

17. COMPLAINTS PROCEDURE

This section of the Student Regulations Framework applies to all taught programmes of Plymouth Marjon University, whether undergraduate or postgraduate, to all research degree students and to all apprentices enrolled on the University's apprenticeship programmes, who are classified as 'students' and referred to accordingly throughout this Procedure.

17.1 The University's Commitment on Complaints

1. Plymouth Marjon University is committed to delivering a high-quality service and encourages its students to tell it where there is cause for concern and a case for improvement. Whilst this is normally achieved through student feedback mechanisms at module and programme level, there are exceptional occasions where a complaint needs to be taken further.
2. The University reviews its complaints procedure annually with a strong emphasis being placed upon protecting the consumer rights of its students. It aims to be as clear and concise as possible, reflecting the University's commitment to plain English in public communication. Further details of the University's compliance with the Competition and Markets Authority (CMA) can be found [here](#).
3. Students who are considering making a complaint, or who need help or further information, are advised to discuss the matter first with the Student Union and/or Student Wellbeing and Support.
4. The University, in accordance with the [Good Practice Framework for Handling Complaints and Academic Appeals](#) and the expectations set out in the [UK Quality Code For Higher Education](#), defines a complaint as 'a specific query about an aspect of experience of the provider'. It aims to handle all such complaints in a way that:
 - Encourages informal conciliation

- Is fair and efficient
 - Treats complaints with appropriate seriousness, sympathy and confidentiality
 - Facilitates early resolution
 - Allows the University as a whole or a particular part of the University to learn from the experience
 - Aligns with the University's commitment to equality and diversity
 - Has due regard to any applicable law
5. Students making a complaint will be described in this section of the Framework as 'complainants'.

17.2 How to Complain

1. The University's complaints procedures are set out below. Students who complain may wish to inform relevant members of staff that they are doing so under the procedures.
2. The University's complaints procedures focus on matters that affect the quality of a student's learning opportunities. However, students should also note that for the following matters of potential dispute, separate procedures apply:
 - Unacceptable conduct on the part of a student (see below)
 - Unacceptable conduct on the part of a member of staff (see below)
 - Academic appeals (see Section 16 of this [Framework](#))
 - Complaints against the Student Union (procedures available from the Student Union)

- Complaints concerning the admissions process, including those from current students who have applied to register on another University programme. The appeals and complaints process relating to admissions can be found on the University website at [Handbooks, Regulations and Procedures](#).
3. If a complaint refers to matters or allegations that are, or that become, the subject of an appeal against an academic decision, the Complaints Panel will determine the outcome of the appeal.
 4. Where unacceptable conduct on the part of a student is alleged, the allegation should be pursued initially with the Head of Student Wellbeing and Support (or nominee) so that the appropriate procedures, as set out in Section 15 of this [Framework](#), can be instigated. This is because students are not employed by the University and, therefore, are not part of the service that it provides.
 5. Where unacceptable conduct on the part of a member of staff is alleged, the allegation should be pursued initially with the Executive Director of People & Culture (via Student Wellbeing and Support at the discretion of the student). This is because separate procedures exist with regard to staff disciplinary issues.
 6. A student who is dissatisfied with the way in which their allegation of unacceptable conduct, on the part of a student or a member of staff, has been dealt with can invoke the formal stage of the complaints procedure. Whilst a Complaints Panel cannot consider or authorise disciplinary action against a student or a member of staff, it may review the conduct of the Student Misconduct or staff disciplinary procedures and recommend their re-opening where appropriate.
 7. Complaints can only be made by students or former students at the University. Former students can submit a complaint provided that they do so within three months after their programme of study has formally ceased or (if eligible to graduate) the date of graduation. As explained in Section 17.9 of this Framework, non-members of the University may attend Complaints Panel hearings to provide advice and support to the student and they can also be

heard with the agreement of both the student and the Chair. However, if a student is unable to attend a Complaints Panel hearing, then they will not be permitted to send a non-member of the University as a representative on their behalf.

