



# Student Complaints Procedure

Effective September 2021 - Present

Student Regulations and Policies

[uclan.ac.uk/studentcontract](http://uclan.ac.uk/studentcontract)

## **Making a complaint**

### **Introduction**

The University of Central Lancashire is committed to providing high quality education and other services to its students. Our aim is to provide a supportive environment including academic, welfare and recreational services and to be responsive to concerns when they are raised.

Feedback from students is welcomed as part of the University's approach to the development and enhancement of the quality of its services. There are many local routes whereby concerns and issues can be raised and addressed and you are encouraged to make full use of these routes. In particular, you should ensure that you are familiar with the quality assurance procedures that exist within academic schools and are described within Student Handbooks.

The University does, however, recognise that there may be occasions when you have cause for complaint about the service you have received, when this happens, the Student Complaints Procedure is intended to provide an accessible, fair and straightforward system which ensures an effective, prompt and appropriate response.

#### **The University aims to handle complaints in a way that:**

- encourages informal conciliation and facilitates early resolution;
- ensures a full and fair investigation;
- addresses all the points at issue and provides an effective response and appropriate redress;
- provides a prompt resolution within established timescales;
- positive actions can be taken to continuously improve services.

I hope that you will have a positive and rewarding experience at the University. If, however, concerns are brought to our attention, you can be assured that they will be treated in a serious and constructive manner and every effort will be made to ensure a satisfactory resolution.

Professor Graham Baldwin  
**Vice-Chancellor**

## **1. What is a complaint?**

- 1.1 A complaint is defined as an expression of dissatisfaction by one or more student(s) about any programme of study or related facility or any other service provided by or on behalf of the University, which has materially affected your experience as a student at the University.

## **2. Scope of the Procedure**

- 2.1 This Procedure does not apply where there are separate mechanisms in place:

- Academic Appeals\* - contact Academic Registry;
- Complaints about the Students' Union - contact the Students' Union;
- Staff Grievances - contact Human Resources;
- Public Interest Disclosure - refer to the University Public Interest Disclosure Policy;
- Freedom of Information or Data Protection - contact the Information Governance Officer;
- Use of CCTV Equipment - contact the University Security Manager;
- Complaints about the admissions process - contact the Admissions Office;
- Complaints about student conduct - contact Academic Registry;
- Dissatisfaction with the outcome of the student disciplinary, fitness to practise or fitness to study procedure – refer to the relevant appeals procedure;
- Complaints from clients of University services who are not current or former students - contact the relevant Head of School/Service;
- Complaints about research ethics - contact the University Research Governance Officer

- 2.2 \*This Procedure will not be used for matters relating to assessment performance and academic judgment, except where there is a complaint about a service provided which has to be resolved before an appeal decision can be made. The University reserves the right to re-classify a complaint as an academic appeal or vice versa, if the submission falls properly within the remit of one procedure rather than the other, or to consider matters together if there is good reason to do so.

- 2.3 The Student Complaints Procedure can be used to appeal all decisions made by the University save as where they come within the categories excluded in the list above. Where the decision has been made subject to a University policy e.g. Rules for the Use of the Library and the right of appeal contained within that policy has been exhausted, if pursued under this Procedure the complaint will proceed straight to Stage 3. The complaint must be made within 15 working days of the outcome of the decision and must be based on one or more of the grounds set out in the Stage 3 section below.

## **3. Who can complain?**

- 3.1 Students and apprentices registered on any UCLan programme of study including taught courses, postgraduate research degrees and apprenticeships, may lodge a complaint under this Procedure. If you have been granted an authorised interruption to study or have been temporarily suspended or excluded from the University, you may still use this Procedure. Former students may complain within a reasonable time period, normally 3 calendar months from leaving the University.

