- 126 To avoid possible confusion, providers should not use job titles such as 'ombudsman', 'ombuds office' or 'adjudicator' to describe the roles of those handling complaints and academic appeals.



# Recording, reporting, publicising and learning from complaints and academic appeals

- 127 Valuable feedback is obtained through the consideration and resolution of complaints and academic appeals. Both procedures allow the provider to identify opportunities to improve provision of services and academic decision making. It is good practice for providers to record all complaints and academic appeals at the formal and review stages as a minimum so that the data can be used for analysis and management reporting.

## Recording concerns, complaints and academic appeals

- 128 Concerns, complaints and academic appeals should be recorded in sufficient, proportionate, detail. Personal information about individual students will need to be removed and care taken to ensure that students are not identifiable. Where it is not possible to record information about a complaint or academic appeal without identifying the student (for example because the cohort is very small) care should be taken to ensure that only the bare minimum of information is recorded.
- 129 When information is recorded and used in this way, it helps providers to identify and address the causes of complaints and academic appeals. Providers may identify training opportunities and, where appropriate, improvements can be introduced.

## Learning from concerns, complaints and academic appeals

- 130 Those dealing with concerns, complaints and academic appeals should always satisfy themselves that everyone involved understands the conclusions of the investigation and any decisions made.
- 131 The analysis of management reports detailing concerns, complaints and academic appeals performance will help to ensure that any trends or wider issues are quickly identified and addressed. Senior management should ensure that the provider has procedures in place to act on such reports.
- 132 The reports should be shared with the appropriate committee and officers and the students' union where relevant. This may be at school or faculty level, or at provider level, and may be through quality assurance or resource groups or committees. The level of information provided in the reports should be proportional to the role of the committee.
- 133 Appropriate summary information should be given to staff and students, including students' unions, on the actions taken in response to concerns, complaints and academic appeals. This helps to raise awareness of the procedures and build the confidence of students and staff in their transparency and effectiveness.<sup>18</sup>

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18 QAA, *UK Quality Code*, Ibid.

## Accountability for concerns, complaints and academic appeals

134 A concern or complaint may be made to any member of staff. All staff therefore need to be aware of the provider's complaints procedure and how to handle and record concerns at the early resolution stage. They should also be aware of who to refer to if they are not able to handle the matter personally. The provider should encourage all staff to try to resolve concerns quickly, and as close to the point of service delivery as possible, to prevent escalation.

135 Providers should take appropriate steps to ensure that all relevant staff are aware of:

- the complaints and academic appeals procedures
- how to handle and record concerns and, if appropriate, issues relating to academic outcomes at the early resolution stage
- who they can refer a concern or query about an academic outcome to if they are unable to handle the matter personally
- the need to try and resolve concerns and queries about academic outcomes early and as locally (within their department) as possible
- their clear authority to attempt to resolve any concerns or queries about academic outcomes that they may be called upon to deal with.

136 Senior management should ensure that:

- the provider's final position on a complaint or academic appeal investigation is signed off by an appropriate person/officer in order to provide assurance that this is the definitive response of the provider and that the student's concerns have been taken seriously
- named individuals from the senior management maintain overall responsibility and accountability for the management and governance of concerns, complaints

and academic appeals handling within the provider

- senior management has a clear understanding of, and role in, the complaints and academic appeals procedures (this will include an oversight role and will not necessarily mean being involved in the decision-making process)
- mechanisms are in place to ensure a consistent approach to the way information about handling concerns, complaints and academic appeals is managed, monitored, reviewed and reported at all levels in the provider<sup>19</sup>
- concerns and complaints information is used to improve services to students and the student experience, and this is evident from regular publications
- complaints and academic appeals procedures meet the requirements of chapter B9 of the UK Quality Code.<sup>20</sup>

19 This includes the governing body. See recommendation 9 of the Independent Review of Higher Education Governance in Wales that "An annual report on the student complaint process...should become a formal requirement of all governing bodies and used to inform the proposed organisational effectiveness review." Welsh Government 2011.

