

Complaints procedure



**Harper Adams
University**

JUNE 2020

Complaints Procedure

This complaints procedure reflects Harper Adams University's commitment to valuing complaints. The aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, the University can make evidence-based decisions on the facts of each individual case. The procedure takes account of the *Good practice for handling student complaints and appeals* issued by the Office of the Independent Adjudicator for Higher Education (OIA, December 2016). At the completion of this internal procedure, dissatisfied students are entitled to complain to the OIA but should **not** do so before internal procedures are concluded. Please see paragraph 51 for more information. The Complaints Procedure will be signposted from the Student Handbook and the University's Key Information Page at www.harper.ac.uk/keyinfo, to ensure that students are aware of their rights.

Resolving complaints early saves time and resource and contributes to the overall efficiency of the University. Concentrating on achieving an early resolution of a complaint as close to the point of contact as possible will free up the time of academic and support staff and ultimately contribute to the continued positive experience of our students. This procedure contains the following contents and provides the details which are summarised in Figure 1.

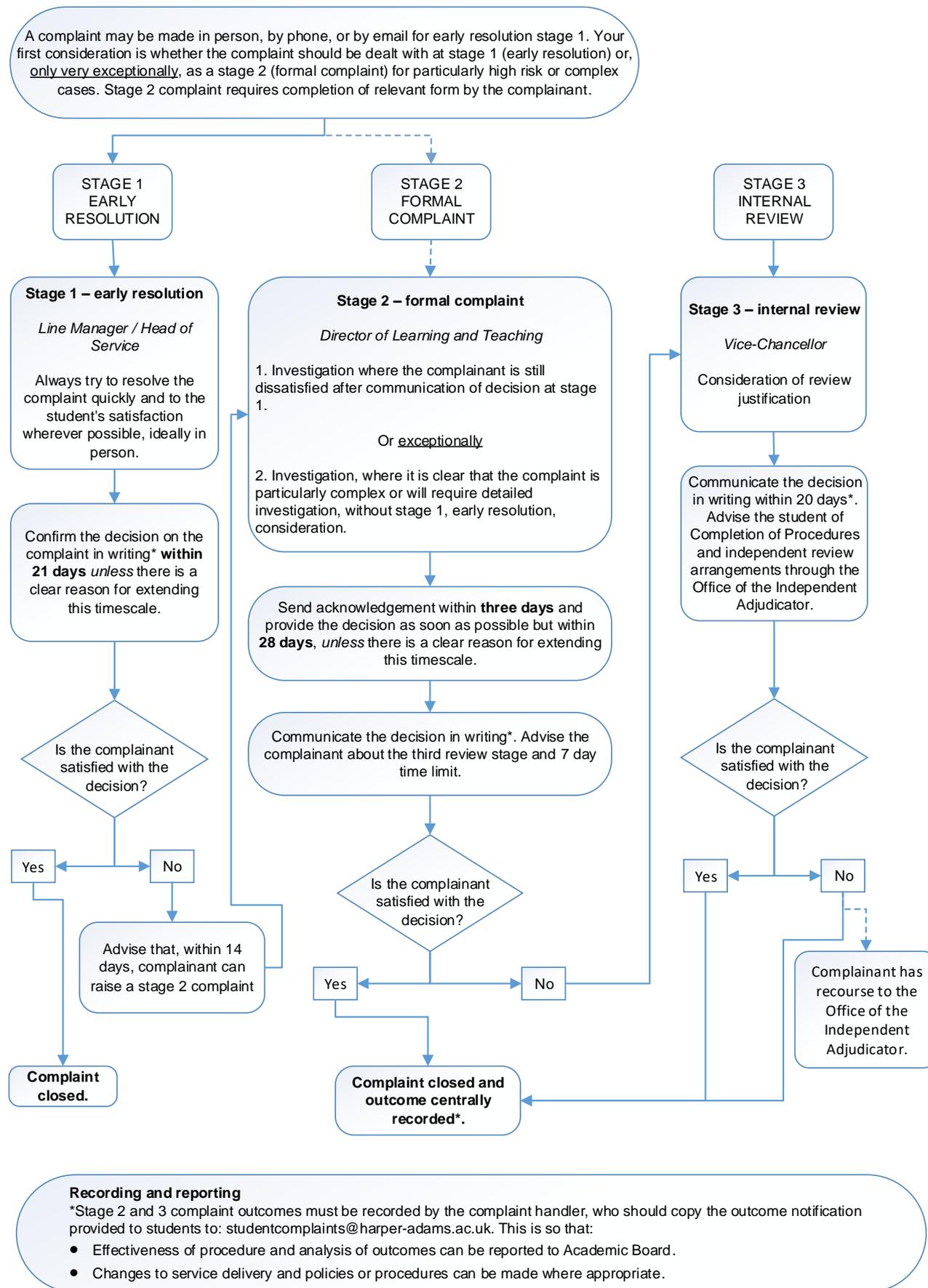
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Figure 1 Overview of Complaints Handling Procedure



What is a complaint?

