



office of the  
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adjudicator

'for students in higher education'

# The good practice framework for handling complaints and academic appeals

December 2014



ACADEMIC  
REGISTRARS  
COUNCIL



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UNIVERSITY  
ADMINISTRATION



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# Preface

This framework 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 principles-based Chapter B9 of the UK Quality Code.<sup>1</sup>

The framework is rooted in the OIA's experience over ten years in dealing with student complaints and appeals, and in discussing practice with universities, students' unions and student complainants. It builds on two extensive rounds of consultation with the higher education sector: the Pathway 3 consultation in 2011 and 2012<sup>2</sup> and the consultation on the draft framework earlier in 2014.<sup>3</sup> In total, we received more than 200 written responses which were supplemented by conferences, workshops and informal exchanges.

The framework will inform the way the OIA considers complaints and academic appeals from students about matters that first arise and are raised with the university from the academic year 2015 – 2016 onwards. It does not provide an exact template for dealing with every complaint and academic appeal. Each university and college remains free to draft its own policies and procedures to fit its own size and context. Where a university or college chooses to depart from the framework, the OIA will consider whether the process it follows is reasonable when it reviews individual complaints.

The framework will be kept under continuous review and updated as new issues arise or to provide further clarification. This is important given the likelihood that all institutions with courses designated for

student support funding in England and Wales will be required to join the OIA scheme from September 2015. In due course further guidance will be prepared on specific issues including disciplinary procedures, supporting students with mental health issues through complaints and appeals, and managing fitness to practise procedures.

The creation of the framework has been 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 – Huw Morris (ARC), Sophie Bowen (AHUA), Tim Burton (QAA), Bethan Dudas (NUS) and Joanne O'Rourke (OIA).

Colleagues across the OIA have commented on drafts with enthusiasm and great interest. My particular thanks go to Joanne O'Rourke, who led the drafting with skill and persistence, and to Felicity Mitchell, Charlotte Corrish, Jane Clarkson, Alison Walker, Steven du Crôs and an external colleague, Paul Greaves, for their expert contributions. The OIA Board commented helpfully, and Carey Haslam gave constructive feedback on the final draft.

I am grateful to all the individuals, universities, students' unions and other organisations that responded to the consultations with wisdom, insight and good humour. I also thank the universities that piloted important early resolution initiatives in 2013. The result is a framework that is informed by the day to day experiences of universities and students and that will underpin effective handling of complaints and academic appeals.

## **Rob Behrens**

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

December 2014

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1 QAA, *UK Quality Code for Higher Education, Chapter B9: Academic appeals and student complaints* (April 2013)  
 2 *Pathway 3: Towards early resolution and more effective complaints handling*, October 2012. [www.oiahe.org.uk/decisions-and-publications/pathway-3.aspx](http://www.oiahe.org.uk/decisions-and-publications/pathway-3.aspx)  
 3 *Good practice framework for handling complaints and academic appeals, Draft for consultation*, April 2014. [www.oiahe.org.uk/media/92676/good-practice-framework-consultation.pdf](http://www.oiahe.org.uk/media/92676/good-practice-framework-consultation.pdf)

## 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 →

**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.
- Sets out the grounds upon which an academic appeal may be brought.
- 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.
- Normally consists of two stages:
  - Formal stage
  - Review stage.

**Timeliness**

- Includes time limits within which students are normally expected to submit academic appeals.
- Allows for the identification of academic appeals 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 an academic appeal.

**Independence**

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

# Introduction

- 1 The good practice framework for handling student complaints and academic appeals is built on existing good practice identified by universities, students' unions, complainants and the OIA. It draws on extensive consultation with the sector, the outcomes of the early resolution pilots initiative, case work, university visits and networking events. The framework steering group has contributed its expertise in complaints and academic appeals and the responses to the framework consultation, which ran from April to July 2014, have provided a rich source of experience.
- 2 The framework is published by the OIA to support universities and colleges that subscribe to the OIA scheme, and to create a model against which universities and colleges can evaluate their own processes. Throughout the document the framework uses the term 'university' to refer to any higher education institution 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 university. The Dearing report of 1997<sup>4</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>5</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 university and college 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 institutions 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 OIA suggests that each university and college, along with its students' union, compares its own complaints and academic appeals processes against the framework and satisfies itself that there are sound reasons for any differences.

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

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5 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.

# Complaints and academic appeals

- 7 Universities 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 universities to expect students to refer to and follow the university'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. University procedures will specify any deadlines that students need to meet for making submissions at each stage of the process.
- 9 It is important for universities and students to be clear about which procedure students should use in different circumstances.

