

# The University of Manchester

## Regulation XVIII

### Student Complaints Procedure (Procedure)

**Note: any reference in this Regulation to named officers should be read also as a reference in each case to a delegated nominee;**

#### **A. Introduction and Principles**

1. As part of its commitment to ensuring the standard and quality of its programmes of study, services, and facilities, and a collegial University environment, the University has established this Procedure to deal with complaints from students. Complaints provide useful feedback, information and, where appropriate, will be used to improve the student experience.
2. This Procedure is available for students registered for programmes of study at the University. For the purposes of this Procedure, the term “student” will include also those who have recently been registered as a student at the University, who may submit a complaint within the timescale specified in the Procedure.
3. The Procedure is not available to students registered in a partner organisation on recognised programmes of study. Those students should use the mechanisms and procedures for considering complaints which are in place within the partner organisation. However, such students may be able to submit a final request to the University for a review of the partner organisation’s final decision in accordance with the Partner Institution Procedures (<http://documents.manchester.ac.uk/display.aspx?DocID=28682>).
4. The Procedure comprises a number of stages, both informal and formal. Students who have a complaint to make should, whenever appropriate, raise it directly with the individual(s) concerned at the earliest opportunity, as matters that are dealt with informally at an early stage have the best chance of being resolved effectively. Where informal resolution has been attempted but the complainant remains dissatisfied, the formal stage may be instituted. The recipient of a formal complaint may recommend that a student pursues informal channels prior to the formal process, based on the nature and circumstances of the complaint, but it is recognised that there may be occasions where an informal approach is not appropriate and the student may wish to proceed directly to the formal stage of the Procedure.
5. If it has not been possible, or it is not appropriate, to resolve matters informally, a formal complaint should be made as soon as possible, and in any case within 40 working days of the events or actions (or lack of actions) which have prompted the complaint. The University will not normally consider complaints made after this period, unless there is a credible and compelling reason for the delay.
6. Every reasonable effort will be made to deal promptly and efficiently with all complaints, to investigate them thoroughly and objectively and to seek to resolve them satisfactorily. Complaints will be dealt with positively and constructively. If a complaint is upheld, the University will seek to provide an appropriate response and will correct any mistakes or misunderstandings and will take any other action as appropriate. If a complaint is not upheld then reasons for that decision will be given.
7. The University will have due regard towards maintaining confidentiality in relation to any complaint but, in order for it to be considered fully, the content may need to be disclosed to members of staff who are involved in putting the Procedure into effect e.g. a Faculty, the Division of Teaching, Learning and Student Development, the relevant Faculty/School office, as well as individual(s) whose input may be required to respond to the issues that a student has raised e.g. a School, persons named in the complaint, the Disability Advisory and Support Service etc. By submitting a complaint the student consents to the disclosure, storage and sharing of information relevant to the complaint within the University at all stages of the Procedure. If this presents a problem for the student, they may wish to seek advice from the complaint case handler; not

providing consent may however affect the University's ability to consider the complaint fully. A copy of the complaint casefile will also be retained in accordance with the University's Records Retention Schedule<sup>1</sup>.

