

Student Complaints Policy and Procedure

1. Introduction

- 1.1 The experience of our Students 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 a Student ever feels that the quality of academic or service delivery falls short of what may reasonably be expected, the Student Complaints Policy and 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, impartially 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 all Students, including Students with disabilities (or mental health issues). If You have a disability, we will take this into account as relevant when applying this Policy and Procedure and will make reasonable adjustments as appropriate. The University will make the Student Complaints Policy and Procedure available in accessible formats, where required.
- 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 raised by students 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 under Stage 2 of this Students Complaints Procedure. In such cases you must do so by following this 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 may be referred for consideration under the Student Complaints Procedure. The academic appeal shall normally 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 may 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 <https://www.westminster.ac.uk/study/current-students/your-studies/forms-and-procedures/complaints> .
- 1.6 Complaints are dealt with by the University without recrimination. This means that if you make a Complaint in good faith and in accordance with this Policy and 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.

2. Support

- 2.1 The University is committed to providing support for those members of its community affected by matters which fall under these procedures. Support resources are available to any member of the University who discloses an incident regardless of their choice to make a Report to

the University or Police. Support remains available irrespective of the outcome of an investigation.

- 2.2 In sexual misconduct cases, the Reporting student will be assigned a Sexual Misconduct Liaison Officer (SMLO) who are trained specifically to support them during an investigation.
- 2.3 Pastoral support can also be received from the [Student Wellbeing Team](#), [Disability Services](#), and for students living in university accommodation, [Residence Life](#), and the [Student Advice](#) for Visa and Financial advice.
- 2.4 The [University of Westminster Students' Union Advice Service](#) is a confidential, independent and impartial service that is not part of the University. It will provide a named advisor who will meet with you and support and guide you throughout the process and can help you prepare for meetings / hearings and attend with you if you choose. They will also provide you with advice and support following the conclusion of a complaint, including, where applicable, information about whether you may have grounds for appeal. They will aim to ensure that procedures are followed and that all students involved are given a fair opportunity to present their complaint.
- 2.5 Any member of staff directly affected by a complaint from a student may seek support from Human Resources, their trade union or the University occupational health service. Staff required to attend any meetings in relation to a student complaint have the right to be accompanied by a work colleague or Trade Union Representative.
- 2.6 You can seek guidance on any aspect of this Procedure from the Academic Standards Manager.

3. Monitoring

- 3.1 Academic Council, (and its sub-committees) receives an annual report on Formal Complaints in order to identify emerging issues and trends and recommend action that informs University practices, procedures and activities and in order to enhance the quality of the student experience.

4. Definitions

For the purpose of this Policy and Procedure:

- 4.1 **'Complaint'** is defined an expression of dissatisfaction by one or more students about the University's action or lack of action, or about the standard of service provided by or on behalf of the University. Reasons for Complaint might include, for example:
 - 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 including in respect of performance, progress or attainment or to appeal against the decision of an Assessment Board.

- 4.2 **'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.
- 4.3 **'Group Complaint'** is defined as a group of Students (or Former Students) may collectively bring a Complaint, where the matter being complained about is common to all complainants
- 4.4 **'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.
- 4.5 **'Friend'** Friend is defined as a currently registered student of the University, a sabbatical officer or staff member of the University of Westminster Students' Union, or member of University staff risk
- 4.6 **'Representative'** is defined as a person who may represent the student during the process and make representations on their behalf. See 5.3 with respect to Legal Representation.
- 4.7 **'Procedural irregularity'** means the University has not acted in accordance with its own regulations or procedures, or has not acted with procedural fairness.
- 4.8 **'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. Applicants may not bring a complaint under this Student Complaints Procedure and should refer instead to the [Applicant Complaints Procedure](#)
- 4.9 **'University'** is defined as the University of Westminster, a charity and company limited by guarantee Reg no 977818. For the purposes of this Policy and Procedure, it also includes any individual or organisation contracted by the University to deliver services on the University's behalf.
- 4.10 **'You'** is defined as a Student or a Former Student who makes a Complaint under and in accordance with the Student Complaint Policy and Procedure

5. General Principles

- 5.1 If You make a (formal) Complaint or an appeal under this Complaints Procedure you will have the right to be accompanied at any meeting or hearing by a Friend. The role of the Friend is to provide moral support during the meeting or hearing. They may make representations on your behalf. The Friend cannot be a witness to the case under consideration.
- 5.2 The Student Complaints Procedure provides an internal confidential process for considering and determining Complaints by Students and Former Students. Where possible, this process is and should remain confidential. However, in some circumstances the University may be required to make disclosures either to other relevant staff within the University or to third parties where it is able to do so in accordance with data protection obligations. All individuals involved in the complaints process (including a Student, Former Student, Friend, representative, witness and member of staff) are required to respect the confidential nature of the process and of all information relating to a Complaint and its handling. Breach of confidentiality by a Student, their Friend and/or representative or by a member of staff may be treated by the University as misconduct and referred to be dealt with under the relevant University disciplinary procedure. The University will comply with its obligations of confidentiality and under data protection legislation when sharing or otherwise processing information under the Student Complaints Procedure.

