



Senate

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| Paper Title | Appeal regulations 2015-16 and updated complaints policy |
| Outcome requested | Senate is asked to approve amendments to the appeal regulations for 2015-16 and updates to the complaints policy. These changes are recommended to bring QMUL's regulations and policies for handling appeals and complaints in line with the Office of the Independent Adjudicator's (OIA) <i>Good Practice Framework for Handling Complaints and Appeals</i> . |
| Points for Senate members to note and further information | The OIA's Good Practice Framework is available as follows: OIA good practice framework The framework was prepared following extensive consultation with the sector, including institutions, students' unions and complaints handling organisations. The document sets out underlying principles and operational guidance to support institutions in adhering to best practice for the management of student casework. |
| Questions for Senate to consider | <p style="text-align: center;">Appeals</p> <ul style="list-style-type: none"> • Should schools and institutes offer students the opportunity to discuss a possible academic appeal with a member of staff to resolve some cases at an early stage? • Is Senate content to reintroduce the final review stage for appeals, to be conducted by the Vice-Principal (Student Experience, Teaching and Learning) or the Academic Registrar and Secretary to Council? <p style="text-align: center;">Complaints</p> <ul style="list-style-type: none"> • Does Senate endorse the inclusion of a note on anonymous complaints and student recourse to the Financial Ombudsman Service in the updated Complaints Policy? |
| Regulatory/statutory reference points | Aligns with: <i>Office of the Independent Adjudicator, Good Practice Framework for Handling Complaints and Appeals</i> <i>Quality Assurance Agency, UK Quality Code for Higher Education, Chapter B9</i> |

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| Strategy and risk | <p>The proposed amendments align with Strategic Aim 3: to provide all our students, wherever based, an education that is judged internationally to be of the highest quality, and which exploits innovations in teaching, learning and assessment.</p> <p>Although the OIA's Framework is not compulsory, institutions are expected to demonstrate that they have considered the guidance and that they have sound reasons for deviating from the good practice recommendations.</p> |
| Reporting/ consideration route for the paper | Senate to approve. |
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| Sponsor | Professor Susan Dilly, Vice-Principal (Student Experience, Teaching and Learning) |

1. Office of the Independent Adjudicator, Good Practice Framework for handling complaints and academic appeals

- 1.1 QMUL has mapped its existing practice for handling complaints and appeals against the OIA's Good Practice Framework, published in December 2014. The guidance has been developed in consultation with the sector and although it is not mandatory, institutions are expected to have sound reasons for deviating from the good practice recommendations. Institutions are asked to complete the review of their current approach to case-handling in time for any changes to be implemented by the start of the 2015-16 academic year.
- 1.2 This paper provides a summary of the proposed changes to policy and procedure for handling academic appeals and complaints at QMUL. ARCS has discussed the proposals with the Students' Union and has sought the view of the Education Quality Board. Final drafts of the appeal regulations and complaints policy are presented to Senate for consideration for approval.
- 1.3 The OIA's guidance recommends that institutions' processes for handling appeals and complaints should be transparent, efficient and fit for purpose. There is an expectation that appeal and complaint cases will be concluded within 90 days of the start of the formal stage; the proposed amendments below are suggested in order to remove potential delays in the process and to enable a swift resolution.

2. Academic appeals: results surgeries

- 2.1 The *Good Practice Framework* recommends the early resolution of appeals where possible, noting that academic appeals may not be readily amenable to early resolution because of the sovereignty of academic judgement. In the light of this constraint, the OIA recommends the use of 'results surgeries', or equivalent, at key points in the assessment process.
- 2.2 The Education Quality Board (EQB) discussed the use of 'results surgeries' or similar, and felt that this issue required further consideration since the practical implications of providing feedback of this type to a large cohort could be problematic. Members of EQB also felt that it could be difficult for academic colleagues to provide feedback on a module with which they were unfamiliar.
- 2.3 The Education Quality Board was also concerned that the purpose of the meeting to discuss assessment results would need to be clear in order to manage student expectations. The OIA has provided a case study to summarise what it might expect institutions to implement in order to provide a route for the early resolution of academic appeals as follows:

" A student is concerned about her examination result and wants to make an academic appeal. The university's appeal regulations include an early resolution process under which students can discuss concerns about assessment outcomes with a member of staff. The student attends a meeting with her Head of Department and they discuss her concerns. The Head of Department explains how the

examination was marked and moderated, and checks the marks awarded are correctly recorded on the results database. The student is reassured that the examination has been marked properly and the marks recorded accurately. The Head of Department explains how she can appeal if she remains dissatisfied. A note of the meeting is made.” (OIA, The good practice framework for handling complaints and academic appeals)

