

Academic Handbook
Section 4N
Student Complaint Procedure

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Student Complaints and COVID-19

(valid 25 March 2020 and continuing until further notice)

As a result of the Covid-19 pandemic, the University has put in place alternative teaching, assessment and academic support to that which we would normally provide to students on our courses. These changes have been made to ensure that we protect both our staff and students, while still enabling students to gain the award that they came to Solent to achieve. The replacement teaching, assessment and support have been designed to provide students with the opportunity to achieve the same learning outcomes that they would normally, and to ensure that the value and quality of their award remain unchanged.

Throughout this time, students continue to have access to the complaints and appeals processes. If a student considers that the alternate provision has not been adequate, they are able to submit a formal complaint explaining why they consider that this is the case.

Where the University receives a complaint about the Covid-19 teaching provision, the stage 1 investigation will include an assessment of the academic provision by the relevant Head of Subject or other senior academic within the School. The outcome of this assessment is considered to be the 'academic judgement' of the senior academic.

INTRODUCTION

1. The University is committed to providing a fulfilling, rewarding and enjoyable learning experience for all its students and endeavours to provide an excellent standard and quality of service in all its activities.
2. There are several ways in which students may put across their views about their learning experience and the services provided by the University. These include direct contact with members of academic or service staff, a system of student representation at course level, student membership of University committees and student feedback surveys at course and unit levels and in relation to services.
3. Occasionally, an individual or a group of students may feel dissatisfaction with their learning experience or with the services provided by the University and will want to bring this to the attention of the University. It is expected that students would try to resolve such dissatisfaction through the mechanisms outlined above in paragraph 2 before calling upon the formal Student Complaint Procedure.
4. The University defines a complaint as:

‘An expression of concern about the University’s academic provision or a related service, or about the actions or a lack of action by the University, its partners or its staff.’
5. Annex 1 includes examples of types of complaints that can be considered under this procedure and Annex 2 includes examples of types of complaints not covered by this procedure.
6. This procedure applies to students currently registered at Solent University or who have completed their course/unit in the last month. The University will not normally accept complaints by a third party on behalf of a student. Where a group of students wishes to make a collective complaint, a spokesperson must be nominated as the point of contact and main representative of the group.
7. Students studying at a Solent University partner institution should make use of the partner institution’s Student Complaint Procedure in the first instance.
8. Help and guidance on how to make a complaint is available from a student advisor in the Student Hub and the Students’ Union Academic Caseworker.
9. Complaints must be made in a timely manner, usually within a month of the incident/event. Where a complaint is received outside of this timeframe, students will be required to provide an explanation as to why they did not raise their concerns at the appropriate time. Consideration of a complaint received outside of the deadline will be at the discretion of the Student Conduct, Complaints and Appeals Manager (or nominee).
10. Where a complaint is upheld, the University will seek to resolve the issues raised and put in place any measures necessary to ensure that the student is not disadvantaged.
11. In determining whether a complaint is justified or not the standard of proof is on the ‘balance of probability’ rather than ‘beyond all reasonable doubt’.
12. This procedure is based on the concept of reasonable behaviour and expects students to submit any complaint in a responsible manner. Where the University receives a frivolous or vexatious appeal, the University will terminate consideration of the matter and inform the

student of the reasons for doing so and any right of appeal against that decision. Examples of such complaints include:

- i. complaints which are obsessive, harassing, or repetitive;
 - ii. insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes;
 - iii. insistence on pursuing what may be meritorious complaints in an unreasonable manner;
 - iv. complaints which are designed to cause disruption or annoyance;
 - v. demands for redress which lack any serious purpose or value;
 - vi. malicious or knowingly untrue.
13. Where a complaint is found to be malicious or knowingly untrue the University will refer the matter to the Student Disciplinary Procedure.
14. The University will ensure that student complaints will be:
- i. treated seriously, fairly, transparently and with impartiality;
 - ii. addressed within a reasonable timescale;
 - iii. fully investigated;
 - iv. dealt with sensitively, in confidence and without fear of recrimination;
 - v. considered within the framework of the University's policies and practices; and
 - vi. dealt with having due regard to UK legislation.
15. The aim of the Student Complaints procedure is to reach a conclusion which all parties find reasonable in the circumstances.