- 3.2 Matters of concern may be raised individually or collectively and you should feel assured that you will not encounter any disadvantage having lodged a complaint in good faith.
- 3.3 Where complaints are raised collectively, a signed statement should be included from all students confirming that they have been personally affected by the issue, and authorising the University to correspond with a single named spokesperson.
- 3.4 Students registered for a University award at a partner institution who are dissatisfied with a service provided by the partner institution, should pursue their complaint in line with the partner's internal complaints procedure. If the issue is not resolved by the partner and it is a specific concern about the quality of learning opportunities, you may request a review under stage 3 of this Procedure. You must do this within 15 working days of the partner's final response and enclose a copy of that response to show that you have completed their internal procedures. The University will review the actions taken by the partner with a view to reaching a positive resolution, although it should be recognised that we may not always have the authority to determine matters at partner institutions.
- 3.5 Complaints from third parties will not be considered under this Procedure. The University's contract is with you as the student, therefore, we would expect you to deal with your own case, unless for good reason you are unable to do so. In exceptional circumstances where a third party is needed to represent you, we will require written consent from you for this to take place and to allow for information to be shared to progress the case. The Students' Union Advice and Representation Centre (SUARC) may act on your behalf with your consent.
- 3.6 Anonymous complaints will not be dealt with under this Procedure. It is at the discretion of the University as to how these are handled e.g. enquiries may be initiated where the University considers there is a serious and compelling case supported by evidence.

#### **4. Vexatious, malicious or frivolous complaints**

- 4.1 The University may decline to deal with complaints which are vexatious, malicious or frivolous.
- 4.2 A complaint may be considered to be vexatious when it may or may not be the latest in a series of requests and it:
- clearly does not have any serious purpose or value;
  - is designed to cause disruption or annoyance, or gives rise to disproportionate inconvenience or expense;
  - has the effect of harassing the University and/or its staff;
  - can otherwise fairly be characterised as obsessive or manifestly unreasonable.
- 4.3 A complaint may be considered to be malicious where:
- there is evidence of intention to do harm or mischief;
  - it is reasonable to assume that the complainant intended to do harm or mischief;
  - malice may be implied where it is clear that no redress is sought.
- 4.4 A complaint may be considered to be frivolous where:

- it is clear that it is not serious or sensible in content, attitude or behaviour;
  - there is an absence of clear desire for a sensible or reasonable form of redress.
- 4.5 Where there is reason to believe that a complaint is vexatious, malicious or frivolous, the matter will be referred to the Academic Registrar who may decide to reject the complaint without full consideration of its merits. Reasons will be given as to why the complaint is considered to be an abuse of process. The University may also invoke the Regulations for the Conduct of Students.
- 4.6 You may appeal against a decision to reject your complaint as an abuse of process by writing to the Vice-Chancellor's nominee within 5 working days of the decision. The Vice-Chancellor's nominee will consider the appeal and will notify you of the decision within 15 working days. If the original decision is upheld, a Completion of Procedures letter will be issued.
- 4.7 You should also note appendix 1 which sets out the University's approach when dealing with unacceptable behaviour by a complainant.

## **5. Advice and Support**

- 5.1 Advice on the scope and operation of this Procedure may be obtained from the Student Casework Team in Academic Registry (tel. 01772 892406 or e-mail [StudentComplaints@uclan.ac.uk](mailto:StudentComplaints@uclan.ac.uk)).
- 5.2 You may seek independent advice and support throughout this Procedure from the Students' Union Advice and Representation Centre, see <https://www.uclansu/advice>.
- 5.3 Student Support' can provide general support and guidance and assist with access to specialist services in Student Services, including counselling, inclusivity services and study support, see [Support \(sharepoint.com\)](https://sharepoint.com).
- 5.4 Where a disability has been declared to the University, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate your needs.
- 5.5 All stages of this Procedure are internal proceedings and are intended to be fair and to comply with the rules of natural justice and should not be adversarial or overly legalistic. There is no need for anyone to have formal legal representation. Anyone who lodges a complaint or against whom a complaint is made will be entitled to be accompanied by a person of their choosing at any stage in the Procedure. You may seek support from the Students' Union Advice and Representation Centre or may choose to be accompanied by a friend. There is no objection if the person is legally qualified, so long as that person understands and respects the nature of the proceedings and does not adopt an overly adversarial or legalistic stance.

