



Document Title	Students Complaints Policy and Procedure
Document Author	Head of Student Services
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<u>Description</u> This document seeks to ensure that all complaints submitted by students are investigated thoroughly, dealt with promptly and processed with due regard to equality and diversity.	

1. Purpose of the procedure

Amity University [in] London strives to achieve the highest standards in its provision of services but recognises that concerns and complaints may arise from time to time. This procedure outlines the process which students should follow to raise concerns/complaints and the process through which these will be considered.

2. Scope of the Procedure

The Student Complaints Procedure applies to all students who have are currently registered with the University or those individuals who have recently finished their studies, as long as any complaints are raised within the timeframe specified in this procedure.

Amity University [in] London will ensure that students raising a complaint through this procedure will not be treated less favourably because they have raised a complaint.

Complaints which:

- Have already been investigated and dealt with
- Are outside of the scope of this procedure
- Are made without disclosing adequate grounds
- Have been disposed of in court or tribunal proceedings or under a settlement agreement between the complainant and the University
- Are malicious, vexatious or frivolous
- Are repetitive or harassing
- Are non-meritorious or where the requested outcomes are deemed to be unreasonable
- Where students or their representatives are aggressive, offensive or abusive, or where demands are unreasonable in nature or unreasonably persistent will not be dealt with under this procedure.

This Procedure does not cover any of the following:

- Matters relating to examination and assessment performance and academic judgement
- Academic appeals against Assessment Board decisions (see Academic Appeals Procedure)
- Staff grievances
- Freedom of Information matters
- Data Protection matters
- Matters covered by the Freedom of Speech Policy
- Complaints relating to the admissions process for any University programme of study (taught or research)
- Complaints about student conduct/competency (see Student Non-Academic Disciplinary and Conduct Policy and Fitness to Practice Procedure)
- Complaints relating to Disclosure and Barring Service (DBS) checks
- Matters which are the subject of criminal investigation or legal proceedings until such time as those proceedings are concluded
- Complaints submitted outside the timescale stated within this Procedure
- Complaints which relate to matters which are already being considered under other procedures (e.g. Fitness to Practice Procedure, Academic Appeals Procedure and Academic Misconduct) will not normally be dealt with under this Procedure. In addition,

this Procedure cannot be used where students are dissatisfied with outcomes reached through other procedures.

Where a complaint is raised by a number of students, it can be dealt with as one collective complaint, in the following circumstances:

- the case is conducted through a lead student to facilitate the progress of the complaint;
- the names of all students who wish to bring the complaint forward are disclosed to the University on a Group Complaint Consent Form and to confirm that the student nominated as the lead student will act as the facilitator for the complaint during all stages of the Procedure.

The University recognises that it must balance the respective obligations and rights of students and staff. Those about whom complaints have been made have a right to know what is being claimed and who is making a complaint. Where a complaint is made through this Procedure, a copy of the complaint will normally be sent to the person who is being complained about and that person will have the right to respond to the complaint and to support and representation. If students are concerned about protecting their anonymity, they are advised to contact the Students' Union who may be able to make initial enquiries on their behalf. The University will adopt the principle of releasing information only to those who need it for the purposes of investigation or responding to the complaint. Students are advised that where a complaint has been raised against a member of staff and is upheld, the student raising the complaint will be advised of this. However, it may not be appropriate to share specific details of action taken, especially where disciplinary action is taken against a member of staff or a student.

The University expects students and staff to act reasonably and fairly towards each other at all stages of the Student Complaints Procedure

3. What is a complaint?

A complaint is defined as an expression of dissatisfaction by one or more students about the University's action or lack of action, or about the standard of service provided by or on behalf of the University.

4. How does a complaint differ from an academic appeal?

An academic appeal is a request for a review of a decision made by an Assessment Board charged with making decisions on student progression, assessment and award. The Student Complaints Procedure cannot change a decision made by an Assessment Board.

