

Non-Academic Complaints Procedure

1.10 – May 2022

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Creation and Revision History

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1.6	Simon Duckworth, Head of Student Services	Amendments to 2.5, 5.3, 6.4 and 10.2	February 2020
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1.8	Simon Duckworth, Head of Student Services	Amendment to section 10	January 2021
1.9	Simon Duckworth, Head of Student Services	Amendment to section 1.1	November 2021
1.10	Simon Duckworth, Head of Student Services	Amendments to sections 4.1, 5.3, 6.3 and 7.1	May 2022

Note – All references to ‘working days’ in this procedure exclude Saturdays and Sundays and Bank Holidays.

1 Purpose

- 1.1 The Non-Academic Complaints procedure is intended to allow INTO UEA students to formally raise concerns about matters which are the responsibility of INTO UEA, but which do not fall clearly under the University’s Partner Institution Academic Appeals policy. We take such concerns seriously at INTO UEA and the procedure is designed to enable a student’s concerns to fully be considered and action taken, within the bounds of what is reasonable and practicable for INTO UEA to provide, to remedy the situation where appropriate in a timely manner. **This policy also applies to students on programmes not validated by UEA who may wish to raise academic issues.**
- 1.2 This complaints procedure is comprised of two parts: stage one, in which the Head of Student Services considers the complaint, and stage two, which a student may follow if dissatisfied with the outcome of the stage one complaint. Stage two complaints are considered by the Centre Director (or their nominee).

2 Commitments

- 2.1 Students who submit a complaint under this procedure will not be unfavourably treated for having done so. Any student who believes that s/he has been unfavourably treated by submitting a case should immediately contact the Centre Director.
- 2.2 INTO UEA expects that students will not engage in frivolous or malicious complaints. If a complaint is found to have been brought with mischievous or malicious intent, this may itself prove grounds for disciplinary action against the complainant.
- 2.3 In considering complaints, INTO UEA will apply this complaints procedure in accordance with its Student Charter. In particular, reasonable adjustments will be made for those with disabilities, specific learning disabilities or long-term medical conditions.
- 2.4 All parties to the complaint and individuals who have been involved in any related investigations and/or the management and/or administration of the complaint will observe the requirements of confidentiality. Whilst confidential information may need to be disclosed in order to consider the complaint, this will only be to those staff involved in the consideration of the complaint. In addition, confidential information may be disclosed to governmental, police or regulatory authorities as required by law.
- 2.5 All personal information will be processed by INTO UEA in accordance with the General Data Protection Regulations (2018).

3 First steps to try to resolve concerns

- 3.1 Students are encouraged to try to resolve informally the matter they are concerned about before beginning the formal procedure. A number of avenues exist through which an explanation can be provided which might satisfactorily answer their concerns. An informal approach should be made to the person(s) most directly involved. These informal proceedings will not prejudice the formal procedure outlined in this policy. Students can be assisted in making such an approach by INTO UEA Student Services team and may also seek advice from the Student Support Centre and/or the Advice centre of the Union of UEA Students.
- 3.2 Should these steps not resolve the matter to the student’s satisfaction, the student may make a formal case for a complaint under stage one of the procedure.

4 How a student submits a stage one non-academic complaint

- 4.1 A student who wishes to make a formal complaint about matters which are the responsibility of INTO UEA (as defined in paragraph 1.1) should submit their complaint in writing and any supporting evidence to the Head of Student Services in writing normally within 1 year of the occurrence of the matters about which the student wishes to complain.
- 4.2 Complaints submitted after the expiry of thirty days after the occurrence of the matters about which the student wishes to complain, may be considered at the discretion on INTO UEA. Complainants should be aware that a long interval between the occurrence of the matters which are complained of and the complaint may impede the process of evidence gathering and possibly compromise the reliability of any witness statements.

