

MANGING STUDENT CONCERNS AND COMPLAINTS – A GUIDE TO THE OIA FRAMEWORK





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INTRODUCTION

The requirements for responding to student complaints and concerns were changed by the OIA in September 2015 so further and higher education bodies would be wise to ensure their staff are aware of those changes, and that your institution works to meet the Framework. The framework now informs how the OIA considers complaints – and they can fine an organisation many thousands of pounds for doing things wrong, when it comes to responding to student complaints.

The OIA Scheme Rules mean you may need to train your academics and senior staff to ensure you comply with the new rules. The Scheme was informed by existing good practice, early resolution pilots', and feedback from student unions and students, so even though it is non-regulatory and acts as operational guidance, it has a good basis for being taken forward in your organisation.

Because if a provider departs from Framework, the OIA will consider whether that was reasonable: the test the OIA applies is whether the decision or action taken could be said to be "reasonable in all the circumstances".

The OIA offers a model of best practice – complemented by Chapter B9 of QAA Quality Code which can be found [here](#) – so you can develop your own procedures to fit your organisation's size and academic context.

This paper outlines the key elements of the Framework for you to be aware of.

The framework generally covers student complaints against the organisation relating to the delivery of teaching, support services, administration, facilities, or other aspects of the student's relationship with the institute; and not disputes regarding matters of academic judgment.

THE AIMS OF THE FRAMEWORK

To ensure that

-  Student complaints and academic appeals are dealt with as quickly as possible
-  Your processes, your decisions and the reasons behind those decisions are clear
-  Students are, and feel, supported by their place of learning.



The OIA has introduced 8 principles to help avoid the typical elements that go into a 'bad' complaint, which is when students are:

- 🚩 not clear about the issues
- 🚩 not clear about their preferred outcomes
- 🚩 include irrelevant materials, or a total lack of evidence
- 🚩 inflammatory or abusive

It is in everyone's interests if students are helped to put together a proper 'complaint' when they feel they have one, so that responding to it fairly, quickly and appropriately is easier and quicker for you.

THE 8 PRINCIPLES

ACCESSIBILITY

- 🚩 Your complaints procedure must be open to anyone who was or is a student at your organisation
- 🚩 It must be easy to navigate and available in a variety of formats depending on your students' needs
- 🚩 It needs to give students clear information about how they can access advice and support, for example from your student advice service

CLARITY

Your complaints and concerns policy and procedure needs to be:

- 🚩 well sign-posted and easy to find
- 🚩 easy to understand – think about getting it kitemarked for ease of reading as increasing numbers of students don't have English as their first language
- 🚩 clear about the definitions of what is a complaint, and what the grounds of appeal are
- 🚩 very clear about time limits including after a student has ceased studying (for any reason)
- 🚩 clear that a student who makes a complaint in good faith will not be adversely affected by the fact of the complaint, and there will be no impact on their academic career, whether or not the complaint is upheld.



PROPORTIONALITY

- 🔥 The recommendation is that your procedure has three stages, moving from informal to formal. Generally, a student should not progress a complaint to a higher stage unless all lower stages have been completed.
- 🔥 And it needs to be flexible, so that a student can raise issues which fall under more than one procedure. For example, if a student submits a complaint which *inter alia* includes allegations about sexual harassment by a tutor, your policy should inform the student that the investigation into the other matters will be suspended while the harassment allegation is investigated under your Dignity at Work/bullying and harassment procedure.
- 🔥 When you have completed an investigation, you should issue the student with a Completion of Procedures Letter which sets out the issues that you have considered, your final decision, and the deadline for their bringing a complaint to the OIA. This deadline is now 12 months from receiving your letter. None the less, encourage students to submit their complaints as soon as they are able to, without waiting until the deadline.

TIMELINESS

- 🔥 There should be reasonable and transparent time limits for students to submit complaints and any subsequent appeals
- 🔥 The formal and the review stages should normally be completed within 90 calendar days
- 🔥 Your policy should allow flexibility to respond to complaints that require swift action. For example, a student diagnosed with dyslexia before final examinations is given a support plan but they are unhappy with this and submit a complaint. It would be important to give consideration of the complaint quickly, and implement any changes to the support plan before the examinations
- 🔥 You need to make reasonable adjustment to your timeframes if necessary. For example, a student receives disability support for mental health difficulties, and submits an academic appeal on this basis, but submits it late. Disability Support confirm that the student has difficulty meeting deadlines, so it would be reasonable to extend the deadline to remove any disadvantage to student.



