

University for the Creative Arts

## Quality Assurance and Enhancement

---

### Student Complaints Policy [and Procedure 2017/18]

---

#### Contents

<b>1. INTRODUCTION</b>	<b>1</b>
<b>2. UNDERLYING PRINCIPLES</b>	<b>1</b>
<b>3. WHAT TYPE OF COMPLAINTS MAY BE CONSIDERED UNDER THIS PROCEDURE?</b>	<b>2</b>
<b>4. WHAT WILL NOT BE CONSIDERED UNDER THE STUDENT COMPLAINTS POLICY?</b>	<b>3</b>
<b>5. WHO CAN ADVISE ME IF I AM UNCLEAR ABOUT HOW THIS POLICY WORKS?</b>	<b>3</b>
<b>6. HOW DOES THE COMPLAINTS PROCEDURE WORK?</b>	<b>4</b>
6.2. STAGE 1: SEEKING A LOCAL RESOLUTION OF YOUR COMPLAINT	4
6.3. STAGE 2: MAKING A COMPLAINT TO THE UNIVERSITY	5
6.4. STAGE 3: APPEAL	7
<b>7. WHAT IF I AM STILL DISSATISFIED?</b>	<b>8</b>
<b>APPENDIX A: UNIVERSITY STAFF WHO MAY SERVE AS LOCAL OFFICERS</b>	<b>10</b>
<b>APPENDIX B: STUDENT COMPLAINTS FLOWCHART</b>	<b>11</b>
<b>APPENDIX C: DISABILITY EXCEPTIONAL CASE APPEALS PROCEDURE (DECAP)</b>	<b>12</b>

## 1. Introduction

- 1.1. The University aims to provide a high standard and quality of service. However, we recognise that things can go wrong and when they do students may have legitimate reason to bring to the University's attention a complaint about its provision of academic courses, facilities, services or staff.
- 1.2. We aim to ensure that student complaints are treated seriously and dealt with promptly, fairly and consistently across the University.
- 1.3. We also aim to learn from the outcomes of complaint investigations in order to help us improve the University's services and enhance our student's experience.
- 1.4. Wherever possible, students' concerns about their course, services provided by the University or any other aspects of their experience at UCA should be dealt with at the earliest opportunity and through informal discussion. Where students wish to initiate a formal complaint, they must do so by following the University's Student Complaints Policy.

## 2. Underlying principles

- 2.1. Complaints are dealt with without recrimination. Students making complaints will not suffer disadvantage or reproach and their studies at the University will not be prejudiced as the result of making a complaint.
- 2.2. The University, its students and staff have rights and responsibilities under this procedure. Consequently, students who have complaints must make them in good faith and without malice. Students who make complaints that are frivolous, vexatious, malicious, obscene or abusive may be subject to disciplinary action under the [University Rules for Student Conduct](#)
- 2.3. All complaints will be treated confidentially within the complaints procedure. However, where the University considers it appropriate, a copy of the written complaint (with any enclosures) will be forwarded to any member(s) of staff concerned in the matter as part of the University's handling of the matter (including any investigation).
- 2.4. Anonymous complaints will not normally be considered. However, in exceptional cases, anonymity may be granted to a complainant and/or witnesses. In all such cases, the University will be mindful of the need to act fairly in the interests of all concerns. If students would like to explore this option, they should contact the Quality Manager.
- 2.5. The Quality Manager will monitor and review the number, level and type of complaints that are made over the course of each academic year. This data will form part of the measures used to assess and enhance the University's services and the student experience. A report will be submitted annually to the Academic Board and Board of Governors.

