



General Regulations 2a: Student Complaints Procedure

2016-2017

This document is available in hard copy and on the University intranet and internet sites. Please contact the Student Life Centre (John Galsworthy Building, Penrhyn Road campus) or the Union of Kingston Students Advice Centre if you have any difficulty in obtaining a copy that you can read, or find any aspect of these regulations difficult to understand.

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Purpose and Scope

- 1.1 The Student Complaints Procedure constitutes a source of student feedback on the operation of services/facilities, application of procedures and inappropriate staff conduct within Kingston University. A student will not be prejudiced by raising a genuine complaint and complaints about staff will be investigated by independent members of staff.
- 1.2 The Student Complaints Procedure should be read in conjunction with the Student Complaints Guidance. The procedure sets out the process to be followed for investigating and handling complaints. The Student Complaints Guidance provides information and guidance for both staff and students regarding complaints being investigated under this process.
- 1.3 This Procedure applies to any Kingston University student enrolled on a programme of study and studying at the University or recent graduate of the University. Please see section 6 for information about students studying at partner institutions.
- 1.4 Complaints should normally be made within 15 days of the event which has given rise to the complaint or, if a series of events has given rise to a complaint, within 15 days of the final event in the series. Complaints will only be considered outside of this timeframe in exceptional circumstances. For student complaints submitted outside of the timeframe, students will be issued with a Completion of Procedures letter. The University's decision in this regard is final.
- 1.5 The following areas will be considered under this Procedure: -
 - Complaints about the delivery of courses and related services, if these are unable to be resolved by the relevant Staff and Student Consultative Committee;
 - Complaints regarding service delivery of administrative or support services, including Halls of Residence;
 - Failure to meet obligations including those outlined in course/student handbooks and other correspondence from the University;
 - Misleading or incorrect information in prospectuses or promotional materials and other University publications;
 - Complaints about alleged staff conduct (e.g. concerning discrimination, victimisation, harassment and bullying)
- 1.6 The Procedure will be followed in accordance with the University's strategy for Equality, Diversity and Inclusion.

- 1.7 Student expenses for making a complaint or attending a meeting in relation to their complaint may not be reimbursed by the University, regardless of the subsequent outcome.

Student Conduct

- 1.8 When making a complaint, students are expected to conduct themselves in a courteous and respectful manner. Allegations of inappropriate behaviour will be considered under the Student Disciplinary Procedure.

Malicious and Fabricated Complaints

- 1.9 If during the course of investigating a complaint, a staff member has reason to suspect that the student's complaint may have been fabricated or submitted maliciously, the University will take the appropriate action which may include but is not limited to the following:
- the conduct being considered under the Student Disciplinary Procedure;
 - restrictions being applied to the student's contact with the University; or
 - consideration of a complaint being terminated or suspended.
- The University's decision in this regard is final.

Multi-Issue Complaints

- 1.10 If a complaint includes issues that fall within the remit of other procedures, such as the Academic Appeals Procedure, students will be informed of this and directed to the relevant procedure, normally within 5 days of receipt.
- 1.11 Where a student has submitted both a complaint and appeal, the complaint investigator will liaise with the academic appeal case handler and other relevant directorates, as appropriate, to determine the appropriate way forward for the issues raised. This will normally be done within the 20 days provided for the consideration of the case from receipt.

Collective Complaints

- 1.12 Students submitting a collective complaint are expected to show how they personally have been affected by the situation. The investigator will normally require a nominated individual to act as spokesperson for those students complaining.
- 1.13 Any complaints affecting a course and its delivery as a whole should be raised with a member of the Course Team as soon as they arise, or if the issues are not satisfactorily resolved in this way, through the Staff-Student Consultative Committee or its equivalent.

Accompaniment and Representation

- 1.14 A student can seek advice from the Union of Kingston Students (“the Students’ Union”) when making a complaint. As this is an internal procedure to the University, it is appropriate for students to represent themselves with any necessary support which is permitted as follows:

Accompaniment

- 1.15 Students invited to attend a mediation session or meeting may be accompanied by a friend, family member, or staff member from the Students’ Union Support, or a Trade Union or professional association staff member, as applicable. The individual accompanying is not permitted to make representations, or ask or answer questions on behalf of the student, or attend in any legal capacity.

Non-Legal Representation

- 1.16 Non-legal representation by any third party will only be permitted where there is a compelling reason, such as a disability and where a reasonable adjustment is required to enable a student to access the process. In such circumstances, representation must be agreed with the staff member responsible for that stage of the process, and the student must provide signed written consent for the representation.

