

# Complaints Policy

## Introduction

We welcome feedback from students because it is chiefly by listening to students' views that we can monitor the service we are providing and ensure that we continue to provide students with the high level of service that they expect, but also better enable us to improve that service.

## Informal resolution of complaints

Students are encouraged to let us know what we are doing particularly well or make suggestions about how to improve our service by informing their Admissions Adviser, Tutor, or Student Adviser. Students also have the opportunity to complete regular module reviews and post comments to the Online Feedback Forum. Comments raised via these routes are discussed at Course Committee meetings, the Academic Board and the Student Satisfaction Group; feedback is provided to students via the Online Feedback Forum.

It is recognised that, from time to time, a student may feel concerned or dissatisfied with some aspect of his or her dealings with us and, when that happens, it is important that the issue is dealt with constructively as quickly as possible without risk of disadvantage or recrimination. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented.

## Who can complain using this procedure?

This procedure is available to students who have applied or are registered on a programme of study at the University of Essex Online, wishing to raise a complaint regarding an issue by which they have been materially affected. Students who have recently left a programme may only raise issues of complaint within three months after their conferral of award or withdrawal from the programme. The Academic Director has discretion to extend this three-month period where he/she believes there are compelling reasons to do so.

## Complaints by third parties

Complaints by third parties will not normally be accepted. However, it is recognised that some individuals may be unable to make a complaint on their own. In these circumstances, complaints brought by permitted third parties (for example a family member) will only be accepted when the individual affected has completed a third-party authority form and the Academic Director has approved the request.

## Collective complaints

Where the issues raised affect a number of students, those students can submit a complaint as a 'group complaint'. In such circumstances, in order to manage the progression of the complaint, we will normally ask the group to nominate one student to act as a group representative.

# Complaints Policy

## Anonymous complaints

Complaints received anonymously will not be accepted. All complaints are managed via the formal complaints procedure. If a complaint is made directly to the Managing Director, or other senior manager it will be passed to the Director of Quality and Student Services who will refer it to the most appropriate person, in line with the published complaints procedure.

If a complaint is made directly to the University of Essex it will be passed to the Director of Quality and Student Services at the University of Essex Online who will refer it to the most appropriate person, in line with the published complaints procedure.

## What is a complaint?

In line with the UK Quality Code, a complaint is defined as:

“The expression of a specific concern about matters that affect the quality of a student’s learning opportunities”.

Examples of complaints include:

- Failure by the University of Essex Online to meet our obligations
- Misleading or incorrect information provided by the University of Essex Online (e.g. in prospectuses or promotional material)
- Concerns about the delivery of the programme, teaching or administration
- Poor learning resources provided directly by the University of Essex Online.

Students should be prepared to provide evidence in support of their allegations.

The definition of a complaint is very broad, and the list above is not exhaustive. However, some issues may be more appropriately considered under processes other than the complaints procedure. The complaints procedure will not normally cover:

- Appeals relating to assessments or academic progress or against a finding of guilt in relation to an academic offence (see Academic Appeals Policy and Procedure or Academic Offences Policy and Procedure)
- Complaints involving an allegation of misconduct by a student or dissatisfaction about an outcome of the Student Conduct Process (see Student Code of Conduct Policy).

## Reclassification and suspension of proceedings

Some situations can involve a combination of issues, some of which are complaints and others not, and each case will be assessed on a case by case basis. Where this happens, students will be informed which specific issues will be considered under which specific procedure and directed to the appropriate procedure for the remaining issues.

# Complaints Policy

Where there is an overlap, complaints may be reclassified by the University of Essex Online in consultation with the student and dealt with under an alternative, more appropriate procedure. Students will be informed of the implications, if any, of following two procedures at once, particularly where one procedure may be suspended pending completion of the other.

Alternatively, with the written agreement of the student, both procedures may be considered at the same time / in parallel and investigations carried out collaboratively by the respective departments where possible. The party with overall responsibility for the conduct of the matter and the final decision will be communicated to the student.

The complaints procedure may be suspended where the complainant refers it to a court, tribunal or other external organisation until the outcome of the external process is known.

## The complaints process

### **Stage One: Informal Resolution – to be completed within 14 working days from receipt.**

Anyone who has a complaint is encouraged to raise it at the point of becoming aware of it and to raise it with their Admissions Adviser or Student Adviser in the first instance. Complaints made at this stage may be made by phone, email or in writing.

The purpose of the informal resolution stage is to attempt to resolve as quickly as possible, complaints which are straightforward and require little or no investigation. If the matter cannot be resolved by the Admissions Adviser or Student Adviser, the relevant Head of Department may be asked to mediate in a continued effort to resolve the matter informally. If it is the Head of Department who is the subject of the comment or complaint, a Head of Department from another area will be asked to mediate. When seeking to resolve a complaint informally staff should bear in mind the timescales for raising a formal complaint so that students are not disadvantaged if the matter cannot be resolved informally.

Once it is clear that the matter cannot be resolved by informal means, a complaint should be made as soon as possible. It is much more likely that the matter will be resolved to the student's satisfaction if it is raised at an early stage.

The formal complaint procedure is designed to deal with any complaint a student might have that cannot be resolved by informal means, except for those matters for which there are separate procedures such as academic appeals. Any student who wishes to complain but is uncertain of the appropriate procedure should seek advice from their Admissions Adviser or Student Adviser.

### **Stage 2: Formal Complaints**

If the student is not satisfied with the outcome of informal resolution stage or where informal resolution is not possible due to the complexity or seriousness of the case s/he may initiate a formal complaint. A complaint should be raised within 3 months of the matter arising, otherwise the University of Essex Online may consider the complaint to be out of time.