### 3. What type of complaints may be considered under this Procedure?

- 3.1. The University defines a complaint as an expression of dissatisfaction caused by a University service either failing to match the standards of service promised or failing to match the standards that it would be reasonable to expect.
- 3.2. Examples of grounds for complaint may include concern that there has been:
- A failing in a University academic or support service
  - Failure to meet obligations including those outlined in course/student handbooks and other correspondence from the University
  - Misleading or incorrect information in prospectuses or promotional materials or other University publications
  - The conduct of a member of staff
- 3.3. In order to lodge a formal complaint, you must be a registered student on an accredited course/programme of the University. If you have completed your studies and are, therefore, no longer registered, you are normally allowed a further one calendar month from the last day of your last term in which to lodge a complaint.
- 3.4. Consideration of late complaints will only be given very exceptionally and in extreme circumstances, such as serious illness or hospitalisation during the time from your last day present on the course, where you provide a substantiated, valid reason for any delay.
- 3.5. Complaints regarding Bullying or Harassment:
- 3.5.1. Where a complaint includes an allegation of bullying or harassment by a member of staff, the investigation will be informed by the relevant HR policies and procedures.
- 3.5.2. As part of the investigation, the Local Investigating Officer may take advice from relevant specialists. These may include, but shall not be limited to, the University's HR department, Library and Student Support and, if necessary, external professional support.
- 3.6. Appeals against Disabled Student Allowance decisions:
- 3.6.1. Appeals against decisions by the University relating to 'reasonable adjustments' for disabilities are included within this policy. However, in order to facilitate them appropriately, they will be considered using the Disability Exceptional Case Appeals Procedure (DECAP).
- 3.6.2. To use the DECAP, the following conditions must apply. Where they do not apply, the student should proceed with the standard University complaints procedure as detailed in the Students Complaints Policy.
- i. The student must have applied for Disabled Student Allowances (DSA).
  - ii. The dispute must be about support that a student believes they require because of their disability to access their course and which

the University has stated they do not deem as a Reasonable Adjustment under the Equality Act 2010.

- iii. The disputed support must address a barrier that has been identified in the Needs Assessment Report (NAR).
- iv. The disputed support must have been previously available via DSAs and within the scope of DSAs regulations.

3.6.3. Students that wish to complain about an issue regarding the quality of disability support, provided by the University, should do so under the Student Complaints Policy.

#### **4. What will not be considered under the Student Complaints Policy?**

- 4.1. Complaints or appeals against decisions of examiners, or otherwise relating to assessment or academic progress, which are dealt with by the [Academic Appeal Regulations](#).
  - i. Where an appeal is based on circumstances that fall outside the scope of the Academic Appeal Regulations, those aspects of the appeal may be considered under the Students Complaint Policy. This will be at the discretion of the Quality Manager.
  - ii. In such cases, where the findings and/or outcome in the Complaints Procedure may inform the consideration of the academic appeal, the appeal will be held in abeyance until the completion of the complaints procedure.
- 4.2. Matters of academic judgement, which cannot be the subject of either a complaint or an appeal.
- 4.3. Complaints against another student where it is alleged that the [University Rules for Student Conduct](#) have been breached. In such circumstances, the investigation will be conducted in accordance with those rules.
- 4.4. Complaints or appeals arising from actions or decisions taken under the [Academic Misconduct Regulations](#), which will be considered solely under those regulations.
- 4.5. Third party complaints. The Student Complaints Policy will only apply to complaints initiated and conducted by an individual student or group of students as defined in section 3.1.3.

#### **5. Who can advise me if I am unclear about how this policy works?**

- 5.1. If you have any queries about this policy and how it applies to you, you may seek advice from any of the following people/services:
  - Students' Union Campus Officer
  - Campus Registry
  - Library & Student Services
  - Quality Assurance & Enhancement

## 6. How does the Complaints Procedure work?

### 6.1. The Procedure falls into three parts:

- i. Stage 1: Local
- ii. Stage 2: University
- iii. Stage 3: Appeal

### 6.2. Stage 1: Seeking a local resolution of your complaint

- 6.2.1. In the first instance, complaints should be raised locally with your Faculty Complaints Co-ordinator (FCO) [contactable via the local campus registry]. Complaints must be received in writing, but the University recommends discussing the situation with the FCO verbally if you are unsure of how to begin the processes.
- 6.2.2. A complaint should be raised within one calendar month of the actions or events that prompted the complaint. Consideration of late complaints will only be given very exceptionally and in severe circumstances such as those described in point 3.4 above.
- 6.2.3. Receipt of your complaint will be acknowledged by the Faculty Complaints Co-ordinator within 5 working days and a Local Investigating Officer (LIO) will be identified. The LIO for your complaint will normally be the manager responsible for the facilities, services and/or staff to which the complaint relates. Annex A provides a list of University officers who may serve as the LIO, depending on what your complaint is about.
- 6.2.4. Following the completion of the investigation, the LIO will make the following determinations:
  - 6.2.4.1. The conclusion if their investigation found that:
    - i. there is substance in all or part of the complaint; or
    - ii. there is no substance to the complaint; and
  - 6.2.4.2. The LIO will also determine what action(s) should be taken to address the cause of the difficulties that led to the complaint being submitted. This may include causes that were not the responsibility of the University, but where improvements can be facilitated.
- 6.2.5. You will normally be provided with a written response within one calendar month of raising your complaint. Complex cases may, however, take longer to investigate. Should this be the case, you will be informed of any likely delay at the earliest opportunity, together with an indication of the anticipated timescale for response.