## **6. Confidentiality**

- 6.1 Confidentiality will be preserved during the investigation of a complaint in the interests of everyone concerned unless disclosure is necessary to progress the complaint. The University expects that all parties will respect the confidentiality of the process.

- 6.2 Any individual about whom a complaint is made will have the right to be informed of the fact and nature of the complaint by their line manager.
- 6.3 Please be aware that we may not be able to disclose outcomes about actions taken in respect of complaints about members of staff, due to our obligations regarding confidentiality in employment matters.

## **7. Actions**

- 7.1 In the case of all complaints, the University seeks to ensure that appropriate and reasonable action is taken. Where a complaint is found to be justified in full or in part, any appropriate remedial action will be notified as part of the decision. The University will take into consideration the guidance published by the Office of the Independent Adjudicator for Higher Education (OIA). If a complaint is found to be not justified at any stage, the reasons for the decision will be communicated, together with details of any further recourse that is available.
- 7.2 Investigations will normally be conducted during semester time. If, in exceptional circumstances, the investigation of a complaint requires your attendance at the University during the vacation period, reasonable out-of-pocket expenses will be reimbursed.
- 7.3 References in this Procedure to a post-holder (e.g. Head of School) include a nominee acting on behalf of that post-holder. The University will ensure that anyone investigating or deciding on a complaint has had no prior involvement in the matter.
- 7.4 Action under this Procedure will normally cease on receipt of formal correspondence from a solicitor on behalf of the student, or on the instigation of legal proceedings against the University in relation to the matters complained about.

## **8. Time Limits**

- 8.1 Complaints should be raised as early as possible, since any delay may affect the University's ability to properly investigate the complaint or to provide a suitable remedy. It is important that students do all they can to meet the University's deadlines for the submission of complete and detailed material, so that complaints can be progressed in a timely manner.

Stage 1 - Complaints should normally be raised with the relevant member of staff immediately where possible, and normally not later than 10 working days after the incident giving rise to the complaint.

Stage 2 – Stage 2 complaints should normally be lodged within 15 working days of the Stage 1 response or within 15 working days of the incident giving rise to the complaint.

Stage 3 - Stage 3 complaints should normally be lodged within 15 working days of the Stage 2 response from the University or the final response from the partner institution.

Former Students - Former students may complain within a reasonable time period. Normally, this will be within 3 calendar months of leaving the University.

- 8.2 The University will exercise discretion where there is good reason for a complaint to be submitted outside these time limits.
- 8.3 It is the University's aim that all complaints are dealt with in a timely manner. There will occasionally be circumstances when, for good reason, the University will need to extend the timescales set out in this Procedure. Where this is the case, students will be informed and kept regularly updated about progress.
- 8.4 In certain circumstances, it may be necessary to facilitate a swift resolution. On receipt of a formal complaint, the Student Casework Officer will assess whether priority action is required.

## **9. Monitoring the Process**

- 9.1 In order that the University can improve services to students, the receipt of formal (stage 2 and 3) complaints and responses will be monitored, including the timescales. A report on the outcome of the monitoring process will be made annually to a Sub-committee of Academic Board. This will enable the University to continuously improve its services and ensure an inclusive, consistent and constructive approach to complaints. The effectiveness of this Procedure will also be kept under review and where appropriate, changes will be made.

