Kingston University London

GENERAL REGULATIONS 2b: Student Complaints Guidance

2013-2014

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Please Note: This Guidance is to be read in conjunction with the Student Complaints Procedure, it is a summary and thus accompanying document only.

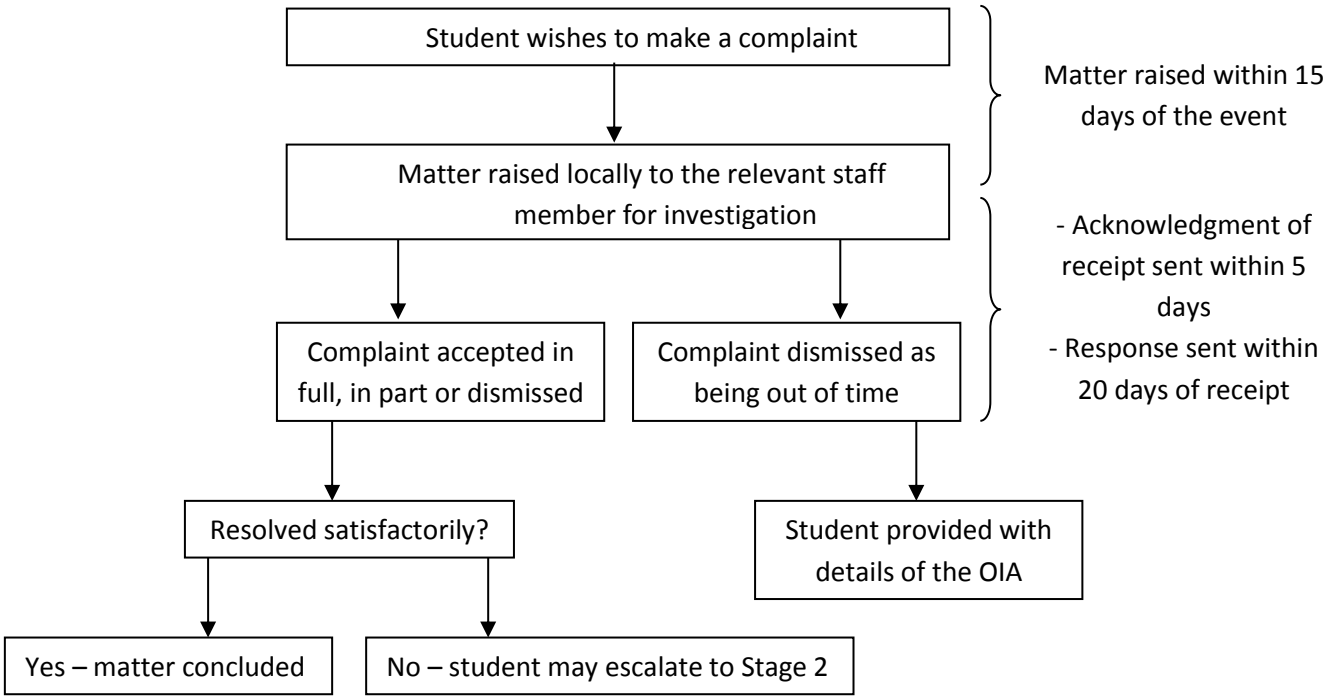
GLOSSARY OF TERMS

Expression	Meaning
Bullying	Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient; may happen in public or private
Complaint Co-ordinator	A Faculty or Department nominated representative to respond to or administrate complaints (these individuals are listed at the back of this document)
Compliance Advisor(s)	Compliance Advisors in Student Services and Administration or such other person nominated by the Dean of Students or the Deputy Director of Student Services
Days	University working days (Monday-Friday) excluding Bank and Public Holidays
Departments	Central University Departments, rather than Faculty Departments
Fabricated Complaints	Complaints (or elements thereof) which have been invented or concocted
Harassment	Unwanted conduct (intentional or unintentional) which has the effect of violating a person's dignity; the actions or comments are viewed as humiliating, degrading and unacceptable to the recipient and can create a hostile and intimidating environment; it may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident
Human Resources	The designated Human Resources representative for the Faculty/Department or other Human Resources representative as nominated by the Director of Human Resources
In writing	Anything submitted in writing should take the form of either a written/typed letter, or an email from a Kingston University email account