### 6.3. Stage 2: Making a complaint to the University

- 6.3.1. If you are dissatisfied with local attempts to resolve your complaint and wish to take the complaint further, or if the circumstances of the complaint mean that it is inappropriate for the complaint to be raised locally in the first instance, you should complete the Student Complaints Form, which can be downloaded from the UCA [website](#) and send it to the Quality Manager together with a copy of the written response received following attempts to resolve your complaint at local level.

Complaint forms which are submitted without a copy of the written stage 1 response will not normally be considered. It is the complainant's responsibility to provide this. A complaint to the University should be raised within one month of the completion of stage 1 (or within one calendar month from the last day of your last term).

Consideration of late complaints will only be given very exceptionally and in severe circumstances such as those described in point 3.4 above.

The Student Complaints Form asks you to describe your complaint outlining key dates and facts. You should be as specific as possible. You should also specify how you would like to see the matter resolved (that is, the outcome you are seeking).

- 6.3.2. You must provide evidence to support your complaint. In addition to evidence of the steps that have been undertaken to resolve the complaint locally, this could include evidence from witnesses to the cause of the complaint, emails or written correspondence that support the complaint. Evidence must be provided at the time of submitting the Stage 2 Complaint. The Stage 2 Investigation will not consider evidence submitted after this time
- 6.3.3. On receipt of your complaint, the Quality Manager will appoint an impartial senior member of staff to act as the University Investigating Officer as nominated by the Head of Quality Assurance and Enhancement. The member of staff will be unrelated to the area under investigation.
- 6.3.4. The Stage 2 investigation will be conducted to address and respond to complainant's points of issue and outcomes sought, as detailed on the Stage 2 Complaint Form.
- i. This will include the points of the Stage 1 complaint and may also include other issues identified as a result of this process. However, the University may not be held accountable for not investigating or addressing issues in the Stage 2 process that are not identified as the basis for the investigation at the time the complaint was submitted.
  - ii. The Quality Manager will write a Complaint Commencement letter to

confirm the assignment of the University Investigating Officer and confirm both the scope of the investigation and the outcome you are seeking. If you do not agree with the Quality Manager's proposed investigation, you must object within five working days.

- 6.3.5. Where a complaint is made against a member of staff, a copy of your complaint (with any enclosures the University considers appropriate) will normally be sent to them for their response.
- 6.3.6. Where your complaint is against a member of staff, any investigation will be carried out in accordance with the principles set out in the appropriate employment policies, which may take precedence over this Complaints Policy.
- 6.3.7. Once investigations into the circumstances of the complaint have been completed one of the following will be determined by the University Investigating Officer:
  - i. that there is substance to all or part of the complaint (i.e. that the complaint is upheld in full or in part) and what action(s) will be taken in response (including any appropriate remedy);
  - ii. that there is no substance to the complaint (i.e. that the complaint is rejected) and that no further action will be taken;
  - iii. that there is no substance to the complaint and that the complaint has been shown to be either frivolous, vexatious, malicious, obscene or abusive. In this case, disciplinary action and/or any other such action considered appropriate will be taken against the complainant.
- 6.3.8. In all cases you will be informed in writing of the outcome of the complaint. This will include findings which will set out the University's decision and the evidence upon which it is based.
- 6.3.9. The Quality Manager, or nominee, will normally aim to reply to you within one calendar month of receiving a complaint, setting out the Investigating Officer's decision on behalf of the University. Complex cases may, however, take longer to investigate with the appropriate levels of care and thoroughness. Should this be the case, you will be informed of any likely delay, and the reasons and likely duration of the delay, at the earliest opportunity, together with an indication of the anticipated timescale for response.
- 6.3.10. The Quality Manager will ask you to confirm your acceptance or rejection of the Stage 2 outcome. This must be provided within one month.
  - i. Where you accept the Stage 2 outcome, the Quality Manager will issue a Completion of Proceedings letter confirming receipt of your agreement, providing any relevant action points and confirming the closure of the

complaint without right to further appeal. This shall be copied to any relevant stage 2 investigating officers.