## **PROCEDURE**

### **10. Stage 1 – Early Resolution**

- 10.1 It is anticipated that the majority of complaints will be resolved satisfactorily on an informal basis and close to their point of origin. However, the University recognises that there may be exceptional circumstances where this is not appropriate particularly where the issues are complex and will require detailed investigation e.g. where a complaint relates to the conduct of staff members or covers a number of different incidents. In these circumstances, a formal Stage 2 complaint should normally be made within 15 working days of the alleged incident or concern.
- 10.2 In most cases, therefore, initial contact should be made with the relevant member of staff who is responsible for dealing on a day-to-day basis with the matter being complained about. For example, if the complaint refers to an academic matter, the first point of contact should normally be the module tutor, academic advisor or course leader. A complaint may also be informally raised with another senior member of staff. Initial contact can also be by a spokesperson on behalf of a group including by the Students' Union Advice and Representation Centre (and at this stage of the procedure would not require a signed statement from the individuals concerned).
- 10.3 In order that a complaint can be dealt with effectively and efficiently, it should be drawn to the attention of the relevant member of staff immediately where possible and in any event normally not later than 10 working days after the incident giving rise to the complaint.
- 10.4 At this stage, the relevant member of staff will normally discuss the complaint with you and other persons involved and make any other enquiries as s/he sees fit, to determine whether it can be resolved without recourse to more formal procedures.

- 10.5 Resolution may be achieved in a number of ways, for example by providing information, advice and/or an explanation as to why the issue occurred and/or assurances of what action will be taken to prevent a recurrence and/or an apology if this is appropriate. Students may also be referred to appropriate support services and/or to the formal stage of the Procedure (see below) or to other University procedures.
- 10.6 A written record of the outcome will normally be sent to you within 10 working days. This will be notified to the Head of School or Service where the effectiveness of the School/Service could be improved and may also be referred to in the event that the complaint is progressed to Stage 2.

## **11. Stage 2 – Formal Stage**

- 11.1 Where the complaint is not suitable or has not been resolved at the early resolution stage, you may pursue the matter through the formal stage within 15 working days of the Stage 1 response being given or the incident or concern.
- 11.2 Your complaint should be submitted in writing to the Student Casework Team in the Academic Registry, using the Stage 2 Complaint Form at appendix 1. Where complaints are raised collectively at this stage, the complaint should include a signed statement from all parties confirming that they have been materially affected by the alleged incident and authorising the University to correspond with a single named spokesperson.
- 11.3 The Stage 2 Complaint Form requires details of:
- the nature of your complaint;
  - the informal steps you have taken to resolve it (or the reasons why informal steps have not been taken) and a statement as to why you remain dissatisfied;
  - the reasonable steps that you would wish to see taken to resolve the matter.
- 11.4 A chronology of events should be provided together with appropriate and relevant evidence e.g. copies of letters, e-mails, signed witness statements and/or any other supporting documentation.
- 11.5 The Student Casework Officer will acknowledge your complaint and determine if it is eligible to proceed to the formal stage, or whether it should be referred to a different procedure. If the early resolution stage has not been pursued and the Student Casework Officer considers that it should have been followed, the complaint will be referred for consideration at Stage 1 first.
- 11.6 If the complaint is eligible to proceed to the formal investigation stage, the Student Casework Officer will refer the matter to an Investigating Officer, who will normally be the relevant Head of School or Service. If the complaint is about a Head of School or Service, the appropriate Line Manager will be instructed.
- 11.7 Where a complaint is considered complex or sensitive, an independent Investigating Officer may be appointed. In cases involving the conduct of a member of staff, the Student Casework Officer may contact the People Team with the details of the complaint. A decision will be taken as to whether to nominate an independent Investigating Officer and/or whether and when a separate HR procedure is needed.