KUSU Support	A free, confidential and independent advice service for all Kingston University students, based in the Students' Union at Penrhyn Road; providing support on a range of issues including complaints
Malicious Complaints	Complaints which have the intention to cause harm or distress to those named in the matter
Mediation	An alternative form of dispute resolution designed to find a constructive solution without apportioning blame; useful for restoring effective and professional relationships; involves trained

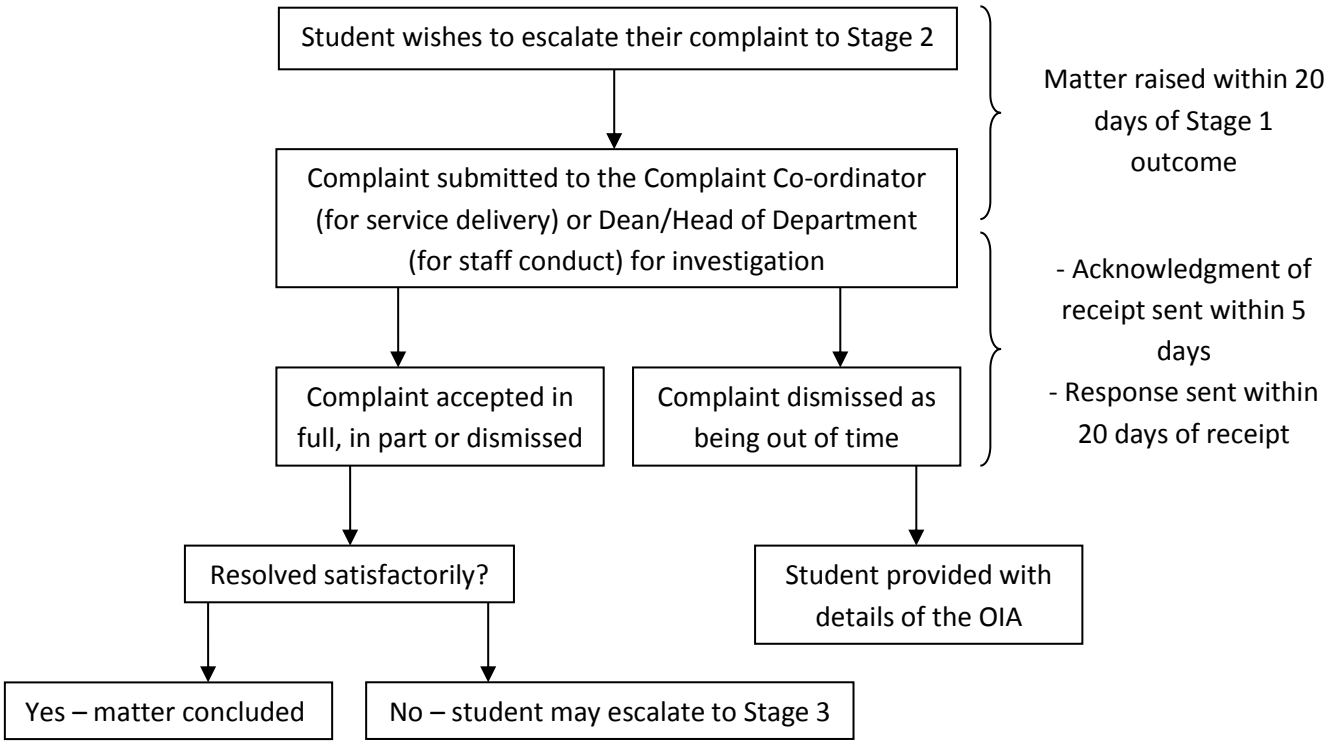
	impartial individuals bringing the conflicting parties together and facilitating a constructive dialogue between the two; requires the agreement of all parties
Office of the Independent Adjudicator	The Office of the Independent Adjudicator is the ombudsman for universities in England and Wales, it conducts free reviews of student complaints
Partner Institution	An institution which is jointly or wholly responsible for delivery of a Kingston University award
Representative of the Students' Union	The President of Kingston University Students' Union, or another Student Officer of the Students' Union, as nominated by the President
Staff	Members of University staff, including staff of the Kingston University Service Company ('KUSCO') or any other wholly owned subsidiary company of the University
University Secretary's Department	The University Secretary's Department, or such other person nominated to act on their behalf
Vice-Chancellor	The Vice-Chancellor, or such other person nominated to act on his/her behalf
Victimisation	Occurs when a person is treated less favourably because they have made a complaint, have supported someone who has made a complaint, or are believed to have done either of the above; it also applies when the relationship between the student and the University has ended