Legal Representation

- 1.17 Legal representation will not be permitted at hearings. Legal representation at any stage of the procedure may only be permitted in exceptional circumstances and if considered necessary by the University whose decision on such matters is final. If the University determines that legal representation is not necessary, the student will be given the opportunity to continue the internal procedure without legal representation. If the student does not want to proceed on this basis, the University will treat the matter as closed and issue a Completion of Procedures letter. The University’s decision in this regard is final.

2. Mediation

- 2.1 The University encourages staff and students to consider alternative dispute resolution as a means of attempting to resolve issues at an early stage and maintain professional relationships, and offers free mediation by trained mediators.
- 2.2 Mediation may be requested by the student submitting the complaint, or it may be recommended by the complaint investigator at Stage 1 or 2; it can only be proposed at Stage 3 if the matter is referred back to the Faculty/Directorate for consideration.

- 2.3 Requests for mediation should be made to the University's Mediation Service for an initial review. This is not to determine the merits of the case, but rather to ascertain whether it would be appropriate for the matter to be mediated. If not, the complaint will be considered in accordance with the Student Complaints Procedure. If mediation is deemed suitable, the Mediation Service will facilitate a mediation meeting; this should normally be held within 20 days of receipt of the request for mediation.
- 2.4 Mediation is undertaken by putting on hold the case being advanced under this Procedure. Following the mediation meeting, the complaint investigator will contact the student and will enquire if the student is happy with the outcome of the mediation. The student will be provided with 15 days to respond. Should no response be received after this timeframe then the University will assume that the student is happy with the outcome and no further action will be taken on the case under the Student Complaints Procedure.

Further information about the University's Mediation Scheme can be found at:
<http://law.kingston.ac.uk/services/centre-dispute-resolution>

3. STAGE 1: LOCAL LEVEL RESOLUTION

Submission

- 3.1 Complaints should be raised locally, either in writing or verbally, to the staff member directly responsible for the delivery of the service, or their line manager if the complaint relates to the conduct of a staff member.
- 3.2 A Stage 1 complaint should normally be made within 15 days of the event which has given rise to the complaint or, if a series of events has given rise to a complaint, within 15 days of the final event in the series.

Investigation

- 3.3 Staff will acknowledge receipt of the complaint in writing within 5 days and initiate the investigation, liaising with the student and any relevant staff, as required. A full written response should be provided within 20 days of receipt. Should circumstances require additional time for the complaint investigation, the complaint investigator will advise the student and will agree a revised timeframe for the completion of the investigation.

Outcome

- 3.4 Following the completion of the investigation, the staff member may uphold the complaint in full, in part, or dismiss it. Suggested courses of action for resolving the complaint can be found in the Student Complaints Guidance. If complex or serious issues have been raised, the staff member may advise the student to submit a Stage 2 complaint within 15 days.
- 3.5 The Faculty/Directorate will implement any such recommendations (including payments/refunds) arising out of the complaint investigation. In response to allegations of staff conduct, if an investigation determines that any disciplinary or remedial action is required, this will be conducted in consultation with Human Resources.

4. STAGE 2: FACULTY/DIRECTORATE INVESTIGATION

Submission

- 4.1 If a complaint has not been resolved to the student's satisfaction at Stage 1, or they have been advised to escalate their complaint by the investigating staff member, a Stage 2 complaint should be made. A letter of complaint, in addition to any supporting documentation (e.g. from Stage 1) must be submitted by the student to the relevant Faculty/Directorate Academic Affairs/Complaint Co-ordinator within 15 days. Contact details can be found in the Student Complaints Guidance.

Investigation

- 4.2 The Academic Affairs/Complaint or nominee will acknowledge receipt of the complaint within 5 days and initiate the investigation. A full written response should be provided to the complainant within 20 days of receipt. Should circumstances require additional time for the complaint investigation, the complaint investigator will advise the student and will agree a revised timeframe for the completion of the investigation.
- 4.3 Complaints concerning service delivery should be submitted to the relevant Faculty/Directorate Academic Affairs/ Complaint Co-ordinator. Any complaints which relate to staff conduct should be submitted to the Dean of the Faculty/the Head of Directorate for a nominee to be appointed as the case investigator.