## Who can make a complaint or academic appeal?

- 10 Complaints and academic appeals procedures are intended to be used by students at the university. The term 'student' refers to students who have registered or enrolled on their course.<sup>6</sup> It also includes those who have recently left a university, 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 university'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 university's regulations to permit students to be supported, advised or represented by third parties, for example a students' union officer or adviser. Where a student is represented by a third party the complaint or academic appeal will be dealt with according to the same timescales as other cases. It is reasonable for universities to decline to accept complaints from third parties except where they are acting as a student's representative. Care must be taken to comply with data protection legislation and the university's guidance on handling personal information when dealing with 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 'group appeal'. In such circumstances, in order to manage the progression of the complaint or academic appeal, the university can ask the group to nominate one student to act as group representative. It would be reasonable for the university to deal with the representative only, and to 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 university's complaints procedure and it should not be necessary to bring anonymous complaints. Exceptionally, however, an anonymous complaint may be considered when the university accepts that there is a compelling case – supported by evidence – for the matter to be investigated. Universities should make students aware that in many circumstances raising a concern anonymously could impede the investigation and communication of the outcome.

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6 To bring a complaint to the OIA a student must be or have been a registered student at a university 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 university’s action or lack of action, or about the standard of service provided by or on behalf of the university.”*

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>7</sup>

Some universities use different terminology, for example referring to ‘grievances’ or ‘representations’.

- 15 Examples of complaints include:
- failure by the university 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 university
  - concerns about the delivery of a programme, teaching or administration including, where applicable, that provided by a partner institution<sup>8</sup>
  - poor quality of facilities, learning resources or services provided directly by the university
  - complaints involving other organisations or contractors providing a service on behalf of the university.

- 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>9</sup>

Some universities 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
  - extenuating or mitigating 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 university 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

7 QAA, UK Quality Code, Ibid.

8 Normally the student will be expected to follow the partner institution’s complaints procedures in the first instance.

9 QAA UK Quality Code, Ibid.

academic judgment, that is, the decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work (rather than the administrative marking process)

- where there is disagreement about the way extenuating or mitigating circumstances were considered, unless there is clear evidence that the defined procedures were not followed by the mitigating or extenuating circumstances panel and/or the mitigating or extenuating circumstances panel's recommendation was not properly considered by an academic body.

### Deciding which process to use

- 20 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 university 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.

- 21 Alternatively a university may, with the agreement of the student, decide to consider matters together. For example, where a complaint covers issues that fall within the

remit of other procedures such as the academic appeals procedure or, where the complaint covers issues of service delivery as well as the conduct of an individual member of staff, investigations can be conducted collaboratively by the respective departments where possible. All parties should be clear where responsibility for overall conduct of the matter lies and who will issue the final decision.

- 22 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.

### Partner institutions

- 23 Where the university is working with one or more partners to provide learning opportunities, information provided to both staff and students should make clear which partner's complaints or academic appeals procedures apply and how students can access those procedures. This includes making explicit to students where to direct a complaint or academic appeal and the extent to which each partner will be involved in considering such a complaint or academic appeal.
- 24 Students studying with a partner institution which is not the degree-awarding body have the ultimate right of appeal to that awarding body. Whether students can complain to the degree-awarding body about their experience at the partner organisation will depend on the nature of the complaint and the wording of the partnership agreement, and whether or not the partner organisation is a member of the OIA scheme.
- 25 In the case of a joint degree offered by two awarding bodies, the partners' procedures should make it clear which of the two bodies will deal with a complaint or academic appeal.
- 26 Where a student studying at a partner institution makes a formal complaint or academic appeal it is good practice for the partner institution and

the university to complete the entire process within 90 calendar days where possible.

- 27 Where a programme is subject to external assessment, for example by a professional, statutory or regulatory body (PSRB), the university should make it clear which body will deal with specific issues.

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

- 28 If a student wishes to complain about the service of another organisation provided on behalf of the university, for example accommodation services or IT, it is good practice to advise the student to contact the appropriate organisation directly, and for universities to ensure that those organisations have appropriate complaints procedures in place.
- 29 Students should be able to complain directly to the university 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>10</sup>
- 30 If enquiries to an outside organisation in relation to a complaint are required, care should be taken to comply with data protection legislation and the university's guidance on handling personal information.

### Complaints about staff

- 31 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

- 32 Universities should ensure that there is a complaints procedure available to all students or groups who are dissatisfied in their dealings with students' unions. These complaints can be managed through the students' union's own complaints procedure, at the conclusion of which there should be provision for the appointment of an independent person to investigate and report on the complaint.<sup>11</sup>

### Making a complaint or academic appeal

- 33 Individual universities will normally ask students to submit a complaint or academic appeal by email or online by completing the appropriate form. Students may appoint a representative to submit the complaint or academic appeal for them.
- 34 Universities 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 university'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.
- 35 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

10 QAA UK Quality Code, Ibid.

11 Section 22 of the Education Act 1994 sets out the responsibilities of universities for their students' unions.

and sensitive way. However, staff involved in the academic appeal or complaint may be asked to provide, comment or respond to the statements made. It is good practice for university procedures to set out in what circumstances the entire complaint or academic appeal – or elements of it – can be kept confidential, for example 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.

