



**UNIVERSITY
ACADEMY 92**
MANCHESTER

STUDENT COMPLAINTS POLICY AND PROCEDURE

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1. Purpose

- 1.1 University Academy 92 (UA92) seeks at all times to provide its students and apprentices with a high-quality student or apprenticeship experience. We recognise, however, that there may be occasions when students or apprentices, either individually or in a group, are dissatisfied with a particular service or aspect of their education at UA92 and want to make a complaint.
- 1.2 In all cases, students or apprentices are strongly encouraged to informally raise any complaints as soon as possible after the problem arises with a member of staff in the relevant Directorate at UA92.
- 1.3 This policy and procedure set out how complaints will be managed, the responsibilities of all parties, and the opportunity for external scrutiny should students or apprentices remain dissatisfied with UA92.
- 1.4 This policy and procedure also provides details of when complaints will be referred to Lancaster University for consideration as the awarding body for UA92 awards.
 - 1.4.1 Complaints which relate to non-academic issues (e.g. the provision of facilities at UA92) will be wholly considered by UA92.
 - 1.4.2 Complaints which relate to academic issues i.e. relating to Academic Standards and/or the quality of learning opportunity (e.g. programme of study or how it has been delivered) will include Lancaster University in the consideration processes at the Review stage as the awarding body for UA92 awards.
- 1.5 The objective of the complaints policy and procedure is to establish the facts and come to a reasonable and just resolution which is both relevant and proportionate and is underpinned by the following overriding principles:
 - i. That UA92 will deal with all complaints confidentially so far as it is able, and expects all parties involved to honour this approach. Information will only be released to those who need it for the purposes of investigating and responding to a complaint;
 - ii. That all parties will treat each other with respect, act without bias or prejudice and in a sensitive, fair and prompt manner;
 - iii. That informal resolution will be promoted in as many cases as possible;
 - iv. That all complaints will be taken seriously, investigated thoroughly and can be made without fear of penalty;
 - v. That no students or apprentices will be disadvantaged for making complaints in good faith, and all reasonable complaints will be taken seriously and dealt with according to the agreed procedure. However, if it is established that complaints are frivolous or vexatious, then they will not be considered reasonable, and UA92 may take disciplinary action;
 - vi. That the procedure will be clear, transparent and fair to all parties;

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- vii. That all reasonable measures will be taken to ensure that no student or apprentice is disadvantaged;
- viii. That technology will be used, as appropriate, to facilitate this procedure;
- ix. Meetings will normally be conducted on a face-to-face basis, however meetings could be conducted electronically or individuals could attend via video link where appropriate;
- x. That any decisions reached will use the balance of probabilities as the standard of proof;
- xi. In the interests of transparency, fairness and integrity, the investigations will be conducted through a process of open correspondence, unless there are legitimate reasons for any information or communications to remain confidential. As such, all parties will see all the relevant documentation (subject to data protection restrictions) and, if meetings are held with members of staff or other students or apprentices, notes will be taken and all parties will be entitled to a copy.
- xii. That UA92 will be accountable and will apologise if mistakes have been made or it has fallen short of reasonable expectations. Where necessary action will be taken to ensure such mistakes do not happen again.

1.6 A UA92 Complaints Panel will meet on an annual basis to review all complaints. This panel will agree an annual report which includes recommendations for action or amendments to this policy and procedure by UA92 to improve its academic programmes and student and apprenticeship experience in light of complaints received and the outcome of them. It will also capture learning to ensure that decisions have been made consistently and at the right level. The Academic Committee of UA92 will receive this report and is responsible to both Lancaster University and the UA92 Board for monitoring student complaints. Lancaster University's Academic Quality and Standards Committee will also receive the report for information.

2. Scope

2.1 What is and what is not a complaint?

For the purposes of this policy and procedure, a complaint is defined as: *'An expression of dissatisfaction by one or more students or apprentices about UA92's action or lack of action or about the standard of service provided by or on behalf of UA92'.*

Complaints made by students or apprentices can be wide-ranging. Concerns raised might include, but not be limited to:

- i. Quality of facilities and learning resources provided by UA92;
- ii. The delivery of a programme, teaching and/or administration;
- iii. Unfair treatment or inappropriate behaviour by a staff member;
- iv. Misleading and/or incorrect information;
- v. The quality and standard of any service provided or failure to provide such a service;

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- vi. Dissatisfaction with UA92 policies and/or procedures.