- 2.4 **Senate is asked to consider whether schools and institutes should offer students the opportunity to discuss a possible academic appeal with a member of academic staff.**

3. Academic appeals: final review stage

- 3.1 QMUL removed the final review stage from its appeal processes from 2013-14; this was formerly conducted by the Vice-Principal (Student Experience, Teaching and Learning). The rationale for this decision was to streamline the case handling process internally, enabling students to take their case to the OIA for external review as quickly as possible if this was something that they wished to do. QMUL will reintroduce the final review stage for 2015-16.
- 3.2 The Education Quality Board agreed that the final review stage should be reintroduced to the appeal regulations. EQB also discussed who might conduct this review and agreed that it would be either the Vice-Principal (Student Experience, Teaching and Learning) or the Academic Registrar and Secretary to Council. It is important for this stage of the process to be conducted by an expert in QMUL's assessment procedures, with the reviewer having the authority to act quickly where there is cause for intervention before the completion of our internal procedures. **Senate is asked to consider the Education Quality Board's recommendation, as drafted in the revised appeal regulations for 2015-16.**

3. Complaints policy

- 3.1 The Education Quality Board considered possible amendments to the complaints policy and agreed that the consideration of cases by the College Assessor should remain part of the stage two complaint handling process.
- 3.2 An updated version of the complaints policy is presented to Senate for approval. The policy was revised in 2014-15 so there are minimal changes required to the policy itself. A note on anonymous complaints has been added to appendix 1, together with the inclusion of students' recourse to the Financial Ombudsman Service. **Senate is asked to consider these amendments for approval.**
- 3.3 Further work is required to support the implementation of the complaints policy across QMUL. This will include training for all staff on the informal resolution of complaints and stage one of the process at school/institute/directorate level. Complaints about staff are covered by the complaints policy and ARCS is working with Human Resources to develop a supporting document to explain where HR procedures will supersede the complaints policy.

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Deputy Academic Registrar

Appeal Regulations 2015-16

- 2.141. The *Appeal Regulations* provide a single process for students who wish to appeal against outcomes arising from the following procedures:
- i. decisions of examination boards or research degree examination panels on assessment, progression or award (academic appeals);
 - ii. *Regulations for Assessment Offences*;
 - iii. decisions to terminate the registration of a student (including research students);
 - iv. *Professional Capability and Fitness to Practise Procedure*, as detailed in the *Code of Student Discipline*;
 - v. *Student Disciplinary Procedure*, as detailed in the *Code of Student Discipline*;
 - vi. disciplinary actions taken under the Library Regulations;
 - vii. disciplinary actions taken under the Residences Regulations;
 - viii. decisions on student bursaries, scholarships and grants administered by QMUL.
- 2.142. Chairs and Deputy Chairs of Appeal Panels shall be appointed by Senate, normally for a term of three years. Deputy Appeal Chairs shall have the authority to act in situations where the Chair is absent, has a conflict of interest, or requests that the Deputy Chair acts.
- 2.143. Senate shall appoint Chairs and Deputy Chairs to the following categories:
- i. Queen Mary Appeals Panel, including:
 - a. academic appeals;
 - b. decisions to terminate the registration of a student (including research students);
 - c. decisions on student bursaries, scholarships and grants administered by Queen Mary;
 - d. decisions arising from the application of regulations other than those detailed above.
 - ii. Assessment Offences;
 - iii. Professional Capability and Fitness to Practise, for students registered for primary qualifying medical and dental qualifications and Foundation Year One doctors;
 - iv. Student Disciplinary Committee.

Definitions

- 2.144. In the *Appeal Regulations*:
- i. *Outcome of a procedure* refers to a decision, result or other outcome from the relevant procedures and regulations;
 - ii. *Academic appeal* refers to a request for the review of an examination board decision or research degree examination panel on assessment, progression or award;
 - iii. *Completion of Procedures letter* refers to the letter provided at the end of QMUL's internal procedures. The Completion of Procedures letter provides details of the appeal, a summary of the evidence submitted and considered, the decision of QMUL to uphold or reject the appeal, and the reason for the decision.
 - iv. Where the *Academic Registrar* is referred to, this includes the Academic Registrar or their nominee.

Authority and delegations

- 2.145. Senate shall be responsible for the approval of the *Appeal Regulations*.
- 2.146. The Principal shall assume overall responsibility and authority for the operation of QMUL's regulations. The Principal shall normally delegate authority for the operation of the *Appeal Regulations* to the Academic Registrar. The Principal may authorise substitutes to act where any person referred to in these regulations is unable to do so.
- 2.147. The Academic Registrar may delegate authority to a senior member of administrative staff.