- 11.8 The Investigating Officer will determine the scope of the investigation. This will normally involve a meeting with you and any other persons involved. These meetings will normally be carried out separately and may be conducted remotely. The investigation will also involve a review of relevant documentary evidence. Any documentary evidence supplied by you or other persons will normally be provided to both parties, unless the Investigating Officer considers there is an exceptional case to maintain confidentiality.
- 11.9 You may be accompanied by a friend or member of the Students' Union Advice Centre for support at the meeting, where you will have the opportunity to present and amplify your written case and submit copies of any supporting evidence.
- 11.10 The aim of the meeting will be:
- to clarify the issues that are to be investigated within the scope of the Procedure;
  - to clarify the reasonable measures that you would wish to see taken to resolve your complaint;
  - to ensure that any appropriate interim measures are taken;
  - to ensure that you are aware of relevant University support services;
  - to clarify the process and the anticipated timescale for a written response.
- 11.11 A formal record of the meeting will be taken and a copy will normally be sent to you within 5 working days with a request for you to sign and return the record with any comments. The formal record may be disclosed to any other person(s) named in the complaint or any other relevant parties.
- 11.12 The Head of School or Service will issue a formal written response. Where the complaint is justified in full or in part, this will include details of what remedial action will be taken.
- 11.13 Where any aspect of the complaint is not upheld, this will include the reasons and copies of the relevant supporting information that was considered during the investigation. The written response will also set out your right to request a review under Stage 3 of the Procedure.
- 11.15 It is the University's aim that complaints dealt with under Stage 2 will be resolved within 35 working days. You will be informed if there is likely to be any delay in the process.
- 11.16 All formal complaints and responses will be monitored by the Student Casework Team.

### **Stage 3 – Review Stage**

- 12.1 If you consider that you have grounds, you may request a review of the decision of the Investigating Officer under Stage 3 of this Procedure.
- 12.2 Stage 3 may only be invoked where the preceding Stage 2 has been completed (or when separate procedures including procedures at a partner institution have been completed). The purpose of Stage 3 is to review the actions and decisions taken at the previous stage. No new complaints may be introduced at Stage 3. Students are

strongly advised to seek advice from the Students' Union Advice Centre before progressing to Stage 3.

- 12.3 A request for a review should be submitted to the Student Casework Team using the Stage 3 Complaint Form at appendix 2 within 15 working days of the date of the Stage 2 response (or the response from the partner institution) and must be based on one (or more) of the following grounds:
- a. that new evidence or circumstances have become known, which the student could not have reasonably made known at the time of the Stage 2 complaint;
  - b. that Stage 2 of this Procedure was not conducted fairly and/or in accordance with due process, and this materially affected the outcome;
  - c. that the decision and outcome of the Stage 2 complaint were unreasonable in the light of the evidence provided.
- 12.4 The Stage 3 Complaint Form also requires details of: the nature of the complaint; the steps already taken to resolve it and a statement as to why you remain dissatisfied; and the reasonable steps that you would wish to see taken to resolve the matter. Appropriate and relevant evidence should be appended e.g. copies of letters, e-mails, signed witness statements and any other supporting documentation.
- 12.5 The Stage 3 review will be carried out by a Complaint Review Panel (the Panel) comprising three members as follows: the Vice-Chancellor's nominee who shall act as Chair; a member of staff who is a Head of School or Service (or partner institution nominee) who is not associated with the School/Service concerned; a student who shall normally be an elected officer of the Students' Union. Members of the Panel will have had no previous involvement in the complaint.
- 12.6 The Panel will review the case including all the evidence that was considered at Stage 2. The Panel may request specific information from you and/or the School/Service (or partner institution) but will not request general comment. Where specific new information is provided, this will be shared with you and the School/Service before a decision is made. The Panel will consider whether: the relevant procedures were followed at Stage 2; the decision and outcome were reasonable at Stage 2 and clear reasons were given; there are valid reasons for the late submission of any new evidence.
- 12.7 The Panel will decide on the appropriate action of either:
- i. dismissing the request for a review; or
  - ii. convening a hearing to hear the case by you as the student and the response by the Head of School or Service;
  - iii. upholding the request for a review and determining the outcome of the complaint, including any actions to be taken by the relevant School/Service; or
  - iv. referring all or part of the complaint back for reconsideration at Stage 2, by the same or a different Head of School or Service.

- 12.8 The decision and outcome of the Stage 3 complaint will be communicated to you and the Head of School or Service by the Chair of the Panel in writing, normally within 15 working days of receiving the request for a review.

