

STUDENT COMPLAINTS PROCEDURE

1. Purpose

- 1.1 This Procedure is designed to ensure that students have a full opportunity to raise, individually or collectively, matters of concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be respected. Complaints will be dealt with promptly and fairly. Where a complaint is upheld, an appropriate remedy will be offered, within the bounds of what is reasonable and practicable for the University to provide.
- 1.2 Newman University welcomes feedback as this can bring to our attention concerns that could be resolved before they become a cause for complaint. Students can give their views on all aspects of their experience directly to the relevant area, via their Module/Programme Leader or Head of Subject and also via student representatives on a range of committees.
- 1.3 The Complaints Procedure operates in accordance with the Quality Assurance Agency (QAA) UK Quality Code for Higher Education Chapter B9: Appeals and Student Complaints published in April 2013, and the good practice framework for handling complaints and academic appeals issued by the Office of the Independent Adjudicator (OIA) in December 2014.

2. Definitions

- 2.1 A complaint is defined by the OIA 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”.
- 2.2 The person (student or applicant) bringing the complaint will be referred to within this Procedure as the complainant.

3. Scope and Principles

- 3.1 This Procedure applies to applicants to, and students who are enrolled on, all courses offered by Newman University. It is also available to students for three months after they have left the University.
- 3.2 Applicants who wish to make a complaint can do so under this procedure, but should also refer to the [University’s Admissions Policy](https://www.newman.ac.uk/knowledge-base/our-admissions-policy/).
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- 3.3 There are specific procedures that deal with academic appeals against decisions of Assessment Boards, or appeals in relation to Academic Misconduct, Fitness to Practise, Disciplinary, and complaints to the Students’ Union. If after initial

investigation, it appears that the complaint falls within the scope of any of the above policies, reclassification of the complaint will be discussed with the complainant and the appropriate referral made.

- 3.4 This policy is not intended for 'whistle blowing'. Whistle-blowing is where a disclosure is made which a person believes to be in the public interest about suspected wrongdoing at in an organisation. The University has a separate Whistle-blowing procedure that should be following in such circumstances.
- 3.5 Students studying at external centres under collaborative arrangements are required to follow the centre's complaints procedures in the first instance. If issues remain unresolved through these local complaints procedures, then the University's complaints procedure may be invoked.
- 3.6 Students who also might be employees of the University must access the University's staff policies for any aspect relating to their employment with the University. Any such matters are outside of the scope of this policy (see Section 10 below).
- 3.7 The complainant will not have the right to have the same case heard again through a different route. If after initial investigation, it appears that the complaint falls within the scope of any of the above policies, reclassification of the complaint will be discussed with the complainant and the appropriate referral made.
- 3.8 Complaints will normally be considered individually. Where complaints raised by a number of complainants involve the same issue, the complaints may be considered collectively, subject to any confidentiality requirements. In such circumstances, the individual complainants involved will normally be invited to nominate one of their number as a spokesperson to facilitate the process (see Section 10 below).
- 3.9 In order to enable the full investigation of a complaint and communication of the outcome, the University will not accept anonymous complaints.
- 3.10 In considering complaints, the University will apply the Procedure in accordance with its Equality and Diversity Policy. In particular, reasonable adjustments will be made for those with disabilities, specific learning disabilities, or long-term medical conditions.
- 3.11 All personal information will be processed in accordance with the Data Protection Act 2018 and GDPR.
- 3.12 All parties to the complaint and individuals who are involved in any related investigation and/or administration of the complaint must observe the requirement for confidentiality. Whilst confidential information may need to be disclosed in order to consider the complaint, this will only be to those staff involved in consideration of the complaint if judged necessary by a qualified member of staff.
- 3.13 Any person named in a complaint has a right to be informed of the substance of the complaint and will have the right to reply as part of the investigation.
- 3.14 The University expects that complainants will not engage in frivolous, vexatious or malicious complaints as outlined in the bullets below. In such cases, the Secretary & Registrar (or nominee) reserves the right to terminate consideration of the complaint.

