



STUDENT COMPLAINTS REGULATIONS AND PROCEDURE 2019/2020

Title: Student Complaints Regulations					
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PART A: REGULATIONS

SECTION A1: INTRODUCTION

- 1.1 The University of South Wales is committed to providing high quality education and support to its students. There are many routes through which students can raise any concerns or issues. The University welcomes feedback about its provision so that it can develop and enhance the services it provides.
- 1.2 When a complaint is received the University seeks to resolve it as quickly, fairly and equitably as possible, whether the complaint is about services provided by the University, treatment by any staff member, student or visitor, or any other issue.
- 1.3 The University's Regulations and Procedure for student complaints apply to:
- Students studying at the University, at the University's Dubai Campus and University of South Wales courses through distance delivery.
 - Students studying at the Royal Welsh College of Music and Drama, in respect of the review stage only.
 - Former students, for a period of three months after leaving the course to which the complaint relates.
 - Students studying university courses at the University's partner institutions where the complaints relate to academic matters. Where matters are the responsibility of the partner institution, for example crèche facilities, the student will need to access the partner institution's complaints procedure.
 - Students studying on work placements or engaged in work-based learning.
 - Students on an approved leave of absence.
 - Individuals registered as an apprentice of the University.
(NB Any reference to 'student(s)' or 'complainant(s)' should also be read as 'apprentice(s)'. Information on the receipt and outcome of student complaints for apprentices will be provided to the Academic Manager for Operational Policing.)
- 1.4 The University's Regulations and Procedure for student complaints do not apply to:
- Those applying to study at the University of South Wales.
 - Anonymous complainants.
 - Third parties. The University expects that students with concerns should be responsible for making these concerns known themselves. A complaint from a third party will only be investigated in exceptional circumstances. The complainant must provide valid reasons for this request together with written authorisation that they are happy for the third party to act on their behalf.

SECTION A2: SCOPE

2.1 Complaints covered by these Regulations and Procedure

2.1.1 Academic matters

2.1.1.1 Academic matters mean specific concerns a student may have about the provision of academic courses and related services, including complaints about the conduct and management of academic appeals. Complaints about the provision and conduct of academic courses cannot be used retrospectively as grounds for an appeal against the decision of an assessment board.

2.1.2 Students' experience

2.1.2.1 Students may complain about any aspect of their experience at the University, including their learning and relationships with the administration or support services.¹

2.1.3 Discrimination

2.1.3.1 Students may complain about discrimination by the University, in contravention of the University's Strategic Equality Plan. Please see also the Dignity at Study Procedure.

2.1.4 Malpractice or impropriety

2.1.4.1 Students may complain about concerns relating to malpractice or impropriety in the conduct or management of the University, the disclosure of which is deemed to be in the public interest.

2.1.5 Exceptional Case Process

2.1.5.1 The University has a legal duty under the Equality Act to provide reasonable adjustments for disabled students. If a student requests an adjustment from the University and the University determines the adjustment is not reasonable, the student can complain using these Regulations. Please see also the Exceptional Case Process: <http://dds.southwales.ac.uk/DEQ/and/polices/>.

2.2 Complaints not covered by these Regulations and Procedure

2.2.1 Academic appeals

2.2.1.1 Representations by students against decisions made by assessment boards are handled under the Academic Appeals Regulations. Students wishing to submit an appeal may seek advice from the Students' Union, Advice Zone or Welfare Services and should address their submission to the Student Casework Unit.

2.2.2 Violence, harassment, hate crime

2.2.2.1 Students believing they are being harassed in any way should first seek the advice of a Dignity at Study Adviser. The Students' Union, Welfare Services or Chaplaincy can also help.

¹ For students studying University courses at the University's collaborative partner institutions, matters which are the responsibility of the partner institution, e.g. crèche facilities, should be dealt with under the partner institution's own complaints procedure.

Serious allegations should be raised with the Student Casework Unit in the first instance.

2.2.3 Allegations of misconduct

2.2.3.1 Allegations of misconduct by any student or member of staff are governed by the Student Conduct Regulations and Procedure and the Disciplinary Procedure for staff, respectively. Students wishing to raise such allegations must bring them to the attention of the Student Casework Unit, who will then act under these separate regulations/procedures.

2.2.4 Complaints about the Students' Union

2.2.4.1 Students who are dissatisfied in their dealings with the Students' Union will have the opportunity to raise their complaint with the Students' Union in the first instance through procedures contained within the Students' Union's Standing Orders. The Procedure will be made known annually to all students through publications and/or notices. Complaints will be dealt with promptly and fairly and where a complaint is upheld there will be an effective remedy.

