



## Student Complaints Policy June 2015

### Introduction

- 1. Queen Mary defines a complaint as the expression of a specific concern about matters that affect the quality of a student's learning opportunities. This policy applies to all current students, up to and including a period of three months following the end of a student's period of registration.**
2. The Students Complaints Policy is overseen at the highest level of Queen Mary: the Principal has overall authority in the application of the policy; the Principal's authority is delegated as detailed below.
3. The emphasis of this policy is on handling complaints in a timely and effective manner. Queen Mary seeks to resolve complaints at an early stage where possible; many problems can be solved informally, without the need for a formal complaint. Where informal resolution is not possible, there are three stages which represent a formal complaint under this policy.
4. Queen Mary undertakes that any student who wishes to pursue a complaint under this procedure will not suffer detriment in his/her subsequent studies as a result of action taken under this policy. However, QMUL may consider taking disciplinary action under the Code of Student Discipline if a complaint is brought in bad faith, or is considered to be vexatious.
5. The Complaints Policy covers all concerns or complaints about both academic and non-academic services provided by Queen Mary. In the event that a formal concern about the conduct of another student is the subject of your complaint (for example bullying, harassment and discrimination) then the matter will be investigated under the Code of Student Discipline.
6. Complaints about financial services offered by QMUL are eligible for consideration under the Financial Ombudsman Service (FOS) scheme ([www.financial-ombudsman.org.uk](http://www.financial-ombudsman.org.uk)) once students have completed stages 1-3 of the complaints procedure.
7. There is a separate appeals process for requests to review decisions made about student progression, assessment and award. Appeals are considered under the Queen Mary Appeal Regulations - a copy of the regulations and information on submitting an appeal can be found at the following webpage: <http://www.arcs.qmul.ac.uk/students/student-appeals/appeals/index.html>

8. Research students who wish to submit a complaint should follow the stages outlined in this policy; however there is some further guidance for research students under the section headed Research Student Complaints.
9. All formal complaints will be recorded in the Appeals, Complaints and Conduct Office, including a note of the substance of the complaint and how the matter was resolved.
10. Complaint outcomes can lead to improvements in the services that Queen Mary delivers, and provide helpful feedback for enhancing the quality of learning opportunities. A report on the number of complaints received and the outcomes will be considered by both Senate and Council on an annual basis.
11. Queen Mary will seek to maintain confidentiality during a complaint investigation, however if a student names another member of Queen Mary in their complaint then the person(s) named will normally be informed of the nature of the complaint in order for them to provide a response. If a student is unable to disclose the name of an individual who is key to their complaint then it will not be possible to investigate the complaint.
12. If the outcome of a complaint leads to action under a separate procedure of Queen Mary, including staff policies operated by Human Resources, the complainant will receive a full response to the concern that they have raised. The outcome following any subsequent procedure (eg. the Code of Practice on Discipline) will remain confidential although the investigation report may be used as evidence in any further proceedings.

## Complaint Stages

13. Complaints must normally be made within 3 months of the incident being complained about. A complaint made after 3 months will not normally be accepted. A student must submit a complaint within 3 months of the end of their period of registration at Queen Mary or the complaint will not normally be considered.
14. The Complaints Policy has the following stages:

### **Informal Resolution**

Queen Mary supports and encourages an informal approach to complaint resolution where appropriate.

### **Stage 1 - Formal Complaint to Head of School/Institute or Head of Professional Service Department/or equivalent**

### **Stage 2 - Formal Complaint at Institutional level**

### **Stage 3 - Appeal to the Principal's nominee**

Stage 3 represents the end of Queen Mary's internal procedures. If a complainant is still not satisfied after Stage 3 then they can make a submission to the Office of the Independent Adjudicator.

### **Office of Independent Adjudicator (OIA)**

The OIA is the independent body that reviews student complaints for all Higher Education Institutions in England and Wales and is free to students. The OIA is not a further stage of Queen Mary's procedures and is not an appeal body.