- 36 It is good practice for university 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 specify time limits in correspondence notifying students of the decision of an academic body.
- 37 Universities will need to exercise discretion where there is good reason, supported by evidence, for late submission of a complaint or academic appeal. Universities 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 university's normal procedures. Advice should be sought from the university's disability support team where appropriate. It is good practice to document cases where late submission is accepted.

### CASE STUDY

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

A student has mental health difficulties and receive support from the university's disability support team. She submits an appeal to the university 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 university 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**

- 38 Each institution has its own timelines and deadlines for the formal and review stages. It is good practice for universities to endeavour to complete the processing 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 university deadlines for the submission of material. There will occasionally be circumstances when, for good reason, the university will need to extend the timeframe. Where this is the case the university should notify the student and keep the student regularly informed of progress.

# The complaints process

## Overview

- 39 It is good practice for universities' 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.
- 40 **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 student should be provided with a written outcome.
- 41 **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 student should be provided with a written outcome at the conclusion of this stage.
- 42 **The review stage** is where the student can appeal to a higher body within the university 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. Complaints which have exhausted a partner organisation's

internal procedures will normally be considered by the degree-awarding university at this stage. This should include a review of the partner institution's handling of the matter. The student should be provided with a written outcome at the conclusion of this stage.

## Mediation and conciliation

- 43 Mediation and conciliation<sup>12</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.
- 44 Where both the university and the student agree to mediation or conciliation in the formal stage of considering a complaint, revised timescales may need to be agreed between the parties and confirmed in writing. All parties need to be clear about the scope of the mediation or conciliation process, how the arrangement fits with other procedures, and whether its use is subject to the parties agreeing in advance to accept the solution offered by the conciliator. The formal process may need to be re-started if agreement cannot be reached.

## Early resolution<sup>13</sup>

- 45 Effective complaints handling systems have a local, informal element which is capable of resolving student concerns before they escalate

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

13 Annex 4 includes a number of examples.

into formal complaints. Universities have developed many effective ways of dealing with routine student concerns. These include:

- giving more information
- providing explanations
- 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.

46 Research indicates that the amount and nature of early resolution in dispute resolution may not be well understood or documented.<sup>14</sup> Nevertheless, the success of the OIA Early Resolution Pilots Initiative in a number of universities in England and Wales demonstrates the value of universities having mechanisms available to resolve concerns before they escalate into formal complaints.<sup>15</sup>

47 Questions to consider in attempting early resolution of concerns might include:

- What specifically is the concern about and which area(s) of the university 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?
- Is there merit in using confidential mediation or conciliation with the agreement of the student and the university?

- What assistance or support can be provided to the student in taking this forward?

48 Whatever early resolution mechanism is used, students should be able to air their concerns and feel that they have been listened to. Resolution might be achieved 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. Universities may wish to provide advice to staff on providing and recording apologies and to allay any concerns that an apology creates a legal liability.

49 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 liaise with the relevant area to facilitate swift resolution, 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 alternatively make an appointment for the student to meet them at the earliest opportunity.

50 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, the student advice centre, professional associations or the relevant trade union.

51 At the conclusion of an attempt at early resolution, and where proportionate, the student should be advised in writing of the outcome.

14 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.

15 [www.oiahe.org.uk/guidance-good-practice-and-events/early-resolution-pilots-initiative.aspx](http://www.oiahe.org.uk/guidance-good-practice-and-events/early-resolution-pilots-initiative.aspx)

- 52 It is good practice for the actions taken to consider and resolve the concern, the decision, and minimum details of what was communicated to the student, and when, to be recorded where this is proportionate. This can then be accessible to those dealing with any formal complaint at a later stage.

### Formal complaint

- 53 The formal complaints process is triggered when:

- the student declines to engage with early resolution and initiates the formal process in line with university procedures
- early resolution was attempted, but the student remains dissatisfied and initiates the formal process in line with university 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.

- 54 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, can 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 university 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?

- 55 Special attention needs to be given to identifying complaints that may require 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 university'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 university 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 university will do when it receives a complaint for investigation

- 56 On receipt of a formal complaint the university needs to 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.

- 57 If the complaint is accepted for consideration it is good practice for the university 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 confidential. To do so would undermine transparency and may undermine the student's confidence in the process.
- 58 In smaller institutions it can be difficult to find a member of staff who has not been involved in the matter under consideration who can investigate the complaint. Every effort should be made to find a staff member who is sufficiently removed from any earlier process.
- 59 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 university can reasonably provide or what is in its power to provide, the student needs to be advised of this as soon as possible in writing in order to manage expectations about possible outcomes.
- 60 The staff member will consider the complaint and 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 if the complaint is amenable to mediation or conciliation at this stage.
- 61 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 university's procedures

allow for the complaint to be considered by a panel at this stage.