17.3 Acceptable Behaviour

1. The University recognises that bringing a complaint can be a stressful experience, but that the overwhelming majority of complainants do so in an appropriately constructive way. However, it also has a duty to ensure the safety and well-being of its staff.
2. Students (and, where appropriate, their representatives) are expected to use the established procedures and channels of communication to bring and resolve formal complaints and, under those circumstances, they can expect University staff involved in their complaint to be impartial, fair and above all helpful. However, the University will take action to protect its staff from unacceptable behaviour and will, for example, not accept communication that is abusive, offensive, defamatory, aggressive, threatening, coercive, intimidating, unreasonably persistent or demanding.
3. If a complainant's behaviour is deemed to be unacceptable, the University will explain the reason(s) for this and will ask the complainant to modify their behaviour. If the unacceptable behaviour continues, action will be taken to restrict the complainant's communication with the University on the authorisation of the University Secretary and Registrar. Under such circumstances, the complainant will be issued with a letter that sets out the reason(s) why their behaviour has been deemed unacceptable and the action/s that will be taken in response.
4. Any restrictions imposed will be appropriate and proportionate and may include the following (please note that these are not exhaustive):
 - Requiring contact in a particular form (e.g. by letter only)

- Requiring that contact takes place with a single, named individual
 - Restricting telephone calls to specified days and times
 - Asking the complainant to appoint a representative to correspond with the University
 - Asking the complainant to enter into an agreement about their conduct
5. Where a complainant behaves unacceptably during a telephone conversation or an in-person or virtual meeting, the University may, as a last resort, terminate the call or the meeting.
6. Where unacceptable behaviour on the part of a complainant continues, despite the complainant's communication with the University having been restricted, the University may terminate consideration of the complaint. Under these exceptional circumstances, a Completion of Procedures Letter (as per Section 17.11 of this Framework) will be issued.
7. The University may also refuse to process a formal complaint if it considers it to be frivolous or vexatious, issuing a Completion of Procedures Letter accordingly. Examples of frivolous or vexatious complaints include, but are not necessarily restricted to, the following:
- Complaints which are obsessive, harassing or repetitive
 - Complaints which seek unrealistic and unreasonable outcomes
 - Complaints which are designed to cause disruption or annoyance
 - Demands for redress which lack any serious purpose or value
8. Anyone making malicious allegations concerning the reputation or conduct of students or members of staff in the context of a complaint may be subject to misconduct proceedings, on the grounds that they have harmed or attempted to harm the good order and discipline of the University, and/or brought the University or its staff or students into disrepute.

17.4 Results of Complaints

Complaints will not always produce the outcome preferred by a complainant. For instance, policy decisions or resourcing beyond the University's control may affect the level of service provided. In addition, a successful complaint might not benefit a complainant directly if it results, for example, in service improvements applicable to students in the future.

17.5 Anonymity with Regard to Complaints

1. In general, those about whom complaints are made, under these specific procedures, will be informed about the source and content of a complaint. If this is likely to deter a student from making a complaint, they are invited to contact the Academic Standards Officer to discuss. An anonymous complaint will only be investigated in exceptional circumstances, where there is a compelling case (supported by appropriate evidence) to justify its investigation.
2. A copy of the complaint will normally be supplied to all affected parties.
3. A complainant will not suffer recrimination as a result of making a complaint unless it contains malicious unfounded allegations.

17.6 Confidentiality of Complaints

The University expects the confidentiality of the documentation generated by a complaint to be respected by all parties. Information received during investigations will remain confidential to those involved in the process and those who may need to be consulted in order to reach an outcome. Where disclosure to a third party is necessary to progress a complaint, the affected party will be notified in advance of the disclosure. No third party should be told any more than is reasonably necessary to obtain the required information from them.