## **Informal Resolution and Sources of Help and Advice**

15. A student should seek to resolve a concern informally as soon as possible. Queen Mary is committed to resolving problems informally where possible and encourages students to engage in this approach as many issues can be resolved without recourse to a formal complaint. Complaints resolved in this way avoid a protracted investigation, and are to the benefit of all parties.
16. Queen Mary has a number of sources of help and advice available to students which may be of benefit before and during the complaints process:
  - Your School or Institute
  - The Students' Union, particularly the Advocacy and Representation Manager
  - The Advice & Counselling Service
17. Matters relating to a programme of study are often best dealt with by approaching the relevant member of academic staff; this may be your Personal Tutor or the designated member of staff identified by the School/Institute. The member of staff will seek to resolve the matter through informal discussion. Students may also raise concerns with a student representative or through the Student Staff Liaison Committee.
18. Students can raise concerns at the Student Staff Liaison Committee meetings, particularly if the problem affects a number of students.
19. If your concern is about a Queen Mary service or venue, for example your halls of residence, you should first raise the matter with the relevant member of staff from that service area.
20. If the most appropriate contact is closely related to the complaint, for example a personal tutor or head of professional service, then it may be appropriate to proceed directly to Stage 2 of this policy.
21. Mediation is a useful way of resolving some matters and Queen Mary encourages students to use mediation where it may help resolve concerns. Please see Appendix 2 for more information about mediation.
22. If it is not possible to resolve a concern informally, then a student may submit a formal complaint under Stage 1 of this policy. If the student does not wish to submit a formal complaint then this is the end of the matter as far as this complaints policy is concerned and a formal complaint will not be recorded.

## **Formal Complaint**

### **Stage 1 - Formal Complaint at School/Institute/Professional Service Level**

23. If a concern cannot be resolved via informal means, or if the matter is relatively serious, then a Stage 1 formal complaint should be made.

24. To submit a complaint at Stage 1 you will need to complete the Stage 1 complaint form and send this to the Head of School/Institute (or their nominee), or to the Head of the relevant professional service (or equivalent).
25. The Head of School/Institute (or their nominee), or the Head of the professional service, will investigate your complaint, or appoint an investigating officer to investigate the complaint. The investigator may meet with you to discuss your complaint; he/she will also contact others involved in the complaint as appropriate.
26. You will receive a formal written outcome to your complaint, normally within 15 working days. The outcome letter will inform you of the outcome in response to your complaint including what action, if any, is to be taken to address your complaint.
27. If it is not possible to complete your complaint within 15 working days then you will be written to with an explanation as to the status of your complaint and when it is likely to be concluded.
28. Please note that while Queen Mary makes every effort to conclude complaints as quickly as possible, it may not always be possible to provide an outcome for a Stage 1 complaint within 15 working days. Some complaints may take longer than 15 working days to conclude at Stage 1; however QMUL endeavours to ensure that no complaint will take longer than three months to resolve.

## **Stage 2 – Formal Complaint at Institutional Level**

29. If you are not satisfied with the outcome of your Stage 1 complaint then you may submit Stage 2 which is a formal complaint at Institutional level.
30. A Stage 2 complaint must be submitted within two weeks of the formal notification of a Stage 1 outcome. Complaints submitted after this time will only be considered at the discretion of the Academic Registrar (or their nominee) where the complainant is able to demonstrate good reason for the delay.
31. Complaints will not normally be considered at Stage 2 unless they have first been considered at Stage 1, unless the problem is particularly severe and/or urgent, or there is a good reason why the complaint cannot be considered at Stage 1.
32. To submit a Stage 2 complaint you should complete the complaint form and submit this to the Appeals, Complaint and Conduct Unit in the Academic Secretariat, or by email to [appeals@qmul.ac.uk](mailto:appeals@qmul.ac.uk). You will also need to submit your Stage 1 complaint form and outcome letter.
33. A Stage 2 complaint will be investigated by the Academic Registrar's nominee; this will normally be a caseworker from the Appeals, Complaints and Conduct Unit. The caseworker will investigate the substance of your complaint, and may obtain written reports from relevant people regarding the circumstances of your complaint.