FLOWCHART OF THE STUDENT COMPLAINTS PROCEDURE

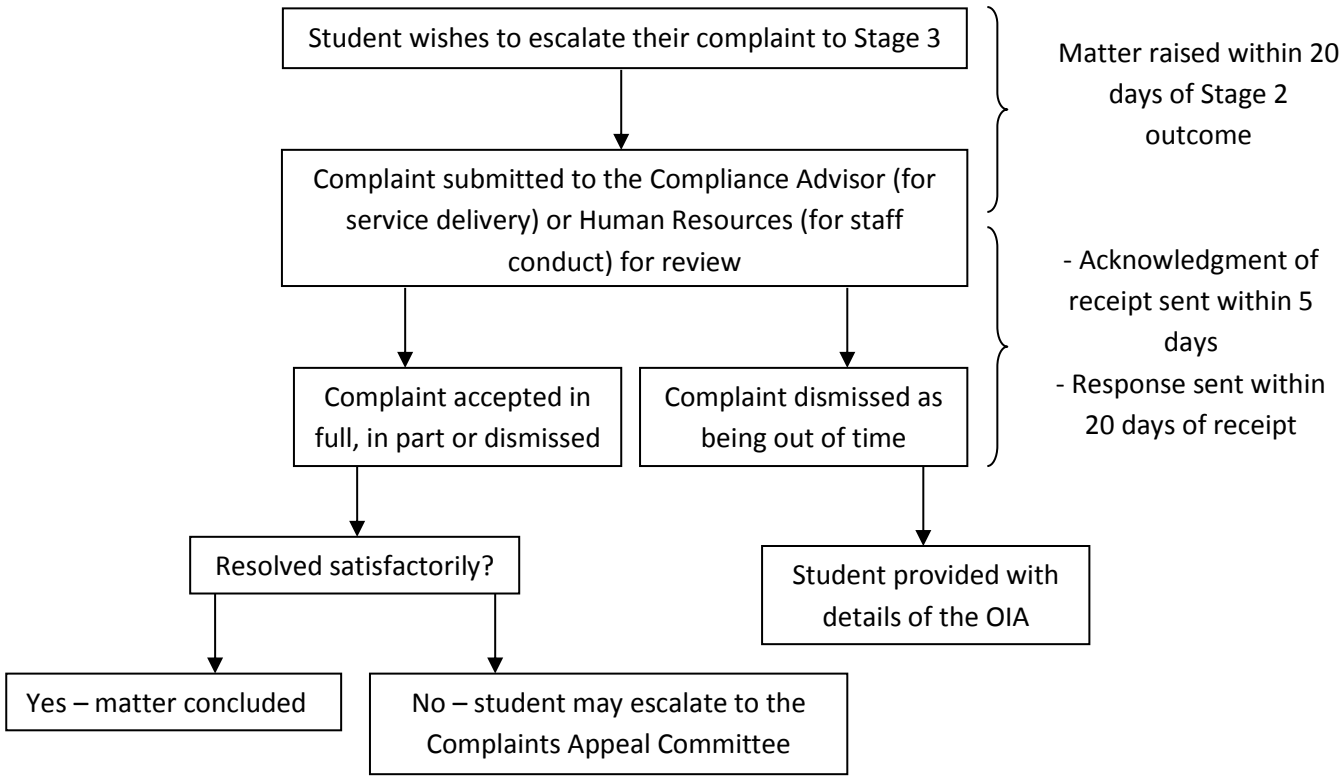
Stage 1: Local Level Resolution



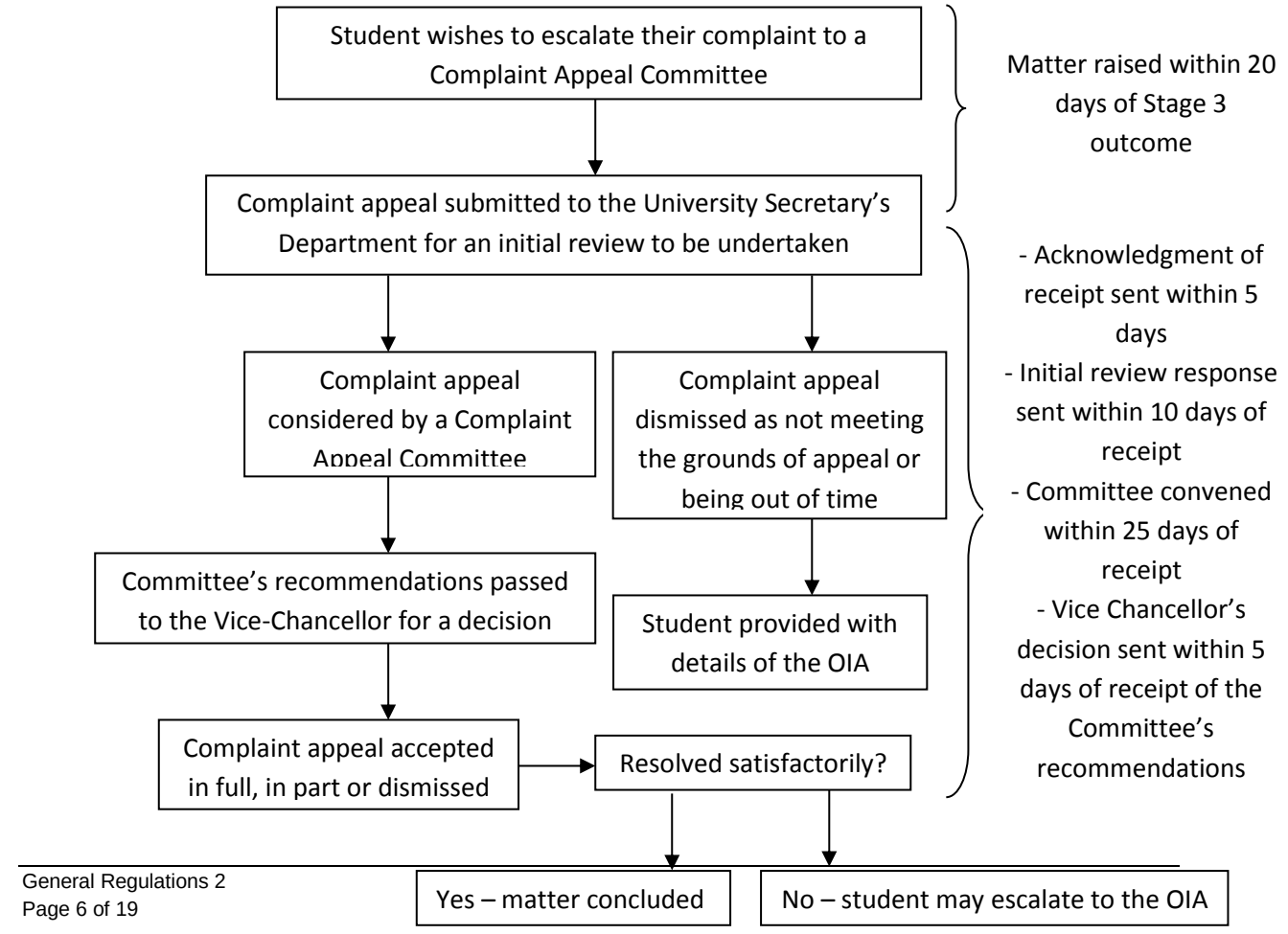
Stage 2: Faculty/Department Resolution



Stage 3: Compliance/Human Resources Review



Stage 4: Complaint Appeal Committee



EXCLUSIONS FROM THE STUDENT COMPLAINTS PROCEDURE

- Any matter relating to assessment and examination procedures or academic appeals – see the Academic Appeals Procedure;
- Any matter relating to the quality of academic feedback on work – such issues should be discussed with the Course team;
- Outcomes of the Student Disciplinary Procedure – see the Student Disciplinary Procedure for guidance on appeals arising from this;
- Decisions relating to Notice to Quits – see the Notice to Quit appeal procedure;
- Any matter relating to Kingston University Students' Union ('KUSU') – contact the General Manager of KUSU;
- Any matter relating to intellectual property rights – see the Intellectual Property Rights Procedure;
- Any matter relating to admissions (including complaints regarding application to the University as part of the admissions process) – see the Admissions Complaints Procedure;
- Appeals regarding fee status decisions – contact Applicant Services;
- Appeals regarding decisions on applications for student funds, such as the Access to Learning Fund or US Federal Aid – contact the Student Life Centre Student Funds Team;
