



STUDENT COMPLAINTS

CODE OF PRACTICE FOR STAFF

Revised September 2010

Introduction

The *Student Complaints Procedure* is approved by the Board of Governors and sets out the requirements of the procedure, one of which is that there shall be a *Code of Practice for Staff* which is approved by the Executive Board.

This *Code of Practice for Staff* has the status of guidance to staff and is not part of the approved Procedure. Staff should be aware of its content and are expected to consider its guidance when dealing with any student complaint. There should be good reason if the guidance in this *Code* is not followed. **This Code should be read in conjunction with the *Student Complaints Procedure*.**

Directors and Heads of School / Centre / Service / Unit (including any Deputy or their nominee) have particular roles and responsibilities in relation to handling complaints by students, especially how and by whom the processes described below are implemented (please see the *Student Complaints Procedure* document).

There are *Guidance Notes for Students* which should be read in conjunction with this Code. The currently approved versions of the *Student Complaints Procedure*, *Guidance Notes for Students* and *Student Complaints Record Form* are all at:

<http://www.bolton.ac.uk/Students/PoliciesProceduresRegulations/AllStudents/ComplaintsProcedure.aspx>

The *Student Complaints Procedure* allows for three stages for the consideration of a student complaint.

Stage 1 Informal complaint

Stage 2 Formal complaint

Stage 3 Office of the Vice-Chancellor

The Quality Assurance and Enhancement Coordinator and Student Services are able to advise staff on the *Procedure* and on the use of this *Code of Practice*.

Comments on and suggestions to improve any of these documents should be addressed to the Quality Assurance and Enhancement Coordinator, Quality Assurance and Enhancement Unit, who is required to review the operation of the procedure on an annual basis. An annual report is also submitted to the Executive Board.

Section 1 What is a Complaint?

- 1.1 A complaint is defined as **a formal expression of dissatisfaction with any aspect of the University's activities, or their absence, in a manner that expects and allows for its proper consideration and the appropriate response to the relevant individual/s.**
- 1.2 The complaint must be from a prospective, current or past student (or their representative), made in an acceptable form (see Section 3 below) about a matter relevant to the University and within three months of its occurrence.

Section 2 What is not a Complaint?

- 2.1 A student may make a complaint on any matter, some of which are not appropriate for the *Student Complaints Procedure*. Each complaint will initially be considered by the Quality Assurance and Enhancement Coordinator who will decide if the *Form* (and any attachments) has/have been completed adequately, if the complaint is acceptable under the formal procedure or if another process is better able to deal with it. Complaints will not be rejected because the *Student Complaints Procedure* is inappropriate but the student will be informed of how it will be properly considered.
- 2.2 The following are indications of what will not be regarded as a complaint:
- AN ENQUIRY** e.g. when a student asks about the availability of a course, service or facility in the University.
- A REQUEST** e.g. when a student asks for the provision of a service or facility, for action to be taken, for an explanation or justification.
- A COMMENT** e.g. which is informal and not requiring further action.
- A SUGGESTION** e.g. for an improvement in provision of a course, service or facility.
- A REPORT** e.g. when a student reports that something is wrong.
- AN APPEAL** e.g. when a student 'appeals' i.e. requests a review of an Assessment Board decision.
- 2.3 Some of these may then become a complaint if the student is dissatisfied with the process. For example, after the outcome of an appeal it would be possible to complain about the application of the rules or procedures but not the original issue.
- 2.4 The *Guidance Notes for Students* state that a complaint will not be accepted if it is in, or accompanied by, an unacceptable form of

behaviour (e.g. an abusive, insulting or threatening manner) or is malicious, vexatious, libelous or frivolous. The student should be told this and that the complaint will only be considered if it is genuine and submitted in the proper manner.

Section 3 The Student Complaint Record Form

- 3.1 To be acceptable the complaint must be in the form of a statement in writing or electronic form or recorded by a member of staff or Students' Union official (in which case this should be clearly indicated).
- 3.2 The complaint may be made directly on the *Student Complaint Record Form* or this form must be attached to the other format of the complaint.
- 3.3 The statement of complaint or *Student Complaint Record Form* must be signed by the student or, where this is impossible, by another person on their behalf who has a legitimate interest and whose relationship to the student is clear to the University. Therefore, it should be clear that the student is aware of the complaint being made or would reasonably have been expected to complain if they had been able to do so.
- 3.4 The *Student Complaint Record Form* shall include the following information:

Name of student

Student status – prospective/current/past

Student number (if any), **gender and date of birth**

Contact addresses

Complaint to be directed to (if known) – name, position, School, Centre, Service, Unit, Faculty, Department

Statement of complaint (if not attached)

List of any documents attached

Nature of any redress sought

Signature and date

University **record of receipt** by office/member of staff/Student Services, date and any documents attached.

Record of all persons receiving and handling a complaint, together with the dates applicable.

Record of action taken, including date copied to Quality Assurance and Enhancement Coordinator, and stages reached.

Record of acknowledgement and all responses to student and copied to the Quality Assurance and Enhancement Coordinator.

Record of issue of *Completion of Procedures* letter

Section 4. Principles for dealing with a complaint

These should apply throughout the procedure.

- 4.1 To ensure a **speedy** handling of the complaint.
- 4.2 To keep **written records** of **formal** complaints and keep relevant people informed of progress.
- 4.3 To respect an individual person's desire for **confidentiality**.
- 4.4 To ensure a **full** and **fair** investigation that addresses all the points at issue.
- 4.5 To provide an effective **response** to the complainant and allow for their further rights.
- 4.6 To allow for the **monitoring** of the process.