### **13. Independent External Review**

- 13.1 After the University's internal procedure has been completed, we will send you a Completion of Procedures letter within 5 working days of the final decision and outcome. This will state that, if you are not satisfied with the University's final decision and outcome, you are entitled to request a review by the Office of the Independent Adjudicator for Higher Education (OIA). You must submit a Scheme Application Form to the OIA within 12 months of the date of the Completion of Procedures Letter. You can find out about the OIA scheme and check whether your complaint is eligible under the OIA rules by visiting <http://www.oiahe.org.uk>.

- 13.2 The OIA will review your complaint and will contact you to let you know what will happen next. You can also seek independent advice and support from the Students' Union Advice Centre.

- 13.3 After the University's internal procedure has been completed, learners who are registered on degree apprenticeship programmes also have the opportunity to raise their complaint with the Education and Skills Funding Agency (ESFA), if they are not satisfied with the University's final decision and outcome. You must contact the ESFA within 12 months after the issue happened. You can find out about the ESFA Complaints Procedure and how to submit a complaint by contacting the ESFA Apprenticeship Service Support on 08000 150 600 or at: [helpdesk@manage-apprenticeships.service.gov.uk](mailto:helpdesk@manage-apprenticeships.service.gov.uk) or by visiting: [Complaints procedure - Education and Skills Funding Agency - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

- 13.4 The ESFA will review your complaint and will contact you to let you know what will happen next. If you are not satisfied with the ESFA response, you can contact the Department for Education.

### **14. Further Information**

- 14.1 The Stage 2 and 3 Complaint Forms are attached at appendices 1 and 2 and can also be completed online for submission to the Student Casework Team who will refer the matter to the relevant Head of School or Service. The Complaint Forms are available at:

[student\\_complaints\\_procedure\\_2122 \(uclan.ac.uk\)](http://www.uclan.ac.uk/student-complaints-procedure-2122)

- 14.2 In the event of any uncertainty about the scope of this Procedure or who to contact in the first instance, the Student Casework Team located in the Academic Registry will be pleased to assist.**

Student Casework Team  
Academic Registry  
University of Central  
Lancashire  
Foster Building  
Preston  
PR1 2HE

Tel: 01772 896401  
E-Mail: [StudentComplaints@uclan.ac.uk](mailto:StudentComplaints@uclan.ac.uk)

- 14.3 Please contact the Student Casework Team if you require a copy of this Procedure in an alternative format or if you have any difficulty in completing the Complaint Form.
- 14.4 This Student Complaints Procedure has been approved by the Academic Board and the University Board and forms part of the University's overall quality assurance framework. It is kept under review to ensure compliance with the Quality Assurance Agency (QAA) UK Quality Code and the Office of the Independent Adjudicator (OIA) Good Practice Framework.**

## 15. Useful Web-sites:

Students' Union Advice Centre [www.uclansu.co.uk/advice](http://www.uclansu.co.uk/advice)

Student Wellbeing Services <https://www.uclan.ac.uk/students/support/wellbeing.php>

Office of the Independent Adjudicator for Higher Education <http://www.oiahe.org.uk/>

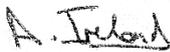
Quality Assurance Agency

[The Quality Assurance Agency for Higher Education \(qaa.ac.uk\)](http://www.qaa.ac.uk)

## Appendices

<b>Appendix 1</b>	Complaint Form: Stage 2
<b>Appendix 2</b>	Complaint Form: Stage 3
<b>Appendix 3</b>	Notes for Guidance on a Stage 3 Complaint Hearing
<b>Appendix 4</b>	Policy on Unacceptable Complainant Behaviour

## Document Control Information

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<b>Signed</b>	 Professor Andrew Ireland, Pro Vice-Chancellor Chair of Students, Teaching & Quality Committee
<b>Date</b>	24 February 2022

All printed or downloaded versions of this document are classified as uncontrolled.  
A controlled version is available from the University website



# Stage 2 Complaint Form

A Stage 2 complaint form should be completed:

- i. if having pursued the matter informally, it has not been resolved; or
- ii. if there are circumstances where it is appropriate to progress directly to stage 2 (see the Student Complaints Procedure).