The complainant will be given an explanation, in writing, of why their complaint has been terminated and details of any further right to complain. Where a complaint is found to have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the complainant:

- complaints which are harassing, repetitive or pursued in an unreasonable manner;
- insistence on pursuing non-meritorious complaints and/or unrealistic or unreasonable outcomes;
- complaints designed to cause disruption or annoyance;
- demands for redress which lack any purpose or value.

3.15 Information which comes to light as a result of a complaint may lead to Newman University or other agencies taking other kinds of action. This includes staff and student disciplinary procedures and civil or police investigations. If this happens the resolution of the complaint may be delayed until that other action has been taken. Complainants will be informed if this is the case and advised of a new date by which it is intended to complete enquiries.

4. Outline of Procedure

4.1 The Complaints Procedure comprises three stages: an informal stage for early resolution; a formal stage (Stage 1) if a complainant was not able to resolve their complaint informally and wishes to pursue their concerns further; and a review stage (Stage 2) which a complainant may follow if they were not satisfied with the outcome of their formal stage complaint.

4.2 Complainants must bring the issue they are complaining about to the University's attention within 3 months of the matter occurring. If the complainant is not satisfied with the outcome of their informal stage (Early Resolution) complaint, they have 3 months in which to take it forward as a formal complaint. The Dean of Faculty (or nominee) will determine whether a late complaint can be accepted. This decision will be final. If the late complaint is not accepted, the complainant will be issued with a Completion of Procedures letter.

4.3 The investigation process will be given reasonable and appropriate priority, and the Investigating Officer will strive to avoid delay. Even so, the time required to complete the investigation will be influenced by a number of factors including the nature of the concerns raised, the number and availability of potential interviewees/witnesses, and the volume and nature of evidence to be gathered.

4.4 The consideration of a complaint is about fact-finding. Consequently, individuals subject to any element of an investigation should not see this part of the process as adversarial or necessarily questioning of their judgement.

4.5 A complainant can withdraw their complaint at any point providing the Secretary & Registrar (or nominee) is advised in writing, but may not later re-launch the complaint at a later date.

4.6 Whilst it may not always be necessary to hold face-to-face meetings when a complaint is considered, a meeting may be held. Throughout the Procedure the complainant has the right to be accompanied at meetings by a friend. A friend is defined as a registered student of the University, a representative of the Students'

Union, a workplace companion or a family member. A 'friend' cannot be a member of staff because this may put them into a position of conflict of interest and their relationship with the complainant may be compromised. The role of the friend is not to be an expert witness. The role of the friend is to act as an observer, give moral support and to assist the complainant to make their case (although he/she may speak with the permission of the Chair). In addition, where reasonable adjustments are required, a complainant may be accompanied by a supporter e.g. a sign language communicator or a note taker, and a complainant with difficulty in understanding English may be accompanied by an interpreter. The Students' Union offers an Advice Clinic.

- 4.7 The University does not permit complainants to be legally represented during such meetings except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the University.
- 4.8 The audio recording of meetings and hearings held under the Procedure by the complainant is prohibited, subject to such reasonable adjustment as may be agreed by the University where required under the Equality Act 2010. Where adjustments have been agreed, the complainant is asked to inform the secretary in good time prior to any such meeting to allow the University to ensure that suitable facilities are available.

5. EARLY RESOLUTION (INFORMAL STAGE)

- 5.1 In the first instance a complainant should seek to resolve the matter in an informal manner by taking it up as quickly as possible with the person(s) most directly involved, if at all practicable. This may involve contacting their module leader, another member of academic staff or other appropriate person, such as the manager of the service they are concerned about if it is a non-academic matter. This is often best done verbally and informally, although a complainant may present their complaint in writing if they wish. A complainant can be assisted in making such an approach by the Students' Union (via their Advice Clinic).
- 5.2 The member of staff involved will report back to the complainant and attempt to resolve the problem.
- 5.3 Most complaints will not need to progress beyond this initial stage. However, should the informal approach not resolve the matter to the complainant's satisfaction, the complainant may make a formal complaint under the Formal Stage of the procedure.