8. The effectiveness of this Procedure depends on the University being able to collect appropriate information from the parties involved in order to investigate the matter properly. For this reason, anonymous complaints will not be dealt with under this Procedure. It is at the discretion of the member of staff receiving an anonymous complaint to determine how the matter is handled, e.g., by taking no further action or by direction to the Public Interest Disclosure Procedure (<http://documents.manchester.ac.uk/display.aspx?DocID=28>).
9. The University will treat all complaints seriously and will deal with them without recrimination. When complaints are submitted, complainants and respondents should act reasonably and fairly towards each other and respectfully adhere to this Procedure. Where a complaint is shown to be frivolous, vexatious or motivated by malice, disciplinary action may be taken against the complainant under the provisions of Regulation XVII (Conduct and Discipline of Students) (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=6530>).
  - (a) The University reserves the right to terminate consideration of a complaint at any stage of this Procedure and/or restrict access to individual(s) or procedures for complainants who seek, by pursuing an unreasonable course of conduct:
    - i. To be, or are, disruptive; and/or
    - ii. Whose requests are disproportionate and/or unnecessary and/or cause disproportionate and/or repeated efforts by members of staff.
  - (b) Where a complaint is found to meet the above criteria, the recipient of the complaint should inform the complainant accordingly and direct them to the next appropriate stage of the Procedure.
10. The time limits set out in this Procedure will normally be followed. However, where, for good reason, this is not possible, the complainant will be kept informed of progress.
11. The Director of Teaching, Learning and Student Development reserves the right to postpone considering, dealing with and/or responding to a complaint when the student is pursuing legal proceedings in relation to the matter or where the issues are being considered under another University regulation, policy or procedure.
12. The student may seek independent and impartial advice and guidance in preparing a complaint from the Students' Union Advice Service (<https://manchesterstudentsunion.com/advice>). Procedural information can also be sought from his or her Faculty or School Office, or from the Information, Advice and Guidance Service in the Atrium (<https://uomtheatrium.wordpress.com/>). A quick guide to Student Complaints is also available online: <http://documents.manchester.ac.uk/display.aspx?DocID=23875>.

## **B. Definition and Scope of the Procedure**

13. The University defines a complaint as 'an expression of dissatisfaction by one or more students about the University's action or lack of action, the standard of service provided by or on behalf of the University'<sup>2</sup> or unacceptable behaviours as defined by the Policy on Dignity at Work and Study.
14. The Procedure is designed for complaints in respect of the student's experience at the University related to:
  - (a) the provision of programmes, or parts of programmes of study, services or facilities by the University;
  - (b) the actions or lack of actions by the University or its staff;
  - (c) allegations of harassment, discrimination, victimisation and/or bullying by a student or member of staff (Dignity at Work and Study Policy: <http://www.staffnet.manchester.ac.uk/equality-and-diversity/policies-and-guidance/dignity-at-work-and-study/>).
15. The Procedure does not cover the following, for which separate procedures exist (as noted in brackets):

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<sup>1</sup> <http://www.dataprotection.manchester.ac.uk/>

<sup>2</sup> Paragraph 14, OIA Good Practice Framework: <http://www.oiahe.org.uk/providers-and-good-practice/good-practice-framework.aspx>.

- (a) appeals against decisions of an Examination Board (or equivalent body) where a student is seeking an academic remedy (Regulation XIX, Academic Appeals Procedure: <http://documents.manchester.ac.uk/display.aspx?DocID=1872>);
- (b) complaints involving an allegation of general misconduct by a student (Regulation XVII, Conduct and Discipline of Students: <http://documents.manchester.ac.uk/display.aspx?DocID=6530>);
- (c) complaints against the Students' Union (Code of Practice on the Students' Union: <http://documents.manchester.ac.uk/display.aspx?DocID=12019>), other than through requesting a review of the outcome of any complaint against the Students' Union having exhausted the Students' Union complaints procedure.
- (d) If a student wishes to complain about specific accommodation issues, then complaints in this regard can be submitted directly to the Division of Residential and Sports Services as detailed on the following website: <http://www.accommodation.manchester.ac.uk/current/here/info/complaints/>.

Information about these separate procedures can be obtained from the student or programme handbook, the Students' Union Advice Service or the Information, Advice and Guidance Service.