## Section A

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**Full Name** \_\_\_\_\_

**Student Number** \_\_\_\_\_

**School of Study** \_\_\_\_\_

**Course** \_\_\_\_\_ **Year of Study** \_\_\_\_\_

**Contact Email Address** \_\_\_\_\_

**Contact Address** \_\_\_\_\_

**Daytime telephone no.** \_\_\_\_\_

## Section B

**Summary of the key points of your complaint:**

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**Summary of the steps already taken to address your complaint (or the reasons why informal steps have not been taken):**

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If you wish to request a meeting with the investigating officer, please tick this box

**Reasonable steps you would wish to see taken to resolve your complaint:**

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**Signed:**

**Dated:**

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**Please submit the following documents with this form:**

- **Copies of relevant letters, e-mails, notes and other supporting documentation**
- **A list of the key events in date order**

## Stage 3 Complaint Form

### Guidance Notes

If you are dissatisfied with the outcome at stage 2, complete this form to request a review of the decision of the Dean/Head of School or Director/Head of Service under stage 3 of the Complaints Procedure. A request for review must be submitted to the Complaints Liaison Officer within 15 working days of the date of the stage 2 response.

The request for a review must state the grounds on which the review is sought and should be accompanied by appropriate documentary evidence. The request must be based on one or more of the grounds set out at Section B below.

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### Section A

First Name ..... Surname .....

Student Id/Enrolment Number .....

Course Title ..... Year of

study..... School

.....

Contact e-mail address .....

Current Address .....

.....

Daytime  .....

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### Section B

The grounds for appeal against the stage 2 decision are as follows:

- a) that new evidence or circumstances have become known, which the student could not have reasonably made known at the time of the stage 2 complaint;
- b) that stage 2 of this Procedure was not conducted fairly and/or in accordance with due process, and this materially affected the outcome;
- c) that the decision and outcome of the stage 2 complaint were unreasonable in the light of the evidence provided.

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### Section C

Student's Case:

**Please note** that the purpose of stage 3 is to REVIEW the decision made at stage 2 - no NEW complaints can be introduced at stage 3.

Note: The receipt of complaints and responses to them will be monitored. As part of this process, the University may contact you to seek your views on how your complaint was handled. **If you do not wish to be contacted**, please tick this box



**UNIVERSITY OF CENTRAL LANCASHIRE****Notes for Guidance on the Conduct of a Stage 3 Complaint Hearing****1. Purpose**

In serious or complex cases the University may decide to convene a Complaint Review Panel to hear the complaint at stage 3 of the Student Complaints Procedure.

This will involve hearing the case by the Student and the response by the Head of School or Service.

**2. The Complaint Review Panel**

The Vice-Chancellor shall appoint a Complaint Review Panel (the Panel) comprising:

- (i) the Vice-Chancellor's nominee (Chair):
- (ii) a member of staff who is a Head of School or Service who is not associated with the School or Service concerned;
- (iii) a student member: normally an elected member of the Students' Union.

No member of the Panel shall have been previously associated with the complaint.

**3. Notice of a Stage 3 Complaint Hearing**

The student will be given 5 working days' notice of the hearing date and will be notified of his/her right to be accompanied by a friend who may be from the Students' Union Advice and Representation Centre.

The Student Casework Officer will: a. compile a bundle of documents generated by the previous stages of the Procedure; and b. invite the student and the Head of School or Services to submit any additional documents on which they wish to rely. Copies of all documentation will be circulated to the Panel and both parties not less than 3 working days before the hearing.

Where the complaint is about a member of staff, the response of the member of staff may be incorporated in the response of the Head of School or Service.