Outcome

- 4.4 Following the completion of the investigation, the Academic Affairs/Complaint Co-ordinator or nominee may uphold the complaint in full, in part, or dismiss it. Suggested courses of action for resolving the complaint can be found in the Student Complaints Guidance.
- 4.5 Where the resolution includes payment/refund of any costs incurred, the student will be sent a Complaint Acceptance Form to confirm their acceptance of the outcome in full and final settlement of their complaint. A template of the Complaint Acceptance Form can be found in the Student Complaints Guidance. The Faculty/Directorate will implement any recommendations (including payments/refunds) arising out of the complaint investigation.
- 4.6 Outcomes of complaint investigations concerning staff conduct will be copied to the Dean of the Faculty/Head of Directorate. If any disciplinary or remedial action is required, this will be conducted in consultation with Human Resources.
- 4.7 The Faculty/Directorate will maintain a record of the investigation and the outcome to be included in the Annual Report on Student Complaints. They will also consider any recommendations made as a result of the investigation and implement these where appropriate.

5. STAGE 3: COMPLAINT REVIEW

Submission

- 5.1 If a student is dissatisfied with the outcome of the Faculty/Directorate investigation at Stage 2 of the procedure, the student can request a review of the complaint. A request for a review of a complaint must be submitted by the student within 15 days of the date of the Stage 2 outcome letter. Stage 3 constitutes a review and not a re-investigation of the complaint and can only be requested on the following grounds:

- There were procedural irregularities in the Stage 2 investigation which had a material effect on the outcome;
- Based on the evidence available to the Stage 2 investigator at the time, the outcome is unreasonable; and/or
- New evidence has come to light which the student was unable, for valid reasons, to provide earlier in the process and which would have had a material impact on the outcome.

The University shall determine whether the reasons presented are deemed valid.

- 5.2 A request for a review about complaints concerning service delivery should be submitted to the Compliance Advisors in the Student Life Centre. Any request for a review relating to a complaint about staff conduct should be submitted to Human Resources for an independent reviewer to be appointed. As part of their submission, the student must include the following:
- a covering letter outlining how their request meets one of more of the grounds for a review;
 - supporting documentation including the Stage 2 complaint, evidence and outcome letter.

Review

- 5.3 The complaint reviewer will acknowledge receipt of the complaint within 5 days and where the grounds for review have been met, a review will be initiated and a full response should be provided within 20 days of receipt.
- 5.4 The staff member may find the student has demonstrated grounds for review in full or in part (and suggest any action to resolve the complaint), or not at all. If the complainant has not satisfied the grounds for review, (s)he will be notified of this and issued with a Completion of Procedures letter.

Outcome

- 5.5 Following the completion of the investigation, the complaint reviewer may uphold the complaint in full, in part, or dismiss it. Suggested courses of action for resolving the complaint can be found in the Student Complaints Guidance.
- 5.6 Where the outcome of the review resolution recommends payment/refund of any costs incurred, the student will be sent a Complaint Acceptance Form to confirm their acceptance of the outcome in full and final settlement of their complaint. A template of the Complaint Acceptance Form can be found in the Student Complaints Guidance
- 5.7 Should the student reject the outcome of the review, a Completion of Procedures letter will be issued. The Completion of Procedures letter will state whether or not the University is willing to keep the offer open in the event that the complaint is referred to the Office of the Independent Adjudicator for consideration. If the grounds for review are rejected, the student will automatically be issued with a Completion of Procedures letter.
- 5.8 Outcomes of complaint reviews concerning staff conduct will be copied to the Dean of the Faculty or Head of Directorate. If any disciplinary action is required, this will be conducted in consultation with Human Resources.

- 5.9 The Compliance Advisors will maintain a record of the review to be included in the Annual Report on Student Complaints. They will also liaise with the relevant Faculty or Directorate to ensure that any recommendations made at any stage of the Procedure have been considered and implemented where appropriate.

6. PARTNER INSTITUTIONS

- 6.1 Students studying at partner institutions who are enrolled on Kingston University courses will be subject to the complaints procedure of the partner institution. In the absence of such procedures the following steps will apply:

- Stage 1 Local Level Resolution: considered by the partner institution
- Stage 2 Faculty/Directorate Investigation: considered by the Faculty or Directorate Academic Affairs/Complaints Co-ordinator at Kingston University with relevant input from the Liaison Officer and a representative from the partner institution
- Stage 3 Complaint Review: reviewed by a Compliance Advisor at Kingston University for complaints about service-delivery.

- 6.2 Complaints regarding allegations of staff conduct by staff at partner institutions who are not employed by Kingston University are excluded from investigation under this Procedure (please see accompanying Complaints Guidance document for a full list of exclusions). Human Resources at the relevant partner institution should be contacted regarding any allegations about misconduct concerning their staff.

