

# University of Kent

## Student Complaints Policy and Procedures

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# Student Complaints Policy

## 1. Introduction

- 1.1 The University Student Complaints Policy and Procedure set out the way in which a complaint can be made by a University of Kent Student, and the procedures for investigating and responding to a complaint.
- 1.2 The University is committed to providing all students with a high-quality education and student experience. However, we recognise that there may be instances where students have legitimate complaints regarding their course, the services or facilities provided by the University. We take all complaints seriously, deal with them in confidence, and ensure that students are not disadvantaged for raising a complaint.
- 1.3 The complaints procedure is designed to ensure that all student complaints are heard and responded to in a manner that is timely, fair, transparent, and based on the consideration of relevant evidence. As far as is reasonably possible, we will safeguard the interests and wellbeing of any student making a complaint and staff who may be named or otherwise involved in a complaint.
- 1.4 The complaints policy and procedure has been developed in accordance with the Office of the Independent Adjudicator for Higher Education [Good Practice Framework for Handling Complaints and Academic Appeals](#).
- 1.5 The Student Complaints Policy and Procedure are overseen by the University Secretary, Governance, Assurance & Legal Services and facilitated by the Appeals Conduct and Complaints Office.

## 2. General Principles

2.1 During the complaints process, students are expected to act respectfully, explain their complaint clearly and promptly with supporting evidence, seek a reasonable and proportionate resolution, and cooperate with the procedure. The University of Kent commits to a complaints process that is accessible, clear, timely, fair, independent, and confidential. Complaints will normally be completed within 90 calendar days, with students kept informed of any delays. The University also ensures that students are not disadvantaged by raising a complaint and that appropriate action is taken to resolve issues and improve the student experience.

## 3. What is a Complaint and who can make a complaint?

3.1 The University has adopted the following definition for a student complaint from the Office of the Independent Adjudicator for Higher Education's (OIA)

### 'Good Practice Framework for Handling Complaints and Academic Appeals'

*“An expression of dissatisfaction by one or more students about a university’s action or lack of action, or about the standard of service provided by or on behalf of the University.”*

#### 3.2 Examples of a complaint include (not exhaustive):

- Failure by the University to provide a satisfactory service.
- Misleading or incorrect information in prospectuses or promotional material and other information provided by the University.
- Concerns about the delivery of a programme, teaching or administration including, where applicable, that provided by a partner University/college.
- Inadequate quality of facilities, learning resources or services provided directly by the University.
- Complaints regarding serious staff misconduct, such as staff behaviour, unfair treatment, or bias.
- Infringement of a student’s right to freedom of speech within the law.
- Infringement of a research student’s right to academic freedom, as detailed in Ordinance 39.
- Complaints involving other organisations or contractors providing a service on behalf of the University (please note that your complaint may be referred to an appropriate third party for resolution).

#### 3.3 Students should note that they cannot use this Procedure to:

- Question the academic judgement of one or more members of staff.
- Appeal against examination marks.
- Complain and appeal against an admissions decision.
- Raise issues concerning a position of employment.
- Question the actions or policies of the Kent Students’ Union; or
- Appeal against a decision reached under a different Procedure. If there is already a separate complaint procedure that you are subject to then you must use this in the first instance

#### **4. Who can make a complaint?**

4.1 Complaints can normally be made by registered students on a University of Kent programme or award, including students on approved periods of interruption or recent graduates.

4.2 Historical, Alumni or third-party complaints in relation to historical allegations of serious staff misconduct or sexual misconduct by university staff towards students can be submitted outside of the stated timeframes and should be submitted where possible through [Report + Support](#).

#### **5. Collective or Group Complaints**

5.1 Complaints will normally be made by individual students but, where appropriate, groups of students are permitted to make a collective complaint where the subject matter is the same or similar. In such circumstances, the group (more than two students) should appoint a spokesperson. Due to the complexity, group complaints consisting of more than two students will normally be automatically progressed to the Formal Stage of the procedure.

#### **6. Anonymous Complaints**

6.1 The University does all it can to ensure that students who raise concerns are supported appropriately. However, it is important to note that the University may not be able to act on complaints that are made anonymously. This is because the University is under an obligation to deal with allegations in a fair and reasonable way and in accordance with the rules of natural justice. Natural justice means that adjudication is unbiased and given in good faith and that each party is aware of the arguments and documents given by the other. In cases of doubt as to whether to raise a complaint a student can seek confidential, independent advice from the [Kent Students' Union Advice Centre](#) or [The Medway Advice Service](#) for Medway students.