5 Response to the complaint

- 5.1 The Head of Student Services is responsible for responding to a complaint. If the Head of Student Services is part of the subject of the complaint or is otherwise in a conflict of interest, a suitable substitution will be made by the Centre Director (or their nominee). Notwithstanding this provision and for ease of reference the person responsible for responding to the complaint will be hereafter referred to as the Head of Student Services in this procedure.
- 5.2 Upon receipt of the complaint, the Head of Student Services will consider the nature of the complaint and will direct it to the most appropriate route for dealing with the issues that have been raised.
- 5.3 If the Head of Student Services determines that the matter should be handled under the Non-Academic Complaints procedure, the Head of Student Services will appoint an investigating officer who will assemble the evidence relevant to the complaint and prepare a written report for the Head of Student Services. In assembling such evidence, the investigating officer may interview those involved and will consider any relevant records or other written information (subject to the terms of the General Data Protection Regulations (2018)). The timescale for this investigation will normally be within 15 working days of the date of the appointment as investigating officer.
- 5.4 If the complaint relates to matters which may give rise to disciplinary proceedings against individual members of staff or students of INTO UEA, it will be referred to the appropriate authority under the relevant staff or student disciplinary procedure. If disciplinary proceedings are, or have already been, commenced in respect of these matters, they will take precedence over the operation of the Non-Academic Complaints procedure, which will cease at this point. The student may be called to give evidence at any associated disciplinary hearing. The student will be entitled, if he or she requests, to be informed of the outcome of the disciplinary proceedings.
- 5.5 If, at any stage in the complaints procedure, the subject of the complaint becomes, or is likely to become, a matter for criminal proceedings, this Non-Academic Complaints procedure will be suspended. The procedure will be put on hold until either criminal proceedings have been completed or a decision not to prosecute has been taken.
- 5.6 Subject to the provisions of paragraphs 5.3 – 5.5 the Head of Student Services shall consider the report of the investigating officer and may commission further enquiries and investigations by the investigating officer as s/he sees fit. The student may be invited to discuss the complaint in person and may be accompanied by a friend if s/he wishes.

6 Actions and Outcomes

- 6.1 The Head of Student Services will consider the conclusions of the investigations and will decide whether the complaint has any substance, whether any remedial action should be taken or whether the complaint is unjustified.
- 6.2 If the Head of Student Services decides that remedial action should be taken, the Head of Student Services will make a written recommendation to the Centre Director.
- 6.3 The decision of the Head of Student Services will then be communicated to the student in writing within 30 working days (including investigation) of the date of receipt of the complaint if practicable. The Head of Student Services will provide a full and clear explanation of the decision, including, where relevant, notice of specific actions to be taken by way of a remedy and for the prevention of a recurrence of the original cause of the complaint.
- 6.4 With limited expectations (for example, where information cannot be disclosed because of INTO UEA's obligations under the General Data Protection Regulations (2018)), all written material considered by the Head of Student Services under the procedure will be accessible to the student as accompanying evidence to the decision of the Head of Student Services, with redactions where appropriate. In the first instance, the evidence will take the form of a list of the documents/evidence considered, included with the Head of Student Services' response to the student. The student may request in writing to the Head of Student Services a copy of the evidence taken into consideration.

7 How a student submits a stage two non-academic complaint

- 7.1 If dissatisfied with the outcome of the Head of Student Services' investigation, the student may, within 20 working days of the date of its notification, submit an appeal in writing to the Centre Director (or their nominee), giving reasons for wishing to pursue the complaint. Reasons should include one or more of the following:
 - There is new information to be put forward by the student that was not known to the investigating officer or to the Head of Student Services. In these circumstances, the student must give reasons as to why the information had not been available at stage one of the complaint.
 - That evidence put forward at stage one was not fully and properly considered, giving reasons as to why this is the student's belief.
 - That there was procedural irregularity in the conduct of the stage one complaint.
 - That there was prejudice and/or bias and/or the appearance of prejudice and/or bias in the conduct of the stage one complaint.

8 Response to the complaint

- 8.1 The Centre Director (or their nominee), shall decide whether there is a prima facie case that the complaint, as set out on the complaint form, warrants further consideration under stage two, taking into account:
 - Any documentary evidence submitted by the student under stage one.
 - The letter sent to the complainant by the Head of Student Services giving the outcome of stage one in accordance with section 6.