7. THE OFFICE OF THE INDEPENDENT ADJUDICATOR ('OIA')

- 7.1 The OIA provides a free and independent scheme for the review of student complaints, which includes the right to appeal against a final decision by a University. Where a student has completed all of the available processes under the Student Complaints Procedure, the University will issue the student with a Completion of Procedures (COP) letter. Any application to the OIA will need to be made within 12 months of the date of this letter.
- 7.2 Further information about submitting a complaint to the OIA can be found on their website – www.oiahe.org.uk
- 7.3 The Vice-Chancellor's Advisory Support Directorate (VCASD) will act as the point of contact for complaints being investigated by the OIA. Staff are required to respond to requests from VCASD in a timely and prompt manner.

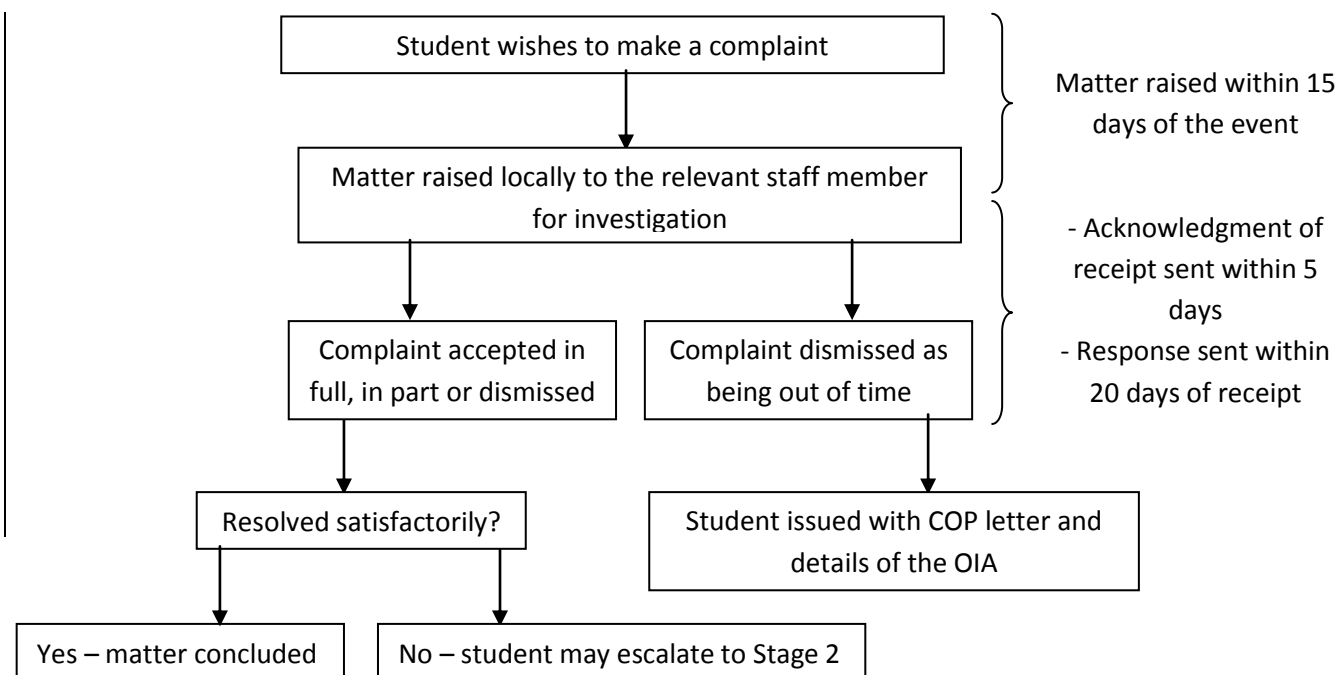
8. GLOSSARY OF TERMS

<u>Expression</u>	<u>Meaning</u>
Bullying	Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient; may happen in public or private
Complaint	The Office of the Independent Adjudicator (OIA) defines a student complaint as “an expression of dissatisfaction by one or more students about a university’s action or lack of action or about the standard of service provided by or on behalf of the university”.
Academic Affairs/Complaint Co-ordinator	A Faculty or Directorate nominated representative to respond to or administrate complaints (these individuals are listed in the corresponding Guidance document)
Compliance Advisor(s)	Compliance Advisors in Student Services and Administration or such other person nominated to act on their behalf
Days	University working days (Monday-Friday) excluding Bank and Public Holidays
Directorates	Central University Directorates, rather than Faculty Departments
Fabricated Complaints	Complaints (or elements thereof) which have been invented or concocted
Harassment	Unwanted conduct (intentional or unintentional) which has the effect of violating a person’s dignity; the actions or comments are viewed as humiliating, degrading and unacceptable to the recipient and can create a hostile and intimidating environment; it may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident
Human Resources	The designated Human Resources representative for the Faculty/Directorate or other Human Resources representative as nominated by the Director of Human Resources
In writing	Anything submitted in writing should take the form of either a written/typed letter, or an email from a Kingston University email account
The Students’ Union Support	A free, confidential and independent advice service for all Kingston University students, based in the Students’ Union at Penrhyn