17.7 Group Complaints

1. On occasions, a group of students might wish to raise a complaint. Under these circumstances, the best way to do so is by way of a single form submitted by an identified spokesperson. Each member of the group must agree in writing to the spokesperson and they will also be invited to submit separate copies of the equal opportunities monitoring form. Where separate forms are submitted, the University reserves the right to process them together subject to any data protection issues that might apply.
2. The decision letter will be sent to the spokesperson (where applicable) at the early resolution and formal stages. However, as each member of the group would have the ultimate right to ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their complaint if it remains unresolved, after the final stage of the process (as per Section 17.11 of this Framework) separate Completion of Procedures Letters will be issued at that point.

17.8 Early Resolution Stage (Stage One)

1. The Early Resolution Stage (Stage One) is designed to address straightforward concerns quickly at a local level, and the University expects that the majority of issues can be resolved at this stage without the need to instigate the formal procedures. Complainants are invited to raise any issues with the appropriate member/s of staff, either in writing or verbally, and should indicate the outcome being sought. The appropriate member/s of staff include, but are not necessarily restricted to, the following:
 - Academic: Programme/Programme Area Leader and/or Personal Development Tutor
 - Accommodation: Campus Services Manager
 - Admissions: Admissions Manager
 - Equality and Diversity: Inclusion Co-ordinator

- Estates (apart from accommodation): Head of Estates and Campus Development
- Finance: Interim Director of Finance
- IT: Head of Digital and IT Services
- Library: Head of Library
- Registry: Head of Quality and Standards
- Sports Centre: Sports Centre Operations Manager
- Welfare: Head of Student Wellbeing and Support (or nominee)

Any issues that do not fall into these categories should be communicated to the Head of Student Wellbeing and Support (or nominee) in the first instance.

2. The appropriate member of staff will advise the Academic Standards Officer, via the Quality and Academic Standards Unit, that a concern has been raised. The appropriate member of staff will investigate and try to resolve the concern in consultation with the complainant. The appropriate member of staff will liaise with relevant colleagues, if applicable, and alert the Executive Leadership Team member/Dean of School who is responsible for their area, if deemed appropriate. The appropriate member of staff, as part of their investigation, should take the following points into account:

- What specifically is the concern about?
- What outcome is the student hoping for and can it be achieved?
- Is the concern straightforward and likely to be resolved with little or no investigation?
- Can it be resolved on the spot by providing, where appropriate, an explanation, an alternative solution or an apology?
- Can someone else help to resolve the issue, for example where an informal administrative resolution is required?

- Would it be helpful to use confidential mediation or conciliation, and are the student and the provider willing to do so?
- What assistance or support can be provided to the student in taking this forward?

The Academic Standards Officer (or nominee) can also advise with regard to the handling of an informal complaint, particularly with regard to precedent.

Where it is clear that early resolution is not appropriate or possible, and that the complainant's concern needs to move to the formal process, the appropriate member of staff should promptly direct the student to the Formal Stage (Stage Two) of this procedure (Section 17.9).

3. Concerns should be raised within twenty working days of the relevant incident or incidents in the case of current students, otherwise, they will normally be rejected on the grounds that a sound investigation can no longer be conducted. Concerns from former students must be raised within three months after their programme of study has formally ceased or (if eligible to graduate) the date of graduation.
4. The appropriate member of staff will advise the Academic Standards Officer, via the Quality and Academic Standards Unit, of their response. The Academic Standards Officer (or nominee) will respond to the complainant in writing, sharing their response with appropriate members of staff, and will maintain a central record of all such concerns.
5. A response should normally be sent within fifteen working days of receipt of the complaint. If a delay is envisaged, the complainant should be notified in writing before the end of the fifteen working day period. Where a complainant requests additional information, every effort should be made to provide this within ten working days of the receipt of the request.

17.9 Formal Stage (Stage Two)

1. The Formal Stage (Stage Two) should be used if:
 - a complainant remains dissatisfied with the response received at the Early Resolution Stage (Stage One) and wishes to escalate their complaint; or,
 - the complaint is regarding the way in which The People Team have investigated an earlier complaint of alleged unacceptable conduct, on the part of a member of staff; or
 - the matter cannot be resolved without gathering extensive evidence.