### Complaint hearings or meetings

- 62 If the complaint is to be considered by a panel, or a meeting is to be held to consider the complaint, universities 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, and any right to be accompanied, for example by a friend or students' union representative, and to submit evidence or call witnesses.
- 63 It is good practice for the student to be provided with information about the composition of the panel and others who may attend to give evidence and to be provided with a copy of the information to be considered in advance.
- 64 Fairness requires panels to be free of any perception of bias. The university 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.

## CASE STUDY

### Information about a complaint panel

A student's complaint is to be referred to the university's complaint panel. Under the university's procedures, she may attend a meeting of the panel. The university 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.

65 Complaints procedures are internal to a university 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 university to be legally represented at a complaints panel or meeting.

66 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

67 The outcome of the formal stage, including any decision to reject the complaint at initial evaluation, should be communicated to the student in writing, 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.

68 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.

69 If the student does not take the complaint to the review stage within the time limit for doing so, the university 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 university to do so, but the letter should explain that the student has not completed the university's internal processes. The OIA publishes guidance on issuing Completion of Procedures letters.<sup>16</sup>

70 Where a complaint is upheld, the university should explain how and when it will implement any remedy, and whether that includes an apology.

71 The university should keep records of formal complaints and their outcomes (see paragraphs 122-124).

### Review of formal complaint

72 If a student is dissatisfied with the outcome of the formal stage, he or she can request a review. Universities 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

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

- 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.

- 73 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.
- 74 Universities can require a student (or his or her representative) to submit a request for review in writing, by email or online by completing the appropriate form.

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

- 75 The university 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 student should be advised of this as soon as possible in writing in order to manage expectations about possible outcomes.
- 76 The university 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.
- 77 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

- 78 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>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.
- 79 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.
- 80 Where a complaint is upheld, the university 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.

### Independent external review (OIA)

- 81 Once the review stage has been completed, the student is entitled to ask the OIA, the independent ombudsman service of last resort, to review his or her complaint about the outcome of the university's complaints process. The complaint should normally be submitted to the OIA within three months of the date of the Completion of Procedures letter.

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17 OIA Completion of Procedures Guidance, Ibid

# The academic appeals process

## Overview

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

## Early resolution

- 84 Academic appeals may not be readily amenable to early resolution because of the sovereignty of academic judgment. Nevertheless many universities have developed good practice in giving students an opportunity to seek clarification of an assessment or examination board's decision, or discuss their concerns with a nominated member of staff, for example at a 'Results Surgery' following the publication of results.<sup>18</sup> 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.
- 85 **The formal stage** should be dealt with by people who have not been involved previously. The student should be provided with a written outcome at the conclusion of this stage.
- 86 **The review stage** is where the student can appeal to a higher body within the university 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. Academic appeals against decisions of partner institutions will normally be considered by the degree-awarding university at this stage. This should include a review of the partner institution's handling of the matter.

## CASE STUDY

### Early resolution of academic appeal

A student is concerned about her examination result and wants to make an academic appeal. The university'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

- 87 Academic appeals will normally be considered at this stage centrally by the institution or, in a larger university, may be managed at faculty level but according to institutional procedures and with oversight by central staff.

18 Annex 4 includes details of early resolution of academic appeals.

88 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 university 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?

89 Special attention needs to be given to identifying academic appeals that may require 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 university will do when it receives an academic appeal for investigation

90 On receipt of a formal academic appeal the university needs to undertake an initial evaluation to check that the student's 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.

## CASE STUDY

### Professional qualifications – appeal that requires swift action

The student was a student nurse who stepped off her course in year two and re-joined the course a year later. She failed a placement in year three and her registration was terminated. She submitted an academic appeal against the decision to terminate her, on grounds of procedural error in the placement assessment. The university expedited the formal stage of her academic appeal so that, in the event that her appeal were upheld, the student would have time to re-take the placement within the five year period set by the Nursing and Midwifery Council for completing the course.

- 91 If the academic appeal is accepted for consideration the university 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. To do so would undermine transparency and may undermine the student's confidence in the process.
- 92 If the student's expectations appear to go beyond what the university can reasonably provide or what is in its power to provide, the student needs to be advised of this 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 university'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 university 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.

- 93 There will be some cases where an appeal relates to external assessment by a PSRB. In these cases the PSRB is likely to have its own appeals procedures and the provisions of the framework may not apply.
- 94 The member of staff considering the academic appeal may talk to key staff and consider documents and other evidence. Where he or she has determined that there are grounds for appeal the academic appeal may be referred to an appeal panel. The procedures may provide the student with an opportunity to attend a meeting or hearing with the appeal panel, in person or by alternative means (for example by Skype), and should specify under what
- circumstances a meeting or hearing might be appropriate.
- 95 The student's school or department will usually be asked to comment on the academic appeal. All information provided to the panel should be given to the student before the panel meets.

