

Student Complaints Procedure

Owned By: Academic Council
Maintained by: Academic Registrar's Department
Last updated: April 2021
Approved on: June 2021
Effective from: 1 August 2021
Review date: May 2024

Student Complaints Procedure

1. Introduction

- 1.1 Your experience at the University of Westminster is of paramount importance to us and we are committed to providing a high-quality experience at all times and in all areas and activities. However, if you ever feel that the quality of academic or service delivery falls short of what may reasonably be expected, the Student Complaints Procedure details how best to raise and resolve issues.
- 1.2 The University recognises that, from time to time, students may have legitimate complaints about its provision, facilities, services and staff. We aim to ensure that student complaints are treated seriously and dealt with promptly, fairly and consistently across the University. We also aim to learn from the outcomes of complaints' investigations in order to help us improve our services and enhance the student experience.
- 1.3 Any complaints or concerns you raise will be treated sensitively and professionally. We are committed to ensuring equality of opportunity for students with disabilities, so if you have a disability, we will take this into account when applying these policies and procedures and will make reasonable adjustments to them as appropriate.
- 1.4 Wherever possible, your concerns about your course, services provided by the University or any other aspects of your experience at the University should be dealt with at the earliest opportunity and through informal discussion with the parties concerned. Where it is not possible to resolve your concerns to your satisfaction informally, you may wish to initiate a formal complaint. In such cases you must do so by following this Student Complaints Procedure.
- 1.5 It is important to note that the University distinguishes between complaints and [academic appeals](#) (see 'definitions' below), and there are separate procedures attached to each. In accordance with the University's *Academic Appeal Regulations*: "*Where a student submits an academic appeal against a decision of an Assessment Board in accordance with these regulations which, in the opinion of the Academic Standards Manager, requires an investigation which falls outside the remit of the Assessment Board and which constitutes a complaint under the provisions of the Student Complaints Procedure, then the matter shall be referred for consideration under the Student Complaints Procedure. The academic appeal shall be held in abeyance until the consideration of the matter under the Student Complaints Procedure has been concluded... The findings of the Student Complaint investigation will then inform the consideration of the academic appeal.*" If you are unclear what this means for your situation, then please seek advice from the Academic Standards Manager .
- 1.6 Complaints are dealt with without recrimination. This means that if you make a complaint in good faith and in accordance with this Procedure, you will not suffer any disadvantage or reproach and your studies whilst at the University will not be prejudiced as the result of making a complaint.
- 1.7 You can seek advice or guidance on any aspect of this procedure from the [Students' Union](#) or the [Academic Standards Manager](#).

2. Definitions

For the purpose of these regulations:

- 2.1. '**Complaint**' is defined as any expression of dissatisfaction with the standard of service provided by the University, or with the actions or lack of actions by the University or members of staff. Any

complaint against a named member of staff will be addressed as a complaint against the University. Grounds for complaint might include:

- Dissatisfaction with the standard of academic or service provision (e.g. course design, curriculum content and structure, assessment arrangements and information, resources and facilities, Halls of Residence);
- Dissatisfaction with the quality of supervision or tuition;
- Issues of inappropriate conduct by a member of staff;
- Failure, on the part of the University, to meet stated obligations (e.g. those set out in the prospectus or on the website).

Note: This *Student Complaints Procedure* may **not** be used to challenge academic judgement concerning performance and progress, or to appeal against the decision of an Assessment Board.

- 2.2. '**Academic Appeal**' is defined as a request for a review of a decision of an Assessment Board on student progress, assessment and awards. This includes challenges to the outcomes of the mitigating circumstances process.
- 2.3. '**Student**', unless specifically qualified otherwise, is defined as any person pursuing a course, module or programme of study offered by the University, whether or not currently in attendance, suspended, interrupted, or on placement.
- 2.4. '**Former student**' is defined as any student no longer pursuing a module, course or programme of study offered by the University, having successfully completed their studies or their studies having terminated for any other reason.
- 2.5. '**Friend**' is defined as a currently registered student of the University, a sabbatical officer of the University of Westminster Students' Union, or member of University staff.
- 2.6. '**University**' is defined as the University of Westminster and shall encompass all activities, property and assets under the formal authority of the Court of Governors, including property occupied by the University of Westminster Students' Union and assets purchased by the Students' Union from public funds. For the purposes of this procedure, it also includes any individual or organisation contracted by the University to deliver services on the University's behalf.
- 2.7. '**Material irregularity**' means the University has not acted in accordance with its own regulations or procedures, or has not acted with procedural fairness, and that this failing on the part of the University is so significant that it has had a material impact on the outcome. I.e. had it not been for this failing the outcome would probably have been substantively different.