6. FORMAL STAGE (Stage 1)

6.1 Submitting a Formal Stage Complaint

- 6.1.1 To make a formal complaint, the complainant must submit the completed Complaint (Formal Stage 1) form found on MyNewman (<https://www.newman.ac.uk/intranet/knowledge-base/student-complaints/>) and any supporting documents to

complaints@newman.ac.uk within three months of the matter occurring. The complainant will need to outline what informal (Early Resolution) has been undertaken and the outcome of this and clearly define the resolution they are seeking.

- 6.1.2 Complaints about matters that occurred more than three months ago will not normally be considered without good reason for the delay. The Dean or nominee will determine whether a late complaint can be accepted. This decision will be final. If the late complaint is not accepted, the complainant will be issued with a Completion of Procedures letter.

6.2 Consideration of Formal Stage Complaints

- 6.2.1 Where additional evidence and/or clarification is requested from the complainant, this should be submitted to the complaints@newman.ac.uk by the given deadline. Should it not be received by this date, the complaint will be considered on the evidence provided with the original submission.
- 6.2.3 Where a complaint has met the requirements as detailed in paragraphs 6.1.1 and 6.2.1 above, the Dean of Faculty (or nominee) will acknowledge the complaint and inform the complainant who will be dealing with the complaint (the Investigating Officer), normally within five working days of receipt. The Investigating Officer will normally be the appropriate manager, for example the Head of Department or Head/Deputy of Service, providing they are sufficiently removed from any earlier process. Where the Head of Department or Head of Service was involved in consideration of the complaint at the informal stage, the Dean will appoint another appropriate manager from another department or service to act as the Investigating Officer.
- 6.2.4 The Investigating Officer will consider the complaint and may talk to key staff and other students, as well as considering relevant documents and other written evidence. A meeting *may* also be arranged with the complainant (see paragraph 4.6) to discuss the complaint and consider options for a mutually acceptable resolution.
- 6.2.5 If the complaint is against another student (the alleged perpetrator), the Investigating Officer may discuss the complaint with the alleged perpetrator and give him/her the opportunity to respond. The alleged perpetrator may bring a friend (as defined in paragraph 4.6 above) to the meeting. If the Investigating Officer decides that there is a case to answer, the alleged perpetrator may be subject to disciplinary action under the Student Discipline Procedure and/or Fitness to Practise Procedure.
- 6.2.6 If the complaint is against a member of University staff, the Investigating Officer may refer the matter to the Director of Human Resources (or nominee). If there is subsequently considered to be a case to answer, disciplinary action may be taken against the member of staff under the staff Disciplinary Procedure.
- 6.2.7 Following their investigation, the Investigating Officer will provide a written response to the complainant via the Dean (or nominee), normally within

twenty working days of the date of the acknowledgement letter. The response will include the decision with regard to the complaint, the reasons for the decision, and, if the complaint is upheld, notice of any specific action to be taken by way of remedy and for the prevention of a recurrence of the original cause of the complaint if relevant. Should disciplinary action be invoked against a member of staff, information about the outcome of this may not be permitted to be shared with the complainant.

6.2.8 Where the complexity of the case or the sourcing of additional information prevents the complaint from being fully responded to within twenty working days, the Dean (or nominee) will inform the complainant of the delay and an expected date by which a full response is likely to be issued.