- 16. If there is any overlap between the issues raised in a complaint, and a related matter, such as those outlined in paragraph 15, the allocated case handler(s) will determine how such cases are to be handled e.g. by pausing an academic appeal so that the complaint can be considered first, by amalgamating the cases together etc. A student will be given notification of such arrangements.
- 17. This Procedure can be used by students for both individual or collective complaints. It is expected that the student(s) concerned will pursue the complaint personally; complaints submitted by a third party will not be accepted unless accompanied by written authorisation from the student(s). Complaints by a group of students are often of a general nature where it is usually more appropriate for the students to raise the matter with a student representative on the relevant School or service committee in the first instance. Complaints may then be made by the group of students if the relevant representation system has not achieved a satisfactory outcome, or if this is not thought to be an appropriate route. For formal group complaints, it is expected that there will be one student nominated to pursue the complaint on behalf of the group (i.e. a spokesperson who has the consent of all members of the group to act in this capacity). Only one outcome letter will be issued in response to the complaint; it will be for the spokesperson to communicate the outcome to the rest of the group.

### **C. Informal Stage – Local Resolution**

- 18. Many complaints can be resolved informally and, where practicable, a complaint should be dealt with as close as possible to the point at which it arises. The complaint should therefore be made initially to the appropriate individual(s) who seems best placed to respond (e.g. Academic Adviser, Personal Tutor, Programme Director, Supervisor, PGR Director, Head of School, Adviser or Tutor in the Hall of Residence, local service provider, or a Professional Support Service Head of the office). The process followed at the informal stage will be determined by reference to the nature of the issues raised and any outcomes sought by the student. Students are encouraged to commence such discussions at their earliest opportunity to enable the issues to be considered in advance of the 40 working day deadline for invoking the Formal Procedure referred to in section D below.
- 19. The informal stage of complaints which arise as a result of issues relating to alleged harassment, bullying, discrimination and/or victimisation is detailed in the Policy on Dignity at Work and Study, Staff and Student Informal Procedure. The procedure provides information on sources of support and advice and can be found at: <https://www.staffnet.manchester.ac.uk/equality-and-diversity/policies-and-guidance/dignity-at-work-and-study/>
- 20. Some complaints may also be amenable to discussion and resolution via the University's Mediation Service (<http://www.staffnet.manchester.ac.uk/equality-and-diversity/mediation/>). Complainants may wish to approach the Mediation Service for information in this regard.

## D. Formal Procedure

21. If the student is not satisfied with the response at the informal stage, or it is not appropriate to seek to resolve matters informally, he or she may initiate a formal complaint by completing a Complaints Form (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=1894>) and submitting it to the relevant Faculty Office. The information to be given on the Complaints Form is as follows:
  - (a) details of the complaint;
  - (b) Evidence pertaining to the complaint. This needs to be sufficiently contemporaneous and independent (where necessary), to support and evidence the veracity of the circumstances described in the complaint. All evidence should allow for verification that it is accurate e.g. provided on letter headed paper, written in English (or certifiably translated), clearly state the name and author of the material, include relevant dates, have the student's name visible etc. Evidence will not be accepted at later stages of the Procedure except if requested from the case handler or without a credible and compelling explanation for its late provision.
  - (c) a statement of the steps already taken to try to resolve the complaint informally and why the response has not been considered to be satisfactory, or if informal resolution has not been attempted, the reasons why not;
  - (d) the form of resolution or redress sought.
22. The Faculty Office will acknowledge receipt of the Complaints Form within five working days. If the complaint has been submitted beyond 40 working days from the issue that prompted the complaint, without a credible and compelling explanation for the late submission, the student will be issued with a Completion of Procedures letter by the Faculty.
23. If the complaint has been submitted within time, the Faculty will determine whether the complaint should be dealt with in the Faculty or whether the complaint should more appropriately be investigated by the head of a service provider (e.g., Director of Residential Services, the Director of IT Services, the Librarian or the Director of a professional support service). In the event that the complaint is referred to a service provider, the student will be informed accordingly. Where a complaint is referred for investigation to a service provider the complaint should still be treated in accordance with the Procedure by the service provider; it is also good practice for the Faculty to be informed of the outcome to a complaint. In the case of complaints of bullying, harassment, discrimination and/or victimisation alleged to have been committed by a member of staff, the appropriate HR Partner will be consulted and the matter will be investigated jointly.
24. The person or persons dealing with the formal complaint (hereafter referred to as the 'Investigator(s)'), who must be independent of the source of the complaint, will undertake an investigation into the substance of the complaint using whatever means are appropriate. Usually this will involve the collection of information from within the University and a decision then being reached following a consideration of the relevant material. Where a student is asked for any additional information by the Investigator(s), they will be given a period of five working days to respond to such a request. If a meeting with the student takes place, the student may be accompanied by a fellow student, a Students' Union officer or a member of staff. If a meeting with a respondent member of staff takes place, he/she may be accompanied by a colleague or trade union representative.
25. The Investigator(s) will attempt resolution of the complaint by a means appropriate to its nature and circumstances. Such means may include:
  - (a) correspondence between the parties;
  - (b) negotiation with the student or with other individual(s) or with both;
  - (c) facilitation of a conciliation meeting between the student and other individual(s) concerned;
  - (d) if both parties agree, referral for mediation.