2.2 What can and cannot be complained about?

2.2.1 Complaints may be lodged against:

- i. members of UA92 staff; and/or
- ii. UA92 academic, administrative or support services.

2.2.2 Under this policy and procedure, students and apprentices cannot complain about:

- i. Other students or apprentices;
- ii. Persons on campus who are not members of UA92;
- iii. Facilities over which UA92 has no authority (e.g. commercial businesses and transport links).

Students wishing to complain about these areas can seek the advice of the UA92 Complaints Co-ordinator as to how best to take them forward.

2.2.3 This policy and procedure does not apply to dissatisfaction about:

- i. Decisions of Boards of Examiners or other academic matters governed by the Academic Appeal Procedure;
- ii. Actions and behaviours where other UA92 procedures apply and take precedence e.g. complaints relating to allegations of bullying or harassment will normally be dealt with in accordance with UA92's Investigations policy and procedure and Disciplinary policy and procedure (staff) and Student Disciplinary Code of Conduct (students). Policy statements relating to bullying or harassment can be found in the UA92 Grievance Policy (section 5).
- iii. Any potential breach of criminal law (these will normally be referred to the police);
- iv. Decisions made by UA92 in line with the Student Code of Conduct and Disciplinary Policy;
- v. Persons applying for a UA92 programme, i.e. complaints about admissions processes. These are covered by the UA92 Admissions Complaints and Appeals Policy.

2.2.4 On occasions, a complaint may fall within a number of different procedures. Where that is the case, and with the agreement of the student or apprentice, we may decide to deal with it collaboratively across different Directorates and/or procedures. Depending the nature of the complaints, it may be appropriate to suspend one procedure pending the completion of another. This will be discussed with the student or apprentice at the relevant time.

2.2.5 **Complaints about a member of UA92 staff:** Where complaints are raised against a member of UA92 staff, any investigations will be conducted by an individual from UA92 who is independent of the situation. UA92 will ensure that support is in place to support both the student or apprentice and the member of staff through the process.

2.2.6 Complaints about Placements: Students and apprentices on work placement are expected to use the complaints procedure of the placement provider if the complaint relates to issues within the placement itself and where UA92 cannot reasonably be expected to have had any involvement. If the complaint relates to issues where UA92 can reasonably be expected to have had some involvement or the issues have impacted on the student or apprentice's learning experience, the student or apprentice should follow UA92's complaints procedure. Examples of where the UA92 complaints procedure can be invoked include the organisation of the placement or the feedback arrangements. Advice should be sought from the UA92 Complaints Co-ordinator.

2.3 Who can use the Student Complaints Procedure?

2.3.1 This procedure applies to all current students and apprentices registered on a UA92 programme. A student or apprentice who has left UA92 can also invoke this procedure within one month of the end of their registration. Any exceptions to this will be determined on an ad hoc basis and at the discretion of UA92 by the Complaints Co-ordinator.

2.3.2 Group complaints: Where a group of students or apprentices want to complain as a group about the same matter, the group must nominate a spokesperson(s) to speak on behalf of the group. The spokesperson will be responsible for all communication with UA92 and attending any meetings arranged as part of the investigation and/or determination of the complaint. All students or apprentices should sign a consent form confirming that they give their consent for the spokesperson(s) to speak on their behalf.

2.3.3 Advice and Guidance: UA92 is currently in the process of establishing a Students' Union. Once this is in place it will provide a free advice service for students considering making a complaint to UA92. Until the SU is established, students may on request to UA92 be referred to an independent advice service, separate to UA92.

2.3.4 Well-being Support: UA92 recognises that complaints may relate to difficult situations. Where appropriate, the UA92 Complaints Co-ordinator may also refer a student to the UA92 Well-being Service for support.

2.3.5 Third parties acting for a student or apprentice: UA92 would always encourage students or apprentices wishing to make a complaint to deal with us directly. UA92 will only engage with a third party with the express permission of the student or apprentice. Any permission must be provided in advance and in writing.

- 2.3.6 **Right to be accompanied and/or represented:** A student or apprentice has the right to be accompanied and supported at any meeting by one person, and may be represented where they have expressly authorised a third party in writing to act on their behalf.
- 2.3.7 **Legal representation:** Students and apprentices should not require legal representation as proceedings will remain as informal as possible. If a student or apprentice does wish to employ legal representation, requests made at least 5 working days in advance will be considered on a case-by-case basis. In such instances, UA92 will also reserve the right to legal representation.
- 2.3.8 **Anonymous complaints:** UA92 will not usually accept anonymous complaints. This is because it is difficult for us to investigate the complaint properly and for us to report the outcome, when we do not know the student or apprentice's identity.
- 2.3.9 **Requests for anonymity:** UA92 may consider an anonymous complaint but only where a compelling case is made as to why the complaint should be investigated anonymously. Evidence must be provided to support any request for anonymity.