#### **7. Third-Party Complaints**

7.1 A complaint from a third party will only be accepted on behalf of a student from a Students' Union Advice Centre representative or other third-parties if we receive written authority from the student for them to act on their behalf. Should a complaint be received from a third party, the student (if identified) will be contacted regarding their complaint by the Appeals, Conduct and Complaints Office.

7.2 Alumni or third-party complaints in relation to historical allegations of serious staff misconduct or sexual misconduct by university staff towards students can be submitted outside of the stated timeframes and should be submitted where possible through [Report + Support](#). All allegations whether

recent or historical will be considered in line with the [Sexual Misconduct Joint Staff-Student policy](#).

## **8. Complaints regarding serious staff misconduct**

8.1 Complaints from students regarding serious staff misconduct or sexual misconduct by university staff towards students or imbalances of power within staff/student relationships should be reported through the [Report + Support](#) tool in the first instance. This is to allow students to receive support and information on reporting mechanisms available to them. Students who wish to report incidents anonymously or wish to report historical incidents regarding staff are encouraged to also do so via [Report + Support](#).

8.2 Alumni or third-party complaints in relation to historical allegations of serious staff misconduct or sexual misconduct by university staff towards students can be submitted outside of the stated timeframes and should be submitted where possible through [Report + Support](#). All allegations, whether recent or historical, will be considered in line with the [Sexual Misconduct Joint Staff-Student policy](#).

8.3 Current or historical allegations of sexual misconduct from students regarding current students will be considered under the [Student Discipline Procedure](#) and not the student complaints procedures.

## **9. Kent and Medway Medical School complaints**

9.1 Where a complaint is raised regarding a KMMS service or facility the student will be referred to the [KMMS Student Complaints Procedure](#).

## **10. Accommodation Issues or Tenancy Dispute**

10.1 A separate Early Resolution complaints procedure is available for students wishing to report accommodation issues or concerns in relation to their tenancy with the University. If it is not possible to resolve through the Early Resolution stage, a student may submit a Formal Complaint. Students can find more information about this at [Accommodation - University of Kent](#).

## **11. Consumer Rights and Protection Law Issues**

11.1 Complaints related to Consumer Rights Protection Law issues can be made by prospective students that have applied to study at the University of Kent, prospective students that have accepted an offer to study at the University of Kent and enrolled students.

## 12. **Complaints relating to Academic Appeals**

12.1 The OIA determine that an Academic Appeal is

*‘a challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards.’*

12.2 The Student Complaints Policy and Procedure is distinct from the procedure for Academic Appeals and, in some rare instances, a complaint may overlap with an Academic Appeal.

12.3 Where this applies, the Appeals, Conduct and Complaints Office will adopt an approach that ensures the requirements of both procedures are enacted in the best interests of all parties. The Appeals, Conduct and Complaints Office reserves the right to defer the investigation of a complaint until the Academic Appeal has been resolved and vice-versa.

## 13. **Students on Placements**

13.1 A complaint about a student’s experience on a placement may relate to matters falling under the jurisdiction of the University or matters more properly falling under the jurisdiction of the host institution or company.

13.2 While advice on which procedure is appropriate should be sought from the Placement Supervisor, matters related to placement learning will normally fall under the jurisdiction of the University of Kent and in the first instance a complaint should be considered at Early Resolution stage with either the appropriate member of staff or the Placement Supervisor. This may be done by the student(s) concerned, another student, the Placement Supervisor or another academic member of staff acting on behalf of the student(s) making the complaint.

13.3 Placement providers may process complaints relating to non-academic matters according to their procedures for doing so without recourse to the University of Kent. Where complaints are made with respect to services provided by the University of Kent, the University of Kent’s complaint procedure for students should be used.

13.4 If the student(s) remains dissatisfied and wishes to take the complaint further, the matter should be put in writing in line with the above procedures. However, as the placement organisation will need to be consulted, this may necessitate a longer time scale, and this will be communicated to the students.

## 14. **Partner Colleges or Validated Institutions**

14.1 Where possible students are encouraged to try to resolve their concerns through Early resolution with the Partner College or Validated Institution they study with or to engage with the partner's internal formal complaints

procedures. However, students studying a Kent programme at a Partner College or Validated Institution can submit a complaint directly to the University using this procedure if they would prefer to do so.