The formal process can also be activated when:

- the Academic Standards Officer (or nominee) allows the complainant to initiate the formal process immediately, by exception, at the complainant's request; for example, when the complainant can provide good reason for not wanting to engage with the Early Resolution Stage; or,
 - the Academic Standards Officer (or nominee) in liaison with the University Secretary and Registrar, determines, by exception, that the complaint should be escalated immediately to the formal process, for example because early resolution would be inappropriate due to the nature, complexity, or seriousness of the complaint, and/or the outcome being sought; or,
 - the complaint is brought by a former student and there is no ongoing relationship with the University.
2. The complainant should contact the Academic Standards Officer, via the Quality and Academic Standards Unit, to request a Complaints Submission Form, if not already provided. The Academic Standards Officer (or nominee) will supply the Complaints Submission Form, which will include an anonymous questionnaire for equality monitoring purposes, and indicate any possible sources of advice and support as appropriate.

3. Completed Complaints Submission Forms from current students must be received within twenty working days of the relevant incident or, where applicable, within twenty working days of the conclusion of Stage One. Completed Submission Forms from former students must be received within three months after their programme of study has formally ceased or (if eligible to graduate) the date of graduation.
4. The complainant should send copies of any evidence supplied in support of their complaint, to avoid any risk that the originals will be lost. Moreover, complainants should respond to any communications relating to their complaint in a timely manner. The University reserves the right to take steps to verify the evidence and, if it is found not to be genuine, it may consider the matter under Section 15 (Student Misconduct Procedure). Recordings made in support of a complaint will be accepted, as long as they are made available to the University not less than five days in advance of a hearing (as per Section 17.9.13 of this Framework) and were made with the knowledge and consent of the relevant colleagues. In addition, the University reserves the right to check recordings with a sound engineer and to reschedule a hearing for this purpose in exceptional circumstances.
5. The Academic Standards Officer (or nominee) will normally acknowledge all complaints within five working days of receipt, and issue a decision within thirty working days of receipt of the full complaint submission, if possible. If a delay is envisaged, the complainant will be notified in writing before the end of the thirty working day period. Where exceptional factors affect the timing of these procedures, reasonable attempts will be made to avoid undue delay in the processing of complaints. Where a complainant requests additional information, every effort will be made to provide this within ten working days of the receipt of the request.

6. Whilst every attempt will be made to expedite complaints that may require particularly swift action, due process will always be carried out and arrangements for Complaints Panel hearings will not be compromised.
7. On receipt of the completed submission form and associated evidence, the Academic Standards Officer (or nominee) will nominate an appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by the University Secretary and Registrar, who has no involvement with the complainant or the complaint, to chair the Complaints Panel. The Chair will determine the witnesses to be called to the Panel and the documentation to be circulated to all parties in advance of the meeting, advised by the Academic Standards Officer (or nominee) as appropriate. This will include a formal response from the relevant academic or service area of the University, to be circulated to the complainant not less than five working days in advance of the meeting, where such a response has not already been provided.
8. The Panel Chair, advised by the Academic Standards Officer (or nominee), may suspend consideration where relevant supporting evidence has not been supplied, if a practicable remedy has not been proposed by the complainant or in other exceptional circumstances. Where additional information is requested from a complainant, this should normally be received within twenty working days of the request. In such cases, where any discrepancies have not been addressed within this period the University reserves the right, exceptionally, to reject a complaint without recourse to a Complaints Panel and issue a Completion of Procedures Letter accordingly.
9. Subject to any suspension of consideration as above, the Academic Standards Officer (or nominee) will convene a Complaints Panel. This shall comprise:
 - An appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by the University Secretary and Registrar (Chair).

- A second appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by the University Secretary and Registrar.
- A member of the Executive Committee of the Student Union, normally the President or Deputy President, who also has no involvement with the student or the complaint.

The Academic Standards Officer (or nominee) will act as Secretary to the Panel and proceedings may also be recorded, either electronically or by a minute taker, by mutual agreement. The Panel will not meet unless all members and the Secretary are present. The Academic Standards Officer (or nominee) will endeavour to ensure that the Panel includes at least one male and one female member.