- Complaints about additional cleaning charges, and charges for inappropriate activation of fire alarms within Halls of Residence – see the appeal process for charges applied by the Hall Manager;
- Complaints concerning disagreement or dissatisfaction with an existing and agreed University policy or procedure (e.g. Tuition Fee Policy, Withdrawal Policy) – these will only be considered if evidence is presented that the appropriate procedure has not been correctly followed – such concerns should be raised with KUSU;
- Complaints about staff employed by other organisations, including staff employed at partner institutions and by placement organisations – such matters should be raised directly with the institution or organisation;
- Complaints about student conduct and behaviour – see the Student Disciplinary Procedure; and
- Any anonymous complaints.

GUIDANCE FOR STAFF CONDUCTING INVESTIGATIONS

Mediation

If you believe that mediation may be a viable means of resolving the issues raised in the complaint you are investigating, or if you are contacted by the student in relation to mediation, you should contact the University's Mediation Service. The Service will require a summary of the case, in order to determine whether or not the matter is suitable for mediation. If not, you should inform the parties of this and continue to investigate the complaint in accordance with the Student Complaints Procedure. If, however, the complaint is deemed appropriate to mediate, the clock will stop running on your investigation whilst the Service facilitate the mediation. After the meeting has occurred, you will receive an update from the Service as to whether the mediation was successful, and therefore the complaint has been resolved, or whether no resolution was reached. If the latter, you will need to continue your investigation in accordance with the Student Complaints Procedure.

Mediation is a voluntary process and does therefore require the consent and full co-operation of all interested parties. If this is not the case, mediation will be deemed inappropriate, and the complaint will revert back to the Student Complaints Procedure for consideration.

The failure of either party to engage with the mediation process after agreeing to it may result in the mediation being stopped, and the case being referred back to the Student Complaints Procedure.

Further information about the University's Mediation Service can be found at: http://law.kingston.ac.uk/disputeresolution

Good Practice for Investigations

Insofar as reasonably possible, all complaints will be dealt with confidentially. It is important that all interested parties are given the opportunity to respond to the matters raised, and therefore the student's complaint will need to be fully disclosed. However, the complaint should not be made known to anyone else without the consent of the student, unless there are overriding statutory obligations. It is important to make it clear that students have the right to raise concerns without the fear of victimisation.