Section 5 Handling a Complaint

- 5.1 Complaints of a minor nature can frequently be sorted out quickly by the student complainant talking directly to the tutor or to the person providing the service.

It is anticipated that **informal resolution** of a complaint will be an oral process, that no written record will be made and that the majority of complaints will be resolved in this manner.

- 5.2 Following the receipt of a copy of a written **formal** complaint from the Quality Assurance and Enhancement Coordinator, the person responsible for investigating the complaint should:

Consider the **seriousness** of the matter and if anything should be done urgently to avoid any further recurrence.

Offer to **discuss** the complaint with the complainant in order to gain further information, more insight into the matter, and/or to outline the procedure being followed. (The complainant can choose whether or not to meet with the person responsible for investigating the complaint).

Decide which of the following could be the appropriate actions for the purpose of **investigation**.

To **inform** the relevant person/s or providers that a complaint has been made, to seek an initial response, and/or to outline the procedure being followed.

To **consult** with other persons who could provide additional background information on the circumstances.

To **establish a panel** to consider the complaint, investigate it, deliberate and report its findings and recommendations to the appropriate manager.

To **interview** such persons who could provide information on the situation, corroboration of facts, relevant evidence, etc.

With the permission of all concerned, to discuss the matter in a **meeting** with the complainant and those responsible for the service.

One or more of the above may be appropriate in a varying order or repeated as the investigation develops.

- 5.3 If the local procedures require this, **register** the complaint for the purposes of local monitoring procedure and outcomes (this may take the form of a memo to the appropriate manager, stating the basis of the complaint and how it is to be dealt with, together with an indication of the likely time span).
- 5.4 During the process of investigation, other facts may be revealed that require consideration. If these are of a more serious nature needing to be referred elsewhere then the current investigation may be **suspended** pending that outcome.
- 5.5 If the complaint is found to be of a **frivolous, malicious, libelous or vexatious nature** then the rights of staff and of the University to conduct its activities in a proper manner may need to be safeguarded.

Advice may need to be sought from the Quality Assurance and Enhancement Coordinator and/or Personnel. Further action on the complaint may then be precluded and the complainant should be informed of this outcome at an early stage. This may be accompanied by an appropriate warning to the complainant of disciplinary action (particularly if there is any repetition).

- 5.6 The Quality Assurance and Enhancement Coordinator must be kept informed of progress (particularly if there is any delay in handling the complaint and reaching an outcome) for monitoring purposes and in some circumstances so that it may be possible to advise staff handling a complaint.

Section 6 Resolving a Complaint

- 6.1 **Consider** all the relevant information, weigh up any conflicting evidence, and take account of the circumstances. Keep notes of significant aspects of the case.
- 6.2 **Determine** whether there is justification to the complaint and if action should be taken.

- 6.3 After **reviewing** the options for action, (see “Outcomes” below), **decide** which to take and the method of implementation. Keep a record of these decisions.
- 6.4 Offer an **informal resolution** of the complaint to the student without prejudice to their further action under the procedure. If acceptable to the student, then a note to this effect should be made and copied to the Quality Assurance and Enhancement Coordinator, together with any action taken within the University as a consequence of the complaint.
- 6.5 **Inform** the complainant and other appropriate persons in writing of the outcome and an explanation for any decision made or not made.

Conclude with the following statement:

“I trust that your complaint has now been resolved. However if you wish to pursue it further, you should write to the Quality Assurance and Enhancement Coordinator in the QAE Unit, as outlined in section 7 of the Student Complaints Procedures forwarded to you previously and/or available at:

[http://www.bolton.ac.uk/Quality/QAECContents/ComplaintsProcedure/Documents/pdf/StudentComplaintsProcedure\(Sept10\).pdf](http://www.bolton.ac.uk/Quality/QAECContents/ComplaintsProcedure/Documents/pdf/StudentComplaintsProcedure(Sept10).pdf)”

- 6.6 Include the rights that the complainant may have under the procedure for further consideration of the matter and those who can be contacted for advice.
- 6.7 A **signed** copy of the letter to the complainant informing them of the outcome of the investigation of their complaint must be sent to the Quality Assurance and Enhancement Coordinator normally within five working days of the decision being taken.

Outcomes

- 6.8 These could include one or more of the following decisions:

That there is no justification or insufficient justification for the complaint to be upheld.

That it is not possible to reach a conclusion on the matter because of insufficient information or because conflicting accounts cannot be resolved.

That the complaint is justified but the circumstances require no further action to be taken.

The complaint is justified and, where this is possible, redress is to be made or recommended for the appropriate person/s, and/or there is a situation to be corrected.

The complaint is justified and action is to be taken to prevent any repetition.

The complaint is justified and is to be referred to a more appropriate person to consider further.

Section 7 Confidentiality

- 7.1 Complaints will be dealt with in confidence as far as possible and only by those members of staff who need to consider them. Only information about the complaint that is necessary for the purpose of investigating and resolving the complaint and keeping appropriate records will be revealed to another person.
- 7.2 Documentation on the complaint will be kept in a secure location. Discussions and interviews on the matter will be held in private.
- 7.3 If a complainant requests anonymity they will be advised by the Quality Assurance and Enhancement Coordinator that this may place limitations on the investigation and possible outcome. If this is likely to be the case, a request will be made for the student's agreement for disclosure of their name in connection with their complaint and it may be that the complaint will not be considered if anonymity is insisted upon.