5. Outline of the Student Complaints Procedure

The Student Complaints Procedure has three stages:

Level 1: Local Level (informal resolution). To make a complaint a student must start at Level 1

Level 2: Head of Unit, or equivalent, review

Level 3: Principal

After the internal University processes have been exhausted, complainants have the opportunity to request that their complaint be independently reviewed by the Office of the Independent Adjudicator (OIA).

6. Expected Time Limits

The OIA Good Practice Framework stipulates that the handling of complaints will normally be completed within 90 calendar days of the start of the formal stage (Level 2).

	Student	Complaints and Conduct Team	Investigation
Level 1	Complaint should be raised within 1 month of cause for complaint	No involvement	Response will be communicated within 6 weeks of notification of complaint. If this is not possible, an alternative timescale will be issued to the complainant within the 6 weeks.
Level 2	Complaint should be raised within 1 month of outcome of Level 1	Will acknowledge receipt of complaint within 5 working days of receipt	*Indicative timescales for this stage are that a response will be sent within 6 weeks of receipt of complaint form. If this is not possible, an alternative timescale will be issued to the complainant.
Level 3	Complaint should be raised within 10 working days of outcome of Level 2 complaint	Will acknowledge receipt of complaint within 5 working days of receipt	*Indicative timescales for this stage are that a response will be sent within 4 weeks of receipt of complaint form. If this is not possible, an alternative timescale will be issued to the complainant.
OIA	Complaint should be raised within 12 months of the date of the Completion of Procedures letter	No direct involvement with complainant	Variable

If a student fails to proceed within the given deadlines of the complaints procedure they may not be able to progress through the internal complaints mechanisms of the University.

The procedure has been separated into Responsibilities of Students and Responsibilities of those involved in the handling of the complaint on behalf of the University.

Where an issue raised by a student falls under more than one process, the case will be treated accordingly with the appropriate staff involved to ensure due process.

7. Responsibilities of Students

Level 1: Local Level (informal resolution)

Students are expected to try to resolve a complaint directly, informally and quickly with the person/department concerned. In some circumstances, in the first instance, students may

prefer to approach a different member of staff e.g. Personal Tutor, Course or Module Convener.

Students should raise the complaint within 1 month of the unsatisfactory circumstances occurring, at the latest. The sooner the matter is raised, the better.

Students are expected to explain clearly what the problem is and what outcome students are seeking.

If students are dissatisfied with the outcome, students can escalate their complaint to level 2.

Level 2: Head of Unit, or equivalent, formal review

Students should complete the Level 2 Complaint Form within 1 month of notification of the outcome of Level 1.

Students must provide a clear explanation of how they attempted to resolve their complaint informally at Level 1. As a minimum, the explanation should include a specific date, a named member of staff to whom the complaint was reported and why the complaint was not resolved to satisfaction at Level 1.

Students complaint must be substantiated by evidence. This may comprise of one, or a series of the following types of evidence:

- a timeline of events, reference to relevant policies
- procedures and/or regulations
- letters
- emails
- independent medical evidence
- reports by professionals
- witness statements
- screenshots, etc.

Any evidence or appendices relevant to the complaint must be submitted at the same time as the complaint form and clearly referenced and labelled.

If students are making a Subject Access request as part of their complaint, students are expected to submit this as soon as practicably possible after the outcome of the level 1 complaint and to provide evidence of submission as part of the level 2 complaint.

It is the students' responsibility to make their case. Complaints will not be accepted for further investigation if:

- Students' rationale for complaint is unclear
- students don't provide evidence
- students fail to include important dates, times and other details necessary for determining the eligibility of the complaint.
Students are required to ensure that any evidence not written in English is translated and provided at the same time as the complaint paperwork.

If students' submission is unclear or unnecessarily long, students will be asked to resubmit the form in a manner that enables proper consideration of the complaint to take place.

Students should send the completed form to the Student Services Unit via the following email address: studentsupport@london.amity.edu

Students will normally receive an outcome letter within 6 weeks of receipt of the level 2 complaint form by the Student Services Unit. If the investigation will take longer than 6 weeks, students will be informed of the reason and an expected date of response.