FAIRNESS

- It is essential that each party involved has an equal opportunity to present the facts as they see it.
- When you reach a decision, this needs to be given to the student.
- For appeals that are being considered by a panel, information should be provided to the student before the panel meets. This should include the date, options if the student cannot attend, the names and job titles of the panel members, the names and roles of any attendees, whether the student can be accompanied, an outline of how the meeting will proceed and copies of all documentation that will be considered

INDEPENDENCE

- It's essential to ensure that decisions are taken by people without any actual or perceived conflicts of interest. For example, when a complaint goes before a panel, those on the panel should have had no previous involvement at any Stage in the framework.

CONFIDENTIALITY

- You must ensure that there are appropriate levels of confidentiality which do not give the student a disadvantage.
- It's good practice for procedures to set out in what circumstances different elements can be kept confidential.
- Remember The Data Protection Act may apply to information you keep about individual complaints.

IMPROVE STUDENT EXPERIENCE

- One aim for the procedure is to improve the experience of the student body over time; so capture learning from each complaint and feed this back to senior managers
- It is important to ensure that decisions are made consistently
- Ensure that decisions are made at the right level in the organisation.
- If actions need to be taken, then ensure these are followed up by the investigator to ensure the actions take place.
- It is good practice to record complaints and appeals in sufficient detail so you can use the data for analysis and management reporting.



SUMMARY OF RECOMMENDED STAGES

STAGE 0: INFORMAL COMPLAINT

The majority of concerns and complaints should ideally be resolved informally at “Stage 0” - through discussion and negotiation between the student and staff at the point closest to where the issue originated.

The student should be specific about the problem as they see it, and describe it succinctly, provide supporting documentary evidence where available and appropriate and state their preferred outcome.

Unless the issue can be resolved immediately, the member of staff receiving a Stage 0 complaint should respond to the complainant by email within three working days, even when the complaint was raised verbally. This acknowledgment should indicate the likely timescale for a full response to be received if further investigation is required.

The email trail should be kept by the member of staff who carried out the investigation.

Where resolution cannot be achieved, the student should be given the option of pursuing the matter under the Stage 1.

STAGE 1: RAISING A FORMAL COMPLAINT

A student should submit their complaint in writing, by email or by your Complaints Form, to the person responsible for the area within which the complaint arose. In the majority of cases this will be the Head of School.

The student needs to give:

-  Their name, address, contact telephone numbers, University email address, student number and programme of study
-  outline the nature of their complaint attaching any supporting evidence where available
-  outline the steps they have taken to resolve the complaint informally at Stage 0
-  the details of the outcome they are seeking.

The person who is authorised to consider a complaint at Stage 1 then instigates an investigation into the issues raised and sends their full response within four weeks of submission of the Stage 1 complaint, unless a complex or prolonged investigation is required, in which case you need to keep the student informed of the likely timescales.



Formally record the Stage 1 complaint and the response (anonymised) and report to your relevant Student Experience body.

If the student remains unsatisfied, they may then pursue the complaint to a Stage 2 investigation.

STAGE 2: ESCALATION OF A FORMAL COMPLAINT (THE 'APPEAL' STAGE)

The student may, within a reasonable period, request an independent review of how Stage 1 was handled by the university. Such a request should be made in writing or via a complaint form if you have one. In addition to the information given by the student in Stage 1, they should also explain why they are dissatisfied.

A senior manager not previously involved, such as The University Secretary, should then review the complaint, and decide whether the Stage 1 outcome was reasonable in the circumstances; they may also consider any new information and interview others as appropriate in order to determine a suitable resolution. This senior manager should submit their report to the Pro-Vice-Chancellor or equivalent, with a recommendation as to the resolution to the complaint. The Pro-Vice-Chancellor then issues the formal Stage 2 response and the Completion of Procedures letter.

The Stage 2 complaint and response should be formally recorded, and anonymised details sent to the relevant body with oversight for student experiences, and the institute's governing Council.

ABOUT CMP RESOLUTIONS

Our expertise has been built since 1989. Our clients have an ongoing relationship with us because we are ethical and value-driven: we provide value for money and work as a trusted partner; we are flexible and adaptable – we need to meet your needs! And we are nice people - if we can help, we will.

As well as investigation training, we also provide outsourced investigation services, including for student complaints.

FOR MORE INFORMATION OR FOR A BESPOKE PROPOSAL CONTACT

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