3. General Principles

- 3.1 Students involved in a student complaint shall have the right to be accompanied to any meeting or hearing by a 'friend', as defined above. The role of the friend is to provide moral support during a meeting or hearing. They may make representations on behalf of the student. The friend cannot be a witness to the case under consideration. Legal representation is not permitted at any meeting or hearing convened under the provisions of this procedure.
- 3.2 The University will, wherever possible seek, to adhere to the time limits outlined in this procedure; however, in cases where there are special circumstances which require variance from specified time limits, students will be advised of the reasons for this by the Officer handling the case.

- 3.3 Students will be given the opportunity to attend in person any hearing or meeting convened in accordance with this procedure. The University reserves the right, however, to proceed with any hearing or meeting in the absence of the student, subject to the student having been properly notified of the date and time of the hearing (see 3.6 below).
- 3.4 The standard of proof to be adopted during the application of this procedure will be the balance of probabilities.
- 3.5 The University expects that students will not engage in frivolous, vexatious or malicious complaints. This could include:
- complaints which are harassing, repetitive or pursued in an unreasonable manner;
 - insistence on pursuing non-meritorious complaints and/or unrealistic or unreasonable outcomes
 - complaints designed to cause disruption or annoyance;
- 3.6 In such cases, the Academic Registrar or nominee reserves the right to terminate consideration of the complaint. The complainant will be given an explanation, in writing, of why their complaint has been terminated and details of any further right to complain. Where a complaint is found to have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the complainant.
- 3.7 Written communications will be sent to the student's University e-mail address. Students are expected to check their University e-mail account regularly. Written communications may also be sent to the current term-time address (during term-time) or home address (out of term-time) as recorded on the University's student record system. Students are responsible for ensuring that these contact details are kept up to date. Non-receipt of properly addressed and dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under this procedure, nor will it be accepted as grounds for appeal.
- 3.8 All references to the Academic Standards Manager include their nominees who are working under their authority, or other appropriate officer nominated by the Academic Registrar.
- 3.9 Documentation relating to a formal complaint brought by a student will be retained in accordance with the [University's records retention schedule](#).
- 3.10 The University's Diversity and Dignity at Work and Study Policy will be referred to where a complaint includes an allegation of bullying, harassment or intimidation by a member of staff.
- 3.11 This procedure may not be used where the substance of the complaint has already or is currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), the Office of the Immigration Services Commissioner (OISC), a court, or a tribunal, or is subject to an on-going police investigation.
- 3.12 The University will not normally consider complaints which are made anonymously, nor will it normally consider requests made by students for complaints to be considered anonymously. It is a principle of natural justice that a person being complained about shall have a right to know the identity of the complainant. The University will only consider anonymous complaints where there is a compelling reason, supported by evidence, to do so.
- 3.13 The University undertakes to treat all complaints with confidentiality. Disclosure of evidence will be restricted to those parties involved in the complaint and its consideration, which will normally include any parties being complained about.
- 3.14 The University recognises that with advances in modern technology, it is easier to make covert recordings i.e. recordings of meetings or conversations made without the consent of the

participants. However, a recording should only be used for a legal purpose for which it was made and should not be made available to a third party without the consent of any of the individuals recorded, unless there is lawful reason to do so. If you wish to make a recording whether at a meeting or by telephone or otherwise you must seek permission from all parties to the discussion. For these reasons, the University may determine that it is unable to permit the use of such recordings as evidence unless in exceptional circumstances.