- ii. Where you reject the Stage 2 outcome, the Quality Manager shall re-confirm the provision of the Stage 3 Appeal process and respective deadline for such a complaint.
- iii. Where you fail to notify the Quality Manager of your acceptance or otherwise respond to the Stage 3 Appeal deadline, the Quality Manager shall issue a Completion of Proceedings letter that confirms the standing of the Stage 2 outcome and closure of the case without the right for further appeal.

#### **6.4. Stage 3: Appeal**

6.4.1. You may request an appeal against the University's decision on one or more of the following grounds:

6.4.1.1. any procedural irregularity which has materially disadvantaged you in the investigation or outcome of your complaint;

6.4.1.2. the emergence of new and relevant evidence that supports the complaint, as identified by the complainant at the Stage 2 level, that was not available at the time the complaint was first submitted;

6.4.1.3. that the decision was unreasonable in all the circumstances.

6.4.2. The Stage 3 Appeal will not consider issues of complaint that were not cited for investigation in the Stage 2 process, with the exception of irregularities identified in 6.4.1.1.

6.4.3. Any request for appeal must be made in writing to the Vice-Chancellor within one calendar month of the date of the letter informing you of outcomes from the University's investigation of your complaint.

The Vice Chancellor  
University for the Creative Arts  
Falkner Road, Farnham, Surrey GU9 7DS

6.4.4. The Vice-Chancellor will appoint a nominee to review the case against the criteria set out in paragraph 6.4.1. The nominee will normally speak with you (either by telephone or in person) to give you the opportunity to present the appeal orally. On completion of the review, the nominee will recommend one of the following actions to the Vice-Chancellor:

- i. that the complaint has been investigated in accordance with University procedures, that no new and relevant material has been made available and/or a reasonable outcome had been reached. Where this recommendation is accepted by the Vice-Chancellor, the appeal will be



rejected. This will be the University's final decision on the matter and you will be issued a 'Completion of Procedures' letter;

- ii. that the complaint has not been investigated in accordance with University procedures and the appeal is upheld. In this case the complaint should be referred back to an appropriate previous stage of the process;
- iii. that new and relevant material has emerged and the appeal is upheld. In this case the complaint should be referred back to stage 2 to be re-investigated;
- iv. that the decision in relation to your complaint was unreasonable (i.e. that no reasonable person would have reached that decision given the facts of the case) and the appeal is upheld. In this instance, the Vice-Chancellor's nominee may recommend an alternative resolution to the Vice-Chancellor. Where this recommendation is accepted by the Vice-Chancellor, this will be the University's final decision on the matter and you will be issued a 'Completion of Procedures' letter.

6.4.5. You will receive a letter within 1 calendar month, stating the reasons for the decision that is made.

## 7. What if I am still dissatisfied?

### Higher Education Students

- 7.1. If you are a Higher Education student and remain dissatisfied with the outcome of the University's attempts to resolve your complaint, you may refer your complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provides an independent scheme for the review of unresolved student complaints.
- 7.2. You have 12 months from the date of issue of the Completion of Procedures letter to refer your complaint to the OIA. You should ensure that you familiarise yourself carefully with the requirements of the OIA for making a complaint including in relation to the timescale for doing so.
- 7.3. Further details about the OIA can be obtained from <http://www.oiahe.org.uk/> or by contacting the OIA at the following address:

Office of the Independent Adjudicator for Higher Education Second Floor  
Abbey Gate, 57-75 Kings Road, Reading RG1 3AB

Telephone: 0118 959 9813 / Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

### Further Education Students

- 7.4. If you are a Further Education student and remain dissatisfied with the outcome of the University's attempts to resolve your complaint, you may refer your complaint to the awarding body.
- 7.5. For students on Foundation Diploma, Diploma or Extended Diploma, refer to the [UALAB](#) regulations

- 7.6. For students on Access Courses, refer to the [Laser Learning](#) regulations.
- 7.7. Further information can be obtained from the Quality Manager.