- 5.3 The Student Complaints Procedure is an internal and confidential University process for dealing with student Complaints and does not replicate court or criminal processes. Legal representation is not normally permitted at any meeting or hearing convened under the Student Complaints Procedure although the University, at its discretion, may permit legal representation in an exceptional case in the interests of fairness.
- 5.4 The University will, wherever practicable, seek to adhere to the time limits outlined in the Student Complaints Procedure; however, in cases where there are special circumstances which require variance from specified time limits, You will be advised of the reasons for this by the University officer handling the case.
- 5.5 If You make a (formal) Complaint or an appeal under this Student Complaints Procedure You will be given the opportunity to attend virtually depending on the circumstances, for example due to pandemic or personal circumstances, at any hearing or meeting convened in accordance with the Procedure. You can request to attend in person. The University reserves the right, however, to proceed with any hearing or meeting if You fail to attend without good reason, subject to You having been properly notified of the date and time of the meeting or hearing.
- 5.6 The University may postpone or adjourn any procedural step or stage under the Student Complaints Procedure (including any investigation, meeting or hearing) and/or modify any of the procedural provisions of the Procedure in the interests of fairness and/or to assist it to comply with its legal and/or regulatory obligations and/or for other good reason.
- 5.7 The standard of proof to be adopted during the application of the Student Complaints Procedure will be the balance of probabilities.
- 5.8 Students should not make false, 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;
- In such cases, the Academic Registrar may terminate consideration of the Complaint. You will be given an explanation, in writing of why the Complaint has been terminated. A false, frivolous, vexatious or malicious Complaint made by or behalf of a Student may be treated by the University as suspected misconduct and referred to be dealt with under the University's Student Disciplinary Regulations or Fitness to Practise procedure.
- 5.8.1 Students are expected to submit a formal complaint using the published procedures. Whilst the University recognises that bringing a Complaint may be a stressful experience for students, all parties involved in a process under the Student Complaints Procedure (including Students, their representatives, Friends and staff) are required to act with courtesy, reasonably and fairly towards each other at all times and to treat the complaints process with respect and to respect its confidential nature. Students who fail to do so or who otherwise act unacceptably may be suspected as having committed misconduct and referred to be dealt with under the Student Disciplinary Regulations or Fitness to Practise procedure. What the University considers as unacceptable behaviour is outlined on the Student Code of Conduct webpage, at westminster.ac.uk/student-code-of-conduct.
- 5.9 Written communications will be sent to a Student's University e-mail address (or, in the case of a Former Student their home address and personal email registered with the University). Students are required to check their University e-mail account regularly. Written communications will not be sent out as hard copies unless requested by the student. Students are responsible for ensuring that their 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 the Student Complaints Procedure, nor will it be accepted as grounds for appeal.

- 5.10 All references in this Student Complaints Procedure to named University employee titles or officers (e.g. Academic Registrar) will include reference to their nominees.
- 5.10.1 Documentation relating to a formal Complaint brought by a Student will be retained in accordance with the [University's Record Management Policy](#). The retention period for documents handling student complaints where formal procedures are initiated is the last action on the case plus six years.
- 5.11 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.
- 5.12 The Student Complaint Procedure will 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), a court, or a tribunal.
- 5.13 The University does not investigate or determine alleged breaches of the criminal law and does not act as a proxy Crown Prosecution Service. The Student Complaints Policy and Procedure is not a substitute for police investigation or criminal proceedings.
- 5.14 The University will not normally consider Complaints which are made anonymously. Further, it is a principle of fairness that a person being complained about should generally have a right to know the identity of the complainant. The University will only consider anonymous Complaints, or refrain from disclosing the identity of the complainant, where there is a compelling reason, supported by evidence, to do so.
- 5.15 Where a Complaint alleges misconduct by a member of staff, a copy of the Complaint, or the relevant parts thereof, will be provided to the member of staff in order that they understand the complaint against them and are able to participate meaningfully in this process. An allegation of misconduct by a member of staff may also be referred for consideration by the University under the staff disciplinary procedure, at the University's discretion.
- 5.16 The Complaints Procedure is an internal (and confidential) University process for dealing with Complaints by Students and Former Students and the University will treat all Complaints sensitively. The University may share information or evidence relating to a Complaint and/or its outcomes with others where such disclosure is in compliance with data protection and confidentiality obligations.
- 5.17 The recording of any conversation, call, meeting or hearing by or on behalf of a Student, Former Student or member of staff without the prior, express and written permission of the University will be regarded by the University as a covert recording and will not be admissible in proceedings under the Student Complaints Procedure save in exceptional circumstances in the interest of fairness and in the sole discretion of the University. A Student, Former Student or member of staff who makes a covert recording or encourages or instructs another person to do so on their behalf, will be treated as having breached the University's Codes of Conduct and may be referred to be dealt with under the relevant disciplinary process. A Student, Former Student or member of staff who, for good reason, wishes to record a conversation, call, meeting or hearing (for example by way of a reasonable adjustment for a disability or in the interests of fairness) should seek the prior, express and written permission of Academic Registrar. In determining a request the Academic Registrar will consider whether the recording is lawful, including how the privacy rights of other relevant individuals may be protected and whether there is an alternative, more proportionate and less intrusive way in which the conversation, call, meeting or hearing may be noted (for example by way of a written transcript appropriately redacted) in all the circumstances.