2.2.4.2 Those who fail to obtain a satisfactory outcome through the Students' Union, or who claim to be disadvantaged as a result of exercising their right not to be a member of the Students' Union, will be entitled to appeal to the Board of Governors of the University, who will appoint an independent person to investigate the complaint. The Board of Governors will receive a report from that independent person and determine what remedy, if any, is appropriate. The procedure may include recourse to the Office of the Independent Adjudicator, being an independent party, should the University not be able to provide a response to the complainant's satisfaction.

SECTION A3: GENERAL PRINCIPLES

3.1 Submission of complaints

3.1.1 All complaints must be submitted in line with this Procedure. If a complaint is made directly to the Vice-Chancellor, or any other senior member of staff of the University, the complaint will be passed to the Student Casework Unit, who will ensure that it is processed appropriately.

3.2 Submission in good faith

3.2.1 The University presumes all complaints are submitted in good faith and will not disadvantage any student for bringing forward a complaint.

3.3 Unreasonable and vexatious complaints

3.3.1 Complaints which the University considers to be unreasonably persistent or vexatious will not be considered and could result in action being taken under the Student Conduct Regulations. In this context 'unreasonably persistent' means, for example, that the complaint is being made in a way that is obsessive, prolific or repetitious, or might be considered to be harassment. It may be one that is being pursued in a way that hinders the ability of the University to carry out its Complaints Procedure. A 'vexatious appeal' is one that the University considers is designed to cause disruption or annoyance, or makes demands for redress that lack serious purpose or value.

3.3.2 Where the Associate Registrar (Student Casework) considers that a complaint is being pursued in an unreasonably persistent or vexatious manner the student will be written to and informed that the University will not consider the complaint any further. Reasons for this decision will be given and a University Completion of Procedures Letter will be issued.

3.3.3 Further information can be found in the Unacceptable Behaviour Policy.

3.4 Submission of evidence

3.4.1 Complaints must be supported by corroborating evidence upon submission. Evidence must be provided in English or Welsh. Complaints which do not provide such evidence will not be considered, unless the complainant can provide a good reason for the lack of evidence.

3.4.2 If a complainant submits any evidence that turns out to be false, they will be dealt with under the Student Conduct Regulations.

3.4.3 The University recognises that with advances in modern technology, it is easier to make covert recordings, ie, recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Regulation of Investigatory Powers Act 2000/Investigatory Powers Act 2016 (as appropriate) In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant's Article 8 right (to a private and family life) under the Human Rights Act and the UK's data protection laws. For this reason, the University will not permit the use of covert recordings in complaints cases, except in exceptional circumstances.

The facts that will be considered are:

- The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
- The extent to which the evidence has been obtained unlawfully or its use otherwise interferes with privacy rights.
- The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.

3.5 Timeliness of submission

3.5.1 All complaints must be submitted no more than three months after the last occurrence of the issue leading to the complaint. In exceptional circumstances the Associate Registrar (Student Casework) (or nominee) may consider extending this deadline where there is good reason supported by evidence.

3.6 Complainants' engagement with the process

3.6.1 It is expected that complainants will engage with the process in a timely manner. If the complainant fails to respond to a request for further information or a meeting within timescales specified by the member of staff dealing with the case, without good reason (for example an incapacitating illness, in which case a doctor's note

should be provided), the Associate Registrar (Student Casework) (or nominee) will suspend or close the case.

3.7 Impartiality in investigation

3.7.1 The Investigating Officer/Complaint Review Officer will have no material interest in the complaint.

3.8 Confidentiality

3.8.1 The University will process all personal information in accordance with its Privacy Notice and as articulated in the Communication Plan for student complaints.

3.8.2 Confidentiality will be respected in conducting all aspects of the Student Complaints Regulations. However, any member of staff about whom a complaint is made will have the right to be informed of the complaint and its nature and have access to any relevant evidence.

3.8.3 If a complainant requests that his/her identity be kept confidential, this is respected up to the point when disclosure is necessary to progress or resolve the issue, in which case the complainant is informed in advance of the disclosure.

3.8.4 There may be instances where it is appropriate to keep confidential the identity of witnesses.

3.8.5 The University will not disclose any information to third parties regarding investigations and outcomes from student complaint cases unless legal exceptions under the UK's data protection laws apply.

3.9 Legal advice

3.9.1 This Procedure is not a legal process; however, a complainant is able to seek preliminary advice, without prejudice, on the scope and nature of evidence they intend to submit in support of a case that is particularly complex.