## 15. **Procedure for Complaints Regarding Higher and Degree Apprenticeships**

15.1 The apprentice and (host) employer should try to resolve any dispute through Early Resolution in the first instance. If a student wishes to submit a complaint to their host employer regarding their Higher and Degree Apprenticeship they can seek independent advice from the National Apprentice Helpline, 08000150400, and/or the Kent Students' Union Advice Centre or The Medway Advice Service for Medway students.

15.2 Complaints from apprentices regarding the University should be raised in line with this procedure.

## 16. **Complaints in Relation to Higher and Degree Apprenticeships Employment**

16.1 An employment relationship can give rise to concerns or problems in relation to some aspects of the employment, including relationships with colleagues, working conditions or contractual terms.

16.2 Complaints that an apprentice may have in relation to the employment aspect of the apprenticeship should be raised in accordance with the (host) employer's own internal grievance procedure. If the student requires support with this process, they can contact the University or the Kent Students' Union Advice Centre or The Medway Advice Service.

## 17. **Timescales for raising a complaint.**

17.1 Normally complaints raised should be submitted within **three months** of the incident taking place, however, the University recognises that there may be circumstances that prevent a student from submitting a formal complaint within this timeframe. Complaints raised outside of this timeframe will be considered on a case-by-case basis but may be dismissed and a Completion of Procedures letter issued if there are no exceptional circumstances, or a significant amount of time has elapsed.

## 18. **Support during the Complaints Process**

18.1 Students are able to be supported at any meeting regarding their complaint by a member of university staff, (including Student Support and Wellbeing), a friend or family member not connected to the case, a member of a Students' Union. Kent Students' Union Advice Centre or another student at the University. Normally the individual would have a supporter role, and

the student will provide their representations regarding the complaint themselves.

18.2 If reasonable adjustments are required for the supporter to play a larger role in the meeting, such as assisting the student present their case, the Appeals, Conduct and Complaints Office should be advised in advance of the meeting. It is a student's responsibility to arrange for a supporter to attend.

18.3 The Student Complaints Procedure is not a legal process; therefore, a student does not require a legal representative to access the procedure. A student may only be accompanied by a legal representative if they have received express agreement from the University. Requests for a legal representative to be present at meetings should be submitted to [acco@kent.ac.uk](mailto:acco@kent.ac.uk) as soon as practicably possible. Please note that the appointment of legal representation may delay the complaints process.

## 19. Reasonable Adjustments

19.1 The University will make reasonable adjustments to this procedure where it is reasonable to do so to prevent a student from experiencing less favourable treatment because of a disability or impairment. In such cases, the University's Student Support and Wellbeing team may be consulted.

## 20. Frivolous or Vexatious Complaints

20.1 The Appeals, Conduct and Complaints Office reserves the right to reject any complaint without full consideration if it is considered frivolous or vexatious. Examples include:

- Complaints that are obsessive, harassing, or repetitive.
- Insistence on pursuing unmeritorious complaints.
- Seeking unrealistic or unreasonable outcomes.
- Insistence on pursuing what may be a meritorious complaint in an unreasonable manner.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.
- Complaints that repeatedly contain abusive or offensive language.

20.2 If the Appeals, Conduct and Complaints Office consider that the student's complaint falls into the category of frivolous or vexatious as set out in the policy, the student will be advised that the complaint will not be considered further, and a Completion of Procedures Letter will be issued.

## 21. **Suspension or Termination of a Complaint**

- 21.1 The Appeals, Conduct and Complaints Office, in consultation with other departments, if necessary, will determine if the complaint is better placed being considered through other regulations or policies (such as Academic Appeals). The student will be advised of any referral to another regulation or policy, and the formal complaint will be suspended or closed.
- 21.2 In exceptional circumstances, the Appeals, Conduct and Complaints Office may terminate a complaint at any stage, for example, where the student's behaviour in relation to the complaint or investigation is deemed unacceptable or disruptive, or where a complaint is deemed to be vexatious or malicious. In such cases, the University may also invoke the Student Discipline Procedure. The student will be advised of any decision made in this regard.