1. For the purpose of this procedure, a complaint may be defined as:

'An expression of dissatisfaction by one or more student about the standard of service, action or lack of action by, or on behalf of, the University.'

2. A complaint may relate to:

- The quality and standard of service
- Failure to provide a service
- The quality of facilities or learning resources
- Treatment by or attitude of a staff member or contractor
- Inappropriate behaviour by a staff member or contractor, including discrimination
- The failure of the University to follow an appropriate administrative process
- Dissatisfaction with a University policy, although it is recognised that policy is set at the discretion of the University
- The refusal of a reasonable adjustment request by a disabled student under the terms of the Equality Act 2010 and as set out in the *Learning, teaching and assessment policy for students with disabilities and guidance for staff, students and applicants*.

3. The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with the University is a complaint. For example, the following **are not complaints**:

- A request to a member of staff to revise the way in which they provide support or guidance, in order to allow the student to learn more effectively
- A routine, first-time request for a service
- A request under the Freedom of Information Act or data protection legislation
- A request for information or an explanation of policy or practice
- A request for compensation only
- A response to an invitation to provide feedback through a formal mechanism such as a questionnaire or committee membership
- An insurance claim
- An issue which is being, or has been, considered by a court or tribunal
- An attempt to have a complaint reconsidered where the University's procedure has been completed and a decision has been issued
- An appeal about an academic decision on either assessment or admission

4. These issues will be dealt with directly with individuals providing a service or under alternative appropriate processes rather than under the complaints procedure. It should be noted, however, that some situations can involve a combination of issues, some are complaints and others are not, and each case should be assessed on a case by case basis. Other procedures which students might have cause to use include the following:

- Arrangements to request a review of marks, prior to 'ratification' are as set out in the *Assessment Arrangements* at Paragraph 38, **Annex 5.29** of the *Academic Quality Assurance Manual* and Paragraph 1 of the *Academic Appeals* arrangements (**Annex 5.09**).
- *Academic appeals* for requests to explain or review the assessment decisions of assessment board, academic misconduct panel or placement panel
- *Student disciplinary policy* for making complaints about the behaviour of other students
- *Admissions policy* for complaints about the handling of an admissions decision

- *Whistleblowing procedures where there is a, “disclosure under the Public Interest Disclosure Act 1998 and for the purposes of this procedure is a disclosure of information which, in the reasonable belief of the person making the disclosure is in the public interest and tends to show one or more of the following:*
 - a) *that a criminal offence has been committed, is being committed or is likely to be committed,*
 - b) *that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,*
 - c) *that a miscarriage of justice has occurred, is occurring or is likely to occur,*
 - d) *that the health or safety of any individual has been, is being or is likely to be endangered,*
 - e) *that the environment has been, is being or is likely to be damaged, or*
 - f) *that information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be, deliberately concealed”.*
5. Advice on the operation of the complaints handling procedure or on the appropriate procedure to be followed in a specific set of circumstances can be sought from the Director of Academic Services, the Head of Student Services, the Student Advisor or their nominees, and from the SU Director or their nominees.

Who can make a complaint?

6. The complaints procedure covers complaints about a student’s experience during their time at the University. Only registered students, including Degree Apprentices, or those who have recently completed their studies, may make a complaint within the context of this complaints procedure, within the timescales set out herein. There is a bespoke complaints procedure for short course participants who are not registered students, available by emailing SCCO@harper-adams.ac.uk.
7. Those who are studying on a programme under a sub-contractual or validation arrangement have access to a bespoke complaints procedure that will be maintained on the website of the organisation through which they are learning. For students studying within a sub-contractual arrangement (at the time of writing, these include AMTRA Ltd, BASIS Ltd and IMPROVE International Ltd), Harper Adams University will always manage the final, review stage of any complaint which is unresolved after informal and formal considerations, as set out in the published bespoke arrangements. Students studying within a validation arrangement (at the time of writing, these include Askham Bryan College and Reaseheath College), should be referred to Harper Adams University for final, review stage consideration of any unresolved complaint that relates to the academic standards and / or quality of the learning opportunity. The arrangements set out in paragraphs 48-50 should be followed, with the exception that the University’s Director of Learning and Teaching, or nominee, considers any complaint. Complaints related to joint programmes (currently with overseas partners) are dealt with through the arrangements of the partner where the student is located.
8. This procedure does not apply to members of the public. Members of the public who wish to make a concern known should contact the Head of Student Services for student-related matters and the Vice-Chancellor’s Office for other matters.

Appointment of a representative

9. As independent adults who should take responsibility for their own learning, the University expects students to make their own representations within this complaints procedure. Where a student is unable to do so, they may, by exception, request that they be permitted to appoint a representative to act on their behalf by completing and returning the form at annex 1 (available in digital format at the Key Information Page at www.harper.ac.uk/keyinfo or on request to studentcomplaints@harper-adams.ac.uk). In seeking to appoint a named

representative, the student expressly permits the University to share personal data relating to the investigation, with the named representative, in both determining and reporting on the complaint investigation outcome. If the student appoints a representative, all communications must be channelled through the representative. The representative, as the student's nominee, will be bound by the timescales set out in this procedure. Students who are in receipt of support from a Learner Support Tutor because of a disability may seek support from a tutor or other person of their choosing to help them complete the formal complaints form but this does not constitute representation.