- 3.15 We expect you to use the established procedures and channels of communication to bring and resolve formal complaints. You can expect University staff involved in your complaint to assist in its resolution in an impartial, fair and professional manner. Whilst the University recognises that bringing a complaint can be a stressful experience for students, we ask that correspondence and other contact be in line with acceptable behaviour toward staff. What we consider unacceptable behaviour is outlined on the Student Code of Conduct webpage, at westminster.ac.uk/student-code-of-conduct. Unacceptable behaviour may result in disciplinary action in accordance with the University's Student Disciplinary Regulations.

4. Who Can Make A Complaint?

- 4.1 You may bring a complaint in accordance with this *Student Complaints Procedure* if you are a student or former student of the University. The matter being complained about must have occurred during your time as a student. 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.
- 4.2 Applicants may not bring a complaint under this Student Complaints Procedure, unless they are also a student or former student bringing a complaint in accordance with paragraph 4.1 above. Note that the University operates a separate [Applicant Complaints Procedure](#).
- 4.3 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 below). Any variation from this will be stated in the partnership agreement. Only where that agreement states that such students are subject to the University's student complaints procedures will this procedure apply in full. If you are unclear what this means for your situation, then please seek advice from the Academic Standards Manager.
- 4.4 A complaint may only be brought by a student who has been affected by the matters being complained about. You may appoint a representative to deal with your complaint on your behalf; however, an un-appointed third party may not bring a complaint on your behalf. Should you wish to appoint a representative you must notify the Academic Standards Manager in writing of the name, e-mail and postal address of your representative, as well as their relationship to you (e.g. friend, family member, University staff member, trade union representative, legal representative etc.). Where you appoint such a representative, subsequent communications will be with that representative, and any representations or submissions you wish to make should be made via your representative.
- 4.5 A group of students may collectively bring a complaint, where the matter being complained about is common to all complainants (a 'group complaint'). In such cases one student should be nominated by the group as the spokesperson and correspondent, with the written agreement of the other complainants. Each member of the group must be able to demonstrate that he or she

has been personally affected by the matter being complained about. Following the completion of the investigation process each student named in the group complaint will receive a letter confirming the outcome of the investigation.

5. What Is Not A Complaint?

The following is a non-exhaustive list of matters that will not be considered under this *Student Complaints Procedure*:

- 5.1 Complaints or appeals against decisions of Assessment Boards, including complaints about academic judgement and outcomes of the mitigating circumstances procedure. Such matters must be considered in accordance with the [Academic Appeal Regulations](#) (see paragraph 1.5 above for further information);
- 5.2 Complaints concerning the actions of other students. Such matters must be considered in accordance with either the [Student Disciplinary Regulations](#) or the [Academic Misconduct Regulations](#), as appropriate;
- 5.3 Complaints or appeals arising from actions or decisions taken under the [Student Disciplinary Regulations](#), which will be considered solely under those regulations;
- 5.4 Complaints or appeals arising from actions or decisions taken under the [Academic Misconduct Regulations](#), which will be considered solely under those regulations;
- 5.5 Complaints or appeals arising from actions or decisions taken under the [Fitness for Registration & Practice Regulations](#), which will be considered solely under those regulations;
- 5.6 Complaints or appeals arising from actions or decisions taken under the [Fitness to Study Regulations](#), which will be considered solely under those regulations.
- 5.7 Complaints concerning matters which fall within the remit of the Financial Conduct Authority and the Financial Ombudsman Service, specifically debt advice and instalment credit, which will be considered in accordance with the [Student Complaints Procedure \(FCA Regulated Activities\)](#).
- 5.8 Complaints or appeals concerning the admissions process, which will be considered in accordance with the *Applicant Complaints Procedure*.
- 5.9 Complaints concerning the University of Westminster Students' Union (UWSU), which should be directed to the Student's Union in accordance with the Students' Union's own procedures. The procedure required under Section 22 (m) of the Education Act 1994, for an independent person appointed by the University of Westminster Academic Council to investigate and report on complaints against UWSU, is set out in Appendix A below.