2.4 What are the relevant Time Limits?

- 2.4.1 **Time limits for making a complaint:** All complaints must be submitted to us within one month of the date of the final element of the event(s) which are the subject of the complaint.
- 2.4.2 **Extending time limits:** UA92 will not routinely extend time limits for making complaints. Where a student or apprentice has exceptional reasons for a late submission, at its discretion UA92 may extend a time limit for submission. Any request must be supported by evidence to support the reasons for making a late complaint.
- 2.4.3 **Indicative time limits for the consideration of a complaint:** UA92 will make every reasonable effort to complete the complaints procedure in a timely manner. We aim to consider complaints within the following time limits, with the aim of completing Stages 2 and 3 within ninety days of receipt of the complaint in writing:
- i. **Stage 1:** informal resolution: we aim to complete this stage and notify the outcome within 28 days of receiving the complaint.
 - ii. **Stage 2:** formal investigation: we aim to complete this stage and notify the outcome within 36 days of the date we receive the written complaint.

- iii. **Stage 3:** review stage: we aim to complete the review and notify the outcome within 28 days calendar days of receiving the request for review.

2.4.4 UA92 wants to resolve complaints quickly but recognises that this is not always possible and sometimes we may be unable to complete our investigations in line with the indicative timeframes. Where there is a delay, we will write to students or apprentices with an explanation and inform them of the timeframe in which the procedure will be completed. UA92 will provide progress updates to students or apprentices as appropriate.

2.4.5 **Complaints which require a quick response:** On occasions, a complaint might need to be dealt with quickly. This may be because the complaint involved:

- i. A threat of serious harm;
- ii. Cases where the impact of the issues raised has detrimental consequences for the student or apprentices mental health or where the student or apprentice displays significant distress;
- iii. Issues relating to disability support;
- iv. Issues of serious and repeated service failure and/or significant delay;
- v. Issues of a highly sensitive nature.

Where this is the case, the student or apprentice should notify UA92 to enable this to be taken into consideration.

2.5 **Students or apprentices with additional support needs:** Where practical, reasonable adjustments will be made in the procedure as necessary to meet requirements related to protected characteristics or where the students or apprentices have additional support needs. This could include extending deadlines or providing documents in a different format. Students or apprentices should discuss these matters with UA92 when making their complaint or at any time during the consideration of their complaint to enable us to make any reasonable adjustments.

2.6 In this policy and procedure, any reference to named members of UA92 staff also includes reference to their nominee and named staff may delegate their responsibilities to other appropriate members of staff without invalidating the procedure. The identity of nominees or members of staff to whom responsibilities are delegated will be notified to the student or apprentice.

2.7 Advice on how to use this procedure is available from the UA92 Complaints Co-ordinator via complaints@ua92.ac.uk.

2.8 The UA92 Complaints Co-ordinator will oversee this policy and procedure and provide advice to all parties, both students or apprentices and those

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subject to complaints, on the procedure. The Complaints Co-ordinator is not, however, an advocate for either party. The Complaints Co-ordinator will play an advisory role in complaint reviews and will act as the primary liaison with the Office for the Independent Adjudicator.

2.9 Should a student or apprentice wish to register a complaint against the Complaints Co-ordinator it should be sent to the UA92 Registrar and Secretary.

2.10 **Record keeping:** UA92 will keep a record of complaints made and evidence collated as part of the investigation into the complaint. Students or apprentices are advised to also keep their own records.

3. The Complaints Procedure

- 3.1 UA92 uses a three-stage complaints procedure;
- i. Stage 1: Informal stage;
 - ii. Stage 2: Formal stage; and
 - iii. Stage 3: Review stage.

Stage 1 – The Informal Stage

- 3.2 Many complaints are the result of either a misunderstanding or a lack of communication and can be resolved easily and quickly at a local level. Students or apprentices wanting to complain are strongly advised to contact the member of staff who is most immediately relevant (either the subject of the complaint or the person best in a position to fix the problem). If the student or apprentice feels unable to approach this person directly, then they should speak to the Head of the relevant Academic or Professional Services area or equivalent senior member of staff.
- 3.3 Students or apprentices who believe that their complaint has not been or cannot be appropriately, fairly or reasonably addressed through informal resolution may proceed to Stage 2.