10. The complainant shall be informed of the date of the meeting of the Panel and the venue, which will normally be a formal meeting room on the University campus, not less than ten working days in advance. This deadline can only be reduced with the complainant's written consent. Advice will also be provided to the complainant with regard to the timeframe for the meeting and the opportunities available for them to present their case.
11. The complainant will be invited to appear in person but, in exceptional circumstances, the Panel may also hear a case, at the discretion of the Chair advised by the Academic Standards Officer (or nominee), in their absence. A Panel can be scheduled at any time in the calendar year, however reasonable steps will be taken to schedule it at a point in the year when the student would normally be present in the University.
12. The complainant may be accompanied by a 'friend', who is permitted to attend to provide advice and support to the complainant and can be heard only with the agreement of both the complainant and the Chair. The name and status of any such 'friend' must normally be notified to the Academic Standards Officer (or nominee) no less than five working days in advance of the hearing. The University must grant its consent beforehand for the 'friend' to attend the meeting.

13. The Academic Standards Officer (or nominee) shall normally circulate the list of witnesses to be called, and all relevant documentation, to all parties not less than five working days before the meeting. Where this is not possible, the Academic Standards Officer (or nominee) will advise the complainant who will have the right to request a postponement. Complainants may submit additional information in support of their complaint, although if this is circulated less than five working days before the meeting its inclusion will be at the discretion of the Panel Chair.
14. Complainants have the right to call witnesses on the same basis as the University. Any such witnesses should also be notified to the Academic Standards Officer (or nominee) not less than five working days before the meeting.
15. The meeting will commence with private discussions within the Panel to clarify matters of process. The complainant will then be called to appear, along with any 'friend' that they have nominated, followed by the members of University staff involved in the complaint. The complainant and the members of University staff will then be invited to make a statement to the Panel, after which the Panel will interview all parties in order to obtain the information it requires to reach an informed decision. This may involve discussion between the complainant and the members of University staff, which must be conducted through the Chair of the Panel. The complainant will then be invited to make a final statement to the Panel, in the absence of the members of University staff, after which the Panel shall consider its decision in private. In exceptional circumstances, the Panel might reserve its decision, pending the outcome of additional investigations and appropriate correspondence. Meetings can be adjourned and reconvened in exceptional circumstances.

16. The Academic Standards Officer (or nominee) shall notify the complainant in writing of the Panel's decision, and the reasoning behind that decision, normally within ten working days of the meeting. This letter, which will also constitute the official record of the meeting, will explain the grounds under which a complainant may request a review of the decision, and make it clear that if the complainant does not take the formal complaint to the review stage within the time limit for doing so the complaint will be closed automatically.
17. The University may award compensation to a complainant when a complaint is upheld either in whole or in part. A proposed compensatory payment is agreed, in the first instance, by a Complaints Panel. Compensatory payments can only be agreed by a Complaints Panel and cannot, therefore, be made at the early resolution stage (Stage One).
18. The University's compensation protocol for formal complaints will determine the level of the payment, and will be supplied to complainants for information on request. Payments that exceed a predetermined amount will be subject to the ratification of the University's Executive Leadership Team. Contestation of the payment offer can only be considered at the review stage (Stage Three) on the grounds that the outcome was unreasonable.

17.10 Review Stage (Stage Three)

1. The complainant may request a review of the decision on the following grounds only:
 - That the procedures were not followed properly.
 - That the decision maker(s) reached an unreasonable decision.
 - That the complainant has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
 - That there is bias or reasonable perception of bias during the procedure.

Any such request must be submitted in writing to the Academic Standards Officer, within ten working days of the date of the letter communicating the decision.