10. It might be appropriate to approve a third party request if a student:

- Is experiencing significant mental distress for example due to a recognised mental health condition or illness.
- Has been through a significantly traumatic experience.
- Has a disability which impacts on their ability to liaise directly with other people.

If required in order to assess the validity of the request it may be appropriate to ask for evidence for example a letter from a doctor / consultant. If the reason given is disability, advice from the University's Disability Services will be sought, before agreeing to a third party nomination request or asking for any medical evidence.

11. It is unlikely to be appropriate to approve a third party request if a student:

- Hasn't understood what has been said to them and wants someone else to gather information for example feedback from a lecturer or information about a University debt.
- Is experiencing a general level of stress for example due to poor results or a high workload.
- Is busy with other things and doesn't feel they have time to speak to University staff themselves.
- Is out of the country.

12. Only in exceptional cases will a third party representative nomination be approved without speaking directly to the student first, for example if the student is seriously ill in hospital. In all other cases, it is important that the student is spoken with so that they can:

1. Fully explain their reasons for requesting the third party interaction
2. Confirm that they fully understand the implications of entering into any such arrangement.
3. Confirm that the information that might need to be shared in order to liaise with the third party will be personal to the student and could include for example
 - Their academic progress to date.
 - Their financial position (for example any debt they have incurred).
 - Their behaviour at the University.

Collective complaints

13. The normal expectation is that students will submit a complaint which relates to their own experience only. There is, however, provision for collective complaints since a service failure might have affected many students. Where students elect to make a collective complaint, they are required to confirm in writing that they nominate an individual spokesperson to act on their behalf and that all correspondence, including the final outcome, will be through the nominated spokesperson.

Frivolous or vexatious complaints

14. The University may reject a complaint at any time if, in the opinion of the Director of Academic Services, or nominee, the complaint is frivolous or vexatious.

15. A frivolous or vexatious complaint can be characterised in a number of ways:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing potentially meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

16. If a student's complaint is considered frivolous or vexatious, the Director of Academic Services, or nominee, in consultation with the Director of Learning and Teaching, will write to the student explaining that the University is terminating further consideration of the complaint, setting out the reasons for doing so, and issue a Completion of Procedures letter. The complainant will also be referred to the student disciplinary procedures.

Unacceptable behaviour

17. The University is committed to providing a fair, consistent and accessible service for all students. However, the University must also provide a safe working environment for staff, and ensure that work is undertaken in an efficient and effective manner. Whilst all students have the right to be heard, understood and respected, staff have the same rights. The actions of complainants, or their nominated representative, who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards, staff. It is these actions or behaviour that is considered unacceptable and aim to manage under this guidance. These behaviours are set out below:

- **Aggressive, offensive or abusive actions or behaviour**
Examples of actions or behaviour grouped under this heading include any actions or behaviour that may have the potential to cause staff to feel intimidated, threatened or offended. These include, but are not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, sarcasm and rudeness. Inflammatory statements and unsubstantiated allegations can amount to abusive actions or behaviour. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether oral or written, that may cause staff to feel afraid, threatened or abused.
- **Unreasonable demands or persistence**
Examples of unreasonable demands may include: requesting responses within an unreasonable timescale; insisting on seeing or speaking to a particular member of staff; continual phone calls, emails, or letters; demanding answers to an unreasonable, or an excessive number of, questions about the way in which staff would normally discharge their responsibilities or seeking their personal opinions on matters; repeatedly changing the substance of an appeal, or raising unrelated concerns.

When the actions or behaviour of a complainant or their representative is unacceptable they will be told why it is unacceptable and given the opportunity to modify their actions or behaviour. If the unacceptable actions or behaviour continue, the University will take appropriate measures, including referring students to the disciplinary procedures, including where their nominated representative acts unreasonably and terminating consideration of their complaint and issuance of a Completion of Procedures letter.

Anonymous Complaints

18. Complaints submitted anonymously will not normally be considered. If, however, an anonymous complaint presents compelling evidence that supports the need for investigation, the University may give consideration to the issues raised, and will record the complaint so that corrective action can be taken as appropriate. If the complaint is considered to merit investigation for reasons of public interest, the matter might be dealt within the University's Whistleblowing Procedures. The Director of Academic Services, or nominee, will review anonymous complaints, in consultation with relevant staff in deciding whether they will be investigated further. No correspondence will be entered into with an anonymous complainant, including acknowledgment of receipt of the complaint.

Complaints involving more than one department

19. If a complaint relates to the actions of two or more departments, the staff member receiving the complaint must confer with the other area(s) to decide who will take the lead on the complaint, taking advice, where necessary, from the Director of Academic Services, or nominee. The complainant will be told to whom the complaint is being passed and given their contact details. Coordination may still be required between different areas of the University to ensure that the complaint is fully addressed in a single response. The nature of the complaint may also require parallel procedures to be initiated (such as academic appeal or staff / student disciplinary procedures).