If students are dissatisfied with the outcome, students can escalate the complaint to level 3 on the following grounds:

- students believe that a procedural irregularity has occurred in the handling and/or the investigation of the Level 2 complaint and/or;
- students are in possession of additional evidence which may have affected the outcome at Level 2 but was unavailable at the time of the original Level 2 investigation and/or;
- students have a compelling argument to demonstrate that the outcome at Level 2 was unreasonable. Claims of this nature must be supported by evidence and a clear rationale for the unreasonable nature of the decision. Claims that amount simply to an expression of dissatisfaction with the decision will not be considered.

Level 3: Principal/Registrar review

Students should submit the [Level 3 Complaint Form](#) within 10 working days of notification of the outcome of the Level 2 complaint.

Students must set out the grounds of the complaint by referring to the above standards, and must provide evidence to support the claim, including proof of why new evidence being presented was not available at the time of the submission of the level 2 complaint.

Students should send the completed form to the Student Services Unit via the following email address; studentsupport@london.amity.edu.

Students will normally receive an outcome letter within 4 weeks of receipt of the level 3 complaint form by the Student Services. If the review will take longer than 4 weeks, students will be informed of the reason and an expected date of response.

All staff involved in decision making are properly trained, resourced and supported in order to ensure all procedures are followed accordingly. Throughout the process, decisions will be taken by staff members who have no actual or perceived conflict of interest in the case.

8. Office of the Independent Adjudicator

Once the internal complaints procedure has been completed, if students are still not satisfied with the outcome, students may take the complaint to the Office of the Independent Adjudicator (OIA). The OIA operates externally to the University. It will not normally look at a complaint unless and until all relevant internal complaints procedures have been exhausted. Further information is available from the [OIA website](#).

9. Completion of Procedures

As required by the OIA, if we are unable to resolve a complaint to satisfaction, and there are no further steps available to students, we will issue a formal "Completion of Procedures" letter.

This provides a formal confirmation that students have exhausted the internal complaints procedure and is required before a complaint may be considered by the OIA.

10. Other procedural points

Hard copies of forms are available to students who, for reasons of disability, are unable to access the electronic form. Please contact studentsupport@london.amity.edu for further information.

Students have the right to bring a supporter to meetings arranged during the formal stages of the procedure. The supporter must be either; an Education Adviser from the Student Union, a fellow student, a member of staff, or a Union representative. The supporter may take notes on a students' behalf, make representations on their behalf and ask questions, but may not answer questions on a student's behalf.

11. Responsibilities of those involved in the handling of the complaint on behalf of the University

Level 1: Local Level (informal resolution)

Staff dealing with complaints are encouraged, whenever practical, to meet with the student to establish the precise cause of dissatisfaction, to explore the remedy sought by the student and to foster a mutual understanding of the issues involved.

The member of staff is expected to listen to the complaint and to try to resolve it in a straightforward, reasonable and prompt manner.

Although informal, the member of staff should make notes of any meetings and keep a record of the agreed outcome. Notes should be shared with the student. The student should be notified that the matter is deemed to be resolved and advised of the availability of Level 2 of the complaints procedure in cases where the complaint is not upheld or the student is dissatisfied with the attempt at resolution.

Level 2: Head of Unit, or equivalent, formal review

On receipt of a level 2 complaint the Student Services Unit will undertake an initial evaluation to check that the complaint is submitted under the right procedures, within the appropriate deadlines, and in the required format with supporting evidence.

The Complaints and Conduct Team will administer the complaint and will be accessible to complainants and staff at all stages of the process. The complaint will be referred to the appropriate person in Amity, usually the Head of Unit. If the subject of the original complaint is the Head of Unit, then Head of another Unit or their line manager will conduct the review.

The Head of Unit will ensure that an investigation is carried out. The investigation may be delegated to an appropriate member of staff. It will not normally be appropriate to keep the name of the person investigating the complaint confidential. The investigation and its outcome must be fair and reasonable.