26. It is expected that the formal procedure should normally be completed and a written response sent to the student (and, if appropriate, other relevant individual(s)) within 30 working days of receipt of the completed Complaints Form. The possible outcomes at this stage include:
- (a) specific action to resolve the matter;
  - (b) provision to the student of information in explanation of the circumstances which led to the complaint;
  - (c) referral of the matter to the Complaints Panel if the complaint raises serious or complex matters which require further investigation and enquiry;
  - (d) for complaints of bullying, harassment, discrimination and/or victimisation which are found to be justified, a recommendation that the matter is considered further under a relevant staff or student disciplinary procedure;
  - (e) dismissal of the complaint as being without substance, with reasons given to the student in writing.
27. If the student is not satisfied with the outcome of the formal complaint and believes that his or her complaint has not been handled properly or fairly according to the Procedure, or if the student has new evidence which they were unable (for credible and compelling reasons) to provide with the formal complaint, the student may request a Review (see section E).

#### **E. Review**

28. If a student's complaint has been dismissed by the Faculty (or service provider) as being without substance they can request a Review on one or more of the following grounds:
- a) The complaint has not been handled properly in accordance with the Procedure;
  - b) The outcome is not reasonable on the basis of the evidence available;
  - c) The student has new evidence which they were unable (for credible and compelling reasons) to provide to the Faculty or service provider and which has a material effect on the outcome.
29. To commence the Review a student should submit a review form detailing the grounds for Review, their reasons, proposed resolution and any supporting material to the Director of Teaching, Learning and Student Development (Director) within 10 working days of the letter (or email) from the Faculty or service provider informing them of the outcome to their formal complaint. A student's request for a Review will be acknowledged within five working days of receipt.
30. The Director (or nominee) will review the documentary material relating to the case to determine whether the grounds for Review have been met. The Review is not a re-investigation of the complaint. However during the Review, further information may need to be sought from the student and/or from others concerned. Where a student is asked for any additional information during the review, they will be given a period of five working days to respond to such a request.
31. The student will be informed of the outcome of the Review, in writing, normally within 20 working days of the Review request having been received. The outcome will normally be limited to a determination envisaged under paragraph 26 of the Procedure. The student will be given reasons for any decision reached. The decision of the Director will be final in the University.

#### **F. Complaints Panel**

32. The Investigator(s) or the Director may refer a complaint or review request to a Complaints Panel for consideration as they consider necessary for cases that raise serious or complex matters which require further investigation and enquiry.
33. The composition of the Complaints Panel will be as follows, the members being drawn from areas other than those to which the complaint relates:
- a) A Dean of a Faculty, Vice Dean, Associate Dean, Vice President or Associate Vice President (in the Chair);

- b) A member of Senate;
- c) A member of academic staff;
- d) A student member (nominated by the Students' Union).