Complaints involving other organisations or contractors

20. If an individual complains to the University about the service of another organisation, but the University has no involvement in the issue, the individual should be advised to contact the appropriate organisation directly. Where a complaint relates to a University service offered in conjunction with the service of another organisation, the complaint will be handled through the complaints procedure. The Students' Union has its own complaints handling procedures, the details of which are available on its webpages. Educational partners whose programmes lead to the awards of the University also have their own complaints procedures, notwithstanding the arrangements set out in paragraph 7.
21. Students who are studying within a sub-contracted or validated programme should use the procedure of the partner, although there will be provision for the University to review the final outcome in the event of student dissatisfaction (as Stage 3, review stage), prior to the issuance of a Completion of Procedures letter and onwards referral to the OIA, as set out in paragraph 7. The review stage of a complaint arising from a partnership arrangement will normally be dealt with by the Director of Learning and Teaching who will advise the Director of Academic Services on the outcome and of the need to issue a Completion of Procedures letter.

Time limit for making complaints

22. Complaints should be raised with the University as soon as problems arise to enable prompt investigation and swift resolution. This complaints procedure sets a time limit of **28 days** to raise a complaint with the University, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.
23. Beyond the 28 day time limit, any discretion in the way that the time limit is applied must be agreed with the Director of Academic Services, or nominee, and will require evidence of mitigating circumstances that prevented the complainant from making their concerns known in a timely way, within the deadline.

The Complaints Procedure

24. The complaints procedure is intended to provide a quick, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.

The procedure involves up to three stages, as illustrated in Figure 2:

Stage 1 Early complaints resolution seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made to those responsible for the service under consideration, or as close to that point as possible.

Stage 2 A formal complaint is appropriate where a complainant is dissatisfied with the outcome of early resolution, or where early resolution is not possible or appropriate due to the complexity or seriousness of the case.

Stage 3 Complaints review enables a student who remains dissatisfied with the outcome of the formal complaint investigation to request a review of the decision by the Vice-Chancellor, or nominee. If the student remains dissatisfied at the completion of internal procedures, they are able to complain to the Office of the Independent Adjudicator.

Only exceptionally, and where there are reasonable grounds for such, would the procedure be varied, at the discretion of the Director of Academic Services, or their nominee.

Figure 2 The Complaints Procedure

(see paragraphs 24-51 for a text based description)



Stage one: early, informal complaint resolution

25. Any student who has a complaint is encouraged to raise it initially at the point of, or as close as possible to the point of, becoming aware of the concern and raise it with the head of department or service in which the issue arose. The complainant should make it clear that they are making an informal, stage one complaint, as opposed to making an observation, asking a question or providing feedback. If the complainant has any doubts as to whom to complain, he/she should seek advice from their Course Tutor, Student Advisor or from the Director of Academic Services, or nominee (in the latter case to seek advice using the email address: studentcomplaints@harper-adams.ac.uk). Where a student representative provides feedback through a course committee, which raises a concern about a possible failure or poor service, and which the Chair does not consider they, or another committee member, can provide a suitable response **within 14 days**, they should advise the student to make a first stage complaint to the relevant head of department. An item of feedback raised within a course committee is not generally considered a complaint, unless the Chair, on behalf of the committee, indicates that they are unable to deal with the matter by liaison with relevant colleagues and advises the student(s) to submit a complaint.
26. In certain circumstances, the head of department might refer the matter for consideration by any nominee who has direct responsibility for the area or staff member to which the complaint relates. **The complaint must be made within 28 days** of the student being aware of the problem. Where a complaint covers more than one academic department, the Deputy Vice-Chancellor will be asked to deal with the complaint or nominate one of the heads of departments associated with the complaint to do so on their behalf.
27. Disabled students who wish to make a complaint regarding a rejected request for an adjustment to assessment tasks or support arrangements, in line with their needs assessment report, should consult with the Learner Support and Disability Manager, in the first instance. This is so that their complaint is considered within the approved policy for dealing with reasonable adjustment requests as set out in the *Teaching and Assessment Policy for Students with Disabilities and Guidance for Staff, Students and Applicants*. Disabled students should make any reasonable adjustment request as soon as reasonably possible after they have been provided with assessment requirements. Any complaint about a rejected request, including for poor timeliness, should be made as soon as possible after any request has been rejected but **no later than 28 days**.
28. Complaints at this stage may be made face-to-face, by phone, in writing or by email. Students should make an appointment if they wish to raise their complaint face-to-face. They should also ensure that they include the following within the information that they provide as part of their complaint, irrespective of the way in which they make their complaint known:
- They are making an informal, stage one complaint within the terms of this procedure, so that the staff member knows that they must deal with the concerns accordingly
 - The specific concern and the impact of the problem on the student
 - The area(s) of the university and / or staff who the student believes are involved
 - The outcome that they are hoping for.
29. The purpose of early resolution is to attempt to resolve as quickly as possible, and **normally within 21 days**, as close to the point of the problem as possible. Complaints at this stage of the process should normally be handled by way of a face-to-face discussion with the complainant, although the complainant is able to specify if they should be contacted for a discussion by telephone or email.