6. How Can I Make A Complaint? An Overview of the Process

- 6.1 There are a number of ways to make your concerns heard, and most problems can be resolved early on and informally with the relevant parties. Bear in mind that whatever your concern or complaint, it is important that you raise it promptly, so that it can be addressed, and an appropriate solution found as soon as possible.
- 6.2 There are many opportunities to feed back comments or concerns about your studies or well-being to teaching staff, Course Committees, the Students' Union and Professional Services teams. However, if you have a particular complaint you should, in the first instance, raise this informally with an appropriate member of staff (Stage 1 of the complaints procedure outlined below).

If the issue or problem cannot be resolved informally in this way, you will need to move to the next, formal stage of the complaint procedure detailed below.

- 6.3 You must state clearly the remedy you are seeking as an outcome of your complaint.
- 6.4 An informal resolution can be agreed at any point and if you wish to withdraw your complaint you may also do so at any time.
- 6.5 There are three stages to the complaint procedure:

Stage 1: Informal Resolution with parties concerned (section 7 below).

Stage 2: Formal Complaint to the Head of College or Director of the relevant Professional Services Department for investigation and decision (section 8 below).

Stage 3: Appeal against the Formal Complaint Decision to the Deputy Registrar (Quality and Standards) (section 9 below).

At the end of Stage 3, once the University's procedures have been completed, a Completion of Procedures letter will be issued which summarises the outcome of your complaint. You may also request a Completion of Procedures letter at the end of Stage 2 if you choose not to progress the matter to Stage 3.

- 6.6 If you wish to bring a formal complaint, you must do so within 90 days of the occurrence of the matter being complained about (see paragraph 8.4 below).
- 6.7 The length of time required to consider your complaint will be dependent on the nature and complexity of the complaint. The timescales for each stage of the process are detailed below.
- 6.8 At the end of the process, the University will determine that your complaint is either not justified (in which no further action is required), wholly justified, or partially justified. Where your complaint is justified (either wholly or partially), a range of possible outcomes is available (see paragraph 8.18 below).
- 6.9 At the end of the process, should you remain dissatisfied with the outcome, you may request that the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#) review your case (section 10 below). This is an independent external review. Note that under the rules of the OIA scheme, for your case to be eligible for review by the OIA you must have exhausted the University's internal procedures and have been issued with a Completion of Procedures letter. Cases relating to immigration advice should be sent to the [Office of the Immigration Services Commissioner \(OISC\)](#).

7. Stage 1: Informal Resolution

- 7.1 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 may, for example, need to speak to one of the following:

- The Module Leader
- Your Course Leader
- Your Head of Department
- Your Personal Tutor
- The Disabilities Tutor

- Learning Support Manager
- Residential Services Manager
- Building Maintenance Manager
- A manager of any relevant Professional Services department

7.2 If you are unsure who you need to contact then you should seek guidance from the Students' Union or the [Academic Standards Manager](#) . They will be able to advise you of the most appropriate person with whom you should raise your complaint, and how to contact them.

7.3 You must make it clear from the outset what remedy you are seeking as an outcome of your complaint.

7.4 The person with whom you have raised your complaint will investigate and endeavour to resolve your complaint appropriately and should notify you of their findings and any outcomes in writing.

8. Stage 2: Formal Complaint

8.1 Should you remain dissatisfied with the attempts to resolve your complaint informally, you may escalate your complaint to the next stage by raising a formal complaint.

8.2 In exceptional circumstances, where the serious nature of the complaint means that it would not be appropriate to attempt an informal resolution, the complaint may, at your request and with the agreement of the Academic Standards Manager, be initiated as a formal complaint without having to attempt informal resolution.

8.3 To raise a formal complaint you must complete a Student Complaint Form via e: vision (westminster.ac.uk/student-complaints). The completed form must be submitted to the Academic Standards Manager. A hard copy of the complaint form is available for students who are unable to access e: vision by emailing studentcomplaints@westminster.ac.uk .

8.4 The form must be received within 90 days of the occurrence of the matter you are complaining about. Any complaint received after this 90-day limit will be regarded as 'out of time' and will not be considered, unless you can demonstrate, to the satisfaction of the Academic Standards Manager, good reason for not having been able to submit your complaint on time.