Grounds for appeal

- 2.148. A student may appeal on one or more of the following grounds:
- i. procedural error: Where the process leading to the decision being appealed against was not conducted in accordance with QMUL's procedure, such that there is reasonable doubt as to whether the outcome might have been different had the error not occurred. Procedural error shall include alleged administrative or clerical error, and bias in the operation of the procedure.
 - ii. that exceptional circumstances, illness, or other relevant factors were not made known at the time for good reason, or were not properly taken into account.
- 2.149. 'Good reason' requires a student to demonstrate that circumstances beyond their control prevented the disclosure of the relevant facts at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances shall not count as 'good reason' for the purposes of these regulations.
- 2.150. In all cases, the original outcome is final and not varied until and unless a successful appeal results in an alternative decision. For example, where a student is excluded due to academic failure, the student shall not be reinstated until the appeals process is complete and the outcome of the appeal results in an amendment to the original decision. Similarly, a student issued with notice to quit their room in halls of residence must leave QMUL accommodation on the prescribed date; extensions to the notice period shall not be granted, and the student shall be re-housed only in the event that the notice to quit is revoked as a result of the appeal process.

Submitting an appeal

- 2.151. A student must submit an appeal to the Appeals, Complaints and Conduct Unit in writing by completing the appeal form. In the appeal form, the student must detail the decision being appealed against, present the grounds on which the appeal is made, outline the supporting evidence to be submitted and state whether an interview with the a caseworker from the Appeals, Complaints and Conduct Unit is requested.
- 2.152. An appeal must be received within 14 days of the formal notification of the decision being appealed against. This shall normally be the date given on the decision letter, or else the official publication of results date. The Assistant Academic Registrar (Student Casework) may exercise discretion to consider and allow a late request where a student demonstrates good reason for delay.
- 2.153. Supporting evidence must be submitted by the student together with the appeal request or within seven calendar days of submission of the appeal, and must provide evidence of the points covered in the written request for appeal (for example, medical certification). The Assistant Academic Registrar (Student Casework) may exercise

discretion to allow late submission of evidence where a student demonstrates good reason for delay.

Actions on receipt of a request for appeal

- 2.154. On receipt of an appeal request, the Assistant Academic Registrar (Student Casework) shall allocate the request to a caseworker who will determine if the appeal was submitted in time, as specified above.
- 2.155. If an appeal is determined to be out of time then a Completion of Procedures letter shall be issued to reflect this decision. Where an appeal is deemed to be out of time, the substance of an appeal shall not be considered.
- 2.156. Where an appeal is deemed to be submitted in time, the caseworker shall be responsible for investigating the substance of the appeal. These enquiries may involve consulting documentation from the process leading to the original decision, discussions with those responsible for the original decision, interviewing the student, and other relevant enquiries. The details of the investigation will be shared with the student, who will be invited to comment upon the summary report and any additional evidence relating to the case.
- 2.157. The caseworker and the Chair of the relevant Appeal Panel shall consider the appeal to determine whether it should be upheld or rejected based on the grounds for appeal specified above.
- 2.158. Where the caseworker and appropriate Chair cannot agree upon a course of action, or the case is deemed to be more complex, cases shall be referred to the Appeal Panel for consideration.
- 2.159. The caseworker and the Chair shall consider all appeals on their merit; however, the following shall not be deemed legitimate grounds for appeal. Any appeal founded exclusively on one or more of these grounds shall be rejected automatically:
- i. appeals against the academic judgement of internal or external examiners;
 - ii. appeals based upon the informal assessment of a student's work by members of academic staff;
 - iii. retrospective reporting of extenuating circumstances that might reasonably have been made known at the proper time;
 - iv. marginal failure to attain a higher classification of award;
 - v. in the case of disciplinary matters, the provision of an apology by a student for their actions shall not be deemed reason for an appeal to be heard;
 - vi. lack of awareness by a student of the relevant procedure or regulations;
 - vii. vexatious or frivolous appeals.

Notification of outcome of an appeal

- 2.160. A student shall normally be notified of the outcome of their appeal within two calendar months of the date of submission of their appeal. Where a case is likely to take longer than two months, students shall be notified to this effect. The outcome of an appeal shall be contained in the Completion of Procedures letter.