34. You will be sent a summary report of your complaint so that you have an opportunity to comment upon the facts of your case, particularly any points that you feel do not fairly reflect the circumstances. In order to ensure a timely response to a complaint a student is asked to provide any comments within 7 calendar days.
35. Once the investigation into your complaint is complete the caseworker will submit your case, together with a recommendation on a proposed course of action, to the Queen Mary Complaints Assessor for consideration.
36. The Queen Mary Complaints Assessor is a senior member of academic staff.
37. The Complaints Assessor will consider all the facts of the case and confirm whether the recommended outcome is fair and equitable.
38. You will receive a formal written outcome to your Stage 2 complaint, normally within 1 month. The outcome letter will inform you if your complaint is upheld or not upheld and of any subsequent action Queen Mary is taking following your complaint.
39. If it is not possible to complete your complaint within 1 month then you will be written to with an explanation as to the status of your complaint and when it is likely to be concluded.
40. Please note that while Queen Mary makes every effort to conclude complaints as quickly as possible, it may not always be possible to provide an outcome for a Stage 2 complaint within 1 month. Some complaints may take longer to resolve at Stage 2 for a variety of reasons; QMUL endeavours to ensure that no complaint will take longer than two months to resolve.

### **Stage 3 – Appeal to the Principal's Nominee**

41. If you are not satisfied with the outcome of your Stage 2 complaint, you may submit a Stage 3 appeal in writing to the Principal's nominee. A Stage 3 complaint will normally be considered by the Vice-Principal (Student Experience, Teaching & Learning) unless s/he has previously been involved in the case: in this event, the matter will be dealt with by another Vice-Principal.
42. A Stage 3 complaint must be submitted within 1 month of the formal notification of a Stage 2 outcome. Complaints submitted after this time will only be considered at the discretion of the Principal's nominee where the complainant is able to demonstrate good reason for the delay.
43. Whereas in each of the preceding stages of the Policy a full investigation of the matter is undertaken, the Vice-Principal will only be concerned with two issues:
  - was the complaint considered in accordance with this Policy
  - was the final decision reasonable and in accordance with the facts of the case.
44. Therefore the Vice-Principal will only take action if one of the grounds above is met. The Vice-Principal will provide a decision in writing via the Academic

Secretariat, normally within 1 month. This will be a Completion of Procedures letter and represents the end of Queen Mary's internal procedures.

### Submission to the Office of the Independent Adjudicator

45. If you are not satisfied with the outcome provided by Queen Mary following the decision of the Vice-Principal at Stage 3 you may submit a complaint to the Office of the Independent Adjudicator.
46. Information about submitting a complaint to the OIA is contained in the Completion of Procedures letter that you are issued with by Queen Mary following the outcome of a Stage 3 complaint. You can also find information about how to submit a complaint to the OIA on their website: [www.oiahe.org.uk](http://www.oiahe.org.uk).
47. The OIA will consider whether Queen Mary followed its policy correctly and whether the outcome is reasonable in the light of the facts of the case. Please note that the OIA will not normally consider a submission until a student has completed all Stages of Queen Mary's internal procedures.

### Research students

48. Research students who wish to submit a complaint should follow the Stages as outlined in the policy.
49. If a research student has a problem regarding their supervision they should address their concerns to their supervisor in the first instance and keep a clear record of this. Please refer to the Code of Practice for Research Degree Programmes, which provides the framework of procedures and practices to support research students and their supervisors.
50. If the situation is not resolved or concerns remain regarding supervision then students are expected to raise their concerns with their School/Institute's Director of Research as a Stage 1 complaint. A Stage 2 complaint regarding a student's supervision will not normally be considered unless the student has first discussed the matter with the Director of Research.
51. A student who makes a complaint regarding supervision will be treated in a non-detrimental manner, meaning their study at Queen Mary will not be jeopardised by them raising a concern in good faith.
52. Research students are reminded of the importance of raising concerns at the earliest possible opportunity. A student who only raises a concern regarding supervision after they have failed to progress or have failed to be awarded the PhD means that it is hard to rectify the problem.

### Appendix 1 – Principles

53. This Policy seeks to embody the following principles:
  - Students have the opportunity to raise matters of concern without risk of disadvantage. Anonymous complaints are not usually required or accepted; however, if you feel that there are exceptional circumstances relating to your

case you should submit a request for anonymity together with supporting evidence. It is important to note that raising a concern anonymously could impede the investigation of your case and the communication of the outcome.