### Academic appeal hearings or meetings

- 96 In cases where a meeting or hearing is to be held, universities 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, and any right to be accompanied, for example by a friend or students' union representative. It is good practice for the student to be provided with information about the composition of the panel and to be provided with a copy of the information to be considered in advance.
- 97 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

- 98 The outcome of the formal stage, including any decision to reject the appeal because it is not made under the permissible grounds, should be communicated to the student in writing, 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.
- 99 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.
- 100** If the student does not take the academic appeal to the review stage within the time limit for doing so, the university 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 university to do so, but the letter should explain that the student has not completed the university's internal processes. The OIA publishes guidance on issuing Completion of Procedures letters.
- 101** Where an academic appeal is upheld, the university should explain how and when it will implement any remedy, and whether that includes an apology.<sup>19</sup>
- 102** The University should keep records of academic appeals and their outcomes (see paragraphs 122-124).

### Review of academic appeals

- 103** 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.
- 104** 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.

- 105** Universities can require a student to submit a request for review in writing, by email or online by completing the appropriate form.

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

- 106** The university 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 student should be advised of this as soon as possible in writing in order to manage expectations about possible outcomes.
- 107** The university 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.
- 108** 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

- 109** 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

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<sup>19</sup> OIA Completion of Procedures Guidance, Ibid.

soon as possible and within 28 days.<sup>20</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.

- 110 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.
- 111 Where an academic appeal is upheld, the university should provide the student with a written outcome and explain how and when it will implement any remedy, and whether that includes an apology. A Completion of Procedures letters should also be issued if requested by the student.

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

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

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20 OIA Completion of Procedures guidance, Ibid.

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

## Maintaining confidentiality

- 113 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.
- 114 Where a complaint has been raised against a student or member of staff and has been upheld, the student bringing the complaint will be advised of this. However, it may not be appropriate to share specific details affecting individual students or staff members, particularly where disciplinary action is being taken. It is important that the student is advised of this at the earliest opportunity in order to manage expectations.

## Managing behaviour

- 115 It is good practice for universities 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, treat the processes themselves with respect, and that the university 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 any decision to restrict access, and the procedures for reviewing such a decision to restrict access.

## Frivolous or vexatious complaints and academic appeals

- 116 It is good practice for universities 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.
- 117 The university should be able to terminate consideration of a complaint or academic appeal if it considers it to be frivolous or vexatious. In such instances, the university 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**

- 118 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 with the university.
- 119 It is good practice to ensure that procedures are available to all students in accessible format. Universities 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.
- 120 Students who have mental health issues should be advised of specific support services available to them within the university, for example counselling services and, where appropriate, services external to the university. If a student appears unable to engage effectively with the complaints or academic appeals procedures, it may be appropriate to suspend the consideration of a complaint or academic appeal until the student has accessed appropriate support.
- 121 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 universities may need to be sympathetic to individuals who need a degree of language support.

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

122 Valuable feedback is obtained through the consideration and resolution of complaints and academic appeals. Both procedures allow the university to identify opportunities to improve provision of services and academic decision-making. It is good practice for universities 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

- 123 Concerns, complaints and academic appeals should be recorded in sufficient, proportionate, detail. Student details will need to be anonymised and care taken to ensure that a student is not identifiable.
- 124 By recording and using information in this way, the causes of complaints and academic appeals can be identified, addressed and, where appropriate, training opportunities can be identified and improvements introduced.

## Learning from concerns, complaints and academic appeals

- 125 Those dealing with concerns, complaints and academic appeals should always satisfy themselves that all parties involved understand the findings of the investigation and any decisions made.
- 126 Senior management should ensure that the university has procedures in place to act on

issues that are identified. These procedures should facilitate:

- using data to identify the root cause of concerns, complaints and academic appeals
- taking action to reduce the chance of problems reoccurring
- recording the details of corrective action in the concerns, complaints or academic appeals file
- systematically reviewing concerns, complaints and academic appeals performance reports to improve performance.

127 The analysis of management reports detailing concerns, complaints and academic appeals performance will help to ensure that any trends or wider issues which may not be obvious from individual concerns, complaints and academic appeals are quickly identified and addressed. Reports should be provided to the appropriate committee and university officers and the students' union where relevant. This may be at school or faculty level, or at university 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.

128 The provision of summary information to staff and students, including students' unions, on the actions taken in response to concerns, complaints and academic appeals helps to raise awareness of the procedures and build the confidence of students and staff in their transparency and effectiveness.<sup>21</sup>

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21 QAA UK Quality Code, Ibid.

