

GUIDANCE NOTE FOR STUDENT COMPLAINTS PROCEDURE

Please read through these Guidance Notes and the [University Complaints Procedure](#) before raising your concern/complaint. The 'Guidance to the Student Complaints Procedure' provides important information regarding the operation and core principles of the Complaints Procedure.

1. What is a 'Complaint' under the Complaints Procedure?

- 1.1 One or more students can use this Procedure to express: 'dissatisfaction ... about the University's action or lack of action or about the standard of service provided by or on behalf of the University'.
- 1.2 Complaints can be made about:
 - a non-academic service provided by the University;
 - the administration or delivery of a programme;
 - the facilities or learning resources provided by the University;
 - failure to meet obligations set out in programme, college or student handbook;
 - failure to follow published regulations, procedures and / or policies.
- 1.3 This list is not intended to be exhaustive and, where appropriate, other matters will be considered under the Complaints Procedure.
- 1.4 Students on placement are entitled to bring complaints about their placement experience should they feel it is necessary. Whether the complaint is dealt with by the University, by the employer or by the placement provider is determined by which organisation has responsibility for the incident being complained about. For example, complaints about human resource issues will be dealt with by the employer or placement provider, but academic and/or University pastoral care matters will be dealt with by the University. A student who wishes to raise a complaint regarding their placement experience, but is unsure who has responsibility for dealing with the complaint, should contact their University Placement Coordinator in the first instance. If a student thinks they are being bullied, harassed or discriminated against whilst on placement, they should refer to the [University Diversity and Dignity at Work and Study Policy](#).
- 1.5 Students studying at partner institutions can raise a complaint under the Complaints Procedure if it relates to the academic provision of their programme. If the complaint does not relate to the academic provision of their programme, for example, complaints about accommodation, they should raise their complaint with the partner institution under its complaints procedure.
- 1.6 Students using the Complaints Procedure can raise concerns informally with staff at Stage 1, before formalising them as complaints at Stages 2 of the Complaints Procedure, if not resolved.
- 1.7 However, the following concerns/complaints cannot be made under the Complaints Procedure:
 - Decisions which amount to "academic judgment"¹. Students who wish to raise an Academic Appeal against a decision of a Progression and Award Board or Mitigating Circumstances Board or Graduate School Board relating to the assessment of an undergraduate, postgraduate taught, or postgraduate research student should refer to

¹ Academic judgement is a term found in Part 2 of the Higher Education Act 2004. The Office of the Independent Adjudicator states that academic judgment is not any judgment made by an academic, but a judgment that is made about a matter where only the opinion of an academic expert will suffice. For example, a judgment about assessment, a degree classification, professional suitability, research methodology or course content/outcomes and how best to teach, will normally be academic judgment.

the [Handbook of Academic Regulations Section 16 Academic Appeals](#) for taught courses or [Academic Regulations for Research Degrees](#).

- Complaints which are covered by other procedures. Annex B provides information on complaints which are not covered by the Complaints Procedure and how to raise a complaint about them.

- 1.8 A student who submits a complaint under the Complaints Procedure may also have a related application progressing under another process (for example, a related academic appeal or a related misconduct / fitness to practice case). In these situations, the complaint submitted may be suspended until the other processes have been completed. The student will be informed of this when they submit their complaint. If a student is informed that the complaint process is suspended pending the outcome of another process, at the end of the other process, the student must contact the Academic Standards team (studentcomplaints@westminster.ac.uk) to confirm whether they still want to progress their complaint under the Complaints Procedure.
- 1.9 If the Academic Standards team decides that a complaint falls under another process, he/she will advise the student. If a complaint falls under several processes, the Academic Standards team will advise how the complaint will be dealt with.