6. Complaints about conduct which may amount to a criminal offence

- 6.1 Where a Student or Former Student makes a Complaint which alleges that a member of staff has engaged in conduct that may amount to a criminal offence, the University will support the person making the Complaint including in connection with reporting a matter to the Police. The University will also provide support to the member of staff.
- 6.2 Where alleged conduct by a member of staff is also subject to police investigation or criminal prosecution, the University may suspend the process under this Procedure until the police investigation and/or any criminal proceedings have been concluded. The University will consider each matter on a case-by-case basis and may continue with or proceed to take action under this Student Complaints Procedure (or other University procedure), including but not limited to undertaking an investigation, at its discretion notwithstanding any police investigation and/or criminal proceedings.
- 6.3 When police investigations and/or any criminal proceedings have concluded, Academic Registrar will decide whether the University should continue with or proceed with action under the Student Complaints Procedure (or other University procedure). Where, following investigation by the Police, a decision has been taken not to proceed to a criminal trial, this does not preclude the University from conducting its own investigations and/or implementing the Student Complaints Procedure or other University procedure.

7. Mitigation Measures and Precautionary Conditions

- 7.1 Where a Student alleges serious misconduct by a member of staff, the University may, at any stage of the Student Complaints Procedure, consider the application of temporary conditions where the University determines that the Student faces any of the following risks and that such conditions are necessary to manage the risks:
- 7.1.1 risk of serious harm to the health, safety and/or welfare of the Student (or other individual);
- 7.1.2 risk of serious disruption to the Students' learning, study, enjoyment of accommodation and/or student experience.
- 7.2 Where the case involves a complaint of sexual misconduct or serious harassment a Student Casework Risk Panel (SCRP) meeting will be convened. The membership of the SCRП Panel will depend upon the nature of the alleged incident and the membership may include;
- Associate Head of College (Educations and Students)
 - Director of Student and Academic Services (or their nominee)
 - Director of Human Resources (or their nominee)
 - Head of Residential Life and Student Support
 - Student Wellbeing and Inclusion Manager
 - Deputy Registrar (Quality and Standards) (or their nominee)
 - Director of Global Recruitment, Marketing, Communications and Development
 - Head of Counselling
 - A senior representative from the Academic Department/s of the student/s named in the report
- 7.3 During the SCRП Panel meeting, members will:
- Consider the academic, welfare and support needs of the Student and of the member of staff and of any other members of the University community directly involved in the complaint and identify any actions or measures required to ensure that those needs are met;
 - Undertake a risk assessment in order to determine whether any precautionary action needs

to be put in place in order to:

- ensure that a full and proper investigation can be carried out (either by the police or University) and/or
- implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.

7.4 The measures (whether temporary or otherwise) which the University may introduce under this section 7 include the following:

- 7.4.1 allocating the student a different supervisor
- 7.4.3 changing the student's seminar / tutorial group; and/or
- 7.4.3 appointing a specific point of contact for academic and pastoral support
- 7.4.4 such other measures which the University determines are necessary to manage a serious risk of harm or damage posed to the Student.

7.5 Where a Complaint alleges serious misconduct by a member of staff against a Student and the University determines that the member of staff poses:

- 7.5.1 a risk of serious harm to the Student:
- 7.5.2 a risk of serious harm or disruption to the interests, activities, property or reputation of the University; and/or
- 7.5.3 risk of serious disruption to or interference with the implementation or operation of the Student Complaints Procedure, including in respect of any investigation
- 7.5.4 where the conditions outlined in section 7.3 cannot be implemented or are not sufficient to address the risks identified, the University may impose precautionary conditions on the member of staff in accordance with its powers within the Staff Disciplinary Policy and Procedure.