## Accountability for concerns, complaints and academic appeals

129 A concern or complaint may be made to any member of staff. All staff therefore need to be aware of the university'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 university should encourage all staff to try to resolve concerns quickly, and as close to the point of service delivery as possible, to prevent escalation.

130 Universities 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.

131 Senior management should ensure that:

- the university'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 university 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 university

- senior management has a clear understanding of, and role in, the complaints and academic appeals handling procedures (this will include an oversight role and not necessarily mean being involved in the decision-making process)
- mechanisms are in place to ensure a consistent approach to the way concerns, complaints and academic appeals handling information is managed, monitored, reviewed and reported at all levels in the university<sup>22</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>23</sup>

22 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.

23 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.
College	College refers to any higher education institution that is not a university.
Collegiate university	A small number of universities have constituent colleges that are legally independent. Students may have recourse to complaints and academic appeals processes at the college or university level, or both.
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 university’s action or lack of action, or about the standard of service provided by or on behalf of the university.”</p> <p>A complaint can also be about the quality of other aspects of university life, for example about accommodation services, facilities or behaviours, whether provided directly by the university or by a third party on behalf of the university. Where a student wishes to have an academic decision overturned this is not normally dealt with as a complaint.</p>
Completion of Procedures letter (often referred to as a COP letter)	Once a student has exhausted the university’s internal academic appeals or complaints procedures, and there is no further avenue available to the student within the university, the university must promptly send a Completion of Procedures letter to the student. This letter should set out clearly what issues have been considered and the university’s final decision.
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.

Term	Notes on definition
Exceptional circumstances	This framework describes the complaints and academic appeals processes that should usually apply in universities. The exceptional circumstances in which the process might not apply would be where, for example, strict application of the procedures would result in substantial unfairness to the student, or the student is in some way at risk, for example, because of health or disability. Such cases will be rare and should each be treated on their merits.
Extenuating and mitigating circumstances	Each university's regulations will allow for extenuating or mitigating circumstances to be taken into account in a student's assessment if those circumstances are made known to the university in a timely manner. It is for each university to determine what extenuating or mitigating circumstances are acceptable.
Governing body	The governing body of a university is collectively responsible - and has ultimate responsibility that cannot be delegated - for overseeing the university's activities, to determine its future direction, and to foster an environment in which the university's mission is achieved. The governing body of a university is usually known as either the board of governors or council.
Higher education institution	For the purposes of this framework, higher education institution (or HEI) means: (1) any qualifying institution as defined by Higher Education Act 2004 (as amended) (2) a non-qualifying Institution which has joined the OIA Scheme with the consent of the OIA's Board.
Learning opportunities	Learning opportunities refers to any and all means by which a university 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.
Partner institutions	Higher education providers partner with each other or with further education colleges and alternative higher education providers in various ways including joint, franchised and validated provision.
Procedural irregularity	A procedural irregularity is where the procedures and regulations of a university have not been complied with, giving rise to a complaint or academic appeal.
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.

ANNEX 1: GLOSSARY

Term	Notes on definition
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 (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii) providing auxiliary aids.
Recent student	Students should have access to academic appeals and complaints procedures for a reasonable period after their studies have concluded or been terminated. University regulations will specify how long a student has after leaving the university to bring a complaint or academic appeal.
Student	The term 'student' includes those registered or enrolled on a course. It includes those on an interruption of study, temporary withdrawal or temporary exclusion or suspension and those who have recently left a university.
Student experience	The student experience refers to all the ways in which a student interacts with the university 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 university 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 university processes to learn from complaints and academic appeals. Universities' 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.
University	The framework uses the term 'university' to refer to any higher education institution 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.

# ANNEX 2: ROLE OF THE OFFICE OF THE INDEPENDENT ADJUDICATOR

The OIA considers complaints from students who remain dissatisfied at the conclusion of the university's internal procedures. The OIA is an independent review body, external to the university. It looks at issues such as whether the university followed its procedures, whether these procedures were reasonable, and whether the university's final decision was reasonable in all the circumstances.

The OIA requires the university to inform students of their right to go to the OIA.

For joint-degree students whose review is considered by an international partner, the external review stage falls under the national practices of the degree-awarding university which carried out the review.

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.

The OIA cannot normally look at complaints:

- where the student has not gone all the way through the university's complaints or academic appeals procedures
- where the complaint refers to matters occurring three years or more previously
- where the Completion of Procedures letter is received by the OIA outside the three month time limit
- where matters have been or are being considered in court.

The OIA's Scheme Rules and guidelines are available on its website, [www.oiahe.org.uk](http://www.oiahe.org.uk)

# **ANNEX 3: QUALITY ASSURANCE** **AGENCY CONCERNS SCHEME**

QAA can investigate concerns about the standards and quality of higher education provision, and about the information higher education providers make available about the learning opportunities they offer. Where there is evidence of weaknesses which go beyond a single, isolated occurrence, and where the evidence suggests broader failings in the management of quality and standards, QAA can investigate. These concerns can be raised by students, staff, organisations, and the public.