2 Who can use the Complaints Procedure?

- 2.1 The Complaints Procedure is for the use of students who are registered with the University.
- 2.2 Former students may raise a complaint provided the complaint is about a matter which occurred whilst they were enrolled as a student and they comply with the timescales for the submission of complaints set out below. If you are a former student and wish to complain about an aspect of the University's provision that you have experienced since you ceased to be a student, you may not bring a complaint under this procedure, however please do contact the Alumni Relations team who will endeavour to assist you.
- 2.3 If you are a student of a partner institution on a course that is validated by the University, including under a franchise arrangement, the student complaints procedures of that collaborative partner will normally apply and you may therefore not bring a complaint in accordance with this Procedure. However, in the case of complaints concerning matters of academic delivery only, where you have exhausted the complaints procedure of the collaborative partner you shall normally have a right of appeal to the University in accordance with the appeals procedure of this Student Complaints Procedure (see paragraph 9.1 of the Student Complaints Procedure).

3 Time Limits for raising and progressing Complaints

There are time limits for both students and the University under the Complaints Procedure.

3.1 Students

- 3.1.1 Stage 1: **Concerns should be raised as soon as possible after the incident being complained about.** In the first instance you should raise your complaint with the member of University staff directly involved in or responsible for the matter being complained about. If you are not comfortable raising your complaint with that person, you should instead contact that person's line manager. You must make it clear from the outset what remedy you are seeking as an outcome of your complaint.
- 3.1.2 Stage 2: **Stage 2 Complaints must be submitted within 90 days of the occurrence of the matter you are complaining about.** A Stage 2 complaint received after this time will not be considered unless the student can provide a good reason, supported by evidence, why he/she was unable to submit the complaint within the 90 day period. The University will determine what constitutes a 'good reason' in these circumstances, but this may include the student having a serious illness or operation, or being directly involved with a medical

emergency. If a Stage 2 complaint is submitted out of time without a good reason, a Completion of Procedures Letter will be issued to confirm that the University's procedures have ended.

- 3.1.3 **Stage 3: Stage 3 appeals must be submitted within 10 working days of the date of notification of the Stage 2 outcome or, in the case of a partner institution, within 10 working days of the completion of that institution's procedures.** Where such a request is not received by the deadline, the University's internal procedures are completed. Such a request will not be considered if Stage 2 of the process has not been completed. A Stage 3 appeal must be submitted on the Stage 3 Student Complaint Appeal form. The completed form must stipulate clearly and unambiguously the grounds upon which the request is based, and include a comprehensive statement explaining why the grounds have been met.
- 3.1.4 The following reasons are not considered to be 'good reasons' for not submitting a complaint on time:
- Holidays;
 - Exams;
 - Continuing discussions at Stage 1

3.2 University

- 3.2.2 Stage 1 - Stage 1 is designed to address straightforward concerns locally and as swiftly as possible. This might be done, for example, by face to face discussion with a member of staff.
- 3.2.3 Stage 2 - The Student Complaints Officer will normally respond in writing to a Stage 2 complaint within 25 working days of receipt of the Stage 2 complaint. If the investigation takes longer than this, because, for example, of the complexity of the Stage 2 complaint or the absence of relevant staff, the student will be kept informed and will be provided with a revised date for a formal response to the Stage 2 complaint.
- 3.2.4 Stage 3 - The Associate Director, Academic Quality and Standards will normally respond in writing to a Stage 3 complaint within 15 working days of receipt of the Stage 3 complaint. If the review at Stage 3 takes longer than this, the student will be kept informed and provided with a revised date for a formal response to the Stage 3 complaint.