Members of staff to whom complaints are made will consider some key questions:

- Is this a complaint or should the individual be referred to another procedure?

- What specifically is the complaint (or complaints) about and which area(s) of the University is / are involved?
 - What outcome is the complainant hoping for and can it be achieved?
 - Can the complaint be resolved on the spot by providing an apology / explanation / solution?
 - Can another member of staff assist in seeking an early resolution?
 - What assistance can be provided to the complainant in taking this forward, within the first stage, early resolution procedures?
30. Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to stop this happening in the future. Any apology should be made promptly, acknowledging any failure of service and accepting responsibility, explaining why the failure happened and setting out outline action to remedy the matter either for the complainant or for students in the future. In doing so, the complaint handler needs to give due regard for the professional standing of staff and not divulge the details of any proceedings that might be taken in relation to staff discipline. An apology does not amount to an admission of liability in the legal sense or a sign of weakness. An apology enables the University to acknowledge that it will take responsibility for improving arrangements and to reassure a student that their complaint has been taken seriously.
31. If responsibility for the issue being complained about lies in the staff member's area of work, they should make every attempt to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will liaise with the relevant area and introduce the student to a more relevant staff member, rather than simply passing the complainant on to another office.

Extension to the 21 day timeline

32. Early resolution should normally be completed **within 21 days** once necessary investigations have been undertaken, although a resolution may be achieved more quickly. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint at the early resolution stage (for example, by obtaining information from other areas where no single area of the University is responsible for the issue(s) being complained about). The complainant must be told of the reasons for extending the deadline and advised of the new timescale for resolution. The maximum extension, which can be granted, **is 7 days** (ie **not more than 28 days** in total from the date of receipt of the complaint).

Closing the complaint at the early resolution stage

33. The outcome will be communicated to the complainant by the staff member handling the complaint. This may be face-to-face, by phone or by email. If the outcome is given orally, the decision must also be summarised within an email to the complainant headed '*Early resolution complaints outcome*' setting out the following, using the template at Annex 2:
- Date of receipt of first stage, informal complaint
 - The specific concern raised by the student and their assessment of the impact of the problem on them
 - The outcome that the student was hoping for
 - The outcomes that the complaints handler determined, including, where applicable, any apology, explanation or change to existing arrangements for the student and/or for other students, or a commitment to identify the need for approved University policies or procedures to be resolved by the appropriate postholder or committee
 - Advice to the student that the early resolution complaint has been closed, and advice on the availability of a second stage, formal complaints procedure, if they remain dissatisfied

Stage two: Formal complaint investigation

34. Formal complaints will normally already have been considered at the early resolution stage. Only very exceptionally will complaints be identified upon receipt as appropriate for immediate investigation within the formal, second stage arrangements, once advice has been sought from the Director of Academic Services, or their nominee.
35. A complaint will be moved to the formal complaint stage only when:
- Early resolution has been attempted, but the complainant remains dissatisfied. This is after the case has been closed following the early resolution stage
 - Exceptionally, the issues raised are complex, cross several departments or several related incidents over an extended time scale or relate to University's approved policies and procedures and will require detailed investigation by a senior staff member who is independent of the complaint
 - Exceptionally, the complaint relates to issues that have been identified by the University as high risk, as set out in paragraph 36.
36. Special attention will be given to identifying complaints considered high risk, as these may require particular action or may raise critical issues requiring direct input from senior staff. Potential high risk complaints may cover:
- Complaints involving a threat of serious harm
 - Cases where the impact of the issues raised has detrimental consequences for the student's health and wellbeing
 - Cases involving a death or terminal illness
 - Cases involving serious service failure, for example major delays in service provision or repeated failures to provide a service
37. Staff to whom a complaint is made should seek advice from the Director of Academic Services, or their nominee, if they consider that a complaint might be high risk and merit immediate referral to stage two, without stage one consideration. Complaints that are considered to have been prematurely referred to the formal stage two procedure will be returned to the complainant with advice on progressing through the informal stage.
38. Students must make a formal complaint, **within 14 days** of notification of the stage 1, early resolution outcome or **within 28 days** of being aware of a problem, by completing the Formal Complaints Form at annex 3 (available in digital format on the University's Key Information Page at www.harper.ac.uk/keyinfo or on request to studentcomplaints@harper-adams.ac.uk) and submitting it to the University email address: studentcomplaints@harper-adams.ac.uk. The formal complaint must include:
- An attached copy of the early resolution, first stage complaint outcome notification email, unless the complaint is considered by the complainant to fulfil the criteria at paragraph 36
 - Explanation of why the early resolution, first stage complaint outcome is not satisfactory
 - Details of the specific concern and the impact of the problem on the student, including any supporting, independent evidence
 - The area(s) of the university / staff the complainant believes to be involved in the problem
 - The outcome that they are hoping for.
39. Students may also wish to seek impartial advice from the Student Advisor, Head of Student Services, or their nominees, or from the Students' Union Director, or their nominee, if they do not wish to seek the advice of a Harper Adams University staff member. The first stage for

complaints related to reasonable adjustment requests for disabled students are dealt with through the Learner Support and Disability Manager, as set out in paragraph 27 and in the *Learning, teaching and assessment policy disabled students and guidance for staff, students and applicants*.