- The reasons given by the complainant for wishing to pursue the complaint to stage two.
- 8.2 The Centre Director (or their nominee) shall inform the student in writing, normally within 10 working days of the receipt of the complaint whether the complaint will be accepted under stage two of the Non-Academic Complaints procedure, giving reasons for this decision, which shall be final.
 - 8.3 If the complaint is accepted on the grounds of procedural irregularity in the conduct of the stage one complaint alone, the Centre Director (or their nominee) shall notify the Head of Student Services who shall make the appropriate arrangements to remedy the procedural irregularity in the stage one process. This may include the investigations conducted by the appointed investigating officer. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal in INTO UEA. Paragraph 10.2 refers to how a complaint may be pursued outside of INTO UEA. This step in the procedure will normally take up to 15 working days.
 - 8.4 If it is decided to accept the complaint at stage two on grounds other than or in addition to the procedural irregularity the Centre Director (or their nominee) shall inform the Head of Student Services of the decision and shall also determine the member(s) of the Senior Management Team (the 'designated officer(s)') and/or other senior officers who shall consider the complaint on the basis that no-one shall consider a complaint that falls within his/her remit.
 - 8.5 The Centre Director (or their nominee) will send a copy of the complaint form and supporting evidence submitted by the student to the designated officer(s) and/or other senior officer(s), to the person(s) most directly involved in the substance of the complaint and to the Head of Student Services who acted under stage one.
 - 8.6 The Head of Student Services will be invited to provide a written response to the stage two complaint within 10 working days. The designated officer(s) may also conduct such other enquiries as they determine appropriate during this period.
 - 8.7 The Head of Student Services, and the student may be invited to a meeting and may be called upon to give evidence. Each may be accompanied by a friend, colleague or representative if so wished provided that the secretary is informed of this intention and of the identity and standing of the friend, colleague or representative at least two working days before the meeting. The friend, colleague or representative may not act in the capacity of a lawyer. Where practicable, the secretary to the meeting shall inform all parties in advance of the identity of any friend, colleague or representative who will be in attendance. It is the responsibility of the party being represented, however, to inform the friend, colleague or representative of the date, time and place of the meeting. The friend, colleague or representative may undertake the presentation of the case on behalf of the relevant party but a party to the case may not be represented at a meeting in their absence and the friend, colleague or representative may not answer questions on the party's behalf. If a meeting is held, this step of the procedure will normally take place within 15 working days of the decision to hold a meeting.
 - 8.8 The investigation of the stage two complaint shall normally be completed within 20, 25 or 35 working days of the decision to accept the complaint, where practicable, in accordance with the procedures set out.

9 Actions and Outcomes

- 9.1 The Centre Director (or their nominee) will write to the relevant parties within 5 working days of a decision having been reached and with regard to the stage two complaint to instruct him/her on the action to be taken, giving a full and clear explanation of the decision.
- 9.2 The Centre Director (or their nominee) will advise the student of the outcome of the stage two complaint in writing:

- Within 5 working days of the meeting if a meeting is held in accordance with paragraph 8.6; or
- Within 5 working days of receipt of the written response to the stage two complaint referred to in paragraph 8.5 (if no meeting is held); or
- Within 5 working days of completion of reconsideration by the Head of Student Services arising from procedural irregularity. A full and clear explanation of the decision will be provided. This response will include, if the complaint is upheld, notice of specific actions to be taken by way of a remedy and for the prevention of a recurrence of the original cause of the complaint and within the bounds of what is reasonable and practicable for INTO UEA to provide.

10 Further right to appeal

- 10.1 Following completion of stage two there is no further right to complaint within INTO UEA.
- 10.2 Students who are dissatisfied with the outcome of their stage two complaint, or whose complaint was rejected without an investigation at stage two, may complain in writing to the University Head of Academic Partnerships. Details will be provided in the letter advising the student of the complaint's final outcome, indicating that internal procedures have been completed.
- 10.3 Along with the outcome of your stage 2 complaint, you will be issued with a 'completion of procedures' letter, detailing your complaint, how it was handled and the outcome. If you are not satisfied with the outcome at this stage, you may be able to take the complaint to the Office of the Independent Adjudicator (OIA) for Higher Education, which offers an independent scheme for the review of student complaints and appeals. The OIA normally considers applications only after this point has been reached, and all applications must satisfy the OIA's eligibility criteria. A review by the OIA may take up to six months to complete.