Students should be asked whether they require any reasonable adjustments, and consideration should be given to part time students, students with caring responsibilities and any assessments in respect of a student's attendance at meetings.

The Student Complaints Procedure sets out a clear timeframe for the investigation of complaints and communications with the student. You must ensure that you adhere to

these dates, and if necessary, contact the student to arrange a revised timeframe with the reason for this.

The letter of complaint should only be disseminated to those staff required to provide a response to the allegations or complaint; you can choose to send a copy of the complaint to these relevant individuals, ask a series of questions to enable them to respond, or a combination of both. It may be appropriate to only copy relevant sections to individual staff members. Always mark this correspondence confidential.

It may be beneficial to meet with the student as part of your investigation, particularly if they have requested the opportunity to explain their case to you in person. It may also be expedient to meet with any relevant members of staff, review documentation such as handbooks, webpages and leaflets, and request written responses to questions asked of all interested parties.

When responding to a student's complaint, you should ensure that you address each issue that has been raised, to demonstrate that the matter has been fully considered. The outcome letter should also include details of the next stage of the Student Complaints Procedure, whether the complaint is upheld in full, in part, or dismissed.

If the investigation concludes that a complaint should be fully or partially upheld, you should document which aspects of the complaint are being upheld, and which aspects any resolution relates to. Any recommendations to resolve the complaint should be clearly stated with timeframes for action where appropriate. Any staff responsible for acting on the action points should have this brought to their attention when the final outcome is circulated.

If you are offering compensation or a financial offer as a gesture of good will as a resolution to the complaint, please use the Acceptance Form on the Complaint Co-ordinator's SharePoint site. Such offers are usually stipulated as being in full and final settlement of the student's complaint, i.e. the student, upon accepting the amount offered, will not be able to make a further complaint or appeal about the same issues under the Student Complaints Procedure or via any external route, including the civil courts. It is important to give the student a deadline by which to accept the offer.

Any issues or concerns arising from the investigation that are not directly related to the student's complaint should be addressed separately with the Faculty or Department concerned.

<u>Stage 1: Local Level Resolution</u>

If a student raises a concern with you, you should make the necessary enquiries to allow you to respond to the matter; it is expected that the majority of complaints will be resolved at this stage, and will not be escalated to the formal stages of the Student Complaints

Procedure. Informal complaints may be verbal or in writing; but it is helpful to follow up any verbal communications in writing, in order to have a record of what has been said and any actions taken.

If it becomes apparent that something has gone wrong for the student and you can rectify that, then you should do so; this may involve providing explanations for actions that have been taken by the University, taking steps to address administrative errors and correcting records, or facilitating a dialogue between the student and a member of staff if communication has broken down. A record should be kept of any steps taken to resolve a complaint locally in case the matter is escalated.

It may become evident that the complaint cannot be resolved locally, e.g. if the allegations raised are complex or serious, or a number of attempts at resolution have not been successful. In these instances it would be appropriate to request that the student submits a Stage 2 complaint; the letter should include the reasons for this, and may, if appropriate, also include what action has been taken to try to resolve the complaint.

When responding to a complaint, you should advise the student of the steps you have taken to resolve the concerns, and also inform them of their right to escalate the case to a Stage 2 complaint if they are dissatisfied with your findings or attempts at resolution.

Stage 2: Faculty/Department Resolution

Stage 2 complaint investigations are conducted by the Complaint Co-ordinator, or an independent nominee from the Faculty/Department if the complaint relates to staff conduct. In exceptional cases, the nominee may be from a different Faculty/Department, e.g. where the complaint also concerns staff from other Faculties/Departments.

Stage 2 complaints should be submitted in writing, the student should submit sufficient details of the service delivery failings and/or inappropriate conduct of staff, with specific examples and any supporting evidence, in addition to their desired outcome and any relevant documentation from the informal stage. If the nature of the complaint is not clear, or there is no evidence to support the allegations, the student should be contacted to provide clarification; this can either be done in writing, or through a meeting with the student.