What the University will do when it receives a formal complaint for investigation

40. Receipt of the complaint through the email address studentcomplaints@harper-adams.ac.uk will be acknowledged by the Director of Academic Services, or their nominee, and the student advised who is dealing with their complaint and the normal timescales within which formal, second stage complaints are concluded. Formal complaints are normally investigated by the Director of Learning and Teaching, or nominee, unless the complaint relates to an area within their direct responsibility, in which case the Director of Academic Services, or nominee, will allocate the complaint to another senior staff member who is independent of the complaint and early resolution complaint considerations.
41. The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the complainant that represents the University's considered position. Whilst the complainant is responsible for ensuring that their written complaint submission is complete, including any supporting evidence, the investigator reserves the right to meet with the complainant to clarify any points of uncertainty or dispute. Such meetings are informal, although the student is, with advance request, normally permitted to be accompanied by another named member of the University community, such as a staff member, SU Officer or other currently enrolled student. There is normally no provision within these arrangements for a panel hearing.
42. If the Director of Academic Services, or nominee, considers the complaint to be insufficiently detailed to refer to the stage 2 formal complaints handler, it will be referred back to the student to provide additional detail within the 14 day limit of notification of the early resolution first stage outcome (or **28 days** of the problem occurring where a referral is made immediately to the stage 2 procedure). Formal complaints that are received after 14 days of notification of the early resolution, first stage complaint outcome will normally be rejected as out-of-time and a Completion of Procedures letter issued. The only exceptions to this are where a student provides evidence of mitigating circumstances that prevented them from submitting a formal, second stage complaint within the approved timescale, for example through unexpected incapacitation or through disability which can be evidenced as preventing a timely complaint from being made.

Timelines

43. The following deadlines will be used for cases at the second formal stage of the complaints procedure:
 - Complaints will normally be acknowledged in writing **within 3 days**
 - The University will provide a full response to the complaint as soon as possible but, normally, **not later than 28 days** from the time that the complaint was received for investigation.

Extension to the 28 day time line

44. Not all investigations will be able to meet this deadline; for example, some complaints are so complex that they will require careful consideration and detailed investigation **beyond the 28 days'** timeline. Where there are clear and justifiable reasons for extending the timescale, the Director of Learning and Teaching, or nominee, in consultation with the Director of Academic Services, or nominee, will exercise judgement and will set time limits on any extended investigation, and advise the complainant accordingly. It is expected, however, that this will

be the exception and that the University will always strive to deliver a definitive response to the complainant **within 28 days**.

45. Where an extension has been agreed, this will be recorded appropriately and the proportion of complaints that exceed the **28 day-limit** will be evident from reported statistics.

Mediation

46. Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a mutually satisfactory conclusion being reached. Where the University and the complainant agree to mediation, revised timescales should be agreed.

Closing the complaint at the formal, second stage

47. The outcome of the formal complaint will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, will also be recorded. The recorded outcome of the formal complaint will include the following:

- The student's name, course and year of study
- Date of receipt of complaint
- Name of the complaints handler
- The specific concern raised by the student and their assessment of the impact of the problem on them
- The area(s) of the university or staff who the student identified as involved
- The outcome that the student was hoping for
- A summary of any investigations undertaken, including with whom the complaints handler discussed the complaint and any documents reviewed
- The conclusion(s) drawn from any investigations
- The outcomes that the complaints handler determined, including, where applicable, any apology, explanation or change to existing arrangements for the student and/or for other students, or a commitment to identify the need for approved University policies or procedures to be resolved by the appropriate postholder or committee
- Advice to the student that the formal resolution complaint has been closed, the date of notification of outcome, and advice on the availability of a third and final internal review stage, **within seven days** of the notification, through representation to the Vice-Chancellor, if they remain dissatisfied.

Formal complaints are recorded through copy to the studentcomplaints@harper-adams.ac.uk email address.

Stage 3: Internal review of complaint

48. Where a student remains dissatisfied with the outcome of the formal complaint investigations, they are permitted to request a review of the decision on the following grounds, **within seven days** of notification of the second stage complaint outcome:

- Appropriate procedures were not followed at the formal complaints stage
- The outcome was not reasonable
- New material evidence is presented which the student was unable, for valid and evidenced reasons, to provide at the formal stage.

49. The student should submit a letter addressed to the Vice-Chancellor using the email address studentcomplaints@harper-adams.ac.uk, setting out the basis on which they are requesting

that the decision be reviewed, including a copy of the formal complaint outcome notification. The Vice-Chancellor, or nominee, will consider the request to review the outcome and provide the outcome of any review normally **within 20 days** of receipt of the written request. Where the review request is received after the deadline for doing so, and there are no mitigating circumstances for lateness, the review request will be rejected.