- Positive engagement and the opportunity for early resolution.
- Complaints are handled in a timely, fair and reasonable manner.
- Natural justice – no person who has any direct interest in a complaint will be involved in deciding the outcome, and you will be guaranteed a fair consideration.
- Confidentiality – your complaint will be dealt with confidentially, and only the person(s) responsible for dealing with the complaint, and those who are parties to it, will be informed.
- Representation – you have the right to be represented when you make a complaint, or at any subsequent meeting to deal with the complaint.
- Group complaints – a number of students may bring a group complaint about the same concern if they have all been affected by the issue. Students wishing to bring a group complaint should nominate one person as the representative for the complaint who will act as the main point of contact during the process.

## Appendix 2 – Mediation

54. Mediation can be a helpful tool in resolving complaints at an early stage.
55. Mediation is a confidential and non-prejudicial. It involves discussion between the parties and the mediator. Only the fact that mediation took place and the outcome, successful or otherwise, will be formally recorded.
56. Mediation allows both parties to abide by the terms agreed and recourse to formal procedures will not be permitted.
57. If an agreement is not reached, this will not inhibit the capacity of either party to take up or resume formal procedures. Information that is disclosed within the mediation process cannot be directly used in any subsequent formal procedures.

## Complaint Flow Diagram

### Informal Stage

Most problems can be resolved through informal means, or by discussion. For example academic matters can be dealt with by approaching your tutor.

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### Formal Stage 1

Head of School/Institute  
or Head of Service

Complete Stage 1 complaint form and submit to Head of School/Institute or Head of relevant Service.

Matter not resolved



### Formal Stage 2

Institutional Level

Submit complaint form to Appeal Complaint and Conduct Office  
[appeals@qmul.ac.uk](mailto:appeals@qmul.ac.uk)

Matter not resolved



### Formal Stage 3

Appeal to Vice-Principal

Submit in writing to Vice-Principal  
c/o [appeals@qmul.ac.uk](mailto:appeals@qmul.ac.uk)

### End of Queen Mary Internal Procedures

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Dissatisfied with outcome



### Office of Independent Adjudicator (OIA)

Submit form to the OIA.  
Please visit their website  
[www.oiahe.org.uk](http://www.oiahe.org.uk)





## Procedures for dealing with Complaints about the Students' Union

### Introduction

1. The governing body of Queen Mary, University of London (QMUL) (Council) has a duty under the 1994 Education Act (the Act) to ensure certain requirements are observed by or in relation to Queen Mary, University of London Students' Union (QMSU), including relating to complaints. As required by the Act, Council issues, and revises as necessary, a Code of Practice setting out the arrangements in place to ensure these requirements are carried out, and such Code of Practice is brought to the attention of students once a year. These procedures set out the responsibility of QMUL in relation to complaints about QMSU as referred to in the Code of Practice.

### Scope

2. QMSU is a separate legal entity from QMUL. QMUL can make recommendations to the Board of Trustees of QMSU but cannot overturn or vary a decision made by or on behalf of QMSU. To do so would be beyond QMUL's powers (*ultra-vires*).
3. The enforcement of these procedures is the responsibility of the Academic Registrar and Secretary to Council or their nominee.

### Procedure

4. Section 22 (2) of the Act requires that Council satisfies itself that there should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with QMSU, or claim to be unfairly disadvantaged by reason of their having exercised the right not to be a member of QMSU or represented by it. Such complaints procedure should include provision for an independent person appointed by Council to investigate and report on complaints, and complaints should be dealt with promptly and fairly and, where a complaint is upheld, there should be an effective remedy.
5. In most cases QMUL will recommend that issues relating to QMSU are dealt with through QMSU's processes using the following categories for guiding principles
  - 5.1. Issues that are political in nature (e.g. an elected officer not carrying out a mandate from Student Council) should be dealt with in that arena. QMUL will not deal with complaints of this nature where they do not fit into another category.
  - 5.2. Issues which relate to staff members of QMSU, including QMSU's Officer Trustees, or of its trading subsidiary in their capacity as employees (whether of QMUL or of QMSU or its trading subsidiary) should be dealt

with under the applicable employment procedures.