8.5 Your completed form must set out all facts and arguments on which you wish to rely, and you must enclose with your form all evidence on which you wish to rely, including any witness statements.

8.6 You must set out what attempts you have made to resolve the complaint informally and explain why you are unhappy with the outcome of the informal resolution.

8.7 You must state the remedy that you are seeking – i.e. how you would like to see the matter resolved.

8.8 The form must be completed in full. The University will normally only consider a formal complaint where it has been submitted on a fully completed Student Complaint Form.

8.9 The Academic Standards Manager will write to you to acknowledge receipt normally within 10 working days of receipt of the completed form.

8.10 The Academic Standards Manager will forward your complaint to the appropriate Investigating Officer, normally within 10 working days of receipt of the completed form.

- 8.11 The Investigating Officer will normally be the Head of College, in the case of a complaint concerning academic delivery, or the Director of the relevant Professional Services Department, in the case of a complaint concerning service delivery. However, where the Head of College or Director, or a superior to the Head of College or Director, is a party to the complaint, the next most senior member of staff in the line management structure who is not a party to the complaint will be appointed as the Investigating Officer. Where the Vice-Chancellor is a party to the complaint, the Chair of the Court of Governors or their nominee will act as the Investigating Officer.
- 8.12 The Investigating Officer will investigate your complaint and will have discretion to determine the most appropriate way in which to undertake the investigation.
- 8.13 If your complaint refers to a named individual, they have the right to be informed and represented, and to respond before any conclusions are reached. The individual in question will be invited to submit a written statement and may be invited for an interview to discuss the complaint. You will have access to the statement provided by the individual in question and they will have access to your statements.
- 8.14 You may also be invited to meet the Investigating Officer to discuss your complaint. Where the Investigating Officer considers it necessary or beneficial to meet with you, you will normally be given at least five working days' notice of such a meeting, and you may be accompanied by a friend (see definition of 'friend' at paragraph 2.5 above).
- 8.15 The Investigating Officer will also consider whether it would be appropriate to seek to resolve the complaint by means of an alternative dispute resolution process, for example mediation.
- 8.16 When the investigation is concluded, you will be informed in writing of the outcome of your complaint. This will include a summary of the facts as found by the Investigating Officer, the decision and clear reasons for that decision, and any remedial actions arising from that decision.
- 8.17 The decision of the Investigating Officer will be one of the following:
- i) That your complaint is justified
 - ii) That your complaint is justified in part
 - iii) That your complaint is not justified
- 8.18 Where your complaint is justified, either wholly or in part, the Investigating Officer will normally determine one or more remedial actions. These may include:
- i) a formal apology
 - ii) remedial action to be taken by the relevant individual(s) or area(s)
 - iii) requiring specified members of staff to undertake specific training and development
 - iv) a review of relevant University policy or procedure
 - v) financial compensation (where appropriate)
 - vi) a recommendation that the disciplinary process is initiated in relation to a member of University staff
 - vii) any other appropriate remedy
- 8.19 The Investigating Officer will, where relevant, be responsible for communicating relevant remedial actions to affected members of staff and for monitoring the implementation or application of such remedial actions.
- 8.20 The Investigating Officer will endeavour to conclude the investigation and notify you of the outcome within 25 working days of receipt of the complaint from the Academic Standards Manager. In more complex cases, or during periods such as University vacations when parties to

the complaint may not be available, this timescale may not be achievable. In such cases, and in accordance with paragraph 3.2 above, you will be notified of any delay.