It may be appropriate for the investigator to meet with the complainant and/or other parties named in the paperwork. Should the investigator wish to meet with the complainant, he/she will contact the student to propose this course of action and secure an appropriate date to

meet. The complainant will be offered the opportunity to bring a supporter to this meeting. The supporter must be either a fellow student, a member of staff, or a Union representative. The supporter may take notes on the student's behalf, make representations on the student's behalf and ask questions, but may not answer questions on the student's behalf.

If the Head of Unit finds in favour of the student, they may decide on whatever redress they think appropriate, bearing in mind the outcome sought by the student.

A report of the investigation will be prepared before a written response is provided to the complainant. The report will be provided to the student with the outcome letter.

If the complaint is not upheld, the student will be notified of the availability of Level 3 of the complaints procedure.

All outcome responses to level 2 complaints will be issued by the Complaints and Conduct Team.

Level 3: Principal/Registrar review

On receipt of a level 3 complaint form, the Complaints and Conduct Team will undertake an initial evaluation to check that the complaint is submitted within the appropriate deadlines, meets the criteria for level 3 review and is in the required format with supporting evidence. A complaint without adequate grounds and evidence will be dismissed.

If the student provides evidence to support the criteria, the complaint will be referred to the Principal or Academic Registrar for review.

The review stage will not usually consider the issues afresh or involve further investigation. In reaching a decision, the reviewer is expected to be fair and reasonable.

If the complaint is upheld, both the student and the Head of Unit will receive a written explanation of the decision.

If the Principal/Registrar does not uphold the complaint, the student will receive a written response giving reasons and a "Completion of Procedures" letter will be issued.

The Principal/Registrar may decide to uphold part, but not all, of the complaint and will respond to the student accordingly.

14. Decisions regarding liability for fees or financial reimbursement

Amity may deem a refund or waiver of a student's tuition fees or a payment of compensation to be the appropriate redress following a complaint made by a student. Details of the relevant circumstances and any associated documentation should be forwarded in the first instance to studentsupport@london.amity.edu. The details will then be forwarded to the Head of Finance who has the authority on behalf of the Registrar to approve requests for the refund or waiver of student tuition fees. A refund, waiver or payment of compensation may be imposed as a result of a Level 3 complaint or OIA outcome

15. Information which Applies to all Stages of the Procedure

a. Attendance at Meetings and Engagement with the Process

Students are encouraged to attend all meetings convened under this Procedure to consider a complaint. If a student does not attend a meeting under this Procedure, without providing good reason in advance, the relevant Head or Officer may decide that the meeting may proceed in the student's absence. In this instance, the complaint will be considered based on the evidence available at the time of the meeting. If, for good reason, a student is unable to attend a meeting under the Procedure, then the student may request that the meeting is deferred until a later date. Alternatively, the student may request permission from the University for their representative to attend the meeting to present the case on the student's behalf. This may delay the time taken to reach an outcome to the complaint. A student is responsible for paying the costs of attendance at meetings, e.g. travel. The University will not reimburse any costs, e.g. loss of earnings. At any stage of the Procedure, in the event that a student raises a complaint and then does not engage with the process of investigating and/or determining a way to resolve the issue, the complaint will be withdrawn.

b. Representation at Meetings

A student may be accompanied at any meeting under this Procedure by a representative who is normally a member of the University Students' Union and that representative may speak on the student's behalf. The representative must not be someone who has been suspended or excluded from the University for any reason and they must be willing to act in the capacity as the student's representative. Normally, legal representation is not permitted. It is the student's responsibility to relay all relevant notices and other communications under this Procedure to their representative. The name of the representative shall be provided to the University before any meeting. Where a representative is attending a meeting on behalf of a student, the meeting will only be required to consider the representations made by the representative during the meeting. Any written or oral representations made by the representative after the meeting cannot be considered. A student is responsible for paying the costs of their representative.

c. Recording of Procedures

The audio recording of meetings held under this Procedure is prohibited, subject to such reasonable adjustment as may be agreed by the University where required under the Equality Act 2010.