20 QAA, *UK Quality Code*, Ibid.

# ANNEX 1: GLOSSARY

Term	Notes on definition
Academic appeal	For the purpose of this framework, and in line with the UK Quality Code, an academic appeal is defined as “a request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards”. This may include a request to change marks or progress decisions, or final award classifications.
Complaint	<p>For the purpose of this framework a complaint can be defined as “an expression of dissatisfaction by one or more students about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider.” A complaint can also be about the quality of other aspects of student life, for example about accommodation services, facilities or behaviours, whether provided directly by the provider or by a third party on behalf of the provider. Where a student wishes to have an academic decision overturned this is not normally dealt with as a complaint.</p> <p>In line with the language of the Higher Education Act 2004, all submissions to the OIA are called ‘complaints’ whether they relate to a complaint or an academic appeal.</p>
Completion of Procedures letter (often referred to as a COP letter)	Once a student has exhausted the provider’s internal academic appeals or complaints procedures, and there is no further avenue available to the student, the provider must promptly send a Completion of Procedures letter to the student. If the provider has upheld the student’s complaint or academic appeal but the student remains dissatisfied, the provider should issue a Completion of Procedures letter if asked to do so. This letter should set out clearly what issues have been considered and the provider’s final decision. <sup>21</sup>
Concerns	In this framework ‘concern’ is used to denote an issue, query or request for clarification that is raised locally by a student or students.
Conciliation	In conciliation, as in mediation, an independent person (the conciliator) tries to help the people in dispute to resolve their problem. The process is voluntary and confidential. The conciliator should be impartial and should not take sides. The parties in dispute are responsible for deciding how to resolve the dispute, not the conciliator. In some conciliation, the conciliator gives an opinion about what is reasonable resolution.

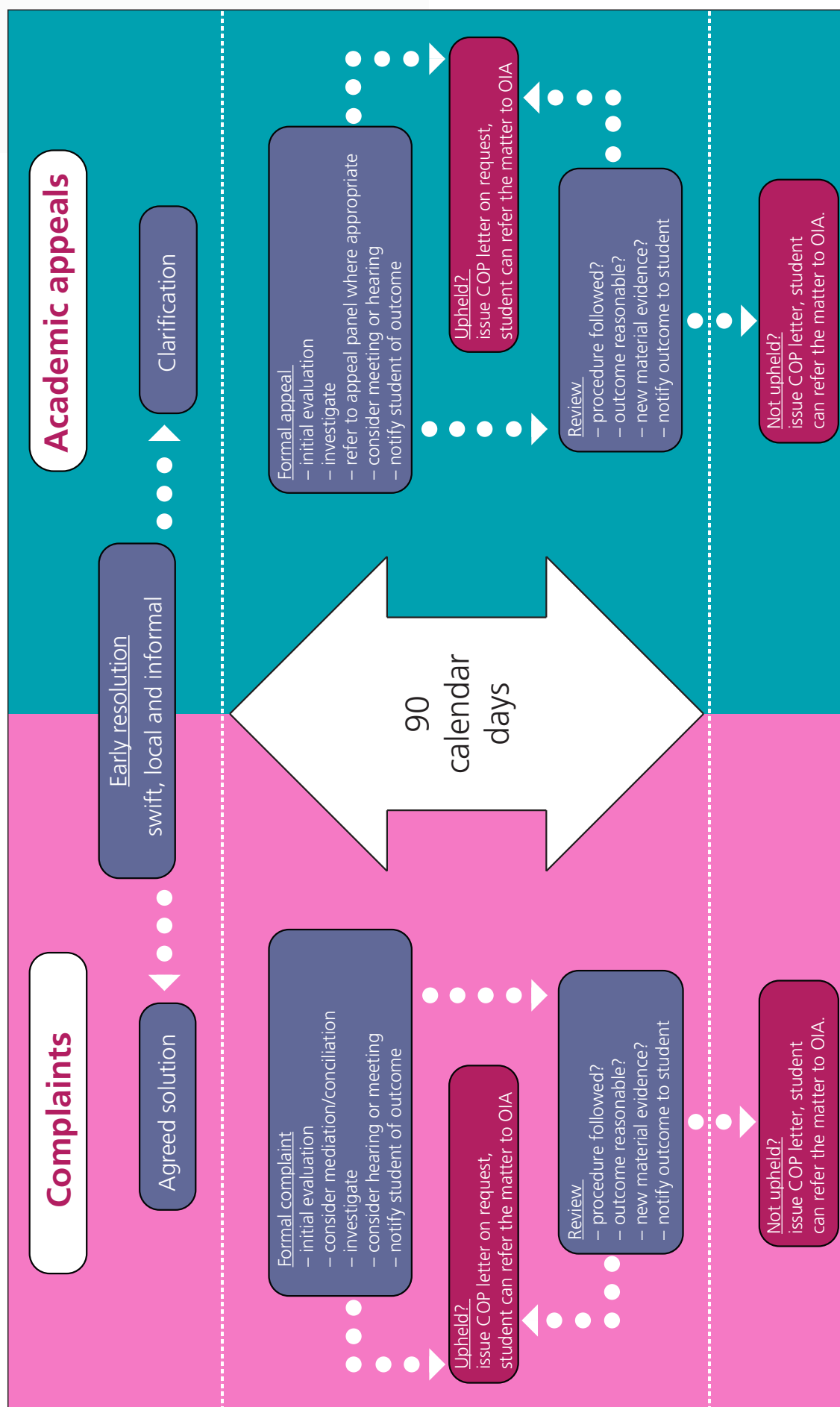
21 [www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx](http://www.oiahe.org.uk/providers-and-good-practice/completion-of-procedures-letter.aspx)