3.9.2 The University would not anticipate the attendance of a legal representative at any meetings. However, if a complainant wishes to bring someone to a meeting with a legal background, the Investigating Officer/Complaint Review Officer has discretion to allow this, subject to good reason being provided. The legal representative will not be in attendance in a legal capacity.

3.10 Complaints against members of staff

3.10.1 For complaints of a serious disciplinary nature, a case conference will take place to decide whether the case will be investigated through the Student Complaints Procedure or through the Disciplinary Procedure for staff.

3.11 Complaints against senior members of staff

Subject of complaint	Who will handle the complaint
Dean of Faculty	Deputy Vice-Chancellor
Head of Department	Deputy Vice-Chancellor
Deputy Vice-Chancellor	Vice-Chancellor
Vice-Chancellor	Chair of the Board of Governors

3.12 Group complaints

- 3.12.1 Where a complaint is submitted by a group of students one of the group should be nominated as the main contact and to act as a spokesperson. Each member of the group must confirm in writing that they wish the nominated individual to act in this capacity and that the complaint reflects their concerns. The nominated spokesperson will receive updates on the complaint on behalf of the group. All members of the group will receive a copy of the outcome letter.

3.13 Complaints by students on placement

- 3.13.1 Whether a complaint will be dealt with by the University or the placement provider will depend on the circumstances of the complaint. If the complaint is more appropriately dealt with through the placement provider's own complaints procedure, the complainant will be assisted by an appropriate member of staff in the faculty in taking this forward.

3.14 Deadlines

- 3.14.1 Deadlines under the Procedure may be extended at the complainant's request, where there is good reason to do so. For example, if a complainant has ill health or a family bereavement that has prevented them from submitting a form within the specified timescale. If a complainant wishes to request an extension, they must do so in writing to the Student Casework Unit and provide relevant evidence, such as a doctor's note, to support their request.
- 3.14.2 The University may extend the deadline for investigation where the complexity of the case, or other unforeseen circumstances, necessitate further time to complete the investigation. The complainant will be kept informed of progress and the reason for any delay.

3.15 Referral to other procedures

- 3.15.1 In certain cases, for example, where there is a threat of serious harm, or where there are signs of significant distress, the University may decide to put this Procedure on hold pending further advice, or may refer the complainant to the Fitness to Study Procedure. In such cases, the nature and length of the investigation may require adjustment from the usual form, or may be suspended pending the outcome of investigations under the Fitness to Study Procedure.
- 3.15.2 The Associate Registrar: Student Casework (or nominee) may refer a complaint, or elements of a complaint, to be dealt with under other University regulations or procedures if it is considered appropriate.

SECTION A4: STAGES IN THE HANDLING OF STUDENT COMPLAINTS AND ASSOCIATED TIMESCALES

The University has three stages to its Complaints Procedure:

4.1 Early Resolution

- 4.1.1 Any concerns that a student may have must be raised no more than three months after the last occurrence of the issue leading to the complaint (see section B2 of the Procedure).

4.2 Formal Investigation

- 4.2.1 A formal complaint will be investigated by one of the University's team of Investigating Officers; a senior member of staff with no prior involvement with the case. The formal investigation stage will normally be completed within 40 working days (see section B3 of the Procedure).

4.3 Review

- 4.3.1 Students are able to request a review of the outcome of a complaint, provided they meet the grounds set out in section B4.2 of the Procedure. The review stage will normally be completed within 25 working days (see section B4 of the Procedure).

SECTION A5: MONITORING

- 5.1 The Student Casework Unit will monitor the actions taken in relation to recommendations arising from investigations into student complaints. A report will be submitted to the annual meeting of the Student Casework Group.
- 5.2 The Student Casework Group may make recommendations for consideration by the Learning, Teaching and Enhancement Committee, Quality Assurance Committee and Academic Board, as appropriate, on any matters arising from the consideration of complaints that require amendments to regulations.

PART B: PROCEDURE

SECTION B1: ADVICE AND SUPPORT

1.1 Advice and support for students

- 1.1.1 The University is committed to safeguarding the emotional, mental and physical well-being of all parties involved during the operation of its Student Complaints Procedure. Advice and support are available from:

The Students' Union - <http://su.southwales.ac.uk/>

The University's Wellbeing Services - <http://thewellbeingsservice.southwales.ac.uk/>

The Chaplaincy - <http://chaplaincy.southwales.ac.uk/>

- 1.1.2 The Student Casework Unit provides authoritative, formal guidance on the applicability and operation of the Student Complaints Regulations and Procedure.
- 1.1.3 You able to have a support person with you at any discussions, meetings or hearings. The role of the support person is to provide support during the meeting. Their role is not to represent you, advocate on your behalf or to speak for you. You cannot send any other person to the meeting on your behalf.
- 1.1.4 The Associate Registrar (Student Casework) (or nominee) reserves the right to refuse the attendance of a support person if it is determined that there is a conflict of interest relating to the nominated person, in which case, you will be given the opportunity to nominate a different support person.