Stage 2 – The Formal Stage

- 3.4 In order for the complaint to be considered formally, the student or apprentice must put the complaint in writing either using the Formal Complaint Form (available for online submission and in hard copy) or by letter and send it to the UA92 Complaints Co-ordinator. This should be sent to UA92 within 28 days of the completion of Stage 1.
- 3.5 The complaint should include the following information:
- i. Full name;
 - ii. ID number;
 - iii. Email address;
 - iv. Details of the complaint being made;
 - v. Steps taken to resolve the complaint so far.
- 3.6 The complaint should be written clearly and tell us what the issues are and how the complaint could be resolved satisfactorily. Where appropriate, the student or apprentice should attach any supporting documentation/evidence that is relevant to their complaint. Evidence might include, but not be limited to relevant emails, photographs and/or independent statements from witnesses.
- 3.7 The UA92 Complaints Co-ordinator, will consider the complaint and make a decision as to whether it can be considered under this procedure, was submitted within the published deadlines and in the required format.

3.8 Where it cannot consider the complaint, the UA92 Complaints Co-ordinator will either:

- i. Refer the student or apprentice to an alternate more appropriate procedure;
- ii. Enter into a discussion with the student or apprentice, and other parties as appropriate, as to how best to take forward the concerns (e.g. in cases where the concerns involve a number of elements which cross UA92 procedures); or
- iii. Provide an explanation to the student or apprentice as to why no action can be taken along with a Completion of Procedures letter which sets out their right to refer the matter to the Office for the Independent Adjudicator and describe the means to do so.

3.9 Students and apprentices have the right to challenge the decision and in these cases, the decision will be reviewed by the Director of Student Life.

3.10 If the complaint has been deemed within the scope of this procedure, the complaint will be referred to a nominated Complaints Investigator within the appropriate Academic or Professional Service or other relevant body for investigation. UA92 will also appoint an Adjudicator who will determine the outcome of the complaint based on the report from the Investigator.

3.11 The student or apprentice shall receive a written acknowledgement from the Complaints Co-ordinator (or nominee) as promptly as is practical, and normally within two working days. The acknowledgement will give an indication of the timescale for a response to be provided and who is investigating the complaint and who is adjudicating the complaint.

3.12 The Complaints Investigator will instigate whatever investigation is considered appropriate and proportionate in order to establish the facts of the case, supported by a Complaints Officer. This may include meeting with the student or apprentice, or other individuals who can provide evidence to inform the investigation. All parties will be provided with an equal opportunity to present their case. Investigations, unless otherwise agreed by both UA92 and the student or apprentice, will normally take no longer than 36 days.

3.13 Following investigation, the Complaints Investigator will assimilate the information and a summary of conclusions. This will be reviewed by the Complaints Adjudicator who will be responsible for drafting a written decision notice, based on the balance of probability as the standard of proof. In reaching a decision, they will either uphold or dismiss the complaint, in whole or in part and agree actions/remedies accordingly.

3.14 The student or apprentice will receive the written decision from UA92 which will address the points they have made and gives reasons for the conclusions reached. The letter will also advise the student or apprentice of

their right to refer the matter to Stage 3 and provide information on the procedure to do so.

- 3.15 Where recommendations are made as a consequence of the complaint, the student or apprentice will be entitled to know what these may be and how UA92 intends to take them forward.

Stage 3 – The Review stage

- 3.16 If the student or apprentice remains dissatisfied following the outcome of Stage 2 they may apply to the Complaints Co-ordinator within two weeks of the date of the Stage 2 written decision requesting a formal review. They should explain why they feel dissatisfied with the outcome at Stage 2 and what remedy they seek.

- 3.17 Requests for Stage 3 Review can only be made on any or all of the following grounds:

- i. that new evidence has come to light which could not reasonably have been made available at Stage 2; or
- ii. that there exists evidence of a material procedural irregularity in Stage 2; or
- iii. that there exists evidence that the judgement at Stage 2 did not meet the expectations of natural justice and/or the investigation was not conducted fairly.

- 3.18 No new ground of complaint may be introduced at Stage 3, but the student or apprentice may submit further evidence in support of their case (subject to point (a) above) or suggest a new remedy. The student or apprentice must explain which grounds apply and provide a rationale for why they apply.