- 5.3. Issues which concern elections falling within the remit of QMSU's Election Byelaw 10 should be dealt with in accordance with that byelaw. For the avoidance of doubt, in any such case, QMUL will not make a decision on the issue other than as provided for in that Byelaw.
- 5.4. Issues that are related to the conduct of students in their actions for or in relation to QMSU (such as behaviour between members of a society) will usually be dealt with first through the QMSU Code of Conduct and Disciplinary Procedure (Bye-Law 19). The matter may be referred by QMSU to QMUL under the QMUL Code of Student Discipline or under 5.6 below.
- 5.5. Issues that are criminal in nature will be reported to the police.
- 5.6. QMUL in all cases reserves the right to deal with matters that may entail a reputational risk to QMUL through its own procedures rather than the QMSU procedures. This decision will be made by the Principal, the Academic Registrar and Secretary to Council or their nominee.
- 5.7. Complaints not referred to under the above procedures, codes or circumstances will be dealt with first in accordance with the QMSU Complaints Procedure (Bye-Law 21).

#### **Investigation by an independent person appoint by the College**

6. Subject to Clause 5 above, if students are dissatisfied with their dealings with QMSU, or if they claim to be unfairly disadvantaged by reason of having exercised their right not to be a Member of QMSU, they are entitled, as provided for in Clause 7 below, to apply to QMUL, for the matter to be investigated and reported upon by an independent person appointed by Council. QMUL will normally require procedures provided for or referred to in the QMSU Complaints Procedure, where relevant, to have been fully completed first. The independent person will normally be the College Assessor. Only formal complaints will be considered by the College Assessor.
7. The eligible grounds for complaint by students shall be one of the below:
  - 7.1. That, under the QMSU Complaints Procedure (Bye law 21), a QMSU Review Panel did not carry out their role in accordance with the procedures set out in such Bye law or in accordance with applicable law.
  - 7.2. That, under the QMSU Code of Conduct and Disciplinary Procedure (Bye law 19), a QMSU Disciplinary Panel or Appeal Panel did not carry out their role in accordance the procedures set out in such Bye law or in accordance with applicable law.
  - 7.3. That, following referral of a complaint under the QMSU Complaints Procedure (Bye law 21) to be dealt with under the QMSU Employment Disciplinary Procedure for Officer Trustees, a QMSU Disciplinary Panel or Appeal Panel did not carry out their role in accordance with that procedure or any applicable law.

8. The College Assessor may nominate any person who is not a member, officer or member of staff of QMSU to investigate matters on their behalf. Usually this will be a member of staff within the Academic Registry and Council Secretariat. Any decision under 10.1 below will be made by the College Assessor and not any nominee.
9. The College Assessor will not normally consider complaints relating to decisions of any QMSU Panel notified to the complainant more than 14 days previous to the complaint being made.
10. The College Assessor will not reconsider the case itself but consider whether the relevant Panel carried out their role in accordance with the relevant procedures and any applicable law.
  - 10.1. The College Assessor will either:
    - 10.1.1. decide that the relevant Panel carried out their role in accordance with the relevant procedures and any applicable law and that no further action should be taken, or
    - 10.1.2. recommend to the Board of Trustees of QMSU that the decision be reviewed, giving reasons why they believe that the relevant Panel did not carry out their role in accordance with the relevant procedures or any applicable law, such review to be undertaken by a Review Panel, which shall comprise, as a minimum, one QMSU external trustee and one other QMSU trustee. Where possible no member of such Panel will have had any prior involvement with the case.
  - 10.2 The decision whether to accept the recommendation of the College Assessor will rest with the Board of Trustees. Subject to Clause 10.1.2, the constitution of, the remit of and the procedure to be followed by any relevant Review Panel will be determined by the QMSU Board of Trustees. The decision of the any such Review Panel will be final.
  - 10.3 The decision of the College Assessor will be outlined in a Completion of Procedures letter.
11. If a student is unhappy with a decision under this *Procedure* may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA can only look at the acts or omissions of a Higher Education Institution (such as QMUL). The OIA's remit does not cover acts or omissions of a Students' Union, nor those of its officers. Therefore, the scope of its review is limited to whether the institution followed its procedures correctly when considering a complaint by a student against a Students' Union and whether the institution's final decision was reasonable in all the circumstances.