# Complaints Policy

- 1) A Formal Complaint Form should be completed, setting out clearly the nature and origin of the complaint detailing what steps have been taken to resolve it informally and explaining why the outcome of the informal procedure is not considered appropriate or satisfactory. Complaint Forms can be downloaded from the learning platform. The completed form should be returned to the Director of Quality and Student Services, Kaplan Open Learning (Essex Limited), West Gate, 6 Grace Street, Leeds LS1 2RP.

Students are required to set out their concerns clearly and succinctly and to provide evidence to substantiate the issues raised where it is reasonable to expect them to have gathered and provided it. This may include medical evidence such as letters confirming attendance or treatment at a GP surgery or hospital or counselling service, reports by professionals such as psychologists or disability advisers, police crime numbers in the case of reported incidents, financial information such as evidence of lost income (where relevant to the complaint), bank statements or receipts or statements of witnesses to incidents where it is safe and helpful to provide these. Students should take care to raise all matters of complaint and put forward all supporting evidence at Stage 2, as they will not be able to raise new matters at Stage 3 and additional evidence will not be permitted unless they can show good reason why the new evidence/information was not available to them to put forward at Stage 2 and it is essential to the complaint. Students are encouraged to consider resolutions and be able to suggest an appropriate resolution. If at any time the student's expectations appear to be beyond what the University of Essex Online can reasonably provide or are not within the University of Essex Online's power to provide, they will be advised of this as soon as possible in writing.

A complaint will not be investigated if the form is not completed in full or if it is anonymous.

- 2) The Director of Quality and Student Services will acknowledge the complaint within five working days of receipt and will let the student know who will be dealing with the complaint.
- 3) The person dealing with the complaint will, within 10 working days of the referral from the Director of Quality and Student Services, contact the student and indicate what action they plan to take, and the date by which they expect any investigation to be complete. The University of Essex Online will endeavour to complete the processing of a formal complaint and any associated review within 90 calendar days. The 90-day timeframe requires students to meet any University of Essex Online deadlines for submission of material. There will occasionally be circumstances when, for good reason, the University of Essex Online will need to extend the timeframe. Where this is the case the student will be notified and regularly informed of progress.
- 4) The person allocated to consider the complaint will notify the student in writing of the outcome, providing clear explanations of the investigation and outlining the reasons for each decision. Where a complaint is upheld, the letter will also detail how and when we will implement any remedy.

The outcome of the complaint may be to:

- Dismiss the complaint, providing clear reasons why
- Issue an apology
- Provide access to a procedure – where appropriate, the student may be referred to an alternative process from which they had previously been barred or which was initially mismanaged
- Change arrangements regarding a student – this could include, for example, changes to supervisory arrangements or support arrangements.

# Complaints Policy

The person considering the complaint cannot:

- Change academic judgements
  - Change University of Essex Online policy and procedures
  - Make arrangements that will harm other students
  - Remove a member of staff
- 5) The response to the complaint will be copied to the Director of Quality and Student Services who will maintain a central record of complaints and who will report annually to the Academic Board.
- 6) If the Director of Quality and Student Services is the subject of the complaint, then a student should follow the same procedure except that the form should instead be sent to the Academic Director.

## **Stage three: Review by Kaplan Open Learning**

The formal procedure outlined above should ensure that a complaint is investigated thoroughly. However, occasionally a student may not be satisfied, and in that case s/he can request a formal review by the Managing Director of Kaplan Open Learning.

The request for a review must be submitted in writing within one month of the date of the letter containing the outcome of the stage one, setting out clearly the basis of dissatisfaction with the findings of the formal investigation at stage two. A request for review may be made on limited grounds, including, but not confined to:

- A review of the procedures at stage two;
- Consideration of whether the outcome was reasonable in all the circumstances;
- New material evidence which the student was unable, for valid reasons, provide earlier in the process.

The purpose of conducting a review is to consider whether any procedural irregularities occurred during stage one and whether the outcome was reasonable. The review will not usually consider the issues afresh or involve a further investigation.

- The Managing Director will acknowledge the request within five working days of receipt and will let the student know who will be dealing with the review.
- If the Managing Director decides that the case for review is not well-founded then s/he will dismiss it and will inform the student normally within 10 working days by issuing a Completion of Procedures letter.
- If the Managing Director decides that the case for review is well-founded then s/he will initiate an appropriate investigation and will let the student know, normally within 10 working days, when s/he can expect the review to be completed.
- When the investigation is complete the Managing Director will issue a Completion of Procedures letter containing details of the findings, and if the complaint is upheld, will indicate what the outcome will be.
- The response to the complaint will be copied to the Director of Quality and Student Services who will maintain a central record of complaints and report annually to the Academic Board.

## **The Office of the Independent Adjudicator for Higher Education**

Once the review stage has been completed, the student is entitled to ask the Office of the Independent Adjudicator (OIA), the independent ombudsman service of last resort, to look at his/her complaint. All applications to the OIA

# Complaints Policy

must be made within twelve months of the date of the Completion of Procedures letter issued by the University of Essex Online to the student.

The OIA considers complaints from people who remain dissatisfied at the conclusion of the University of Essex Online's internal complaints procedure. The OIA look at issues such as whether at the University of Essex Online, followed our procedures, whether those procedures were reasonable, and whether the final decision was reasonable in the circumstances. The OIA cannot normally look at complaints:

- Where the student has not progressed through all stages of the complaints procedures;
- Where the complaint refers to matters more than three years old;
- Where the Completion of Procedures letter is received outside the three-month time limit;
- Where matters have been or are being considered in court.

The OIA's Scheme Rules and guidelines are available on its website: [www.oiahe.org.uk](http://www.oiahe.org.uk).