1.2 Advice and support for staff

- 1.2.1 It is recognised that being involved with, or the subject of, a complaint can cause pressure for staff. The University runs a Staff Support Scheme, details of which can be found on the Human Resources website. In addition, the Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer formal and informal confidential advice and support.

SECTION B2: LEVEL 1 - EARLY RESOLUTION

- 2.1 If you have a concern about an aspect of your experience at the University (see section A2.1 of the Student Complaints Regulations), it is desirable that you try to resolve it at an early stage in the first instance. You should only submit a formal complaint when this fails and you will be required to provide evidence of an attempt to resolve your concern at the early resolution stage when accessing the formal stage.
- 2.2 You should raise your concerns directly with the person responsible, or with the Advice Zone. You may subsequently be referred to another, more appropriate, member of staff depending on the nature of the concern raised. However, it is recognised that there are complaints that cannot be dealt with at the early resolution stage and that will need to be referred directly to the formal investigation stage (see section B3.1).
- 2.3 It is anticipated that it will be possible to resolve many concerns at this stage before it becomes necessary to take a complaint to a formal investigation. If your concern has

not been resolved to your satisfaction, you have the right to proceed to the formal stage.

SECTION B3: LEVEL 2 - FORMAL STAGE

- 3.1 You should have attempted to resolve your concerns informally in the first instance; however, it is recognised that there may be certain complaints that are unable to be dealt with informally and, consequently, should be progressed directly to a formal investigation. The Student Casework Unit should be contacted for advice and guidance on such cases. The Associate Registrar (Student Casework) (or nominee) is responsible for making the final decision on any requests for direct access to the formal investigation stage of the Regulations.
- 3.2 To make a formal complaint you should complete the 'Complaint Form' (found on the University website at <https://registry.southwales.ac.uk/student-regulations/student-complaints/>) and submit it to the Student Casework Unit, together with appropriate supporting evidence.
- 3.3 The Complaint Form will be logged by the Student Casework Unit and passed to one of the University's team of Investigating Officers; a senior member of staff with no prior involvement with your case. Normally the Investigating Officer will be independent of the school/department. However, it is recognised that occasionally a degree of subject expertise may be necessary in conducting investigations. Where it is considered that this is the case, the Associate Registrar (Student Casework) (or nominee) will make the final decision on the appointment of the Investigating Officer.
- 3.4 The Investigating Officer will meet with you to discuss your complaint. You have the right to be supported by a friend or representative throughout the process.
- 3.5 In the interest of fairness, those who are either themselves the subject of the complaint, or responsible for the provision or service complained about, will be invited to comment on the complaint at the earliest opportunity. The Investigating Officer will also meet with any relevant members of staff and witnesses to discuss the detail of the complaint from their perspective. Any member of staff who is the subject of a complaint has the right to be supported by a colleague or a trade union representative throughout the process.
- 3.6 Following completion of the investigation, the Investigating Officer will prepare a report and present it to the Dean of Faculty (and employer representative in the case of individuals registered as an apprentice of the University)/Head of Department (or nominee), who will include a faculty/departmental response within the report. The final report is submitted to the Student Casework Unit.
- 3.7 Where the outcome includes an offer of financial reimbursement/compensation the Investigating Officer will ensure that the faculty/department is aware of this. The Student Casework Unit will obtain approval from Executive. This is done prior to notifying you of the outcome of your complaint.
- 3.8 The Investigating Officer will seek to investigate your complaint within 30 working days. The Dean of Faculty (and employer representative if applicable)/Head of Department (or nominee) will have five working days to provide their response. The Student Casework Unit will provide a final response to you within five working days of receipt of the Investigating Officer's report. Where the complexities of the case and the need to

contact a range of individuals in the course of the investigation make this difficult, you will be kept informed of progress and the reason for any delays.

- 3.9 You will be asked to confirm in writing within one month whether or not you accept the outcome.