4 General Principles

- 4.1 **Fair Dealing**
Students will not suffer a disadvantage as a consequence of making a genuine complaint. A student's complaint will be handled with due discretion by staff in the University. The University reserves the right to investigate the authenticity of any documents submitted (e.g. medical papers) in support of a complaint. Submission of forged documents may lead to a complaint being suspended, and action possibly being taken under [Student Disciplinary Regulations](#).
- 4.2 **Early Resolution**
All parties are expected to make reasonable efforts to resolve matters informally as early as possible at Stage 1 of the Complaints Procedure.
- 4.3 **Anonymous Complaints**
Complaints which are submitted anonymously will not normally be considered because they may impede the investigation and communication of the outcome.
- 4.4 **Unreasonable, Vexatious, Frivolous or Malicious Complaints**
The University reserves the right to refuse to consider any complaints which are thought to be unreasonable, vexatious, frivolous or malicious. Examples of these types of complaints may include the following:
- Complaints which are obsessive, harassing or repetitive;

- Insistence on pursuing non-deserving complaints and / or unrealistic, unreasonable outcomes;
- Insistence on pursuing what may be deserving complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

If a complaint from a student is thought to fall into any of these categories, the University may manage a student's communication or terminate its consideration of the complaint and the student will be informed of the reasons for this. The student may request a review of this decision by submitting a Stage 3 complaint to the Associate Director, Academic Quality and Standards. In appropriate cases, the student's behaviour may be considered under [Student Disciplinary Regulations](#) which may result in a penalty being imposed on them.

4.5 **Advice**

[The Student Union Advice Service](#) in the University of Westminster Students Union (UWSU) can give independent information and advice about submitting a complaint and progressing it through the Complaints Procedure. Please also refer to Annex A of this document for other sources of advice and/or guidance. The University does not encourage students to seek legal representation to bring a complaint under the Complaints Procedure because it is not a legal process.

4.6 **Representatives**

- 4.6.1 A student may be accompanied to a meeting by a representative, who may present the student's case if the student so wishes, and / or by a friend. Only a current student or a member of staff of the University, or a member of the Student Union Advice Service in the University of Westminster Students Union (UWSU), or (in the case of reasonable adjustments being made for a disabled student) an appropriate individual (for example, a social worker or mental health nurse), shall normally be permitted to be a representative or friend of the student. Students should notify the University in writing, 7 days in advance of any meeting, of the name and status of the representative or friend who will be accompanying them to the meeting.

- 4.6.2 Although a student may obtain advice and guidance relating to an issue and be accompanied to a meeting, a complaint will normally only be processed if submitted directly by the student and not by someone acting on their behalf. Neither the student nor the University shall normally be represented by a legal practitioner in considering a complaint under the Complaints Procedure.

4.7 **Confidentiality**

By raising a complaint, a student gives the University permission to inform other relevant members of staff/organisations of his/her complaint, to investigate the facts and to discuss them with appropriate people. Information submitted will remain confidential as far as this is consistent with other parties' right to know of any allegations and evidence against them. It might also be necessary to provide the complaint to, and request information from, relevant departments in order to investigate the issues in the complaint. If a student makes allegations against staff they will normally be asked to respond to them. If a student is unhappy with such disclosures, they should state this clearly on their Student Complaint Form and we will advise as to the extent to which we are able to process the complaint.

4.8 **Disclosure**

The University operates a disclosure policy, which means that the student complainant will normally be provided with a copy of the information considered in deciding the outcome of the Stage 2 complaint. The documents provided to students may have information deleted to protect the privacy and confidentiality rights of third parties.

4.9 **Disciplinary Action**

Complaints may lead to misconduct action being taken against other students or members of staff. Complainants are advised that, where misconduct action is taken in connection with a complaint, the complaint may be used as evidence and the complainant may be asked to give evidence either in writing or in person. Due to confidentiality and data protection it will not be

possible for the student to be informed of the outcome of any misconduct action which is taken.

4.10 Hearings

In most cases there will be the opportunity to discuss a complaint with the person who is dealing with the case at each stage. There is, however, no automatic right to a formal hearing.

4.11 Submission of Additional Evidence

While a complaint is being considered under one of the stages of the Complaints Procedure, a student may submit relevant new evidence as it becomes available. However, this may increase the length of time taken to deal with the complaint.