7.6 The imposition of conditions under section 7.4 are precautionary conditions only imposed by the University in order to mitigate serious risks which it determines are posed by a member of staff. They do not constitute disciplinary action or a penalty and do not indicate that the member of staff has committed misconduct, nor do they imply that the outcome of this Student Complaints Procedure has been pre-determined.

8. Who Can Make A Complaint?

8.1 You may bring a Complaint in accordance with this Student Complaints Policy and Procedure if you are a Student or Former Student of the University. Where a Complaint is made by a Former Student in accordance with the Student Complaints Procedure, references to "Student" will include references to the Former Student as relevant in the circumstances. 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 the Student Complaints Procedure, however please do contact the Alumni Relations team who will endeavour to assist you. Applicants may not bring a complaint under this Student Complaints Procedure and should refer instead to the [Applicant Complaints Procedure](#)

8.2 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, or where the complaint is regarding a University provided service or, where you have exhausted the complaints procedure of the collaborative partner you will normally have a right of appeal to the University in accordance with the appeals procedure of this *Student Complaints Procedure* (see section 13.1 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.

- 8.3 A Complaint may only be brought by a Student or Former Student who has been affected by the matters being complained about. In exceptional circumstances You may appoint a representative to deal with your Complaint on your behalf once submitted; however, an un-appointed third party may not submit 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. You may also contact the University directly and the University may contact you directly. By appointing a representative You are giving permission for the University to share information relevant to the complaint with that representative. A student may revoke representation at any time and must inform the Academic Standards Manager in writing.
- 8.4 A group of Students (or Former 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 (or Former 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 they have been personally affected by the matter being complained about. Following the completion of the investigation process each Student (or Former Student) named in the Group Complaint will receive a letter confirming the outcome of the investigation or the complaint decision.
- 8.5 You may choose to make a disclosure using the University's Report and Support tool. A disclosure does not automatically result in a formal complaint to the University being made under these procedures. The University respects students rights to choose how to take forward a Disclosure.
- 8.6 Following a Disclosure, you will be given options for reporting along with information on resources for specialist support, which are set out in the table below. The University recognises that you may require time and reflection before making a decision. You will be given the option and support to do one or more of the following:
- report to the Police;
 - report to the University under the University's Student Complaint Procedure
 - make no report of the incident; and/or
 - receive advice on the support that is available

Status	Example	What student can expect
A disclosure	E.g. a student tells a tutor but does not provide details that allow an investigation to be conducted	Signposting to reporting platform Referral to the Student Wellbeing team Signposting to external agencies (e.g. Police) And charity/support organisations as listed by Wellbeing and Counselling team
A report	E.g. a student reports to the University with details of the incident (including using Report and Support) but does	As above for a disclosure Access to specialist internal advice and support Liaison on academic or practical adjustments

	not state what action they are expecting	Advice on options (including making a complaint that the University can investigate)
A complaint	E.g. a student submits an account of the incident and confirms that they wish the University to take protective action and investigate	Initiation of the Student complaints procedure and signposting to relevant support Consideration of immediate protective actions

9. What Is Not A Complaint?

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

- 9.1 Concerns about or appeals against decisions of Assessment Boards, including issues of academic judgement or outcomes of the mitigating circumstances procedure. Such matters must be considered in accordance with the [Academic Appeal Regulations](#) (see section 1.5 above for further information);
- 9.2 Concerns about the actions of other Students. Such matters will normally be considered in accordance with either the [Student Disciplinary Regulations](#) or the [Academic Misconduct Regulations](#), as appropriate;
- 9.3 Concerns or appeals by a Student who is or has been the subject of disciplinary action arising from actions or decisions taken under the [Student Disciplinary Regulations](#), which will be considered solely under those Regulations;
- 9.4 Concerns or appeals by a Student who is or has been the subject of disciplinary action arising from actions or decisions taken under the [Academic Misconduct Regulations](#), which will be considered solely under those Regulations;
- 9.5 Concerns or appeals arising from actions or decisions taken under the [Fitness for Registration & Practice Regulations](#), which will be considered solely under those Regulations;
- 9.6 Concerns or appeals arising from actions or decisions taken under the [Fitness to Study Regulations](#), which will be considered solely under those Regulations.
- 9.7 Complaints or appeals concerning the University's admissions process, which will be considered in accordance with the [Applicant Complaints Procedure](#).
- 9.8 Complaints concerning the [University of Westminster Students' Union \(UWSU\)](#), which should be directed to the Students' 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.
- 9.9 Complaints by Students who are also employed by the University where the complaint relates to their employment, which will be considered in accordance with the [Grievance Policy and Procedure](#).
- 9.10 Concerns about wrongdoing at the University which are in the public interest should be raised in accordance with the [Public Interest Disclosure \(Whistleblowing\) Policy](#).

