

# Student Complaints Procedure



York St John University is committed to giving its students the best learning experience it can. It prides itself on being a responsive and supportive organisation and in listening to its students. We recognise that sometimes you may encounter problems. The procedure below explains how to submit a complaint and what will happen if you do.

## 1 Introduction

- 1.1 The University welcomes your feedback. There are a number of ways to contribute your views constructively, including through your programme representatives, the Students' Union, and through student evaluation surveys. If something has gone wrong, we recommend first raising your concern at the place where it arose to try to put things right. The following Complaints procedure applies when it has not been possible to resolve matters through these means.
- 1.2 For the purpose of this policy, a student complaint is “an expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider” ([OIA Good Practice Framework](#), point 7).
- 1.3 Complaints may include (but are not limited to):
  - a) Concerns that the University has failed to meet its contractual or other legal obligations to you.
  - b) Dissatisfaction with University academic provision or your student experience (for example, relating to teaching or research supervision, provision of feedback and return of assessed work, or where a researcher does not agree with the outcome of the School Research Ethics Committee (SREC) review or the University Research Ethic and Integrity Sub-Committee (UREISC) review).
  - c) Concerns that the University failed to make reasonable adjustments in the case of a disability.
  - d) Concerns that the University did not meet its obligations to you under the Student Dignity and Respect Policy.
- 1.4 In making a complaint, you must state clearly what resolution you are seeking. However, your desired outcome might not always be appropriate or feasible, but we will discuss and explore the possibilities with you.
- 1.5 The University Complaints Officer is the Head of Governance and Compliance. The powers of the University Complaints Officer as indicated may be delegated to another appropriate person.

## 2 Scope

- 2.1 This procedure applies if you are a current student and wish to make a complaint about an aspect of your University experience. You can also make a complaint if you have withdrawn or graduated from the University provided the complaint is within the time-frame set out in section 9 below.
- 2.2 It does not apply to appeals against a decision by the University Assessment Board, for example relating to your academic award or progression on your programme: these matters are covered by the *Appeals* procedure. If you submit a complaint that the University believes would be more appropriately dealt with as an appeal, it may decide to follow the [Appeals procedure](#) instead of or as well as the Complaints procedure.
- 2.3 This policy applies to students enrolled on programmes delivered in whole by the University, or in whole or part by a franchise partner institution (franchise provision). Complaints relating to services provided by Validated Partners should follow their complaints procedures. If you are still unhappy with the outcome after completing the Validated Partners procedures, you may ask to have the matter reviewed under the YSJU procedure. In these circumstances, the appropriate form should be sent to the Student Casework Manager ([casework@yorksj.ac.uk](mailto:casework@yorksj.ac.uk)) **within ten working days** of the final decision of the Validated Partner.
- 2.4 If you want to complain about the service of another organisation provided on behalf of the University (e.g. Security), you are advised to contact that organisation directly, as they will normally be best placed to investigate and remedy any problems. Where the University engages the services of other organisations, it

requires that organisation to have appropriate complaints procedures in place. If you are unsure how to access that complaint procedure, the Casework Team will be able to signpost you to this.

- 2.5 Where you believe that a problem with the service provided by another organisation (e.g. a placement provider) has impacted on your learning experience, you may complain directly to the University.
- 2.6 If you have a complaint against the Students' Union, you should raise it directly through the Students' Union own complaint procedures. If you have completed this procedure and you are still unhappy with the outcome, you should send your complaint and a copy of the Students' Union outcome letter to [casework@yorks.ac.uk](mailto:casework@yorks.ac.uk) for review **within ten working days** of the final decision.
- 2.7 Anonymous complaints are generally not accommodated through this procedure due to the challenges posed by anonymity. Investigating such complaints becomes difficult, hindering a fair right of reply and impeding the provision of appropriate resolutions. However, in exceptional cases, an anonymous complaint may be considered if the complainant presents a compelling case supported by evidence. The decision to process such a complaint rests with the University Complaints Officer.
- 2.8 If you submit a complaint that the University considers should be addressed under the Staff Disciplinary Policy, your complaint may be referred to that process. Complaints concerning academic staff beyond their teaching responsibilities will be forwarded to the University Secretary to determine the appropriate procedure for addressing the complaint. If the complaint pertains specifically to their teaching, it will be managed through the standard complaints' procedure.
- 2.9 In cases involving the Complaints Officer or Disciplinary Officer, the University Secretary will assess the complaint and provide guidance on subsequent actions.