INFORMAL COMPLAINT RESOLUTION

16. Before considering making a Stage 1 complaint, students should attempt to resolve their issue(s) informally. This attempt may involve the student in either addressing the issue(s) directly with the staff concerned, their Course Leader or Head of Subject to help them resolve the issue(s).
17. Where a formal stage 1 complaint is received and it is considered that the issues raised may still be resolved informally, the Student Conduct, Complaints & Appeals team will discuss this with appropriate School/Service staff. Where the School/Service is in agreement with this assessment, the complainant will be notified that the matter has been referred back to the original School/Service for informal resolution.
18. Where a complaint is submitted directly to the office of the Vice-Chancellor, the matter will be delegated to the Student Conduct, Complaints and Appeals Manager to direct to an appropriate individual to consider informally, or refer the student to the formal stage 1 complaint procedure.

STAGE 1 COMPLAINT

19. If after attempting to resolve their issue informally the student is still dissatisfied and wishes to raise a Stage 1 complaint, they must complete a Student Complaint Form and submit it to the Student Conduct, Complaints and Appeals team (email appeals.complaints@solent.ac.uk).

20. A complaint must be made in a timely manner, usually within one month of the event. Where a complaint is received outside of these deadlines it will be considered at the discretion of the Student Conduct, Complaints and Appeals Manager.

21. Where students are submitting a group complaint, they should nominate a spokesperson to act as the point of contact. The names of all students who are part of the complaint should be listed in the complaint submission.

22. In completing the Student Complaint Form the following will be required:

- i. Student details;
- ii. Details of the complaint with supporting evidence where appropriate;
- iii. A summary of the attempts made by the student to resolve the issue informally; and
- iv. The outcome of the complaint that the student is looking for.

23. Appropriate evidence must be submitted with the complaint form. This may include, among other things, emails, course documentation or witness statements.

24. The University treats all complaints with due consideration and discretion. However, students may request that their complaints or elements within it remain confidential, e.g. a witness statement or medical evidence. Where such a request would obstruct a fair investigation, the student will be advised and given the option to withdraw the confidentiality request or that the evidence will become inadmissible.

25. The completed Student Complaint form will then be reviewed by the Student Conduct, Complaints and Appeals team who will consider:

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

26. If a complaint cannot be progressed at this stage then the student will be referred to an advisor in the Student Hub or the Students' Union Academic Caseworker for further help and guidance in completing the form.

27. The receipt of the complaint will be acknowledged, normally within five working days. The letter of acknowledgement will also summarise the complaint and identify the investigating manager who will be conducting the investigation.

28. The acknowledgment letter will also summarise the student's desired outcome and advise whether this is realistic and practicable. Where the student has not expressed a desired outcome, this will be explored with them as part of the stage 1 investigation.

29. Stage 1 complaints about one of the University's services will be investigated by a senior manager within that service. Complaints about the academic schools will be investigated by the Student Conduct, Complaints and Appeals Manager (or nominee). The investigating manager will have no previous involvement in the complaint.

30. The investigating manager will normally meet with the student to discuss their complaint. Where the investigating manager does not consider a meeting necessary, they should explain their reasoning for this and give the student the opportunity for a meeting if they wish to do so.

31. The student may not be represented in their absence at this meeting; however, the student may be accompanied by a friend or colleague¹ who may speak in support but not instead of them during the meeting.

32. When the investigation is concluded the investigating manager will produce a written report outlining the complaint, their findings and any proposed action. The Student Conduct, Complaints and Appeals team will provide a copy of the written report to the student together with information on any further process.

33. The report will normally be sent to the student within 25 working days of receiving the Student Complaint Form.

34. If the investigation and completion of the report will take longer than 25 working days the student will be informed of any revised timeframes.

35. Where a complaint is made about a member of staff, they will be advised whether that complaint is upheld. However, the Data Protection Act means the University cannot share specific details of action taken in relation to the member of staff.