**4. Conduct of a Stage 3 Complaint Hearing**

The following procedure will normally apply at a stage 3 hearing:

- (i) The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing.
- (ii) The student (or representative) will present the complaint.
- (iii) The Panel and the Head of School or Service will have the opportunity to question the student.
- (iv) The Head of School or Service will present the response.
- (v) The Panel and the student (or representative) will have the opportunity to question the Head of School or Service.
- (vi) The Panel may ask questions of either party at any stage during the hearing.
- (vii) Summing up by the student (or representative).
- (viii) Summing up by the Head of School or Service.

- (ix) The Panel may, at its discretion, depart from the normal procedure, if it appears to be in the interest of fairness to do so.
- (x) The Panel may: retire to consider its decision; or seek further information; and/or adjourn to a later date.

The Complaint Liaison Officer will act as advisor to the Panel.

## **5. Documentation and Witnesses**

The Panel may request additional documentation from either party either before or at the hearing.

Otherwise additional documentary evidence, other than that which was submitted by the student and that included in the bundle prepared by the Head of School or Service under paragraph 3 above, will be admitted only at the discretion of the Panel.

The student and the Head of School or Service are entitled to submit any statements by witnesses in writing. Witnesses may be invited to give evidence in person at the discretion of the Panel.

## **6. Conclusion**

The Panel may decide:

- (i) that the complaint is justified in full or in part and that the School/Service should implement recommendations; or
- (ii) that the complaint should be rejected.

The Panel may also recommend any changes to University policies and procedures.

Any conclusions or recommendations will be communicated by the Chair of the Panel to the student and the Head of School or Service in writing, normally within 5 working days of the hearing.

## Policy on Unacceptable Complainant Behaviour

1. This Policy sets out the University's approach to the relatively few complainants whose actions or behaviour it considers to be unacceptable. The term complainant includes any person acting on behalf of a student or who contacts the University in connection with a complaint.
2. The University understands that making a complaint can be a stressful experience for students, however, we also have a duty to ensure the safety and welfare of our staff.
3. The University is committed to dealing with all complainants fairly and impartially and to providing a high quality service, but we do not expect staff to tolerate behaviour which we consider to be unacceptable, for example, any communication which is:
  - abusive, offensive, defamatory or distressing;
  - aggressive, threatening, coercive or intimidating;
  - unreasonably persistent or demanding.
4. The University will take action to protect staff from such behaviour, and this may include action under the University's Regulations for the Conduct of Students.
5. Complainants can contact the University by letter, e-mail or telephone. We cannot correspond with anyone who is not confirmed in writing as the representative of the complainant.
6. When the University considers that the behaviour of a complainant is unacceptable, we will tell them why we find their behaviour unacceptable and we will ask them to change it. If the unacceptable behaviour continues, we will take action to restrict their contact in connection with the complaint.
7. The decision to restrict access will be taken by the Academic Registrar (or nominee), with advice from the University Solicitor where appropriate. Any restrictions imposed will be appropriate and proportionate. The University will take account of any reasonable adjustments as a consequence of any declared disability. The options which will be considered are:
  - asking the complainant to enter into an agreement about their conduct;
  - requesting contact in a particular form e.g. letters only;
  - requiring contact to take place with a named person;
  - restricting telephone calls to specified days and times;
  - asking the complainant to appoint a representative to correspond with us;
  - in exceptional circumstances, invoking the procedures for malicious, vexatious or frivolous complaints as set out in the Student Complaints Procedure.
8. We will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action.
9. Where a complainant behaves unacceptably during a telephone conversation, we may as a last resort terminate the call.
10. Where a complainant continues to behave in a way which we consider to be unacceptable, we may decide to terminate contact with them. This may mean that we will not continue with the handling of their complaint.
11. Where the behaviour threatens the safety and welfare of University staff and/or students, we will consider other options, e.g. action under the University's Regulations for the Conduct of Students (including suspension from the campus), reporting the matter to the police, and/or taking other legal action.

This Policy and its implementation will be reviewed annually by the Students, Teaching and Quality Committee.