9. Stage 3: Appeal Against the Formal Complaint Decision

- 9.1 Should you be dissatisfied with the Stage 2 outcome, or should you be a student of a partner institution (see paragraph 4.3 above) and you have exhausted the complaints procedures of that institution, you have the right to request the Deputy Registrar (Quality and Standards) to refer the matter for consideration by a Student Complaints Appeal Panel. Such a request must be received by the Deputy Registrar (Quality and Standards) 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.
- 9.2 Such a request 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. All evidence submitted must relate only to the grounds for the request. The Deputy Registrar (Quality and Standards) will acknowledge receipt of the request in writing normally within five working days.
- 9.3 Where the Deputy Registrar (Quality and Standards) is a party to the complaint or has otherwise been involved in consideration of the complaint, an alternative senior manager will take on the responsibilities of the Deputy Registrar (Quality and Standards). Where a superior to the Deputy Registrar (Quality and Standards) is a party to the complaint, the next most senior member of staff in the line management structure who is not a party to the complaint will take on the responsibilities of the Deputy Registrar (Quality and Standards).
- 9.4 The only possible grounds are as follows:
- a) that there was a material irregularity in the consideration of your complaint at Stage 2;
 - b) that new evidence has come to light to support your complaint which could not reasonably have been made available at the time the complaint was submitted, and that this new evidence would have had a material impact on the outcome;
 - c) that the outcome was manifestly unreasonable in light of the evidence;
 - d) that no reasons for the decision were given, or that the reasons given do not support the decision.
- 9.5 The Deputy Registrar (Quality and Standards) will consider the request against these grounds, and only these grounds. The Deputy Registrar (Quality and Standards) may request you or any other party to provide further information or clarification.
- 9.6 Where, in the opinion of the Deputy Registrar (Quality and Standards), there is evidence that one or more of the grounds might have been met the Deputy Registrar (Quality and Standards) shall accept the request and refer the matter for consideration by a Student Complaints Appeal Panel.
- 9.7 Where, in the opinion of the Deputy Registrar (Quality and Standards), there is no such evidence the Deputy Registrar (Quality and Standards) shall reject the request. In this case the Stage 2 decision shall stand, there shall be no further opportunities for appeal, the University's internal procedures are completed, and you will be issued with a Completion of Procedures Letter.
- 9.8 The Deputy Registrar (Quality and Standards) shall notify you in writing of the decision, and the reasons for it, normally within 15 working days of receipt of the request. Where it is not possible

for the Deputy Registrar (Quality and Standards) to meet this deadline, you will be informed and will be advised of the reasons for the delay.

9.9 Pending the outcome of any appeal the original decision will stand.

9.10 Where the matter is referred for consideration by a Student Complaints Appeal Panel, the composition of the Panel will be as follows:

- a) Deputy Vice-Chancellor (Education) or nominee (Chair)
- b) Two senior members of staff from an area of the University that is not a subject of the complaint
- c) President of the Students' Union, or nominee who shall be a sabbatical officer of the Student's Union.

The Secretary to the Panel shall be a nominee of the Deputy Registrar (Quality and Standards).

9.11 No member of the Panel shall have had any previous involvement in the case, nor shall have been involved in your teaching or assessment.

9.12 The quorum for a Student Complaints Appeal Panel is three, including the Chair.

9.13 The Appeal Hearing shall normally be held within 25 working days of the written notification of the Deputy Registrar (Quality and Standards) decision to refer the matter to a Student Complaints Appeal Panel. Where it is not possible for the Hearing to be held within this timeframe you will be informed and will be advised of the reasons for the delay. Wherever possible the date set will be at your convenience.

9.14 Your expenses for attending a Student Complaints Appeal Panel hearing will not normally be reimbursed by the University.

9.15 At least 10 working days in advance of the hearing the University will write to you and ask that within five working days you:

- Confirm your attendance at the hearing
- Confirm the name and relationship of any friend who will be accompanying you to the hearing (see paragraph 2.5 above for definition of 'friend')
- Confirm the name and relationship of any witnesses that you wish to call during the hearing
- Provide any additional evidence that you wish the Student Complaints Appeal Panel to consider that has not previously been submitted at stage one or stage two of the complaints process
- Provide an indication of the outcome you are seeking

9.16 You, the members of the Student Complaints Appeal Panel, and the Investigating Officer whose Stage 2 decision is being appealed will receive the same documentation prior to the hearing including:

- your original complaint submission and your appeal submission, along with all supporting evidence;
- the Stage 2 outcome letter; and
- any other documents which may be considered relevant.

9.17 Submission of additional evidence will not be permitted except orally during the hearing. Tabled evidence will not be permitted.