4.12 Recordings

Students are not permitted to make a recording on any recording device of discussions held under the Complaints Procedure, whether at a meeting or by telephone or otherwise unless with the express permission of all parties to the discussions. The student or their representative/friend are free to take informal written notes.

4.13 Legal proceedings

The University will normally seek a stay of legal proceedings if the internal processes have not been exhausted. If legal action is pending, the University reserves the right to suspend any internal investigations until such a time as the legal action is resolved. Complainants should also note the position of the [Office of the Independent Adjudicator \(OIA\)](#) on such matters.

4.14 Nominees under this procedure

Where in the Complaints Procedure reference is made to an officer of the University, such references are to be read as including a reference to his/her nominee.

4.15 Variations to the Complaints Procedure

Where it is appropriate to do so, the procedures set out in the Complaints Procedure may be varied by the Academic Standards team.

5 Group Complaints

Where a complaint is raised by more than one student, it may be dealt with as one collective complaint (a 'Group Complaint'). However, students submitting a Group Complaint must complete the following additional administrative steps:

- 5.1 All students submitting the Group Complaint should provide their names to the Academic Standards team. Each member of the group must be able to demonstrate that he or she has been personally affected by the matter being complained about.
- 5.2 One of the students in the Group agrees in writing to be the Lead Contact for the Group. The University will only contact the Lead Contact in connection with the Group Complaint. The University will expect the Lead Contact to distribute the University's communications among the Group and collate the Group's response to the University's enquiries to give to the University. The University cannot be held responsible if the Lead Contact does not accurately provide the views of any member of the Group or if he/she does not pass on information from the University.
- 5.3 All students in the Group agree in writing that the Lead Contact can represent him/her in the Group Complaint. The University will only communicate with the Lead Contact and no other members of the Group;
- 5.4 All students in the Group agree in writing that any information about themselves in the Group Complaint and / or which arises during the investigation of the Group Complaint, may be passed to the Lead Contact and to other members of the Group.

6 Remedies

- 6.1 Remedies for complaints can include an apology, alterations to a process or to a service provided by the University and, exceptionally, compensation for loss or damage suffered. The University seeks to ensure that any remedies proposed are reasonable and appropriate to the nature and circumstances of the complaint.
- 6.2 Financial remedies are usually only considered when a practical remedy is not available or is inappropriate or insufficient.
- 6.3 If the student's preferred remedy is a claim for actual financial loss that they have suffered, documentary evidence of that loss should be provided, for example, receipts for any payments they have had to make because of the University's failings.
- 6.4 Under the Complaints Procedure, the University cannot provide remedies which affect an academic decision of the University, for example, an increase of a student's marks or degree classification. If a student wishes to raise an academic appeal against academic assessment and progress decisions, they should refer to [Section 16 Academic Appeals](#)

7 Completing the Student Complaint Form

- 7.1 All sections of the Student Complaints Form (which is accessed online via the student's record on e:Vision. A [Student Complaint User Guide](#) is available for help in using the online form), must be completed in full. If a student needs advice or has difficulty with the form or does not understand the procedures, they should contact an adviser from [The Student Union Case Worker](#) in the University of Westminster Students Union (UWSU).
- 7.2 **Details of the Complaint**
The student should give full details of the matter(s) they wish to raise. The complaint must be summarised even if students attach supporting documents.
- 7.3 **Please give an indication of the desired outcome**
Students should let us know what they want done about their complaint. The University will consider any remedy proposed. However, it is important for students to be realistic about what they would like to be done about their complaint. Please see paragraph 6 above regarding the University's approach towards Remedies.
- 7.4 **Evidence to support the Complaint**
 - 7.4.1 Students must provide evidence to support their complaint. The type of evidence required will depend on the type of complaint submitted. For example, for complaints relating to a student's health, medical certificates should be provided; for complaints about financial loss, receipts or bank statements etc. should be provided, and, more generally, students should provide letters, emails and witness statements (as appropriate) to support their complaints. Students can contact the Academic Standards team if they are unsure about what evidence to provide to support their complaints.
 - 7.4.2 Anonymous evidence, e.g. anonymous witness statements, will normally not be accepted as valid evidence.
- 7.5 **Late submission of the Stage 2 or Stage 3 Complaint**
If a student has not submitted their Stage 2 or Stage 3 complaint within the stated time limits, students must provide the reasons why they were unable to do so, and provide evidence to support their reasons. The University will consider the reasons and evidence provided and decide whether the student has provided a 'good reason' for being unable to submit their Stage 2 or Stage 3 complaint on time and whether it should be accepted out of time.