Further information, including a guide for applicants, is provided on the QAA website, [www.qaa.ac.uk/concerns](http://www.qaa.ac.uk/concerns)

# ANNEX 4: EARLY RESOLUTION EXAMPLES

A number of universities have explored approaches to early resolution of student complaints and appeals. Examples include:

**Kingston University** linked with a number of institutions to promote early resolution and provide early resolution training with the help of a barrister from outside the university with expertise in mediation. Two conferences to share good practice were held and workshops were offered to both academic and non-academic staff. The institutions that were represented at the conferences and/or involved in the workshops were: Kingston University, University of the West of England, The Open University, St Mary's Twickenham, University of West London, University of Huddersfield, and Canterbury Christchurch University.

Outcomes:

- buy-in from Registry, Student Support, academics and other institutions
- recognition of the need for change at senior and frontline level
- free conference and training
- seeing 'trainees' register the difference using conflict-reducing methods could make
- continuing demand for training.

**Aston University** continued to build links between the Hub in the University and the Advice and Representation Centre (ARC) in the Aston Students' Union, giving the students the confidence that the advice they are receiving is impartial, with a focus on student support and guidance. There are regular meetings between the Hub and the ARC and the students' union is consulted on changes to university procedures.

Outcomes:

- there is good communication between the Registry, the ARC and the Hub, helping to manage and resolve concerns and disputes at an informal level as far as possible
- there is a good working relationship between individuals in each team and strong support from senior management
- there is a Student Support Office in each academic school, allowing for dispute resolution at local level
- students' union representatives are invited to attend university committees and boards and are involved in procedural change from the outset
- regular meetings between the Hub, Registry and students' union are used to identify areas of focus to improve services to students in relation to complaints and academic appeals.

**The University of Sheffield** has been running an early resolution scheme since February 2013. During each year of operation, up to six student peer conciliators have been recruited from pools of "engaged" students. To get the scheme off the ground, a working group was formed with sabbatical officers, HR and colleagues from Student Services. A training package was developed and this has now been made available to other relevant groups at the university. Each conciliator is assigned a mentor from the working group.

The record of each meeting is kept simple – a form is completed with the name of the student, a brief summary of the issue and the outcome. It is for internal use only and no details of the actual conversation are released as these are confidential to the student and the student conciliator. There is a careful use of language, for example "issues"

## ANNEX 4: EARLY RESOLUTION EXAMPLES

or “concerns”, not “complaints”. The university reports that a number of cases have been resolved before reaching the formal stage.

Conciliators are given a brief summary of the type of issue in advance of the meeting and they are asked to contact their mentor both before and afterwards.

Conciliators work from a pre-prepared script, including a statement about confidentiality which is signed by both parties.

The pilot has been perceived as a positive experience. Student peer conciliators are thought to be more independent and the scheme is less formal than other types of early resolution.

Outcomes:

- none of the cases conciliated has gone on to the formal stage of the student complaints procedure
- students feel they have been listened to
- the scheme has contributed to the personal development of the conciliators
- there has been a sense of achievement for everyone concerned
- the profile of the University has been raised
- a stand-alone training package has been developed
- it is a joint scheme between the University and the Students’ Union
- the students have an enhanced student experience
- the pre-prepared script requires the conciliator to go through a confidentiality statement with the student which needs to be signed – this has proved to be an effective icebreaker.

The **University of Huddersfield** pilot also involved student conciliators but drawn from the academic staff. There are also three conciliators and a mediator in Registry, who usually do not get involved until the formal stage.

Prior to the pilot there was already a student conciliator scheme in place but it had been running

for less than a year. The pilot gave the University the impetus to embed it into University complaints and appeals procedures. Trainers already used for mediation training gave the conciliation training and the package was adapted for the conciliators so it can now be offered in house. The role specification was developed and a document agreed with the legal department and students’ union. This covered how to get the conversation going, the confidential nature of the process and the importance of taking the issue forward to disability services if the student was at risk of self-harm (the student has to agree to the latter).

There is one student conciliator in each school. They can call Registry and each other for advice and can refer the student to a conciliator in another school to avoid being too close to the issue.

At the start of the pilot, the Head of Registry talked to management and managed to get support from the top down. She led the development of an app which quizzes users about the complaints and appeals process. The app gathers data on the type of questions looked at by staff and students.

Outcomes:

- an overall reduction of complaints by two thirds
- recognition and buy-in by senior management
- a Times Higher award for outstanding Registry in 2013
- scheme transparent and sustainable.

**Teesside University** introduced an early resolution process in its Appeals Framework in 2009. Known as ‘Informal Assessment Review’, it is available to students after release of results. It offers an opportunity to discuss concerns about assessment outcomes with a senior member of staff at Assistant Dean (AD) level.