36. Most complaints should be resolved at this point. However, if the student is not satisfied with the investigation or its outcome including any proposed actions, they may proceed to Stage 2 of the Student Complaints Procedure.

37. Where stage 1 is a group complaint, either the spokesperson can accept the outcome on behalf of the group or, where there is no consensus, individual students can accept the stage 1 outcome.

38. Where a student does not progress a complaint to stage 2, the University will close the matter in writing and issue a Completion of Procedure letter if the student asks the University

¹ The University will only accept legal representation where a student is unable to represent themselves and legal representation has been agreed in advance. In such circumstances the University reserves the right to legal representation.

to do so. The letter will make clear that the student has not completed the University's internal procedures.

STAGE 2 COMPLAINT

39. To make a Stage 2 complaint the student should complete the Stage 2 section of the Student Complaint Form and submit it to the Student Conduct, Complaints and Appeals team within 10 working days of receiving the written report of the Stage 1 investigation, explaining the reasons why they are dissatisfied with the outcome of the Stage 1 process.

40. Where the stage 1 complaint was a group complaint, the stage 2 should normally be submitted as a group complaint by those members of the group wishing to escalate the complaint. In doing so, it is essential that all students' views are represented in the stage 2 complaint and that they agree on the basis on which the stage 2 complaint is being made.

41. Stage 2 complaints will only be accepted where the Stage 1 process has been completed and where:

- i. There is evidence that Stage 1 investigation has not been carried out as described above; or
- ii. The outcomes and/or proposed actions may not be appropriate given the Stage 1 investigation and its findings.
- iii. There is new material evidence which the student was unable, for valid reasons, to provide earlier in the process.

42. The Stage 2 complaint will be considered by the University Secretary, who will decide what action to take. The decision will include one of the following:

- i. Referring the matter back to the student for clarification;
- ii. Offering the student non-binding internal or external mediation ('non-binding' meaning that the student and/or University does not have to accept the outcome of the mediation; mediation meaning a chance to resolve the dispute by agreement and that is undertaken by someone who is impartial);
- iii. Proceeding to an internal review;
- iv. Issuing a 'Completion of Procedure' letter;

43. The student will be informed of the proposed action within 10 working days of receiving the Stage 2 part of the Student Complaint Form. The response will also clarify the purpose and scope of the review and the student advised.

INTERNAL REVIEW

44. The Stage 2 complaint will be referred to one of the University's Student Complaint Review Managers. The Complaint Review Manager will be independent from the School/Service to which the complaint relates and will have had no prior involvement.

45. The Student Complaint Review Manager will seek to establish if:

- i. There is a basis for the complaint and it is supported by evidence;

- ii. The complaint has been dealt with in accordance with the scope and principles of the Student Complaints Policy and Procedure;
 - iii. The outcome is fair and appropriate.
46. If new material evidence has been provided, has the student given valid reasons for not supplying this earlier.
47. As part of the investigation, the Student Complaint Review Manager may ask to meet with the student to discuss their complaint, and to clarify why they are dissatisfied and what outcome they are seeking. The student is entitled to be accompanied by a friend or colleague² who may speak in support but not instead of them during the meeting. If the Student Complaint Review Manager is not able to meet or communicate with the student then they may decide either to extend the deadline by which their report should be completed, or to continue with their review using the information that has already been provided.
48. The final report and a letter confirming what actions, if any, the University proposes, will be issued to the student and copied to relevant staff within 25 working days of the receiving the Stage 2 complaint.
49. If the investigation and completion of the report requires longer than 25 working days the student will be informed of any different timeframes.
50. In order to complete the internal review part of Student Complaints Procedure, students should acknowledge that they have received the letter and report and should confirm their agreement, or otherwise, with any proposed actions, within 10 working days.
51. Where the internal review does not uphold the complaint or where the student does not accept the proposed resolution, the University will issue a 'Completion of Procedure' letter.