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

- 10.1 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.
- 10.2 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 Student 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 Complaints Procedure detailed below.
- 10.3 You must state clearly the nature and circumstances of your Complaint and the remedy You are seeking as an outcome of your Complaint.
- 10.4 You can seek an informal resolution with the University at any point and if You wish to withdraw your Complaint You may also do so at any time.
- 10.5 There are three stages to the Complaint Procedure:

Stage 1: Informal Resolution with parties concerned (section 11 below).

Stage 2: Formal Complaint to the Head of College or Director of the relevant Professional Services Department for investigation and decision (section 12 below).

Stage 3: Appeal against the Formal Complaint Decision to the Deputy Registrar (Quality and Standards) (section 11 below).

At the end of Stage 3, once the University's Student Complaints Procedure has been completed, a Completion of Procedures letter will be issued to You which will set out the decision made on your Complaint including any redress offered to you.

- 10.6 If You wish to bring a formal Complaint, You must do so promptly and in any event within 90 days of the occurrence of the matter being complained about (see section 12.4 below).
- 10.7 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.
- 10.8 At the end of each stage, the University will determine whether your Complaint is either not upheld, upheld, or upheld in part. Where your Complaint is upheld (either wholly or partially), a range of possible outcomes is available depending on the circumstances (see section 12.19).
- 10.9 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 14 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. You should make any complaint to the OIA within 12 months of the date of the Completion of Procedures Letter in accordance with the OIA scheme rules.

11. Stage 1: Informal Resolution

- 11.1 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, 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
- 11.2 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.
- 11.3 You must make it clear from the outset what the nature of your complaint is and any remedy You are seeking as an outcome of your Complaint.
- 11.4 The person with whom You have raised your Complaint will investigate and endeavour to resolve your Complaint appropriately and should notify You of their decision and any remedy in writing.

12. Stage 2: Formal Complaint

- 12.1 Should You remain dissatisfied with the outcome of your informal Complaint, You may escalate your Complaint to the next stage by raising a formal Complaint.
- 12.2 In circumstances where it is not reasonably appropriate for You to make an informal Complaint (for example in light of the nature or seriousness of the allegations You are raising), the Complaint may, at your request and with the agreement of the Academic Standards Manager, be initiated as a formal Complaint without having first to attempt informal resolution. The University may also at its discretion initiate the Student Complaints Procedure at Stage 2 without the informal Stage 1 process having been implemented or exhausted.
- 12.3 To raise a formal Complaint You must complete a Student Complaint Form via e: vision ([westminster.ac.uk/student-complaints](https://www.westminster.ac.uk/student-complaints)). If you require the form in a different format please email your request to studentcomplaints@westminster.ac.uk
- 12.4 The completed form must be received by Academic Standards promptly and in any event 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 within this period. The University has a time scale within which to submit a complaint as it enables matters to be investigated in a timely way and, if appropriate, for remedies to put in place as soon as possible. Late complaints will only be considered in highly exceptional circumstances, where there is credible and compelling evidence supporting the reason for late submission, the evidence should also explicitly support the inability to submit the complaint by the University's published timeframe. This helps to ensure that the University applies the procedures consistently for all students.