6.2.9 This concludes Stage 1 of the formal Complaints Procedure.

7. REVIEW STAGE (Stage 2)

7.1 Submitting a Review Stage Complaint

7.1.1 The complainant must submit any supporting evidence and a completed [Complaints Stage 2 Review form](#) to complaints@newman.ac.uk within ten working days of the receipt of the written outcome of the formal stage of the Complaints Procedure. The complainant should contact complaints@newman.ac.uk immediately if they are unable to meet this deadline. The Secretary & Registrar or nominee will determine whether a late form can be accepted. This decision will be final. If the late form is not accepted, the complainant will be issued with a Completion of Procedures letter.

7.1.2 The [Complaints Stage 2 Review form](#) is available on MyNewman and the Newman University website: <https://www.newman.ac.uk/knowledge-base/complaints-policies/>. The complainant must state the grounds on which they wish to proceed to review stage and must include all necessary supporting evidence and documentation. The complainant must also clearly define the resolution they are seeking.

7.2 Grounds for Review Stage 2 Complaints

7.2.1 The grounds on which a review stage complaint can be considered are:

- a) There is new information put forward by the complainant that was not known to the Investigating Officer dealing with the original complaint and which could not have reasonably been made known to the Investigating Officer before they made their decision.
- b) Evidence put forward at the formal stage was not fully and properly considered and/or the outcome was not reasonable in the circumstances.
- c) There was procedural irregularity in the conduct of the formal Stage 1.

- d) There was prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the formal Stage 1.

7.3. Consideration of Review Stage Complaints

- 7.3.1 complaints@newman.ac.uk will acknowledge receipt of the review stage complaint form and the Registrar & Secretary (or nominee) will undertake an initial assessment of grounds that the complainant has put forward and determine whether there are grounds for the complaint to be considered further at review stage 2 (see paragraph 7.2.1 – outlining grounds).
- 7.3.2 If the Secretary & Registrar (or nominee) determines that there is no basis for the complaint to be considered further, then the complainant will have exhausted the internal procedures. The complainant will be informed of this decision in writing by the Secretary & Registrar (or nominee) and a Completion of Procedures (CoP) letter will be issued, normally within twenty working days of receipt of the review stage complaint form. In such cases, the complainant may be able to seek a further review of their complaint by the OIA (see paragraph 8).
- 7.3.3 If the Secretary & Registrar (or nominee) considers that there is a basis for further consideration, then the complaint will be referred to a Complaint Panel for consideration. The complainant will be informed that the review (Stage 2) is proceeding, normally within 25 working days of the receipt of their Review Stage (Stage 2) complaint.

7.4 Consideration by a Complaint Panel

- 7.4.1 The University Secretary and Registrar (or nominee) will acknowledge the request to progress the complaint. Normally, within 25 working days, a Complaint Panel will meet to hear the complaint. The Panel will be arranged and administered within the appropriate Deanery Office. The Panel will consist of two members of the University Operations Group, a Head of Department from outside of the department in which the student programme of study resides (or nominee) and be chaired by the Dean (or nominee) outside of the Faculty in which the student's programme of study is based within. All members of the Panel will have had no previous association with the complaint.
- 7.4.2 The Dean (or nominee) shall have discretion to nominate a substitute for any of the University members of the Complaint Panel in the event of their unavailability (subject to the exclusions detailed in 7.4.1).
- 7.4.3 Both the complainant and the relevant manager or subject of the complaint will be invited to attend the hearing. Either may be accompanied by a 'friend'. Witnesses may also attend with the agreement of the Panel and may also bring a 'friend'.
- 7.4.4 The Complaint Hearing is not an adversarial process and the parties involved in the complaint will be interviewed by the Panel separately. Any additional written evidence presented to the Panel will be shared with the other party.

The Panel may adjourn the hearing at any time if it requires further information.