MEDIATION

52. Where the University Secretary considers that mediation might offer an opportunity to resolve the complaint, the student will be offered a choice of mediation or a review of their complaint by a Student Complaint Review Manager. The student will have 10 days to decide which approach they would prefer, otherwise a Student Complaint Review Manager will be appointed.
53. Where a student decides to accept the offer of mediation, the Student Conduct, Complaints and Appeals team will appoint either an internal mediator or an external independent mediator, depending on the circumstances of the complaint.
54. Mediation is a way of resolving differences and is designed to find a solution acceptable to everyone without blaming anyone in particular. Mediation is voluntary and for it to succeed all those involved must be willing to participate in a positive and helpful discussion. It involves helping those involved focus on the issues and on achieving a resolution. The mediator will meet with the student and staff from the University (note, the student may be accompanied by a friend or colleague). At the end of the mediation discussions, the mediator will produce a

² The University will only accept legal representation where a student is unable to represent themselves and legal representation has been agreed in advance. In such circumstances the University reserves the right to legal representation.

statement of the outcome of the process and the suggested resolution, or they may confirm that the mediation process has failed.

55. The suggested resolution from the mediator is non-binding on either the student or the University and either party can withdraw from the mediation process at any time.

56. The resolution statement will be sent by the Student Conduct, Complaints and Appeals team to the relevant Dean or Director for approval by the University and to the student for agreement.

57. In order to complete the internal process the student must acknowledge that they have received the resolution statement and their agreement to any proposed resolution within 10 working days, otherwise it will be assumed that the student does not agree with the proposed resolution and the complaint will be referred to internal review.

58. Where mediation fails to produce a resolution or where either party does not agree with the proposed resolution, the complaint will be referred for internal review. The timescales for any resumed formal process will begin at the point the mediation has failed and the student wishes to proceed to the stage 2 internal review.

COMPLETION OF INTERNAL PROCEDURES

59. If a student remains dissatisfied with the outcome of the complaints process or fails to acknowledge the letter of outcome within 10 working days, a 'Completion of Procedure' letter will be sent to the student confirming that they have completed the University's internal Student Complaints Procedure and advising them that they may be able to appeal to the Office of the Independent Adjudicator (OIA).

ANNEX 1 EXAMPLES OF TYPES OF COMPLAINTS

The Student Complaint Procedure covers complaints that relate to:

- i. Concerns about the delivery of courses and related services (e.g. standard of supervision and tuition received, assessment arrangements).
- ii. Shortfalls in standards of service and/or failure to apply procedures in relation to Halls accommodation and service departments of the University.
- iii. Failure to meet obligations including those outlined in prospectuses, course/student handbooks and correspondence from the University.
- iv. Misleading information in prospectuses or in advertising or promotional material.
- v. Complaints over any aspect of a student's experience at the University in relation to communication with and service delivery of administrative or support services.
- vi. Complaints concerning discrimination in contravention of the University's equality and diversity policies.

ANNEX 2 AREAS NOT COVERED BY THE STUDENT COMPLAINT PROCEDURE

The Student Complaint Procedure does not cover complaints that relate to:

- vii. **Assessment** - please refer to the Academic Appeals Procedure;
- viii. The **outcomes of disciplinary action** - please refer to the student disciplinary procedure/'Halls contract' for appeal procedure;
- ix. Reporting of **faults in Hall** - please refer to the resident comment form for accommodation issues;
- x. **Admissions** - please refer any complaints to the Head of Admissions & Recruitment Centre;
- xi. **The Solent Students' Union** - please refer to the Students' Union Complaints Procedure;
- xii. The **behaviour of another student** - in such instances students should inform a relevant member of staff who will consider whether to refer to the Student Disciplinary Procedure; and
- xiii. Complaints about **the local community** - in such instances students should communicate with the relevant local public authorities.

SUPPORT CONTACT DETAILS

For help and advice in resolving or making a complaint please contact:

Students' Union Academic Caseworker

T: 023 8201 6432

E: su.advice@solent.ac.uk

Student Hub

T: 023 8201 5200

E: student.hub@solent.ac.uk

Student Conduct, Complaints and Appeals Manager

Policy, Governance and Information Service

T: 023 8201 6808

E: appeals.complaints@solent.ac.uk