9.18 The panel may ask questions of:

- you;
 - any witnesses that you wish to call;
 - the Investigating Officer whose decision is being appealed;
 - any witnesses that the Investigating Officer wishes to call; and
 - where appropriate, at the discretion of the Chair, any persons who are party to your complaint.
- 9.19 You are expected to attend the hearing in person. In the event of your non-attendance the Student Complaints Appeal Panel hearing will proceed. Exceptionally, this condition may be waived by the Chair of the Panel where there is evidence to show that you are unable to comply, e.g. where you are too incapacitated by illness to attend. A representative will not be allowed to attend on your behalf in the case of your absence.
- 9.20 You have the right to call any witnesses that you choose who will be able to provide information pertinent to the issues under consideration at the appeal hearing. The Investigating Officer whose decision is being appealed also has the right to call any witnesses that they choose who will be able to provide information pertinent to the issues under consideration at the appeal hearing. Witnesses will not normally be able to ask questions and are only permitted to be present whilst giving evidence.
- 9.21 Student Complaints Appeal Panel hearings shall be held in private.
- 9.22 At the conclusion of the hearing the Student Complaints Appeal Panel will decide, on the balance of probabilities, either:
- i) that one or more of the grounds for appeal are met, in which case the appeal is upheld; or;
 - ii) that no ground for appeal is met, in which case the appeal is rejected, and the Stage 2 decision shall stand. There shall be no further opportunities for appeal, and the University's internal procedures are completed.
- 9.23 Where the Student Complaints Appeal Panel upholds your appeal, it will reach one of the following determinations:
- i) To vary both the decision and remedial actions as determined by the Investigating Officer at Stage 2;
 - ii) To affirm the decision but vary the remedial actions as determined by the Investigating Officer at Stage 2;
 - iii) To vary the decision as determined by the Investigating Officer at Stage 2, but affirm the remedial actions;
 - iv) To affirm both the decision and the remedial actions as determined by the Investigating Officer at Stage 2;
 - v) To require the Investigating Officer to consider the complaint afresh;
 - vi) To require a different Investigating Officer, not previously involved in the case, to consider the complaint afresh;
 - vii) To require the Investigating Officer to give or clarify reasons for their decision.
- 9.24 In the event that the Student Complaints Appeal Panel does not reach a consensus, the Chair shall take the final decision.
- 9.25 You and the Investigating Officer will be informed, in writing, of the outcome of the appeal hearing within 5 working days. The outcome letter will include the reasons for the Student Complaints Appeal Panel's decision and will constitute the Completion of Procedures Letter.

9.26 The decision of the Student Complaints Appeal Panel is final and cannot be the subject of any further appeal. This is considered the end of the University's internal procedures.

10. What if I am *still* dissatisfied with the outcomes of the Complaints Process?

10.1 If you remain dissatisfied with the outcome of the University's attempts to resolve your complaint, you may refer your complaint to the Office of the Independent Adjudicator for Higher Education (OIA). You should ensure that you familiarise yourself carefully with the requirements of the OIA for making a complaint including in relation to the timescale for doing so. Further details about the OIA can be obtained from www.oiahe.org.uk.

10.2 If your complaint refers to Immigration advice, you may refer your complaint to the Office of the Immigration Services Commissioner (OISC). You should ensure that you familiarise yourself carefully with the requirements of the OISC for making a complaint including in relation to the timescale for doing so. Further details about the OISC can be obtained from www.oisc.homeoffice.gov.uk.

11 Appendix A Student Union Complaints - Request for Review by the University of Westminster

11.1 Appendix A is designed to comply with the provisions of the Education Act, 1994: Part II, Student Unions, clause 22(m). Section 22 (m) of the Education Act 1994 provides that there should be a complaints procedure available to all students who:

- i. are dissatisfied in their dealings with the Students' Union, or
- ii. claim to be unfairly disadvantaged by reason of their having exercised the right (paragraph c Section 22 Education Act) not to be a member of the Union, or, in the case of a representative body which is not an association, that they do not wish to be represented by it.