d. Legal Proceedings

If a student brings court or tribunal proceedings against the University which may be relevant to that student's complaint, the University will normally suspend consideration of the complaint until the University knows the outcome of those proceedings. If the matters complained about are disposed of in those proceedings, then the University will normally terminate consideration of that complaint.

e. Appointment of Substitutes

If any post-holder of the University who is specified in this Procedure (the Specified Post-holder) for any reason declines, fails or is unable to take action that is their responsibility under this Procedure, then the Head of Quality Assurance (or nominee) is able to approve the appointment of a substitute who will be as close as possible to the specified post holder in terms of their position within the University.

f. Mediation Style Intervention

The option to resolve a complaint by way of mediation style intervention will be open at all stages of the procedure should this be appropriate and desired, e. g. variations to the Procedure. The University reserves the right to vary any stage in this procedure as it deems appropriate after consultation with the Students' Union in order to comply with any current legal obligations and best practice. Where mention is made in this procedure of action by specific post holder or role holder this action may be delegated to an appropriate nominee where warranted by the circumstances. For example, where there is or may be any potential conflict of roles or interests or the specific post holder or role holder is absent, as long as the nominee has appropriate seniority and/or experience to be able to act on behalf of the specific post or role holder then they should be able to do so.

16. Keeping of Records

Records of the complaints and the results will be kept for the period that complies with relevant statutes and will be destroyed thereafter. These records will include the complaint by the student, findings made and action taken, the reason for action taken, and the outcome. Notes of any formal meetings will also be kept. The keeping of notes and cases helps the university to improve student services and ensures consistency in future decisions regarding complaints procedures.

17. Confidentiality

Confidentiality of the case will be respected by all parties involved to ensure students will not be put at any disadvantage for raising issues with the university.

18. Use of data

The University will collect data on the complaints at each stage of this procedure and any complaint submitted by you to any regulators (including the OIA), and use the data:

- i. internally for reporting, evaluation, learning and training; and
- ii. externally for discussion with regulators in the higher education sector.

The data used by the University for the purposes set out above in paragraphs i) and ii) will be anonymised. Your personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the University's members of staff and regulators only for the purpose of dealing with your extenuating circumstances claim, a complaint arising out of it and/or implementing any decisions. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

19. Support For Students

The University provides a number of student support services. These are open to any student. Students are encouraged to engage with the services and take up any appropriate support available to them. The following are University-run services:

- a) Pastoral Services and advice to any student experiencing personal difficulties, who may be struggling to cope at University or who just needs someone to talk to.

Appointments are available on the day by visiting the Head of Student Services at Amity House.

- b) Disability Support Team is a dedicated service for students who have a disability, mental health condition, long term medical condition or specific learning difficulty (including dyslexia). We also offer screenings for dyslexia throughout the year.
- c) Student Advice and guidance on financial and money management, and help with any personal, emotional or academic issue you may face. Appointments are available on the day by visiting the Head of Student Services at Amity House.
- d) Support is also available through the Students' Union. The Union provides free, confidential and impartial advice and a place to talk during difficult times you may face as a student. You can book an appointment by calling 0207 6310190.

14 Quality Assurance and Monitoring of Complaint Procedures

Quality Review and Assurance Committee (QRAC) shall be responsible, on behalf of the Academic Board, for the assurance of quality and standards in the management of complaints.

In particular QRAC is responsible for:

- devising, in consultation with their students, a procedure to submit complaints.
- ensuring that all staff involved are suitably trained, supported and monitored so that consistency and fairness is maintained;
- ensuring that the procedure is published clearly to students and staff;
- ensuring that all complaints are resolved promptly, consistently and effectively;
- ensuring that accurate records of all complaints and the outcomes are maintained and all paperwork should be available for internal or external scrutiny, as required;
- reviewing the procedure annually to ensure that it is fit for purpose and, where necessary, recommending changes.
- monitoring the consistency of decisions and submitting an annual report to the Academic Board detailing the number complaints submitted and their outcomes any other issues relating to the principles or procedures.