50. The Vice-Chancellor, or nominee, will investigate the claim(s) made and provide a definitive outcome, detailed as set out in paragraph 47 with the exception of referral to the third, internal review, stage. On completion of any review and outcome conclusion, they will request the Director of Academic Services to issue a Completion of Procedures letter at the conclusion of the internal proceedings. Such a letter will also advise the student of the arrangements by which they might raise a complaint with the independent ombudsman, the Office for the Independent Adjudicator (OIA) if they remain dissatisfied (paragraph 51).

Completion of procedures and recourse to independent, external review

51. The OIA runs an independent scheme to review student complaints. Harper Adams University is a member of this scheme. If a complainant is unhappy with the outcome they may be able to ask the OIA to review their complaint. Complainants can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.
52. A student normally needs to have completed this complaints procedure before they can complain to the OIA. The University will send the student a letter called a "Completion of Procedures Letter" when they have reached the end of these processes and there are no further steps that can be taken internally. If the *complaint* is not upheld, the complainant will be issued with a Completion of Procedures Letter automatically. If a *complaint* is upheld or partly upheld, a complainant can ask for a Completion of Procedures Letter if they want one. More information about Completion of Procedures Letters can be found here, including when they should be provided: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

Maintaining confidentiality and use of information provided by a complainant

53. Confidentiality is an important factor in conducting complaints investigations. The University will always have regard to any legislative requirements; for example, data protection legislation and policies on confidentiality and the use of complainant information. Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. Notwithstanding this provision, information provided as part of a complaint might be used in consideration of a complainant's fitness to study or fitness to practise in a particular profession.
54. Where complainants provide information about third parties, they should limit any personal information to the essentials, since there is a requirement under current data protection legislation to notify third parties of any circumstance in which their data is being processed.
55. Where a complaint has been raised against a student or member of staff and has been upheld, the complainant will be advised of this. However, it would not be appropriate to share specific details affecting specific students or staff members, particularly where disciplinary action is taken.

Recording, reporting, learning and records retention

56. Valuable feedback is obtained through complaints. One of the objectives of the complaints procedure is to identify opportunities to improve provision of services across the University. Staff must record all complaints for the purpose of complaints data analysis and management reporting. By recording and using complaints information in this way, the causes of complaints can be identified, addressed and, where appropriate, training opportunities can be identified and improvements introduced.
57. To collect suitable data, it is essential that all stage 2 and stage 3 complaints are recorded in sufficient detail as set out in the relevant detail for stage 2 and stage 3 complaints. The complaint handler should send a copy of stage 2 and 3 complaint outcomes to the studentcomplaints@harper-adams.ac.uk email address, including the information specified in paragraph 47 (other than for stage three completion, which results in a Completion of Procedures letter and advice on referral to the OIA where a complainant remains dissatisfied, rather than referral to the stage 3 complaints). The following will be recorded, based on the outcomes of second and third stage complaints, by the Director of Academic Services, or their nominee:
- Course and year of complainants
 - Department to which complaints relate
 - Underlying causes and remedial action taken or where no action was necessary
 - Referrals for University policy and procedures to be reviewed and numbers of such revisions under consideration or revised
 - Recurring themes or problem areas
58. Anonymised data will be summarised annually for consideration by Academic Board, the Board of Governors and for submission in fulfilment of any external reporting requirements that might be required by regulatory or funding bodies. Regularly reporting the analysis of complaints information will help to inform the enhancement of services.
59. Records of complaints will be retained for a period of 18 months, following the conclusion of a complainant's study, or 15 months from the issue date of a Completion of Procedure letter, whichever is the longer, for the purpose of addressing any complaints or appeals. This allows the University to align itself with the current OIA complaints process.
60. For complaints where a dispute is ongoing or is in reasonable contemplation for which there is a statutory limitation period, the records relating to the issue in dispute will be kept for the relevant statutory limitation period.

Annex 1 Representative nomination form for student complaints procedure

This form should only be used by students to seek permission for a third party to represent them in making a complaint.

Name	
Student Registration number	
Programme of Study	
Year of study	
Correspondence Address	
Contact telephone number	
Email address	

I, _____ (insert name)
give permission for the person named below to advise me and represent me as outlined in this form. I understand, and the person named below understands, that they may act for me, only as permitted by the University's policies and procedures, as if I was representing myself.

Name of third party	
Relationship to student	
Correspondence Address	
Contact telephone number	
Email address	
Signature of representative	
Date	

I give permission for the person named overleaf to advise me and/or represent me in progressing my complaint.

In order for the third party to advise me and/or represent me as outlined above, I authorise Harper Adams University to release necessary personal data, including data that might be considered sensitive, and communicate the outcomes of any investigation to the third party.

In order to ensure the third party is properly representing you, any correspondence with that third party will be copied into you.