### 3 Principles

- 3.1 The complaints procedure shall be implemented with due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.
- 3.2 The University is committed to providing an exceptional student experience. We believe that dealing with small problems or areas of concern as they arise will often prevent them becoming larger problems which are harder to resolve. You are therefore encouraged to raise any issues of dissatisfaction at an early stage, so that they can be dealt with effectively. Should you wait and raise concerns at the end of your programme, your complaint may be considered out of time. Details are provided in section 9 on the timeframes for raising a complaint.
- 3.3 In seeking to resolve a complaint, the University is committed to ensuring:
  - a) University procedures are available and accessible.
  - b) The relevant staff members are as far as possible accessible and approachable if you wish to raise concerns.
  - c) You will not be treated less favourably by the University as a consequence of making a complaint in good faith.
- 3.4 Issues are considered and outcomes reported to you (and to others as appropriate) in a timely and effective manner. Indicative timescales for the University's response are provided below. The University will do its best to abide by the time limits set out in these procedures, but it may not always be possible to do so. The University aims to complete all the steps described in this procedure **within 90 calendar days** from the time you have submitted the full complaint, including your supporting evidence. As a general principle, issues are resolved as closely as possible to the point of occurrence, but with provision for formal procedures where necessary.
- 3.5 The details of your complaint are kept confidential, except where the disclosure is necessary to progress your complaint, implement a decision on the complaint, implement recommendations from a complaint or where it is required by law or in the public interest. If there are elements of your complaint which are particularly sensitive and you have particular concerns about their confidentiality, you are welcome to indicate this fact to the Student Casework Manager who will discuss with you how disclosure can be minimised.
- 3.6 You will be provided with the information and documents which have informed the decision relating to your complaint, subject to considerations of privacy, confidentiality and the reasonable interests of any third parties.
- 3.7 You will be given reasons for any decisions made by the University under this procedure.
- 3.8 Investigations under the level 2 formal procedure are carried out on an impartial basis by appropriate staff members who are not directly implicated in the events leading to the complaint.

- 3.9 Where a complaint is upheld, the University will offer what it deems to be an appropriate remedy.
- 3.10 Some complaints may concern matters which may be criminal offences, and which may be more properly dealt with through law enforcement processes. Where such matters are of a serious nature, a complainant is strongly advised to report them immediately to the police. In cases of doubt, the University Complaints Officer or other appropriate person will advise students and staff. Where criminal investigations are underway, the University may delay the progression of any complaint relating to the same matters until the outcome of the criminal investigation is known.
- 3.11 Complaints are resolved as fairly as possible with due consideration both to the complainant and those against whom a complaint is made. The University will seek to protect its staff from vexatious or malicious complaints.
- 3.12 The University expects all students to treat other students and staff at the University with dignity and respect. The University reserves the right to suspend investigation of a complaint matter if there is a breach of expected standards, including where those investigating a case are subject to harassment, physical or verbal abuse. In these circumstances the student will be notified of the suspension and the reasons for it. If a student is judged to be in breach of University expectations of behaviour, the student might be subject to disciplinary procedures.
- 3.13 Your complaint will be upheld in the case where you have provided sufficient evidence to substantiate your claim on the balance of probabilities, i.e. that what you have claimed is more likely than not to be the case.

## **4 Freedom of speech**

- 4.1 The University is committed to securing freedom of speech and academic freedom within the law. We actively promote the open exchange of ideas, especially on contentious matters, recognising that free speech is strengthened, not weakened, by vigorous discussion of opposing perspectives in a civil, respectful, and peaceful manner. All members of the university community should feel empowered to consider and discuss contentious issues, assured that they will be treated with dignity and respect.
- 4.2 The University operates under the assumption that exposure to course materials, statements, views expressed during teaching or research, and related discussions generally do not constitute harassment. However, the University remains alert to the possibility that these matters may indeed cross into harassment. Our commitment to freedom of speech does not condone any form of abuse, bullying, discrimination, harassment, hatred, intimidation, violence, or unlawful behaviour.