## 22. **Recording and Monitoring**

- 22.1 The Student Complaints Policy and Procedure are overseen by Senate and operated by the Appeals, Conduct and Complaints Office who are responsible for investigating complaints raised, and the recording and storing of student complaint files.
- 22.2 We are committed to continuous improvement and constructive handling of complaints to ensure that similar situations do not re-occur. Complaints are monitored by the Appeals, Conduct and Complaints Office to identify trends, areas of good practice and where improvements could be made to university practices. This information will also be used to review and continuously improve the Student Complaints Procedure.
- 22.3 The Head of Appeals, Conduct and Complaints will use complaint records to submit a termly report to Deputy University Secretary and appropriate Boards and committees. Annual Reports will be submitted to the Graduate Research College Board and Education and Student Experience Board on an annual basis.
- 22.4 Recommendations within this report shall be used to enhance the quality of the student experience. Such reports will not contain any personally identifiable data.
- 22.5 A summary of actions taken in response to student complaints raised to the OIA will be made available to the University of Kent's Council periodically.

# University of Kent

## Student Complaints Procedure

Members of staff indicated in this procedure are specialist University of Kent staff unless specifically stated otherwise.

### **1. Early Resolution**

1.1 The focus of Early Resolution is to support an attempt at resolving a student complaint prior to a formal complaint being submitted. Early Resolution can involve the student speaking with an appropriate member of university staff, such as an Academic Advisor or Retention and Engagement Support Officer. Complaints at this stage can be submitted face-to-face, by phone, in writing, or by email. In some cases, Professional Services operate distinct early resolution procedures (accommodation for example), in such cases these procedures should be followed when a concern arises.

1.2 Examples of where Early Resolution would not be appropriate include complaints regarding serious staff misconduct, group complaints, and anonymous complaints (list not exhaustive). Students who are concerned about Early Resolution should contact the Appeals, Conduct and Complaints Office for further advice. Early resolution can involve a meeting between appropriate staff and the student. Agreed notes from any meetings may be added to a student file as evidence of the complaint and subsequent offer of resolution. If a student is unsure who to raise their concerns to, they can seek advice from the Students' Union Advice Centre or the Appeals, Conduct and Complaints Office.

1.3 Early Resolution of complaints will be recorded by the Professional Service Department or Academic School. Agreed notes from any meetings may be added to a student file as evidence of the complaint and subsequent resolution and will be shared with the Appeals, Conduct and Complaints Office should a formal investigation be required to take place.

1.4 If a complaint cannot be resolved through Early Resolution, then a Formal Complaint can be made, and the student will be directed to the formal stage as soon as possible.

### **2. Formal Complaint**

2.1 If a complaint cannot be resolved through Early Resolution or it is not appropriate for the complaint to be considered at the Early Resolution stage, a student may proceed with a formal complaint by completing a Complaints

Form online or by contacting the Appeals, Conduct and Complaints Office. The form can be accessed by clicking [here](#).

- 2.2 The online Complaint Form should include information on the nature of the complaint as concisely as possible and include the actions the student has taken to try and resolve the complaint through Early Resolution (if appropriate) and the outcome/resolution the student is requesting.
- 2.3 The completed form will be received by the Appeals, Conduct and Complaints Office at [acco@kent.ac.uk](mailto:acco@kent.ac.uk). The student will be contacted to meet with an officer if necessary and be asked to provide supporting documentation. Incomplete forms may be returned to the student. Students can seek advice on completing the form or submitting a complaint with appropriate supporting evidence from the [Kent Students' Union Advice Centre](#) or [The Medway Advice Service](#) for Medway students.
- 2.4 The Appeals, Conduct and Complaints Office will normally acknowledge receipt of a complaint within **5 working days**. If Early Resolution has not been attempted by the student, the complaint may be referred back to the Early Resolution stage of this procedure.
- 2.5 We aim to complete the consideration of a formal complaint and any associated review within ninety (90) calendar days. The deadline requires that the student meets all deadlines set for the submission of evidence. In some cases, we may need to extend this deadline, and, in these circumstances, we will contact the student(s) to inform them of this and keep them regularly updated on the progress of the case. The Appeals, Conduct and Complaints Office reserves the right to make any reasonable extensions to this timescale and will inform the student of any such extension.
- 2.6 The Appeals, Conduct and Complaints Office will arrange for the complaint to be investigated by an Appeals, Conduct and Complaints Officer/Senior Appeals Conduct and Complaints Officer, who will be independent and have no previous knowledge of the complaint. They will arrange a meeting with the student(s) to discuss the complaint.
- 2.7 A record of all meetings, whether face-to-face or conducted remotely, will be taken, and held in the student complaint file. Digital recordings of any meetings are not normally permitted unless there are exceptional circumstances/ reasonable adjustment requirements, and it is agreed in advance with the Appeals, Conduct and Complaints Office.
- 2.8 Where necessary, the Appeals, Conduct and Complaints Officer/Senior Appeals Conduct and Complaints Officer may seek advice from specialist services, including legal services. Where there are equality and diversity considerations, specialist advice will be sought at the earliest opportunity.