## Appendix A: University Staff who may serve as Local Officers

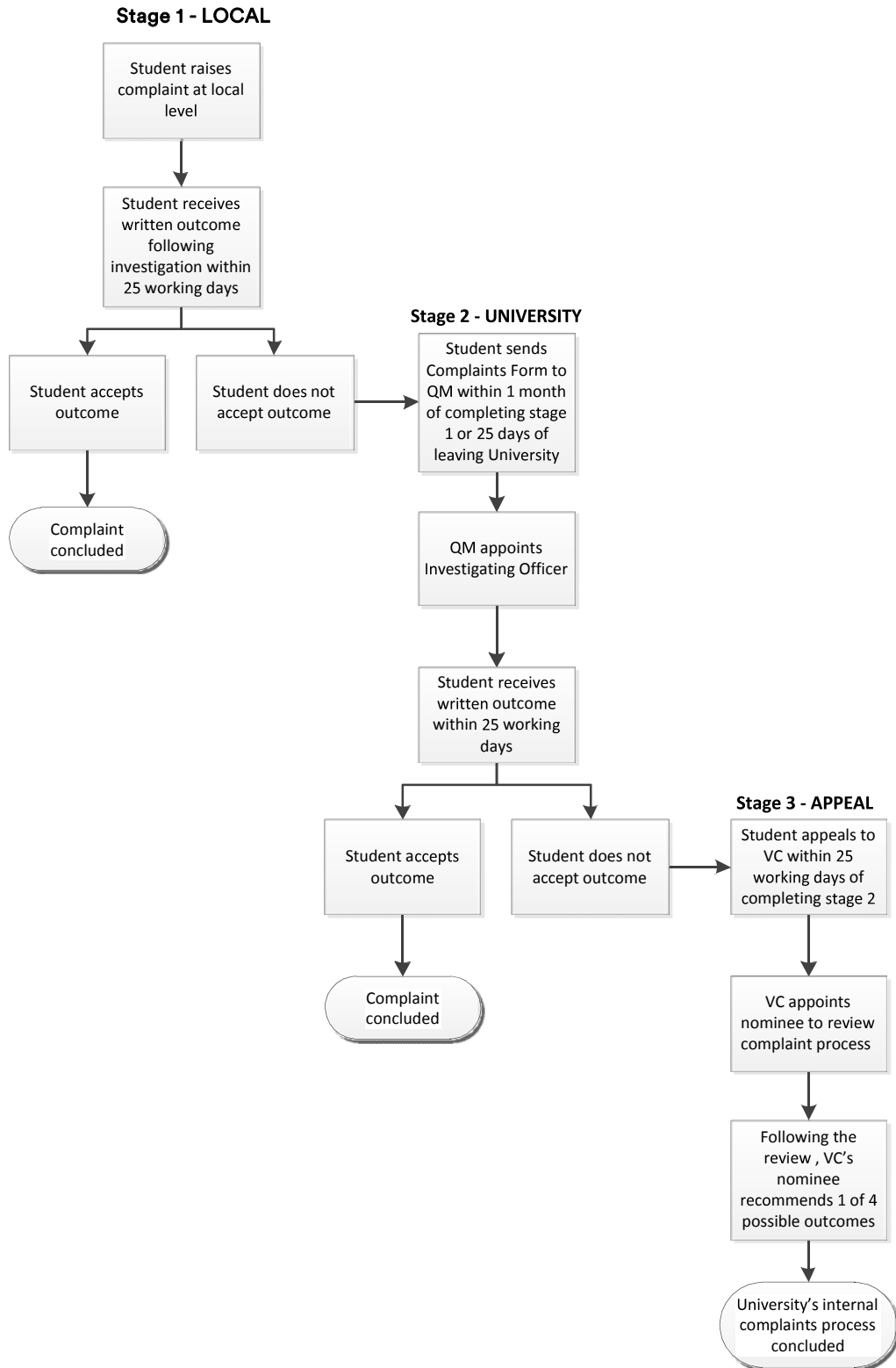
In all cases, the following are able to provide guidance in helping you to get your complaint resolved:

- Students' Union
- Specialist Advisor, Library & Student Services

What your complaint is about (This list provides non exhaustive examples of reasons for complaints)	Who to contact
Your course and its delivery, e.g. <ul style="list-style-type: none"> <li>• The course content delivered does not match the course handbook</li> <li>• Course timetables are not kept to and no reasonable explanation is given</li> <li>• There are problems over access to course facilities or equipment</li> <li>• Teaching or tutorial sessions are not to an acceptable standard</li> </ul>	Course Leader or Head of School
Library & Student Services  including library facilities and student support services such as Careers & Employability, Learning Support, Counselling, etc.	Learning Support Manager
University owned or leased accommodation	Accommodation Services Officer
Catering or Refectory Services	Catering Services Manager