## **5 Communication**

- 5.1 Any correspondence from the University shall be deemed to have been delivered 48 hours after emailing or posting to the address notified to the University by you. You must keep the University informed of any changes of address.
- 5.2 We will aim to be as transparent as possible about the complaint process and outcomes, however in some cases we may have to withhold particular information where sharing it would breach our data protection obligations, where it might compromise a legal process, or where there is another legitimate reason.
- 5.3 Our preferred means of correspondence is email as it enables us to communicate quickly and efficiently, but please indicate if you prefer to correspond by letter.

## **6 Malicious complaints**

- 6.1 The University reserves the right to take disciplinary action against any student who is found to have initiated a vexatious or malicious complaint against the University or a member of its staff. A complaint will be deemed to be malicious if it is found to be baseless and with an intent to cause damage to the University or the person about whom the complaint was made. The mere fact that a complaint has not been upheld does not mean that it is baseless, and disciplinary action will not be taken against anyone making a complaint in good faith.

## **7 Advice and support**

- 7.1 The Student Casework Team ([casework@yorks.ac.uk](mailto:casework@yorks.ac.uk)) can answer general questions about the complaints process. The Students' Union can provide independent advice and support in making your complaint.
- 7.2 It is strongly recommended that you do not proceed to the level 2 formal complaint stage unless and until you have taken appropriate advice.

- 7.3 Where a student is known to have additional needs, the University will liaise with the student to make reasonable adjustments to its procedure where this is necessary in order to avoid substantial disadvantage. If you require an adjustment to the way in which we communicate with you due to disability or accessibility need please contact us by emailing [casework@yorksj.ac.uk](mailto:casework@yorksj.ac.uk).
- 7.4 You may choose to be accompanied by a supporter at any interview or meeting conducted in connection with the investigation. This person should be a current member of staff, a current registered student at the University, or a Students' Union representative. The supporter's role is to observe and provide moral support. They cannot ask questions, interpret your responses, or speak on your behalf.
- 7.5 As a general rule, the complaint can only be started and progressed by you (the student) personally. A supporter can support you during the process however the University will work and liaise with you in regards to the complaint. If your supporter behaves inappropriately at any stage while the complaint is being dealt with, this person will be asked to withdraw involvement.
- 7.6 Legal representation is not usually required or permitted, but if you believe it is justified in the circumstances, you should make these reasons known to the University Complaints Officer **at least three working days** in advance of the meeting. If the University Complaints Officer considers you have established compelling grounds for legal representation, it will be permitted.
- 7.7 Where the issues raised affect a number of students, you may submit a group complaint. The University retains the discretion to communicate directly with some or all of the students individually, particularly where the substance or circumstances of the complaint differ, and to reach different decisions where it deems this to be appropriate. In processing a group complaint, the University may ask the group to nominate one student to act as group representative, to communicate on the group's behalf with the University and to liaise with the other students. Each student needs to communicate in writing to the Student Casework Team ([casework@yorksj.ac.uk](mailto:casework@yorksj.ac.uk)) their wish to be represented by the designated individual.

## 8 Records, monitoring and review relating to the procedure on student complaints

- 8.1 The University will keep and dispose of all correspondence relating to level 2 formal complaints in accordance with its data protection policy.
- 8.2 The Student Casework Team will make a record of all level 2 formal complaints investigated by the University. This data will inform an annual summary report of complaints and outcomes to the Academic Leadership Team, the Academic Board and to the Board of Governors annually through the Annual Quality Report. This process will ensure appropriate monitoring of all complaints and related outcomes and is intended to support a continuous improvement approach.
- 8.3 The Student Complaints Procedure will be reviewed annually, taking account of good practice identified across the sector.

## 9 Procedure

- 9.1 Before making a complaint, you should familiarise yourself with the following procedure. It is important to be clear about what resolution you are seeking in making a complaint.
- 9.2 Should a disciplinary matter arise during the complaint proceedings, the Complaints Officer and Disciplinary Officer will decide if the disciplinary case should proceed whilst complaints proceedings are ongoing, if the complaints proceedings should be paused to allow the disciplinary case to be reviewed or if the disciplinary case will be reviewed upon conclusion of the complaints proceedings. The Complaints Officer and Disciplinary Officer will liaise with staff considered relevant to both cases in coming to a decision.