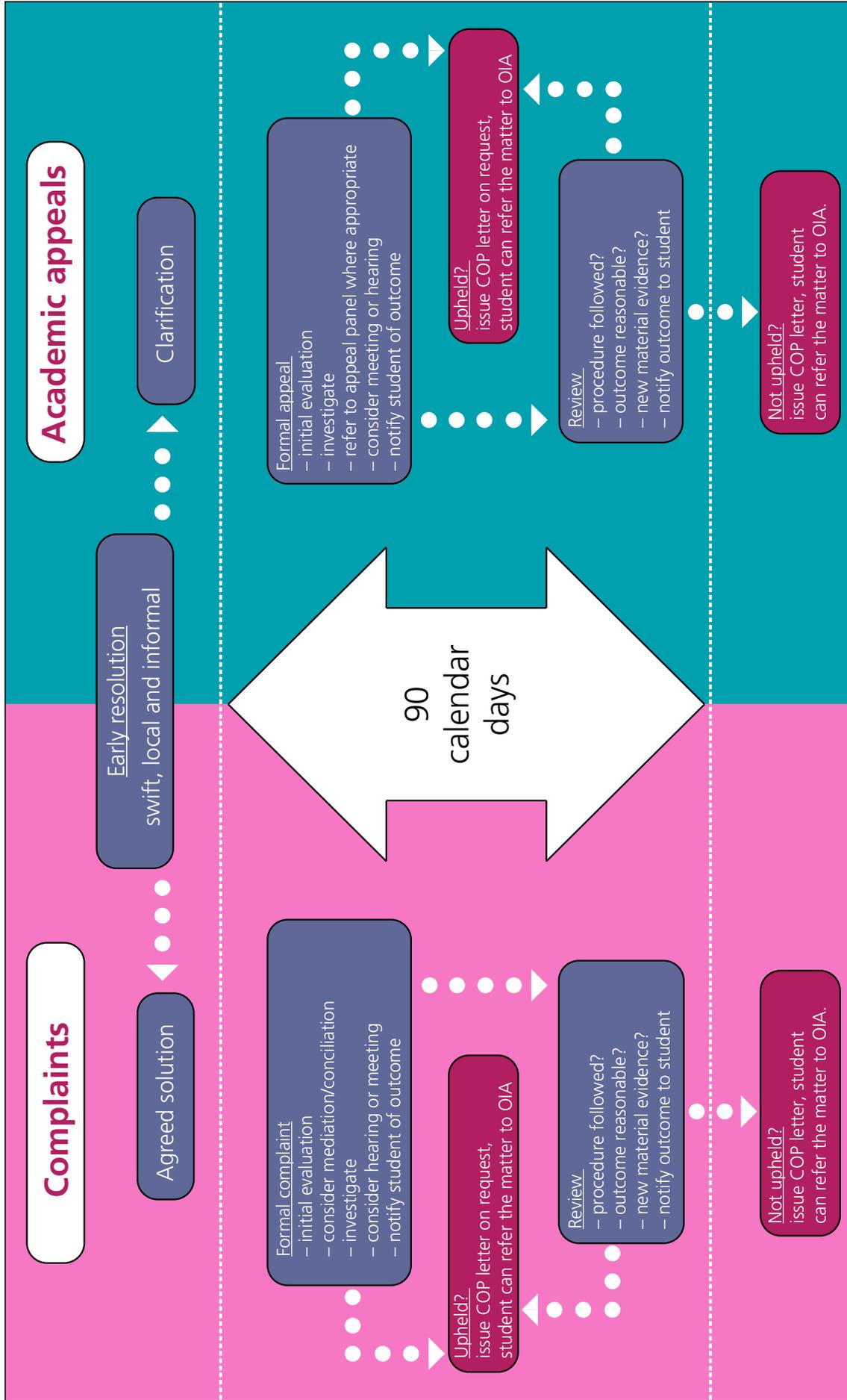
The process is detailed in the Assessment Review Regulations and a set of guidelines are available online. Students are encouraged to consult with the students’ union or their module tutors who will steer them to the informal route where possible. Informal

Assessment Review consists of a meeting, where the student's concerns are explored. The meeting allows students to talk through concerns, explore different options and seek resolution within the Assessment Framework.

A note of the meeting is produced by the AD and agreed by the student. If the student does not agree with the proposed outcome and wants to take their concerns further, they are advised that they may make a Formal application for Assessment Review.

The advantages of the Informal Assessment Review process are that cases can be dealt with quickly at school level in an open manner, encouraging early resolution. The informal route provides a supportive environment for students to explain their case, clarify issues, and enable them to reach resolution which otherwise may not have been possible.

# ANNEX 5: OVERVIEW OF COMPLAINTS AND APPEALS PROCESSES



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