2.9 The Appeals, Conduct and Complaints Officer/Senior Appeals Conduct and Complaints Officer will produce a written report to the student that provides them with findings of the complaint investigation and, where appropriate, include supporting evidence and outcomes. The report will be submitted to a Senior Appeals Conduct and Complaints Officer/ Head of Appeals, Conduct and Complaints for comment, to ensure that the correct procedures have been followed and all concerns raised in the complaint have been responded to.

2.10 The report will then be submitted to the appropriate Head of School or Director of Professional Services Department, or nominee, for consideration and to ensure all recommendations are appropriate, before the outcome is provided to the student via the Appeals, Conduct and Complaints Office. The outcome of a student complaint will remain provisional until approved by the appropriate Head of School, Director, or nominee.

2.11 If the student is not satisfied with the outcome of a formal complaint, they may be eligible to request a review.

### 3. Review

3.1 If a student is dissatisfied with the outcome of the formal complaint investigation, they can request a review. An appropriate senior member of staff within the University will be appointed to consider the review and ensure that appropriate procedures were followed, and that the decision was reasonable.

3.2 A review can be requested by submitting a Review Request Form to the Appeals, Conduct and Complaints Office [here](#).

3.3 Requests for a complaint review will be considered if one or more of the following grounds are met:

- **There has been a procedural error or other irregularity in applying the Procedure when the complaint was considered at the formal stage.**

And/or

- **There is new evidence that could not be made available when the formal complaint was submitted that could have affected the outcome of the complaint.**

And/or

- **The outcome decision was upheld or partially upheld, but the decision or the proposed remedy was unreasonable or disproportionate.**

3.4 The review request should be submitted in writing, including any supporting evidence, to the Appeals, Conduct and Complaints Office, within **10 working days** of receiving the outcome of the complaint.

3.5 The review request will be acknowledged within **5 working days** and the Head of Appeals, Conduct and Complaints will assess the review request using the criteria above and decide as to whether the request is based on permitted grounds and is eligible to be considered.

3.6 If it is considered that the request for a review meets one or more of the grounds, the Head of Appeals, Conduct and Complaints will allocate a senior member of staff from the University of Kent who has not previously been involved, to conduct a review. The purpose of conducting the review is to consider whether the grounds stated have merit. A review will not normally involve a fresh, full investigation. A complaint must have been considered at the formal stage before it can be escalated to review.

3.7 The outcome of a review will be that the reviewer can either:

- Dismiss the case.
- Conclude that the review is upheld, and recommendations will be made.
- Conclude that the complaint will be returned to a Senior Appeals Conduct and Complaints Officer to consider the new evidence submitted.

3.8 Once the review is complete the Appeals, Conduct and Complaints Office will write to the student setting out the reviewer's decision.

3.9 If the case is dismissed the student will be advised and a Completion of Procedures Letter will automatically be issued within 28 Calendar days.

3.10 If the outcome of the review is upheld, the student will be informed of the outcome and any recommendations made to resolve the complaint. A student can request a Completion of Procedures Letter at this stage, and one will be issued within 28 Calendar days.

3.11 If the outcome of the review is referral back to the formal stage and the complaint is not upheld, a Completion of Procedures letter will be issued within 28 calendar days of the decision being issued.

3.12 The decision taken by the reviewer is final.

#### **4. Office of the Independent Adjudicator for Higher Education (OIA)**

4.1 Once all stages of this procedure have been exhausted, the student has the right to refer the case to the Office of the Independent Adjudicator for Higher Education for further review. An application to the OIA must be submitted within 12 months of the issue of a Completion of Procedures Letter. Full details regarding the OIA's rules and guidelines are available at their website.