Actions where an appeal is upheld

- 2.161. Where an appeal is upheld, and the grounds of appeal are of either an administrative or regulatory nature, the Assistant Academic Registrar (Student Casework) and appropriate Chair may take action to remedy the situation without referral to the original decision making body.

2.162. Where an appeal is upheld and there is substantive evidence that extenuating circumstances were either not considered appropriately, or for good reason could not have been made known at the time of the original decision, the caseworker and appropriate Chair shall refer the case back to the body that made the original decision for reconsideration.

2.163. For appeals where the decision is referred back to the examination board, the Chair of the examination board shall consult with the relevant internal examiner and the Assistant Academic Registrar (Student Casework). Chair's action may be employed where decisions are beneficial to students (that is, less severe than the original decisions). Otherwise, the examination board shall be reconvened to consider the case.

Actions where an appeal is not upheld

2.164. If the Chair and caseworker are in agreement that there are no grounds for appeal then the appeal shall not be upheld and an outcome letter shall be issued. If the student believes that there are grounds to suggest that the appeal was not handled in an appropriate or fair manner, the student may request a final review of the case. If the student does not have grounds for a final review then the student can request a Completion of Procedures letter. A student whose appeal is not upheld may submit an application to the OIA (see below).

Appeal Panel composition

2.165. The membership of the Appeal Panel shall be as follows:

- i. a Chair, appointed by Senate for the relevant category of appeal. If for any reason the Chair or Deputy Chair is unable to act, the Principal shall appoint an Acting Chair;
- ii. a member of academic staff of a cognate department to that of the student (normally in the same faculty), drawn from the membership of Senate;
- iii. a member of the academic staff, drawn from the membership of Senate;
- iv. one student member, normally the President of the Students' Union.

2.166. There shall be a Secretary to the Panel, who shall be present throughout the hearing including the deliberations of the Panel. The Secretary may provide advice to the Panel with regard to the *Academic Regulations*, but the Secretary shall not be involved in the decision making process.

2.167. For appeals against a decision of the Professional Capability and Fitness to Practise Committee, for students undertaking primary medical or dental qualifications including Foundation Year 1, an additional member shall be appointed. This member shall either be drawn from the Postgraduate Deanery, or else be a senior member of staff from another medical or dental school. The additional member shall be a registered practitioner of the profession in question.

2.168. Members of the Appeal Panel shall not have been involved in making the decision being appealed against.

2.169. Excepting appeals against decisions of the Professional Capability and Fitness to Practice Committee, and excepting all Chairs, Appeal Panels shall be individually constituted for each case or group of cases by Chairs, on the advice of the Academic Registrar, drawing upon the categories of membership identified above.

Appeal Panel terms of reference

2.170. The terms of reference of Appeal Panels are:

- i. to hear the student's submission;
- ii. to hear QMUL's submission;
- iii. to consider and determine whether or not the appeal is upheld or not upheld, based on the permitted grounds of appeal specified above;
- iv. to agree:
 - a. to uphold the original decision; *or*,
 - b. to refer the original decision back to the relevant body for reconsideration; *or*,

- c. to uphold the appeal and agree an appropriate course of action for the case. Where a range of penalties were available to the original decision making body, Appeal Panels may impose more severe penalties than those that were originally imposed.

Appeal Panel procedure

2.171. The student shall receive at least ten calendar days' notice, in writing, of the date, time and location of the Appeal Panel hearing.

2.172. The Appeal Panel shall receive the original documentation considered by the decision making committee, and any relevant additional documentation relating to the appeal; this shall include the written appeal request and any response to the request from QMUL.

2.173. The student shall receive the same set of documentation as the Appeal Panel.

2.174. All papers and proceedings shall be confidential.

2.175. The student may be accompanied, or represented, by any one person of their choosing.

2.176. A QMUL representative shall put QMUL's case to the Panel, and shall be present throughout the hearing but not during the Panel's deliberations.

2.177. Witnesses may be called to the Appeal Panel where permitted by the Chair.

2.178. The Appeal Panel meeting shall normally follow the following format:

- i. the members of the panel shall be introduced to those present;
- ii. the student (or representative) shall be asked to address the Appeal Panel as to the substance of their appeal. The student and the QMUL representative may remain present throughout. The Appeal Panel members shall ask the student questions relevant to the case;
- iii. the QMUL representative shall put forward QMUL's case. The Appeal Panel shall ask the QMUL representative questions relevant to the case;
- iv. the Appeal Panel shall meet alone with the Secretary to consider its decision.

2.179. The Appeal Panel shall inform the student of its decision and the reasons for it within three working days of the meeting. The decision shall be confirmed in writing within seven days of the meeting, in a Completion of Procedures letter.