Appendix B: Student Complaints Flowchart

Part I: UCA



University for the Creative Arts

## Quality Assurance and Enhancement

---

### Appendix C: Disability Exceptional Case Appeals Procedure (DECAP)

---

#### Contents

<b>PART I: INTRODUCTION AND SCOPE</b>	<b>1</b>
1. INTRODUCTION	1
2. WHEN THIS PROCEDURE CAN BE USED	1
3. GENERAL PROVISIONS	2
<b>PART II: THE DISABILITY EXCEPTIONAL CASE APPEALS PROCEDURE</b>	<b>3</b>
4. MAKING AN APPEAL	3
5. PANEL REVIEW OF CASE	4
6. PANEL HEARING OF CASE	4
7. COMPLETION OF PROCEEDINGS	5
8. APPEALING AGAINST THE UNIVERSITY'S FINAL DECISION	5

#### **PART I: Introduction and Scope**

##### **1. Introduction**

- 1.1. The Disability Exceptional Case Appeals Procedure (DECAP) is for disabled students who wish to dispute the awarded provision or a decision made by the University (for the Creative Arts) as a "Reasonable Adjustment" under the Equality Act 2010.
- 1.2. The DECAP is within the scope of the University's Student Complaints Policy. It is operated as a supplementary procedure in order to facilitate the requirements of the Exceptional Cases Process.
- 1.3. Student's using this procedure may be eligible for interim financial support from Student Finance England. Further information can be found in Support for Disabled Students on the website for the [Office of the Independent Adjudicator for Higher Education](#).
- 1.4. The DECAP is a single tier procedure with decision made by a panel that shall be convened to review and pass judgement on all decisions, previously made by the University, in respect of "Reasonable Adjustments" under the Equality Act 2010.
- 1.5. The composition and governance of the DECAP Panel shall be regulated by this Policy and the DECAP Panel: Terms of Reference [available from the Quality Manager].

##### **2. When this procedure can be used**

- 2.1. To use this procedure, the following conditions must apply. Where they do not apply, the student should proceed with the standard University complaints procedure as detailed in the Student Complaints Policy.
- The student must have applied for Disabled Student Allowances (DSA).
  - The dispute must be about support that a student believes they require because of their disability to access their course and which the University has stated they do not deem as a Reasonable Adjustment under the Equality Act 2010; or
  - The University has put an adjustment in place, but the student does not consider that it addresses their particular circumstance(s).
  - The disputed support must address a barrier that has been identified in the Needs Assessment Report (NAR).
  - The disputed support must have been previously available via DSAs and within the scope of DSAs regulations.
- 2.2. The University aims to ensure that all reasonable adjustments and support provided is to a high-standard. However, students that wish to complain about an issue regarding the quality of disability support, should do so under the Student Complaints Policy.

### 3. General Provisions

- 3.1. The DECAP Panel shall be convened in circumstances where the University is required to review or discuss a dispute lodged by a student that complies with the criteria established in section 2.
- 3.2. The Panel shall issue a Final Decision on behalf of the University.
- 3.2.1. Final Decisions are considered to be a standing precedent for up to 24 months, unless revoked by the Panel upon the recommendation of the Quality Manager where case-law supersedes previous decisions or upon the advice of internal or external disability specialists.
- 3.2.2. Where the Panel re-approves the use of a standing precedent, it shall be considered to be revalidated for a further 24 months.
- 3.3. In order to expedite the appeal procedure so that students can access emergency funding through the DSA Exceptional Circumstances Process, the Panel shall be convened either by Hearing or by Review.
- 3.3.1. A hearing of the DECAP Panel shall be convened by the Quality Manager where no precedent standing Final Decision by the Panel has been made, or re-confirmed, within 24 months or it is otherwise their recommendation a hearing is held.
- 3.3.2. Where the Quality Manager believes a standing precedent exists that applies to a case, they shall write to the Panel with their recommendation, citing the standing precedent, for its review and approval.
- 3.4. A student shall have the right to attend a hearing, to address the Panel and present their own case.
- 3.4.1. The student shall be entitled to be accompanied by one supporter, which may include a family member, friend or Student Union representative or support worker.