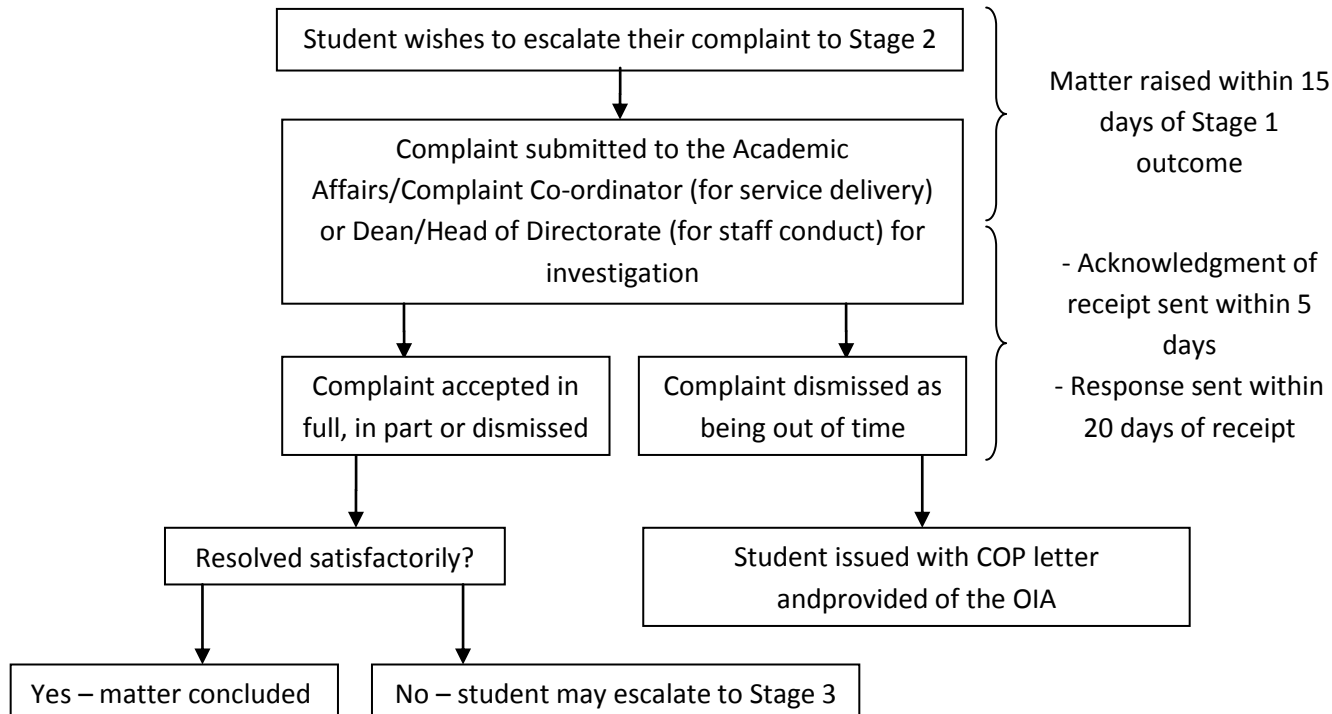
	Road; providing support on a range of issues including complaints
Malicious Complaints	Complaints which have the intention to cause harm or distress to those named in the matter
Mediation	An alternative form of dispute resolution designed to find a constructive solution without apportioning blame; useful for restoring effective and professional relationships; involves trained impartial individuals bringing the conflicting parties together and facilitating a constructive dialogue between the two; requires the agreement of all parties
Office of the Independent Adjudicator	The Office of the Independent Adjudicator is the ombudsman for universities in England and Wales and conducts free reviews of student complaints
Partner Institution	An institution which is jointly or wholly responsible for delivery of a Kingston University award
Representative of the Students' Union	The President of the Union of Kingston Students, or another Student Officer of the Students' Union, as nominated by the President
Staff	Members of University staff, including staff of the Kingston University Service Company ('KUSCO') or any other wholly owned subsidiary company of the University
Victimisation	Occurs when a person is treated less favourably because they have made a complaint, have supported someone who has made a complaint, or are believed to have done either of the above; it also applies when the relationship between the student and the University has ended

9. FLOWCHART OF THE STUDENT COMPLAINTS PROCEDURE

Stage 1: Local Level Resolution



Stage 2: Faculty/Directorate Investigation



Stage 3: Complaint Review