11.2 Once you have received a decision following the completion of the final stage of the UWSU complaint procedure, if you remain dissatisfied with how UWSU has dealt with your complaint you may request a review in accordance with this procedure. To do this you must:

11.2.1 Write to the Deputy Registrar (Quality and Standards), within 10 days of the date of the letter detailing the final decision from the UWSU;

11.2.2 Explain why you remain dissatisfied with the outcome to your complaint.

11.2.3 Submit any new evidence that has not previously been submitted in support of your complaint.

11.2.4 Set out one or more of the following grounds on which you believe the University should review the decision of UWSU:

- a) that there was a material irregularity in the consideration of your complaint by the UWSU;
- b) that the outcome was manifestly unreasonable in light of the evidence;
- c) that new evidence has come to light to support your complaint which could not reasonably have been made available at the time the complaint was submitted, and that this new evidence would have had a material impact on the outcome.
- d) that no reasons for the decision were given, or that the reasons given do not support the decision.

11.3 Failure to meet these requirements will result in the request for review not being accepted.

- 11.4 The Deputy Registrar (Quality and Standards) will acknowledge the request for review normally within 5 working days of its receipt.
- 11.5 The Deputy Registrar (Quality and Standards) shall review the request and make one of the following determinations:
- a) That the review provides evidence of permissible grounds, as stated above, in which case the review shall be sent to the Deputy Vice-Chancellor (Education) (Independent Reviewer).
 - b) That the review does not provide evidence of permissible grounds, as stated above, in which case the Deputy Registrar (Quality and Standards) will advise the student in writing of this finding, within 20 working days of receipt of the review, and that the review will not be further considered. This will constitute the completion of the University's internal procedures in this matter, and a Completion of Procedures letter will be issued (see paragraph 10).
- 11.6 Where the review provides evidence of permissible grounds the Deputy Vice-Chancellor (Education) will review all of the matters raised and consider whether the UWSU procedures have been followed correctly.
- 11.7 The Deputy Vice-Chancellor (Education) will complete a report, which contains:
- A summary of your complaint and grounds for review
 - The background to your complaint
 - A decision as to whether the UWSU decision should be set aside, set aside in part, or confirmed. An explanation of the reasons for the decision
 - Recommendations for resolution where appropriate.
- 11.8 The Deputy Vice-Chancellor (Education) shall notify you in writing of the decision, and the reasons for it, normally within 15 working days of receipt of the request. Where it is not possible for the Deputy Vice-Chancellor (Education) to meet this deadline, you will be informed and will be advised of the reasons for the delay.
- 11.9 A copy of the Deputy Vice-Chancellor (Education) report will be sent to you, to UWSU and to the Deputy Registrar (Quality and Standards).
- 11.10 Where, in the opinion of the Deputy Vice-Chancellor (Education), the decision is to uphold the UWSU determination, there shall be no further opportunities for appeal. This is the end of the University's internal procedures and you will be issued with a Completion of Procedures Letter (see paragraph 10).
- 11.11 Where, in the opinion of the Deputy Vice-Chancellor (Education), the decision is to set aside the decision of UWSU, in whole or in part, the complaint will be referred back to UWSU with recommendations for reconsideration of the complaint.
- 11.12 Where the matter is referred to the UWSU for consideration, UWSU will correspond directly with you as to how they intend to respond to the recommendations in the Deputy Vice-Chancellor's (Education) report. Within 28 working days the UWSU will send you an outcome of the reconsideration of the complaint. A copy of this outcome will be sent to the Deputy Registrar (Quality and Standards). This will be considered the end of University's internal procedures and the Deputy Registrar (Quality and Standards) will send you a Completion of Procedures letter along with the Deputy Vice-Chancellor (Education) report (see paragraph 10).
- 11.13 In the event of a complaint being upheld or partly upheld, the Deputy Registrar (Quality and Standards) may also make recommendations to the Academic Council in respect of quality

assurance procedures or policies. These recommendations will be reported to you for information and to UWSU.

- 11.14 The University of Westminster will make every reasonable effort to meet the time limits as stated in this procedure; however, for complex cases additional time may be required to ensure a thorough review of a submission. Where an exception to the standard time limit is needed you will be notified of this in writing and will be kept informed of when you can expect to receive an outcome response.

[End of Document]