- 12.5 Your completed form must set out clearly all the allegations You wish to make against the University in connection with the Complaint, and You must enclose with your form all evidence on which You wish to rely, including any witness statements.
- 12.6 You must set out what attempts you have made to resolve the Complaint informally (or why there have been no attempts to seek to resolve the matter informally under Stage 1 of the Procedure) and explain why You are unhappy with the outcome of any informal resolution.
- 12.7 You must state clearly any remedy that You are seeking – i.e. how you would like to see the matter resolved.
- 12.8 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.
- 12.9 The Academic Standards Manager will write to You to acknowledge receipt of the Student Complaint Form normally within 10 working days of receipt by them of the completed form.
- 12.10 Upon receipt of your complaint the Academic Standards Manager will check the eligibility of your complaint, that is, they will check that the form has been completed in full, that evidence referred to in the form has been submitted, whether the matter has been considered under stage 1 of these procedures, and that the complaint has been submitted within the published timeframe. If it is identified that a different procedure should be used to raise the matter you will be written to and informed and the complaint will be marked as withdrawn. The Academic Standards Manager will consider whether it would be appropriate to seek to resolve the Complaint by means of an alternative dispute resolution process, for example mediation.
- 12.11 If your complaint is eligible for consideration under Stage 2 the Academic Standards Manager will forward your Complaint to the relevant Head of College or Director of Professional Service Department normally within 10 working days of receipt of the completed form. 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 the subject of the complaint or has been involved in resolution of the matter under stage 1) the next most senior member of staff in the line management structure who is (not a party to the complaint) will be assigned as the Investigating Officer. Where the Vice-Chancellor is the subject of the complaint, the Chair of the Court of Governors will act as the Investigating Officer. The University may, at its discretion and in appropriate circumstance, appoint an Investigating Office who is external to the University.
- 12.12 You will be informed in writing of the name and identity of the Investigating Officer. Any Investigating Officer appointed will be impartial.
- 12.13 The Investigating Officer will investigate your Complaint and will have discretion to determine the most appropriate way in which to undertake the investigation including in light of the nature, seriousness and sensitivity of the allegations raised. This may include, for example, meeting with You, interviewing witnesses, meeting with other individuals (such as members of staff or third parties outside of the University), calling for documents, reviewing social media messages and posts that have been provided as evidence, and reviewing CCTV footage.
- 12.14 If your Complaint is about a member of staff, they normally will have the right to be informed of the Complaint and its contents to respond thereto as part of the investigation process. The member of staff will be invited to submit a written statement and will normally be invited for an interview to discuss the Complaint as part of the investigation process. The member of staff will have the right to be accompanied at the interview by either a University colleague, or an official

employed by a trade union recognised by the University, or another accredited trade union official. You will have access to the statement provided by the member of staff in question and they will have access to your complaint.

- 12.15 As part of the investigation, You may be invited to meet with the Investigating Officer to discuss your Complaint and/or to clarify any aspects of it or to explore and support academic and /or wellbeing needs You will normally be given at least five working days' notice of such a meeting, and you may be accompanied by a Friend.
- 12.16 Where the Investigating Officer is not the Head of College or Director of relevant Professional Service Department, the Investigating Officer will report their findings and recommendations for remedies to the Head of College or Director of relevant Professional Service Department. The Head of College or Director of relevant Professional Service Department will determine the outcome.
- 12.17 The decision of the Head of College or Director of relevant Professional Service Department will be one of the following:
- That your Complaint is upheld
 - That your Complaint is upheld in part
 - That your Complaint is not upheld
- 12.18 Where your Complaint is upheld, either wholly or in part, and as part of the determination process, the Investigating Officer will consider what consequential impact there has been on You and any remedy or redress that should be afforded to You. These may include one or more of the following remedies:
- a formal apology
 - remedial action to be taken by the University
 - a review of relevant University policy or procedure
 - financial compensation for actual loss (where appropriate)
 - compensation for distress and inconvenience.
 - a recommendation that the disciplinary process is initiated in relation to a member of University staff
 - any other appropriate remedy.
- 12.19 When the investigation and determination is concluded, you will be informed in writing of the outcome of your Complaint. This will include an investigation report detailing the facts as found by the Investigating Officer, the decision and clear reasons for that decision, and any remedial actions arising from that decision. The report may have information deleted to protect the data protection and confidentiality rights of other individuals.
- 12.20 The Head of College or Director of relevant Professional Service Department will, where relevant, be responsible for communicating remedial actions (or recommendations) to affected members of staff, where they directly affect that individual. The Academic Standards Manager will be responsible for monitoring the implementation or application of such remedial actions.
- 12.21 The Head of College or Director of relevant Professional Service Department will endeavour to conclude the investigation and notify You of the outcome within 25 working days of the date of receipt of the formal 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 section (5.3) above, You will be notified of any delay, the reasons for it and a revised timeline for providing an outcome.