Final Review

2.180 A student dissatisfied with the outcome of an appeal may request a final review by the Principal's nominee within fourteen days of the appeal outcome letter if they believe

that their case has not been handled properly or fairly. This request must be submitted on the relevant form to include explicit reasons for requesting the review. The Principal's nominee has discretion to allow and consider late requests where a student is able to demonstrate good reason for the delay.

2.181 The final review process will involve a review of the existing case file to determine whether appeal procedures were followed appropriately and whether the outcome was reasonable in the light of the available evidence. New issues or evidence will not be considered at the review stage unless the student is able to demonstrate why this evidence was not made available with the formal request for an appeal.

2.182 If the Principal's nominee determines that the case was not handled in accordance with proper procedures, the Principal's nominee has authority to take corrective action where appropriate, or may refer the case back to the Appeals, Complaints and Conduct Unit for reconsideration under the appeal regulations.

2.183 The review by the Principal's nominee is the final stage in QMUL's procedures. The outcome of the final review will be communicated to the student in a Completion of Procedures letter. The final review stage will normally conclude twenty one days after the request has been submitted. QMUL aims to complete all stages of its appeal procedures within ninety days. In cases where it is necessary to exceed ninety days, students will be informed of the reasons for the delay, together with a revised timeframe for the conclusion of the case.

Review by the Office of the Independent Adjudicator for Higher Education

2.184. A student not satisfied with the outcome provided by QMUL following receipt of their Completion of Procedures letter may submit a complaint to the Office of the Independent Adjudicator (OIA).

2.185. Information on submitting a complaint to the OIA shall be contained in the Completion of Procedures letter. Information on how to submit a complaint to the OIA can also be found on their website: www.oiahe.org.uk.

2.186. The OIA will consider whether QMUL 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 QM's internal procedures.



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.
- 5-6. Complaints about financial services offered by QMUL are eligible for consideration under the Financial Ombudsman Service (FOS) scheme (www.financial-ombudsman.org.uk)
- 6-7. 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>

~~7-8.~~ 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.

~~8-9.~~ 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.

~~9-10.~~ 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.

~~10-11.~~ 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.

~~11-12.~~ 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

~~12-13.~~ 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.

~~13-14.~~ 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

~~14-15.~~ 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.

~~15-16.~~ 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

~~16-17.~~ 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.

~~17-18.~~ Students can raise concerns at the Student Staff Liaison Committee meetings, particularly if the problem affects a number of students.

~~18-19.~~ 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.

~~19-20.~~ 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.

~~20-21.~~ 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.

~~21-22.~~ 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

~~22-23.~~ 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.

~~23-24.~~ 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).

~~24-25.~~ 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.

~~25-26.~~ 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.

~~26-27.~~ 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.

~~27-28.~~ 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

~~28-29.~~ 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.

~~29-30.~~ 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.

~~30-31.~~ 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.

~~31-32.~~ 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. You will also need to submit your Stage 1 complaint form and outcome letter.

~~32-33.~~ 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.

~~33-34.~~ 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.

~~34-35.~~ 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.

~~35-36.~~ The Queen Mary Complaints Assessor is a senior member of academic staff.

~~36-37.~~ The Complaints Assessor will consider all the facts of the case and confirm whether the recommended outcome is fair and equitable.

~~37-38.~~ 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.

~~38-39.~~ 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.

~~39-40.~~ 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

~~40-41.~~ 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.

~~41-42.~~ 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.

~~42-43.~~ 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.

~~43-44.~~ 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

~~44-45.~~ 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.

~~45-46.~~ 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.

~~46-47.~~ 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

~~47-48.~~ Research students who wish to submit a complaint should follow the Stages as outlined in the policy.

~~48-49.~~ 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.

~~49-50.~~ 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.

~~50-51.~~ 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.

~~51-52.~~ 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

~~52-53.~~ 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

~~53-54.~~ Mediation can be a helpful tool in resolving complaints at an early stage.

~~54-55.~~ 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.

~~55-56.~~ Mediation allows both parties to abide by the terms agreed and recourse to formal procedures will not be permitted.

~~56-57.~~ 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.

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

Matter not resolved



Formal Stage 3
Appeal to Vice-Principal

Submit in writing to Vice-Principal
c/o appeals@qmul.ac.uk

End of Queen Mary Internal Procedures

Dissatisfied with outcome



**Office of Independent
Adjudicator (OIA)**

Submit form to the OIA.
Please visit their website
www.oiahe.org.uk



Queen Mary
University of London

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.