- 3.4.2. In some circumstances, it may be appropriate for a student to nominate a 3<sup>rd</sup> party to represent them and act on their behalf in the Hearing. This will usually be in regard to particular needs as identified in the student's Needs Assessment Report. However, a representative may not do so in a professional capacity. A 3<sup>rd</sup> party representative is not in addition to the supporter identified in 3.4.1.
- 3.5. Consideration of late DECAP appeals (4.1.3) or responses to a Completion of Proceedings letter (7.2), will only be given exceptionally and in extreme circumstances at the discretion of the Quality Manager. These may include serious illness or hospitalisation that prevented the student from making the claim within the appropriate time. Such claims must be substantiated with appropriate evidence.
- 3.6. Unless otherwise stated, where referenced within the DECAP procedure or respective communications between the University and a student, '*reasonable time*' shall be considered to be within five working days.

## PART II: The Disability Exceptional Case Appeals Procedure

### 4. Making an appeal

- 4.1. The student should contact the Quality Manager who will determine if the dispute meets the criteria, outlined in section 2.1, to lodge a formal dispute under DECAP or to advise an alternative course of action, which will usually be reference to the Student Complaints Policy, as appropriate.
- 4.1.1. If the dispute meets the criteria, outlined in 2.1, the student will return a DECAP dispute form to the Quality Manager.
- 4.1.2. The Quality Manager will assess, with the student, any assistance they require to facilitate the submission of their DECAP appeal in respect to their disability. Where appropriate and at the student's request, the Quality Manager<sup>1</sup> will complete the DECAP form with the student.
- 4.1.3. The DECAP form must be returned to the Quality Manager within 10 working days of the date of notification from the University of the decision that they wish to dispute.
- 4.2. The DECAP form must be completed in full. It should include the student's reasons why they are disputing the decision and their desired outcomes of the DECAP appeal. The form must be returned with a copy of the student's:
- Needs Assessment Report;
  - Learning Agreement;
  - copy of the notice [letter/report/decision] from the University that the student is appealing; and
  - a 3rd Party Authorisation form if the student requires a representative to act on their behalf (see 3.4.2).
- 4.3. Upon receipt of the appeal, the Quality Manager will action the following:

---

<sup>1</sup> The Quality Manager may appoint a suitable local campus representative from the QAE department, Campus Registry, Student Union or Library & Student Support.

- 4.3.1. Acknowledge the dispute by issuing a Commencement letter, within five working days of receipt, confirming the issues to be investigated and the remedy desired by the student.
- 4.3.2. Investigate the student's dispute and review the University's rationale for the original assessment's conclusion that the measures required were not a 'Reasonable Adjustment'. The investigation shall be carried out at the Quality Manager's discretion, as appropriate for the appeal. This may include, but shall neither be required nor limited to: interviewing the student, University staff or external professionals.
- 4.3.3. Where necessary, together with the student, return a 'Support Request Form' to Student Finance England (SFE) in order to begin the 45 day interim support for the student during the appeal process.
- 4.4. An investigation of the student's dispute and issuance of the University's Final Decision is anticipated to be completed within 25 working days. Complex cases may, however, take longer to investigate with the appropriate levels of care and thoroughness. Where the Quality Manager believes, or later identifies, the process will take longer than expected, they shall notify the student in writing as soon as possible.
- 4.5. Following the commencement of the investigation of the dispute, the Quality Manager shall determine if there is a standing precedent and either convene a Hearing or Review by the DECAP Panel.
  - 4.5.1. Where it believed that a standing precedent has been set, the Quality Manager shall write to the Panel, requesting a Review of the appeal and citing the standing judgement for approval (see section 5).
  - 4.5.2. Where it is determined that no previous standing precedent has been set or re-confirmed within 24 months, the Quality Manager shall convene a Hearing by the Panel (see paragraph 6).

## **5. Panel Review of Case**

- 5.1. Panel Reviews shall be called upon to review the case and either approve that a standing precedent Final Decision applies to the case or call for a Panel Hearing as required.
- 5.2. The Panel must approve the Final Decision or request a Hearing of the case within 10 working days of the Quality Manager's submission of the case for Review.
- 5.3. Where a Panel Review re-confirms a standing Final Decision, the Chair shall instruct the Quality Manager to write to the student with a Completion of Proceedings letter (see section 7).
- 5.4. Where one or more Panel members request a Hearing is convened, section 6 shall apply.