Complaints of Sexual Misconduct or Harassment by members of staff

- 12.22 Where a Complaint alleges sexual misconduct or harassment by a member of staff against a Student, an Investigating Officer will be appointed who will investigate and report their findings of facts and recommendations, using the provision set out in 12.14. The Investigating Officer will not be making a decision on the complaint. The Investigating Officer's report will be sent to the Head of College or relevant Director of Professional Services Department to convene a Panel to consider the findings and make a decision.
- 12.23 The Panel members will be:
- Head of College / Director of Professional Service Department (Chair)
 - A member of the Students' Union who shall be a sabbatical officer of the Student's Union.
 - One senior member of staff from an area of the University that is not a subject of the complaint
- 12.24 You and the member of staff who is the subject of the complaint will be provided with the opportunity to provide written comments to the Panel on the Investigating Officer's report before the Panel makes their decision.
- 12.25 The Panel may invite You to present your complaint or hear from You as part of their deliberations. If You are invited to speak to the panel you may be accompanied by a Friend or Representative and support is also available from the Student Wellbeing team.
- 12.26 The Panel may also invite the member of staff to speak to the panel. The member of staff will have the right to be accompanied at the interview by either a University colleague, or an official employed by a trade union recognised by the University, or another accredited trade union official.
- 12.27 The Panel may also ask to speak to any witnesses.
- 12.28 Following consideration of all the evidence, including Your and the members of staff comments on the Investigating Officer's report, the Panel will make one of the following decisions;
- That your Complaint is upheld
 - That your Complaint is upheld in part
 - That your Complaint is not upheld
- 12.29 The Panel will also determine whether there is sufficient evidence for the matter to be referred to University's Staff Disciplinary Policy and Procedure.
- 12.30 The Panel's decision related to the member of staff will be communicated to the member of staff in writing.
- 12.31 In accordance with regulation 12.20 you will be informed of the Panel's decision and the outcome of the complaint.
- 12.32 Where a recommendation is made that the matter be referred to the University's Staff Disciplinary Policy and Procedure, you will be informed of appropriate information regarding the outcome and/or sanction of the staff disciplinary procedure which directly impacts you (subject to the colleague's legal rights, including under data protection legislation).

13. Stage 3: Appeal Against the Formal Complaint Decision

- 13.1 Should You be dissatisfied with the decision on the Stage 2 Complaint, (or should you be a student of a partner institution (see section 4.3 above)) and You have exhausted the complaints procedures of that institution), You have the right to request an appeal of the Stage 2

Complaint decision to the Deputy Registrar (Quality and Standards). An appeal request must be received by the Deputy Registrar (Quality and Standards) within 10 working days of the date of Stage 2 Complaint decision letter (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 it will not be considered and the University's internal procedures are completed, unless You can demonstrate to the satisfaction of the Deputy Registrar good reason for not having been able to submit the appeal request on time. Such a request will not be considered if Stage 2 of the process has not been completed.

- 13.2 An appeal request must be submitted on the Stage 3 Student Complaint Appeal form via the e:vision task. If you require the form in a different format please email your request to studentcomplaints@westminster.ac.uk. The completed form must stipulate clearly and unambiguously the grounds upon which the appeal request is made 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 write to You to acknowledge receipt of the appeal within five working days of receipt by them of the completed appeal form.
- 13.3 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).
- 13.4 An appeal request may be made on one or more of the following grounds only, that:
- a) there was a procedural irregularity in the consideration of your Complaint at Stage 2;
 - b) new evidence has come to light which was not previously reasonably available and that this new evidence would have had a significant impact on the Stage 2 outcome;
 - c) the Stage 2 decision and / or any remedy was / were unreasonable in light of the evidence;
- 13.5 The Deputy Registrar (Quality and Standards) will consider the appeal request against the grounds submitted may request You or (any other party) to provide further information or clarification.
- 13.6 Where the Deputy Registrar (Quality and Standards) determines that You have disclosed one or more valid grounds for appeal, the Deputy Registrar (Quality and Standards) will accept the appeal request and refer the matter for consideration and determination by a Student Complaints Appeal Panel, and will inform you in writing of this.
- 13.7 Where the Deputy Registrar (Quality and Standards) determines that You have not disclosed any valid ground for appeal, the Deputy Registrar (Quality and Standards) will reject the appeal request and will inform you in writing of this. In this case the Stage 2 Complaint decision will stand, there will be no further opportunity for You to appeal, the University's Student Complaints Procedure will have been completed, and You will be issued with a Completion of Procedures Letter.
- 13.8 The Deputy Registrar (Quality and Standards) will notify you in writing of the decision and the reasons for it, normally within 15 working days of receipt by the University of the appeal 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, and of the revised timescale.
- 13.9 Pending the outcome of any appeal the Stage 2 Complaint decision will stand.

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

- a) Deputy Vice-Chancellor (Education) (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.

There will be a Secretary to the Panel who will be appointed by the Deputy Registrar (Quality and Standards) and who will not be a member of the Appeal Panel.

13.11 All members of the Appeal Panel will be impartial, (nor shall have been involved in your teaching or assessment).

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

13.14 The Appeal Panel Hearing will normally be held within 25 working days of the decision of the Deputy Registrar (Quality and Standards) under section 13.8. 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 and of the revised timescale

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

13.16 At least 10 working days in advance of the date of the Student Complaints Appeal Hearing the University will write to You and ask that within five working days of the date of the Hearing you:

- confirm your attendance at the Hearing
- confirm the name and relationship of any Friend/Representative who will accompany You at the Hearing
- confirm the name 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 with your appeal request
- provide an indication of the outcome you are seeking.