Term	Notes on definition
Exceptional circumstances	This framework describes the complaints and academic appeals processes that should usually apply in higher education providers. In exceptional circumstances it may be appropriate to follow different procedures, for example, where strict application of the procedures would result in substantial unfairness to the student, or the student is in some way at risk because of health or disability. Such cases will be rare and should each be treated on their merits.
Former student	Students should have access to academic appeals and complaints procedures for a reasonable period after their studies have concluded or been terminated. Providers' regulations will specify how long a student has after leaving the provider to bring a complaint or academic appeal.
Governing body (or equivalent)	The governing body, or equivalent, of a provider is collectively responsible - and has ultimate responsibility that cannot be delegated - for overseeing the provider's activities, to determine its future direction, and to foster an environment in which the provider's mission is achieved. The governing body of a provider is sometimes known as either the board of governors or council.
Learning opportunities	Learning opportunities refers to any and all means by which a provider makes its programmes of study available to learners including all modes, levels and places of study.
Mediation	Mediation is a process that is voluntary and confidential. An impartial third party (the mediator) helps parties with a dispute to try and reach an agreement. The parties with the dispute, not the mediator, decide whether they can resolve their issues, and what the outcome should be. Mediation follows a series of rules or steps that are agreed in advance.
Mitigating and extenuating circumstances	Each provider's regulations will allow for mitigating or extenuating circumstances to be taken into account in a student's assessment, if those circumstances are made known to the provider in a timely manner. It is for each provider to determine what mitigating or extenuating circumstances are acceptable.
Ombudsman	Companies House criteria to register a company name or use a business name with the title 'ombudsman' (from 7 April 2015, if not a statutory body) are that it should: <ul style="list-style-type: none"> <li>● be certified as a provider of Alternative Dispute Resolution by a competent authority</li> <li>● be an Ombudsman Member of the Ombudsman Association</li> <li>● have a proven track record in dispute resolution in the relevant sector (normally at least 12 months).</li> </ul>
Procedural irregularity	A procedural irregularity is where the procedures and regulations of a provider have not been complied with, giving rise to a complaint or academic appeal.

## ANNEX 1: GLOSSARY

Term	Notes on definition
Professional, statutory and regulatory body (PSRB)	Professional, statutory and regulatory bodies (PSRBs) are authorised to accredit, approve or recognise specific programmes and courses of study leading to the qualifications of various industries and professions.
Provider	The framework uses the term 'provider' to refer to any higher education provider in England or Wales which is a qualifying institution for the OIA and other higher education providers that have opted to join and subscribe to the OIA. (Higher Education Act 2004, Part 2, section 11).
Reasonable adjustments	Under the Equality Act 2010, where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by: <ul style="list-style-type: none"> <li>(i) changing provisions, criteria or practices,</li> <li>(ii) altering, removing or providing a reasonable alternative means of avoiding physical features, and</li> <li>(iii) providing auxiliary aids.</li> </ul>
SCITT	Provider of School Centred Initial Teacher Training.
Student	The term 'student' includes those undertaking a course of study, including initial teacher training trainees studying at a SCITT. It includes those on an interruption of study, temporary withdrawal or temporary exclusion or suspension and those who have recently left a provider. Where the provider was brought into membership of the OIA Scheme by the Consumer Rights Act 2015, reference to 'course of study' means a higher education course (for these purposes, higher education course is defined at <a href="http://www.oiahe.org.uk/glossary.aspx#hecourse">www.oiahe.org.uk/glossary.aspx#hecourse</a> )
Student experience	The student experience refers to all the ways in which a student interacts with the provider during his or her course of study. It includes but is broader than the student's learning opportunities.
Students' union	The students' union (or association or guild) is usually recognised as the independent, autonomous representative body and therefore, where the union wishes, it can be supported by the provider to engage in complaints and academic appeals in two distinct roles. The students' union should be supported, and where possible funded, to provide independent, free, confidential and professional advice and representation for students wishing to submit a complaint or academic appeal. The students' union should also be supported to be an active partner in the provider's processes to learn from complaints and academic appeals. Providers' responsibilities for their students' unions are set out in section 22 of the Education Act 1994.
Student's representative	An individual who is authorised by a student to act on the student's behalf in pursuit of a complaint or academic appeal.

## ANNEX 2: OVERVIEW OF COMPLAINTS AND APPEALS PROCESSES











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