- 7.4.5 Complainants who find it impractical to attend a Hearing in person may elect to make a written case only. In those circumstances, the Panel will not see any of the parties and a decision will be made based on the submitted documentation only.
- 7.4.6 Where the same complaint has been made by more than one person, complainants may nominate (in writing) one spokesperson to attend on the behalf of all.
- 7.4.7 After hearing all parties and considering all the submissions, the Panel will uphold, partially uphold or reject the findings of the original investigation. Where the Panel believes the student to have been disadvantaged by the actions of the University, it may request action to resolve matters which could include an award of limited financial or other compensation and/or a formal apology.
- 7.4.8 The Panel may also refer any subject of the complaint for action under the Disciplinary Procedures if that is considered appropriate.
- 7.4.9 The decision and management notes of the Hearing will be sent to the complainant and the subject of the complaint (if applicable) within 10 working days of the end of the Hearing.
- 7.4.10 If a complaint is not upheld, the complainant will be informed in writing with reasons for its rejection.
- 7.4.11 This concludes Stage 2 of the formal complaints procedure.

8. Office of the Independent Adjudicator for Higher Education (OIA)

- 8.1 The OIA is an independent body set up to review individual student complaints against universities in England and Wales.
- 8.2 Current or former students may only take their complaint to the OIA once the University's internal complaints procedures have been exhausted and the University has issued a Completion of Procedures letter to the complainant www.oiahe.ac.uk
- 8.3 The OIA must receive a completed Scheme Application form within twelve months of the date of the Completion of Procedures letter.

9. Monitoring and Evaluation

- 9.1 Newman University will monitor and evaluate the effectiveness of the Complaints Procedure and reflect upon the outcomes for enhancement purposes. A report will be submitted annually to Senate and the University Council (trustee). The report will include equality monitoring data. Faculties will keep a log of all cases accordingly.

10. General Provisions

- 10.1 Collaborating Institutions

- 10.1.1 Students at collaborating institutions are expected to use the complaints procedure of their local institution in the first instance.
- 10.1.2 If a student has exhausted all internal complaint procedures at the collaborating institution and remains dissatisfied, s/he may address his/her complaint to Newman University's Secretary & Registrar (or nominee) who will consider the case on the ground of procedural irregularity only.
- 10.1.3 If the complaint is upheld on the ground of procedural irregularity, it will be referred to the collaborating institution for further consideration. The collaborating institution may decide that further action is or is not required. Its decision is final and a Completion of Procedures letter will be issued to the student by Newman University.
- 10.1.4 If the complaint is not upheld on the ground of procedural irregularity, a Completion of Procedures letter will be issued to the student.

10.2 Complaints involving organisations which provide a service on behalf of the University

- 10.2.1 Where the complaint directly relates to the service provided by an organisation on behalf of the University, but where the University cannot reasonably be expected to have had involvement in the issue, the student should follow the complaints procedure of the service provider.
- 10.2.2 Where the complaint relates to the service provided by an organisation on behalf of the University and the University does have responsibility for the issue raised, the student should follow the University's complaints procedure.

10.3 Students on Work Placements

- 10.3.1 Students 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 the University cannot reasonably be expected to have had any involvement.
- 10.3.2 If the complaint relates to issues where the University can reasonably be expected to have had some involvement or the issues have impacted on the student's learning experience, the student should follow the University's complaints procedure. Examples of where the University complaints procedure can be invoked include the organisation of the placement or the feedback arrangements,

10.4 Students Studying Abroad

- 10.4.1 Students who are spending up to twelve months studying abroad should use the complaints procedure of the host University if the complaint relates to issues within their study and the University cannot reasonably be expected to have had any involvement.
- 10.4.2 If the complaint relates to issues where the University can reasonably be expected to have had some involvement or has impacted on their learning experience at Newman University, for example the organisation of study abroad, the student should follow the University's complaints procedure.

10.5 Complaints involving the Students' Union

10.5.1 Any matters involving the Students' Union will be routed through the Newman Students' Union procedures accordingly.

10.5.4 Where a complaint is made against the Students' Union Development Manager, the matter will be referred to the Chair of Trustees of Newman Students' Union.

10.7 Group Complaints

The group should nominate one person to act as spokesperson and primary contact. All group members must be identified in the complaint and must demonstrate that they have been affected by the issue which is the subject of the complaint. All group members must confirm in writing that they agree to the nominated spokesperson acting on their behalf.