2. The Academic Standards Officer (or nominee) will refer the challenge to an appropriately qualified and experienced senior member of staff, from the roster of Student Casework practitioners approved by the University Secretary and Registrar, who has had no involvement with the student or the complaint. The challenge will be copied to University staff for information only, and no response from them will be sought or anticipated at this stage.
3. If valid grounds for doing so are identified, the Academic Standards Officer (or nominee) will convene another Complaints Panel under the formal stage of these procedures. This will be convened with a different membership to ensure objectivity. If valid grounds are not identified, the Academic Standards Officer (or nominee) will advise the complainant that the University's internal complaints procedures have been exhausted and issue a Completion of Procedures Letter accordingly (as per Section 17.11 of this Framework).
4. The review stage will normally be concluded within fifteen working days of the receipt of the challenge. If a delay is envisaged, the complainant will be notified in writing before the end of the fifteen working day period. Where it is agreed that another Complaints Panel should be convened under the formal stage of these procedures, the timescales set out in Section 17.9 of this Framework will apply and the processing time recorded for the complaint will be reset accordingly.

17.11 Office of the Independent Adjudicator for Higher Education

1. If a complainant remains dissatisfied after the appropriate internal processes have been exhausted, they can ask the University to issue a Completion of Procedures letter in order for the Office of the Independent Adjudicator for Higher Education (OIA) to review their complaint.
2. The University must issue a Completion of Procedures letter in order for the OIA to review a complaint. A Completion of Procedures letter will be issued automatically where valid grounds for re-hearing the complaint are not found at the review stage and otherwise on request. If a Completion of Procedures letter is issued before the review stage has been conducted, the letter will make it clear that the student has not completed the University's internal processes.
3. All requests for review must be made to the OIA within twelve months of the date of issue of a Completion of Procedures letter. For full details please contact <http://www.oiahe.org.uk>.

17.12 Annual Report

The Academic Standards Officer submits an annual report on student casework to Senate, detailing (anonymously) general matters or issues arising from recent complaints. Additional reports are also submitted to the Finance and Resources Committee of the Board of Governors on a regular basis. Senate will forward recommendations to other relevant University committees so that broad concerns can be shared, and appropriate action taken. In addition, the Academic Standards Officer will collate and present anonymised monitoring information with regard to complaints to Senate at appropriate intervals.

17.13 Procedures at Partner Organisations

1. In accordance with the expectations set out in the UK Quality Code For Higher Education and the University's Collaborative Provision Regulations and Procedures, all students registered for the University's awards have the ultimate right to complain to the University, irrespective of where they are studying. This right of complaint, however, is not absolute and is subject to the precise wording of the partnership agreement.
2. The partner organisation, accordingly, should ensure that clear information and guidance with regard to formal complaints is made available to all students registered for the University's awards. This should include clear information about the sequence of processes involved and make clear the channels through which dissatisfied students can contact the University directly.
3. Trainees who are undertaking placements at partner organisations and who wish to complain should contact their Personal Development Tutor and/or Programme (Area) Leader in the first instance, so that they can be directed as appropriate. A complaint direct to the University rather than to the placement provider will normally be appropriate.
4. Once the internal procedures of the partner organisation have been fully exhausted, if invoked, students who wish to take their case to the University for review should ask the Academic Standards Officer in writing if they are eligible to do so. The complainant may request a review of the decision on the following grounds only:
 - That the procedures were not followed properly.
 - That the decision maker(s) reached an unreasonable decision.
 - That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
 - That there is bias or reasonable perception of bias during the procedure.

5. If a case is eligible for review, the Academic Standards Officer (or nominee) will refer the challenge to an appropriately qualified and experienced senior member of academic staff, from the roster of Student Casework practitioners approved by the University Secretary and Registrar, who has no involvement with the partnership. If the challenge is upheld, the case will be referred back to the partner organisation to be reheard under its own procedures. Otherwise, the University will not refer the case back to the partner organisation to be reheard and the Academic Standards Officer (or nominee) will advise the student accordingly. This will include advice with regard to a student's further right of complaint to the Office of the Independent Adjudicator (OIA) (as per Section 17.11 of this Framework). The review stage will normally be concluded within fifteen working days of the receipt of the request. If a delay is envisaged, the complainant will be notified in writing before the end of the fifteen working day period.

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