SECTION B4: LEVEL 3 - REQUEST FOR REVIEW

- 4.1 You may be eligible to request a review if, upon receipt of the outcome from the formal investigation, you believe that you have reasonable grounds to consider that your complaint has not been adequately addressed. You are only able to request a review once the formal investigation has been completed.
- 4.2 The only grounds under which a complaint may be considered at the review stage are:
- a) You have evidence that the procedures at the formal investigation stage were not conducted in line with the Regulations and Procedure and that this materially affected the outcome of the investigation.
 - b) You can evidence that there were specific issues of the complaint which you raised during the formal investigation which were not considered.
 - c) You have new material evidence that you were unable, for valid reasons, to provide earlier in the process. *(NB Sensitive personal, family or cultural reasons will not be accepted as good reason.)*
 - d) You have evidence that the outcome was not reasonable in the circumstances.
- 4.3 To invoke a review you must submit a 'Request for Review Form' (found on the University website at: <https://registry.southwales.ac.uk/student-regulations/student-complaints/>) to the Student Casework Unit. The form must be submitted within one month of receipt of the response to the formal investigation. You must provide relevant evidence when submitting the request for review.
- 4.4 Prior to referring the case to a Complaint Review Officer, the Academic Registrar (or nominee) will consider the Request for Review Form in order to determine whether you have grounds under which the complaint can be considered at this stage. One of the following actions may be taken:
- a) conclude that the complaint meets the criteria for further consideration set out in 4.2 above, or
 - b) dismiss the case.
- You will be informed in writing of the decision of the Academic Registrar (or nominee) within five working days.
- 4.5 If a complaint is deemed not eligible for review, you will be issued with a Completion of Procedures Letter.
- 4.6 If a complaint is deemed eligible for review, your case will be allocated by the Student Casework Unit to a Complaint Review Officer. The Complaint Review Officer will have had no prior involvement with the case and will be independent of the faculty/department/college.

- 4.7 The Complaint Review Officer will review the case and provide an outcome to the Student Casework Unit within fifteen working days. Where the complexities of the case and the need to contact a range of individuals in the course of the investigation make this difficult, you will be kept informed of progress and the reason for any delays. The Complaint Review Officer may:
- a) overturn the outcome of the formal investigation and propose an alternative outcome;
 - b) refer the complaint for re-investigation by an Investigating Officer (this could be the Investigating Officer of the original complaint, or a new Investigating Officer); in this case the procedures under section B3, including timescales, will apply;
 - c) uphold the findings of the original investigation.
- 4.8 The Student Casework Unit will liaise with the faculty (and employer representative if applicable)/department/college with regard to the outcome and provide you with a response within five working days of receipt of the Complaint Review Officer's report.
- 4.9 If a complaint is not upheld at the review stage the Student Casework Unit will automatically issue you with a Completion of Procedures Letter.
- 4.10 If a complaint is upheld or partly upheld at the review stage you are able to request a Completion of Procedures Letter if you remain dissatisfied. The request must be made within one month of notification of the decision of the Complaint Review Officer.
- 4.11 In considering the case, the Complaint Review Officer may wish to re-interview you or members of staff/witnesses but this is not a requirement.

SECTION B5: OFFICE OF THE INDEPENDENT ADJUDICATOR

- 5.1 If you are unhappy with the outcome of your formal complaint or if your request for review is unsuccessful you may, following issue of a University Completion of Procedures Letter, lodge a complaint with the Office of the Independent Adjudicator (OIA).
- 5.2 Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can be obtained from the Student Casework Unit.

SECTION B6: FINANCIAL OMBUDSMAN SERVICE

- 6.1 Following a complaint about debt advice or debt counselling provided by the University, you will be informed of your right to request a review of your case by the Financial Ombudsman Service (<http://www.financial-ombudsman.org.uk>) should you remain dissatisfied with the outcome of the internal procedures.

SECTION B7: JOINT COMPLAINTS (EMPLOYER/APPRENTICE)

- 7.1 If you are an apprentice and are seeking to raise a joint complaint with your employer against the University, the University will consider the facts of the complaint and determine, at its sole discretion, the appropriate procedure to be adopted in respect of the complaint. The complaint will either follow the process set out in this Procedure or will follow the process set out in the Apprenticeship Complaints Policy.

SECTION B8: HIGHER EDUCATION FUNDING COUNCIL FOR WALES (HEFCW)

- 8.1 HEFCW is the regulatory body for higher education provision in Wales. In certain circumstances, you are able to make a complaint to HEFCW. Further information can be found on the following web page:
https://www.hefcw.ac.uk/working_with_he_providers/institutional_assurance/allegations_concerning_institutions.aspx