Please see paragraph 3.1.1, to 3.1.4 above for further information regarding 'good reasons'.

Annex A: Services and Support Available

Student Union Advice Service

The Student Union Advice Service within the University of Westminster Student Union gives friendly, independent advice and support relating to complaints and appeals.

Email: suadvice@westminster.ac.uk

Webpage: <https://www.uwsu.com/advice/>

Disability Learning Support

For advice regarding disability issues.

Tel: 020 7911 5000 ext: 68800

Email: dls@westminster.ac.uk

Webpage: <https://www.westminster.ac.uk/study/current-students/support-and-facilities/disability-learning-support>

Student Complaints

For general advice on the complaints process and advice on the University's mechanisms for external review of complaints.

Tel: 020 7911 5000 ext: 66096

Email: studentcomplaints@westminster.ac.uk

Webpage: <https://www.westminster.ac.uk/current-students/guides-and-policies/student-matters/student-complaints>

Academic Appeals

For issues relating to a request for a review of a decision of an Assessment Board on student progress, assessment and awards including challenges to the outcomes of the mitigating circumstances process may be best dealt with under academic appeals procedures (Section 16 Academic Appeal Regulations).

Email: academicstandards@westminster.ac.uk

Webpage: <https://www.westminster.ac.uk/current-students/guides-and-policies/academic-matters/academic-appeals>

Counselling Service

A free confidential counselling service for students and staff.

Email: counselling@westminster.ac.uk

Webpage: www.westminster.ac.uk/counselling

Student Health

Health and wellbeing advice

Email: student-health@westminster.ac.uk

Webpage: www.westminster.ac.uk/student-health

Student Reps

Student Reps are elected by students to represent their views.

Webpage: <https://www.westminster.ac.uk/study/current-students/employability/student-representation>

Student Complaints Form

The Student Complaints form is now online and accessed via the student's record on e:Vision. Once logged in visit the My Self-Service menu to access the form. More help is available in the [Student Complaints Task User Guide](#).

Annex B: Matters falling outside the remit of the Complaints Procedure

The University's Complaints Procedure should not be used for any of the following, for which separate procedures exist:

- Review of admissions decisions (refer to the Admissions Complaints Procedure and contact <https://www.westminster.ac.uk/about-us/our-university/corporate-information/policies-and-documents-a-z>)
- Appeals against disciplinary decision (refer to Student Disciplinary Regulations and contact academicstandards@westminster.ac.uk);
- Appeals against [Academic Misconduct](#) decisions (refer to Section 10 Academic Misconduct Regulation and contact [academicstandards @westminster.ac.uk](mailto:academicstandards@westminster.ac.uk));
- Appeals against decisions made under [Fitness to Study](#), (refer to the appeals process in the Fitness to Study Policy);
- Staffing issues, where the student is also a member of staff (contact the Human Resources Department.);
- Concerns or complaints concerning the [University of Westminster Students Union](#), including its staff, members or elected officers (contact the Student Union);
- Concerns or complaints concerning businesses operating on University premises, but not owned by the University (contact the business concerned directly);
- Complaints relating to the Student Loans Company, which has its own complaints procedure.
- Complaints which fall within the remit of a professional, statutory or regulatory body should be raised with that professional, statutory or regulatory body.