- 3.19 The UA92 Complaints Co-ordinator, or designated alternative will consider the application and make a *prima facie* decision as to whether or not to instigate a review. They will also determine whether the Review should be conducted by UA92 or whether it should be referred to Lancaster University for Review. This decision will be taken in consultation with the Complaints Co-ordinator at Lancaster University.

- 3.20 Complaints which relate to non-academic matters (e.g. the provision of facilities at UA92) will be wholly considered by UA92. Complaints which relate to academic matters i.e. relating to Academic Standards and/or the quality of learning opportunity (e.g. programme of study or how it has been delivered) will be reviewed by Lancaster University.

- 3.21 Occasionally, complaints may relate to both academic and non-academic matters. Where this is the case, UA92 and Lancaster University will

jointly determine which process will be followed and which institution will be responsible for the review stage.

3.22 Where a review is rejected the Complaints Co-ordinator will write to the student or apprentice explaining the reasons for the decision and providing a Completion of Procedures letter that sets out their right to refer the matter to the Office for the Independent Adjudicator and describes the means to do so. Students and apprentices have the right to challenge the *prima facie* decision and, in these cases, the decision will be reviewed jointly by UA92 and Lancaster University.

3.23 Academic Complaints

3.23.1 Will be reviewed in line with the procedure in place at Lancaster University as detailed in the Lancaster University Manual of Academic Regulations (MARP) <https://gap.lancs.ac.uk/ASQ/QAE/MARP/Documents/Complaints-Procedure.pdf> and following consultation with Lancaster University's Complaints Co-ordinator. UA92 will nominate a member of staff to sit on the Lancaster University panel determining the complaint.

3.23.2 Completion of Procedures letters will be issued by Lancaster University and will advise the student or apprentice of their right to refer the matter to the Office of the Independent Adjudicator and describe the means to do so.

3.24 Non-academic complaints

3.24.1 Reviews are normally carried out by the Registrar and Secretary or other senior manager. At the review stage, UA92 will consider how the complaint has been dealt with and whether the process has been fair and reasonable. The review will consider:

- i. all of the material gathered and assessed by the investigator at Stage 2;
- ii. any supporting documentation provided; and
- iii. whether the student or apprentice has established any of the grounds for review.

3.24.2 The reviewer may, at their discretion, call for additional information or request an interview with the student or apprentice. New complaints or a new aspect of the complaint will not be considered at this stage.

3.24.3 The Reviewer may at their discretion, decide to convene a Review Panel to consider the complaint. The panel will normally consist of three members of staff from UA92. No members of the panel will have been associated with the complaint previously or the consideration of the complaint. The Complaints Co-ordinator, or nominee, will normally act as Clerk to the panel and will prepare the documentation.

3.24.4 The Stage 2 Complaint Investigator will be invited to submit a statement addressing the student or apprentice's submission at Stage 3. Both the student or apprentice and the Stage 2 Complaint Investigator will be invited to attend and address the Review panel; however, failure to attend by either party will not invalidate the proceeding, as determination will be made via the submitted documentation. Following the proceeding, the panel will deliberate in private and will determine their conclusions, including, as appropriate, any modifications and/or additions to the Stage 2 actions/remedies. Only in exceptional circumstances would a rehearing at Stage 2 be recommended. The Complaints Co-ordinator will provide advice on the scope of actions/remedies available to the Panel.

3.24.5 The student or apprentice will receive a written decision, normally within 7 days of the panel meeting that addresses the points they have made and gives reasons for the conclusion reached.

3.24.6 They will also receive a Completion of Procedures letter from UA92 that will advise the student or apprentice of their right to refer the matter to the Office of the Independent Adjudicator and describe the means to do so.

Office of the Independent Adjudicator

3.25 The Office of the Independent Adjudicator (OIA) acts as an ombudsman for universities. Once all internal complaints procedures have been exhausted and following receipt of the Completion of Procedures letter, if the student or apprentice is still dissatisfied they have the right to take the case to the Office of the Independent Adjudicator (OIA) for further review.

3.26 The application to the OIA must be made within 12 months of the issue of the Completion of Procedures letter by UA92 for non-academic complaints or by Lancaster University for academic complaints.