## **6. Panel Hearing of Case**

- 6.1. The Quality Manager shall convene a Hearing by the Panel where one or more of the following conditions apply:
  - 6.1.1. There is no standing precedent Final Decision.
  - 6.1.2. It is the best recommendation of the Quality Manager that the case be heard.



- 6.1.3. One or more Panel members request a Hearing after reviewing the case.
- 6.2. The DECAP Panel must be convened within 10 working days of the Quality Manager's request. Wherever possible, the student shall be given at least five days' notice of the date and time of a Hearing.
- 6.3. The Quality Manager shall present the background of the case and the findings or recommendations of their investigation to the Panel. The student shall be entitled to present their own case or to address the panel.
- 6.4. After being presented the case, the DECAP Panel will make a Final Decision on behalf of the University, determining one of the following:
  - 6.4.1. That there is substance to all or part of the case (i.e. that the case is upheld in full or in part) and what action(s) will be proposed in response (including any appropriate remedy).
  - 6.4.2. That there is no substance to the dispute (i.e. that the dispute is rejected) and that no further action will be taken by the University.
- 6.5. The Chair of the Panel will instruct the Quality Manager to issue a Completion of Proceedings letter that details the Final Decision (see section 7).

## **7. Completion of Proceedings**

- 7.1. The Completion of Proceedings letter shall inform the student of the University's Final Decision, detailing the relevant explanation and, where appropriate, any remedial action recommended by the Panel. The letter shall be copied to the Vice Chancellor.
- 7.2. The student shall be requested to acknowledge their acceptance or rejection of the Final Decision within one calendar month.
  - 7.2.1. Where the University's Final Decision includes an offer of redress, no remedial action shall be implemented by the University until the offer is accepted by the student. Any offer made by the University must be accepted within one calendar month.
  - 7.2.2. Where the student rejects the University's Final Decision, the Quality Manager shall confirm the process of appeal to the Office of the Independent Adjudicator (see section 8).
  - 7.2.3. Where the student fails to notify the Quality Manager of their acceptance or rejection of a Final Decision that includes an offer of redress, the student shall be considered to have accepted the Final Decision without redress. The University shall not be liable to deliver any proposed remedial action unless the student accepts the offer within one calendar month.
- 7.3. The issue of a Completion of Proceedings letter is regarded as closure of proceedings by the University. Should the student remain dissatisfied with the University's decision, they should refer to section 8.

## **8. Appealing against the University's Final Decision**

- 8.1. If the student wishes to further appeal against the University's Final Decision, they should refer the complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA provides an independent scheme for the review of unresolved student complaints.
- 8.2. If the student wishes to pursue a complaint to the OIA, they should notify the SFE of this appeal and negotiate continued Interim Support for a further limited period of time.
- 8.3. The student has 12 months from the date of issue of the Completion of Procedures letter to refer their complaint to the OIA. However, in order to qualify for further Interim Support from the SFE, it is recommended that the student lodges this appeal immediately, following the notification of the University's Final Decision.
- 8.4. Further details about the OIA can be obtained from <http://www.oiahe.org.uk/> or by contacting the OIA at the following address:

Office of the Independent Adjudicator for Higher Education  
Second Floor, Abbey Gate, 57-75 Kings Road, Reading RG1 3AB

Telephone: 0118 959 9813

Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

## Document Management

<b>Document Title</b>	Disability Exceptional Case Appeals Procedure
<b>Document Number / Revision Number</b>	POL-SCP-010-1701
<b>Document Author</b>	OJ Donnelly [Quality Manager]
<b>Responsible Department</b>	Quality Assurance and Enhancement
<b>Responsible Person</b>	Quality Manager
<b>Approving Body</b>	Academic Board
<b>Date of Approval</b>	28 June 2017
<b>Date Effective From</b>	01 September 2017
<b>Review Date</b>	As Required
<b>Document this supersedes</b>	None [First Publication]
<b>Is this document for public access?</b>	Yes

**Document Control**

<b>Document Title</b>	Student Complaints Policy
<b>Document Number / Revision Number</b>	POL-SCP-001-1702
<b>Responsible Department</b>	Quality Assurance and Enhancement
<b>Responsible Person</b>	Quality Manager
<b>Approving Body</b>	Board of Governors
<b>Date of Approval</b>	12 July 2017
<b>Date Effective From</b>	01 September 2017
<b>Review Date</b>	01 May 2018
<b>Document this supersedes</b>	Student Complaints Policy 16/17
<b>Is this document for public access?</b>	Yes