### Level 1 Local Resolution

- 9.3 You should first seek to have the matter resolved locally at the point at which the incident which is the source of the complaint arose, which is usually within the School or with the service provider concerned. For example, if you are unhappy with the timeframe in which you received a response to a query and this was outside of any published timeframes, you could raise your concerns directly with that person or with that person's manager. If you are unclear about the appropriate staff member to approach, you can ask for information from the Student Casework Team ([casework@yorksj.ac.uk](mailto:casework@yorksj.ac.uk)). Many matters can be resolved satisfactorily at this stage. You should raise your concerns as soon as possible, and not later than one calendar month from the time your concerns arise.
- 9.4 Your complaint must be raised **within one calendar month** of the incident/s.
- 9.5 Guidance can be sought from the Student Casework Team as in some cases it may be appropriate to refer the complaint directly to level 2.

- 9.6 Any meetings that are held under the level 1 local resolution stage, will not be audio recorded, but they may be minuted. You should not record them without the consent of those involved. If you do record any meetings without the consent of others, this may amount to a disciplinary offence. Any recording will not be permitted to be used as evidence.

## **Level 2 Formal complaint: investigation and decision**

- 9.7 If you believe your concerns have not been properly addressed when raised locally at level 1, you may decide to make a level 2 formal complaint.
- 9.8 You should use the [complaint form](#) to send your complaint to [casework@yorks.ac.uk](mailto:casework@yorks.ac.uk). You must include the date when the incident/s you are complaining about took place, and your complaint must be sent **within one calendar month** of the incident/s or the conclusion of the level 1 discussions. The University Complaints Officer has the discretion to permit late complaints to be considered, either because there are exceptional circumstances justifying the late submission of the complaint, or because the exceptional nature of the complaint means that it should still be considered.
- 9.9 When a complaint is raised regarding an incident that occurred prior to changes in university policies, the complaint will be dealt with under the policy in place at the time the report is made.
- 9.10 On receipt of a complaint, the Student Casework Team may refer the matter to the University Complaints Officer for a decision on whether the complaint procedure is the appropriate procedure to use. If your complaint is not accepted, the University will, if you request, issue you with a 'completion of procedures' letter to allow you to have the decision reviewed by the Office of the Independent Adjudicator, as set out in the final paragraph.
- 9.11 If you have not first raised your concerns at level 1, the Student Casework Team will refer the matter for level 1 local resolution, in an attempt to resolve the matter as early as possible. If you are unhappy with this outcome, you may then move to the level 2 formal complaint stage.
- 9.12 The Student Casework Team may request additional information or evidence from you.
- 9.13 Once the matter is accepted as a level 2 formal complaint, an appropriate member of staff will be named as the 'Investigating Officer' and you will be informed who this is. This person will not have been previously involved with your complaint.
- 9.14 The Investigating Officer will consider the written evidence and will carry out any further investigations/interviews deemed necessary. The Investigating Officer may ask you for further evidence and/or may explore possible outcomes with you. The Investigating Officer may meet with you and others, these meetings are not audio recorded, but are minuted. You should not record them without the consent of those involved. If you do record any meetings without the consent of others, this may amount to a disciplinary offence. Any recording will not be permitted to be used as evidence.
- 9.15 The Investigating Officer will normally conclude the investigation and submit a report **within eight weeks** from the date your level 2 formal complaint was lodged to the University Complaints Officer. In complex cases, or cases where the Investigating Officer has difficulty in making contact with you or with others with relevant information, the report may take longer, but you will be kept informed of any delays and the reason for them.
- 9.16 This report will include recommendations to the University Complaints Officer. This report will specify a recommended outcome: that your complaint is upheld, partly upheld, or not upheld. It will provide reasons for this outcome. If the complaint is recommended to be upheld or partly upheld, the Investigating Officer will, in all cases where it is appropriate, propose remedial action to be taken by the University. Where proposals for remedial action to be taken by the University have been made, recommendations around timeframes for completion of these may be given.
- 9.17 On the basis of this report, the Complaints Officer may:
- i. Uphold the complaint.
  - ii. Partly uphold the complaint.
  - iii. Not uphold the complaint.
- 9.18 You will receive a copy of the report. This report will specify an outcome: that your complaint is upheld, partly upheld, or not upheld as agreed by the Complaints Officer. It will provide reasons for this outcome.
- 9.19 You will be given **ten working days** to consider the report, and to indicate whether you are satisfied with this outcome or not. If you accept the proposed outcome, it will be implemented as soon as possible. The case is considered to be resolved. If you do not accept the proposed outcome, you have the option of taking the matter to the Review Stage, as set out below.