3.27 Information about OIA and its processes can be found at www.oiahe.org.uk.

4. Related documentation

- i. Lancaster University Student Complaints Procedure
<https://gap.lancs.ac.uk/ASQ/QAE/MARP/Documents/Complaints-Procedure.pdf>
- ii. Lancaster University Academic Appeals Procedure
<https://gap.lancs.ac.uk/ASQ/QAE/MARP/Documents/Academic-Appeals.pdf> and Guide to Academic Appeals
<http://www.lancaster.ac.uk/media/lancaster-university/content-assets/documents/student-based-services/course-and-study-changes/Appealguide.pdf>

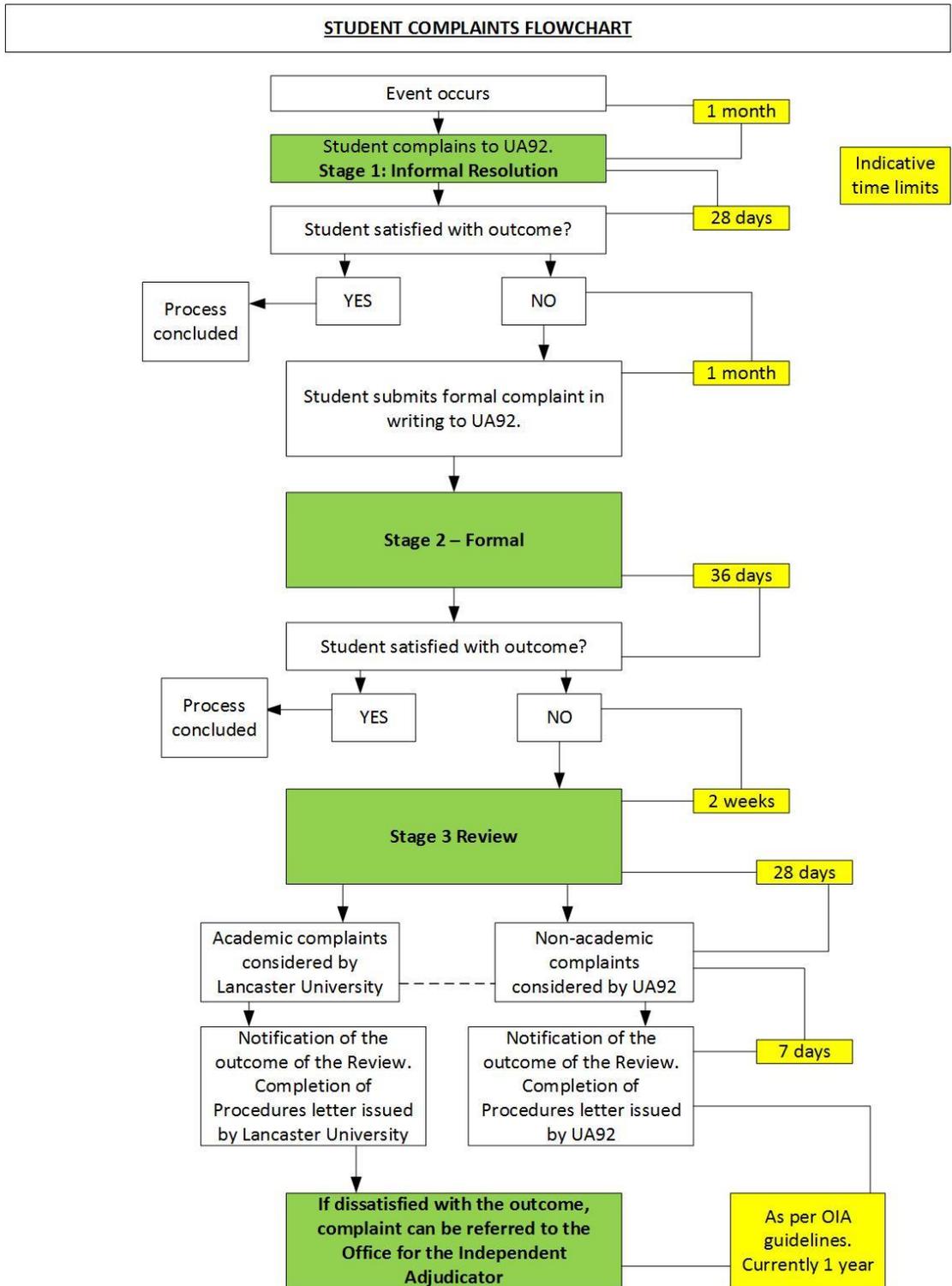
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- iii. UA92's Bullying, Harassment and Sexual Misconduct Policy.
- iv. UA92's Student Discipline Policy and Procedure.
- v. UA92's Investigations Policy and Procedure.
- vi. UA92's Disciplinary Policy and Procedure.

5. Appendices

5.1 Student Complaints flowchart

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