10.8 Reasonable Adjustments

The University seeks to make reasonable adjustments to allow any student with specific requirements to use the Student Complaints Procedure. Any student who may require assistance in making his/her complaint should seek support from the Students' Union Advice Clinic.

11. Exceptions to the normal Stage 1 and Stage 2 Procedure

11.1 Where a complaint is made directly about a Trustee (Council member)/Registrar & Secretary/Pro-Vice Chancellor, the complaint will be forwarded to the Vice-Chancellor who will determine the nature of any subsequent action.

11.2 Where a complaint is made directly against or involves the Vice-Chancellor, the complaint will be forwarded to the Clerk to the University Council who will consider the detail of the complaint and determine the nature of any subsequent action, which may include reference to an independent person appointed by the University Council (Trustees).

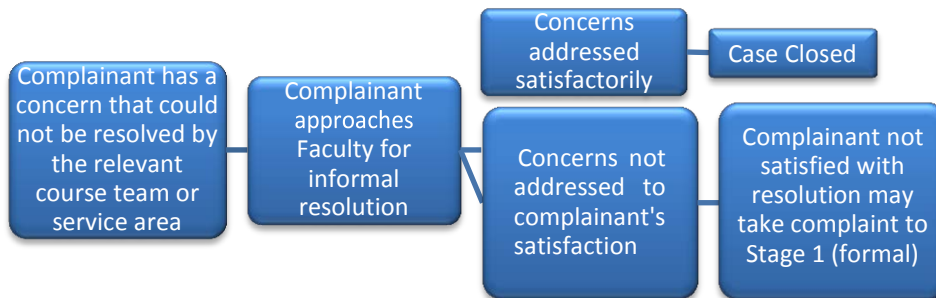
11.3 Where a complaint is made about an individual member of the University Council whilst acting in that capacity, the Vice-Chancellor will refer the matter to the Chair of the Council or to an independent person for review or determine such other action as is deemed appropriate.

11.4 Complaints about the Chair of the University Council or the University Council as a whole will be considered by the Vice-Chancellor, who may refer the matter to an independent person for review or determine such other action as is deemed appropriate.

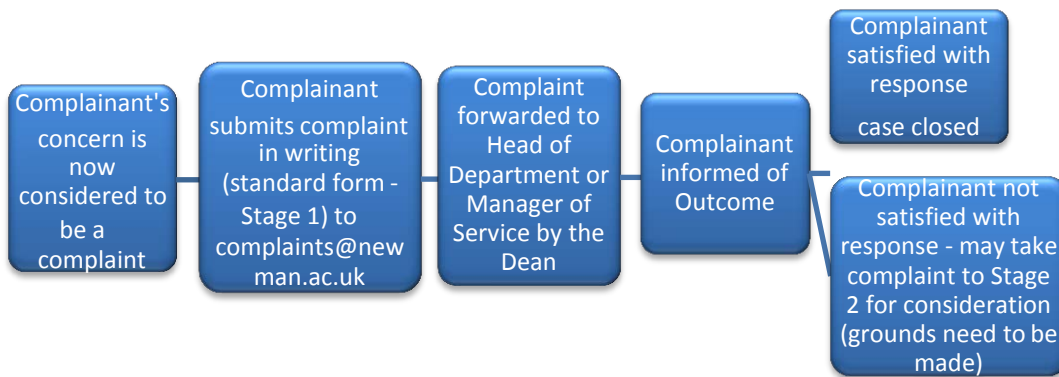
11.5 Where circumstances suggest that invoking the full Complaint procedure further would not benefit the complainant, the University Secretary and Registrar (or nominee) can decide to amend the process and will issue a Completion of Procedures letter at an earlier stage.

12. Procedure Overview

Informal Resolution



Stage 1: Formal complaint submission



Stage 2: Review