9.20 If no response is received to the outcome of the report, after 10 working days, it will be considered that you have accepted the proposed outcome and any recommendations will be actioned. The complaint will then be considered closed.

9.21 If the proposed outcome is accepted but there are concerns around it's implementation or the time taken to implement, you should contact The Student Casework Team ([casework@yorks.ac.uk](mailto:casework@yorks.ac.uk)) to raise your concerns. These will then be reviewed, and an update provided.

## 10 Review Stage

10.1 If you are not satisfied with the outcome of your level 2 formal complaint, you may ask for a review of the finding by completing the [Complaint Review](#) form and sending it to [casework@yorks.ac.uk](mailto:casework@yorks.ac.uk) **within ten working days** of receipt of the report. The grounds on which you can seek a review are as follows:

- a) The University made a material error in following its complaint procedures or
- b) The outcome was unreasonable in light of the evidence available.
- c) Material new evidence is available which you could not, for a valid reason, provide earlier in the process.

10.2 The matter will be referred to the University Vice Chancellor, who may delegate to an appropriate nominee. The University Complaints Officer will provide advice throughout the Review Stage and an appropriate staff member may be appointed to review the file, undertake any appropriate further enquires, and make recommendations. You will normally receive a response **within ten working days** and will be informed if the review will require more time.

10.3 The review will normally only consider the evidence provided during the earlier investigation of the complaint. Exceptionally, the Vice Chancellor or nominee has the discretion to allow you to introduce new material evidence at this point, if they accept that there were valid reasons why you were unable to provide the evidence earlier in the process.

10.4 The Vice Chancellor or nominee has the discretion to either:

- a) Uphold the original outcome.
- b) Substitute an alternative outcome.
- c) Appoint a new Investigating Officer. The usual procedure set out above for the investigation will be followed.

10.5 You will be given **ten working days** to consider the outcome of the review. If you accept the outcome proposed, the matter is considered resolved.

10.6 If the Vice Chancellor or nominee upholds the original outcome, or if you do not accept an alternative outcome proposed, you will be sent a 'completion of procedures' letter saying that you have come to the end of the York St John University complaint procedure. If you remain dissatisfied, you may seek an independent review by the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is an independent body established to consider student complaints which have not been resolved internally. The deadline for an application to the OIA is **twelve months** from the date of the 'completion of procedures' letter. This service is free to students. More information can be found on the OIA website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

## 11 Associated Links

<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>

<https://www.yorks.ac.uk/students/concerns-and-complaints/concerns-about-university-experience/>

<https://www.yorks.ac.uk/policies-and-documents/research/>

<https://www.yorks.ac.uk/quality-gateway/collaborative-provision/>

<https://yjsu.com/documents>

[www.oiahe.org.uk](http://www.oiahe.org.uk)

## Version Control Statement

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	<p>Section 1 &amp; 2 Clarification of introduction section and addition of scope section to policy.</p> <p>Section 3 Clarification added regarding raising concerns as early as possible.</p> <p>Information added regarding Freedom of Speech related complaints.</p> <p>Information added regarding suspending an investigation if expected standards are breached.</p> <p>Section 4 Introduction of Freedom of Speech section.</p> <p>Section 7 Advice and Support - Addition regarding if adjustments are required for the process for disability or accessibility reasons.</p> <p>Section 9 Level 1 - Example updated, explicitly detailed timeframe in level 1 section, clarification on recording of meetings.</p> <p>Level 2 - Clarification added around if no response is received following outcome and next steps.</p> <p>Section 11 Introduction of Freedom of speech complaints section.</p>	26/06/2024	Academic Board
	<p>Section 9 Level 2 – clarification added about which policy will apply if a matter is raised regarding an incident that occurred prior to changes in university policies.</p> <p>Section 11 Removal of Freedom of speech complaints section</p>	20/08/24	Executive Board