13.17 You and the members of the Student Complaints Appeal Panel, –will receive the same documentation prior to the Appeal Panel Hearing including (as is relevant in the circumstances):

- your Stage 2 Complaint Form and accompanying evidence
- the Stage 2 decision letter and accompanying report;
- your appeal request and any supporting evidence;
- the decision of the Deputy Registrar (Quality and Standards) under section 13.8
- any additional evidence submitted by you in connection with the Appeal following the section 13.8 decision; and
- such other documents which are relevant to the appeal including any witness statements.

13.18 The process to be adopted at the Appeal Panel Hearing will be at the discretion of the Chair but the following process would normally be adopted:

- The Chair will introduce the proceedings and those present
- You (or your Friend/Representative) will be invited to make a short opening statement, to which the Investigating Officer may make a short response

- You (or your Representative) will be invited to present your appeal, and may call any witnesses that you wish to call
 - the Investigating Officer will respond to the appeal, and may call any witnesses that they wish to call
 - You (or your Representative) may make a short closing statement
 - the Investigating Officer may make a short response to your / your representative's closing statement
 - You (or your representative) may make any concluding remarks
 - the members of the Appeal Panel may ask questions of You, your representative, the University Presenting Officer and any witnesses at any time
 - if the appeal relates to a complaint of sexual misconduct or Harassment by a member of staff, the member of staff will have the opportunity to provide a submission to the Appeal Panel.
 - the Appeal Panel will retire in private to deliberate.
- 13.19 The Appeal Panel may adjourn the Appeal Hearing at any time to seek further information as it considers is relevant for it to make a determination on the appeal and/or for such other reason as it considers necessary in the circumstances.
- 13.20 You are expected to attend the Appeal Hearing either virtually or in person. In the event of your non-attendance without good reason (for example where You can demonstrate to the University's satisfaction that You are incapacitated by illness and so unable to attend), the Student Complaints Appeal Panel Hearing may proceed in your absence. A representative/friend will not normally be allowed to attend on your behalf in the case of your absence. This will be considered on a case-by-case basis.
- 13.21 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 also has the right to call any witnesses that they choose to respond to the Appeal. Witnesses will not be able to ask questions and are only permitted to be present whilst giving evidence.
- 13.22 The Student Complaints Appeal Panel will decide on the balance of probabilities, to uphold or dismiss the appeal in whole or in part. Where the appeal is wholly dismissed the Stage 2 Complaints decision will stand and You will have no further right of appeal and the University's internal procedures will have been completed.
- 13.23 Where the Student Complaints Appeal Panel upholds your appeal in whole or in part it may make one or more of the following determinations:
- a. to vary the Stage 2 Complaint decision and/or any remedy including by substituting a new decision and/or any remedy
 - b. to refer the Complaint back to Stage 2 for investigation by a new and impartial Investigating Officer (and/or determination by a new and impartial decision-maker)
 - c. to refer the Complaint back to the Stage 2 (decision-maker) for re-determination on a specific aspect or aspects.
- 13.24 In the event that the Student Complaints Appeal Panel does not reach a consensus, the Chair will have a deciding vote.
- 13.25 You will be informed, in writing, of the decision of the Student Complaints Appeal Panel, normally within 5 working days of the date of the Appeal Hearing. The decision letter will include reasons for the Student Complaints Appeal Panel's decision and will constitute the Completion of Procedures Letter. Where the decision varies the Stage 2 Complaint decision by creating a new remedy, or substituting an existing remedy, which directly affects a member of staff, Panel Secretary will be responsible for communicating that outcome to the relevant member of staff.

13.26 The decision of the Student Complaints Appeal Panel is final and will not be subject of any further appeal and the University's internal Student Complaints Procedure will be concluded.

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

14.1 If You are dissatisfied with the decision of the Student Complaints Appeal Panel You may refer your Complaint to the Office of the Independent Adjudicator for Higher Education (OIA) within 12 months of the date of the date of the Appeal Panel's decision letter. 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.

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

15.1 Appendix A is designed to comply with the provisions of the Education Act, 1994: Part II, Students' Union's, 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.

15.2 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:

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

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

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

15.2.4 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.

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

15.4 The Deputy Registrar (Quality and Standards) will acknowledge the request for review normally within 5 working days of its receipt.

15.5 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 section 14).
- 15.6 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.
- 15.7 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.
- 15.8 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.
- 15.9 A copy of the Deputy Vice-Chancellor (Education) report will be sent to you, to UWSU and to the Deputy Registrar (Quality and Standards).
- 15.10 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 section 14).
- 15.11 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.
- 15.12 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 section 14).
- 15.13 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.
- 15.14 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)