34. The Complaints Panel will be serviced by an Investigator or the Director in the role of Secretary.
35. The student will be given 10 working days' notice of the date and time of the Complaints Panel meeting and will be invited to attend the meeting to present his or her case. Where the student does not attend, the Panel may proceed in the student's absence.
36. The student may be accompanied to the meeting by a fellow student, member of staff or person from the Students' Union. It is expected that a student will speak to the Complaints Panel directly, and so any person attending with the student will be there only to support the student, not present the case on their behalf.
37. If the complaint is one of alleged bullying, harassment, discrimination and/or victimisation, the respondent(s) shall also be invited to attend the meeting, in order to respond to the allegations. The respondent(s) will be given 10 working days' notice of the date and time of the Complaints Panel meeting. Where the respondent(s) does not attend, the Panel may proceed in his or her absence. The arrangements for the respondent(s) attendance shall take into account the nature and circumstances of the complaint.
38. If a student, the respondent(s) may be accompanied to the meeting by a fellow student, member of staff or person from the Student's Union, or if the respondent(s) is a member of staff, the respondent(s) may be accompanied by a colleague or trade union representative. It is expected that a respondent will speak to the Complaints Panel directly, and so any person attending with the respondent(s) will be there only to support the respondent(s), not present the case on their behalf.
39. The Complaints Panel may call other individual(s) with knowledge of the issues raised in the complaint to attend the meeting of the Complaints Panel or to supply it with information prior to, or after, the meeting. This may include School, Faculty or service area representatives. The individual(s) attending should be given 10 working days' notice of the meeting.
40. The paperwork for the meeting should include any material submitted by the student or that has been collected prior to the notice of the meeting. The material should normally be provided with the meeting invitation.
41. The student and any individual(s) called to the Complaints Panel meeting will be invited to make oral statements to the Complaints Panel. The student, other individual(s) in attendance and Complaints Panel may then ask questions of those giving oral evidence, directed through the Chair as necessary.
42. After oral statements have been made, the meeting will close, and the Complaints Panel will retire to make a decision in private by reviewing the documentary material and statements made. The decision should focus on the substance of the complaint and any procedural issues in the handling of the complaint. If the Complaints Panel is unable to reach a decision on the day of the meeting, it will reconvene as soon as reasonably practicable.
43. Options open to the Complaints Panel include those as described at paragraph 26 of the Procedure.
44. The student and Complaints Panel attendees will normally receive written notification of the Panel's decision within 10 working days of the decision being made. The decision will take the form of a Completion of Procedures letter.

## G. Conclusion of the Procedure

45. At the conclusion of the Procedure, the student will be issued with a Completion of Procedures Letter. There are no other complaints procedures within the University beyond those detailed above. Students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable may be able to complain to the Office of the Independent Adjudicator for Higher Education (OIA) if the complaint is eligible under its rules and once all internal procedures have been concluded.

[Note: information about the role of the OIA and the procedure for submitting complaints can be obtained from the Students' Union Advice Service or from the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk).]

## H. Annual Report

46. Each year, the Director of Teaching, Learning and Student Development will prepare a report for the Senate on the number and nature of complaints.

Version amendment history: Regulation XVIII, Student Complaints Procedure		
Version	Date	Reason for change
February 2019	September 2020	Update to broken link in paragraph 15d; update to TLSD and Director's title; update to lead contact.
February 2019	June 2020	Update to links.
February 2019	February 2019	Amended to accommodate changes to the Policy on Dignity at Work and Study.
September 2018	September 2018	Amended as a result of the review of the procedure against the OIA Good Practice Framework.

Document Control Box	
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Previous review dates	February 2005, June 2015, June 2018
Next review date	2024
Related information	Complaints Form Basic Guide to Student Complaints <a href="http://www.staffnet.manchester.ac.uk/tlso/academic-appeals-complaints-and-misconduct/studentcomplaintsprocedure/">http://www.staffnet.manchester.ac.uk/tlso/academic-appeals-complaints-and-misconduct/studentcomplaintsprocedure/</a>
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