By completing and signing this form the University will not automatically agree to a third party acting on your behalf. Any interaction with a third party will only commence once this has been formally approved and confirmation sent directly to you in writing by email.

Unless revoked by you earlier in writing, the authority for your third party to advise and/or represent you will last for a maximum of 90 days. In exceptional circumstances this timeframe can be reviewed and amended where required.

The University is within its rights to bring to an end the agreement for third party involvement at any stage. This will only occur should it be considered that doing so is in your best interest or that you no longer have a valid need for the third party to act on your behalf. In such cases all parties will be informed in writing.

You can revoke the agreement for third party interaction at any stage by writing to the senior manager who approves this request.

Student signature	
Print name	
Date	

Completion of this section confirms that the request has been granted and is retained on the student's file. The student and approved nominee are advised when any approval has been granted, normally by the Director of Academic Services, or nominee for the purposes of complaints.

Signature of approver	
Name of senior manager approving	
Date	

Annex 2 Informal Stage 1 Complaints Outcome E-mail Confirmation Template

Dear [Student first name]

Early resolution complaints outcome [Student name]

Please find below the confirmed outcome of my Stage 1 [investigation / consideration] of the concern that you alerted me to on [date of receipt of first stage, informal complaint]. In my role as [postholder], you advised me that you were concerned about the following matter/s:

- []
- []

You were concerned as this problem was impacting on you in the following way/s:

- []
- []

In raising your concern, you indicated that you hoped for the following outcome:

- []
- []

As part of my informal complaint stage considerations, I have found that [add details]. I would, therefore propose [add proposed resolution including any or adaptations of the following: there is no need for further action because [add reason/s]; discussion with relevant colleagues has resolved the concern; an apology; explanation or change to existing arrangements for the student and/or for other students; or a commitment to identify the need for approved University policies or procedures to be resolved by the appropriate postholder or committee; other resolution].

We value feedback from our students, so thank you for raising your concern with me. I hope that my considerations reassure you that your concerns have been noted and appropriate action taken.

However, if you remain dissatisfied, you are entitled to progress your concerns through to Stage 2 as a formal complaint. The full Complaints Procedure is available on the University's [Key Information Page](#). You are advised that you must follow the approved procedure set out therein. In particular, I draw your attention to extracts from paragraphs 37-38:

*37. Students must make a formal complaint, **within 14 days** of notification of the stage 1, early resolution outcome or **within 28 days** of being aware of a problem, by completing the Formal Complaints Form at annex 3 (available in digital format on the University's Key Information Page at www.harper.ac.uk/keyinfo or on request to studentcomplaints@harper-adams.ac.uk) and submitting it to the University email address: studentcomplaints@harper-adams.ac.uk.*

38. Students may also wish to seek impartial advice from the Student Advisor, Head of Student Services, or their nominee, or from the Students' Union Director, or their nominee, if they do not wish to seek the advice of a Harper Adams University staff member.

[With best wishes / preferred complimentary close,

Name of Stage 1 complaints handler]

Annex 3 Stage 2 Formal Complaints Form

This editable form will expand if you need to type more words and is available from the Key Information webpage at: www.harper.ac.uk/keyinfo

Student's details	
Student's name	
Student's course title	
Student's year of study	
Outcome of Stage 1 Early Resolution Complaint	
Please append / insert the written outcome of your stage 1 complaint, including: <ul style="list-style-type: none">• when you made the informal complaint• who dealt with it• the outcome of that complaint.	
Please explain why you are not satisfied with the outcome of the stage 1 complaint	

If, exceptionally, you have referred your complaint directly to the Stage 2 procedure, please confirm the following:	
Please explain why you consider the complaint should initially be considered as a stage 2 complaint, as set out in paragraphs 34-36 of the complaints policy, rather than as a stage 1, informal complaint	

Details of Stage 2 Complaint and Outcome You are Seeking (boxes will expand if necessary)		
Please detail the specific concern and how the problem is impacting on you		List of evidence to support each claim ¹ :
Please confirm the service(s) or department(s) involved in the problem, including individuals who will need to be consulted as part of any investigation		List of evidence to support each claim ¹ :
What is the outcome that you are seeking?		List of evidence to support each claim ¹ :

Please include any other detail that you believe is relevant		List of evidence to support each claim ¹ :
--	--	---

Submission of this form confirms that all claims made within this complaints form are truthful and that all evidence is genuine, including where an approved representative has submitted on behalf of a student and where they have been granted the student's authority and approved as such.

¹ All evidence must be appended to the submitted complaints form within the deadline.

The completed form should be e-mailed, along with supporting evidence, to studentcomplaints@harper-adams.ac.uk **within 14 days** of being notified of the stage 1 outcome or **within 28 days** of being aware of the problem if, exceptionally, the complaint proceeds directly to a stage 2 formal complaint. The Student Advisor, Head of Student Services, or their nominees (or the SU Director or their nominee, where students do not wish to seek the advice of a staff member), are able to advise students on preparing a formal complaint. Complaints about reasonable adjustment refusals should be discussed with the Learner Support and Disability Manager.