If it is apparent that the student has made no attempt to resolve their case at Stage 1, you can direct the student to do this, before you can accept the complaint. However, it can be the case that by the time a written complaint has been made, relationships may have deteriorated to the extent that this is not appropriate; in this instance, or where the complaint is particularly complex or serious, the student does not have to be referred to the local resolution stage.

When responding to a complaint, you should advise the student of the steps you have taken to resolve the concerns, and also inform them of their right to escalate the case to a Stage 3 complaint review if they are dissatisfied with your findings or attempts at resolution.

Stage 3: Compliance/Human Resources Review

Stage 3 reviews are not a re-investigation of the original complaint, but rather focus on the areas the student has stated are unreasonable or where they have presented evidence of failings in the Stage 2 investigation.

The Stage 3 complaint will be investigated by a Compliance Advisor, or an investigator appointed by Human Resources if the complaint relates to staff conduct. In the latter case, the individual appointed will be from outside the Faculty or Department and have no previous knowledge of the complaint.

The student should submit their Stage 2 complaint (including supporting documentation) and outcome, and a Stage 3 complaint which details why they considered the Stage 2 investigation to be flawed, or the outcome to be unreasonable; there should be no new evidence at this stage, all evidence should have been submitted at Stage 2. If the student has not explained why they have escalated their case, or they have not submitted all of the aforementioned documents, they should be asked to do so before their case can be reviewed. This can either be done in writing, or through a meeting with the student.

When reaching a decision, it may be necessary to liaise with an independent and previously unconnected staff member in the Faculty or Department, in order to ascertain the feasibility of proposed resolutions.

GUIDANCE ON THE ARRANGEMENT AND PROCEEDINGS OF COMMITTEES

Complaint Appeal Committee

The student has the right to appeal to the University Secretary's Department against the decision of the Compliance Advisor or appointed investigator, providing they submit their complaint appeal within 20 days and meet at least one of the grounds of appeal. If a complaint appeal is received late or does not satisfy to the prescribed grounds, it will not be considered and should be rejected with the student being informed about the Office of the Independent Adjudicator.

The University Secretary's Department will conduct an initial review of the complaint, and may determine that it merits further consideration at Stage 3, before referring it back to the Compliance Advisors or Human Resources with details. If the complaint appeal meets the above grounds and is submitted within the 20 day timeframe, the University Secretary's Department will be responsible for convening a Complaint Appeal Committee; this should normally take place within 25 days of the University Secretary's Department receiving the complaint appeal. The written invitation to the student should include: -

- Details of their complaint;
- Reference to the available support (KUSU Support);
- Date/time/venue of the Committee and details of who will be present;
- A request for the student to make the organiser aware of any reasonable adjustments to be made; and
- Reference to the fact that a student's may attend, or that the matter may be considered in their absence (consideration should be given to students with caring/other responsibilities, or assessments in relation to their ability to attend)

The paperwork for consideration by the Committee shall comprise the student's letter of complaint appeal, a copy of the Stage 2 and 3 complaints (with any supporting documentation) and the outcome letters for these Stages. Copies of this documentation will be circulated no less than 5 days prior to the Committee.

The Committee will focus solely on the grounds of appeal and will not rehear matters previous investigated at earlier Stages. The proceedings for the Committee shall be as follows: -

- The Chair shall open proceedings, introduce all present and outline the process;
- The Committee will take each ground of appeal in turn and will ask questions of the student and the Compliance Advisor/appointed investigator as necessary in order to clarify their understanding of the issues in order to reach a decision as to whether to uphold or dismiss that element of the complaint appeal;

- After each response the student and the Compliance Advisor/appointed investigator will be asked if they wish to add any further detail or clarification;
- At the end of the question and answer session, the student will be offered the opportunity to raise any issues included in their complaint appeal that they do not feel have been properly addressed during the Committee; the Chair shall ensure that any issues raised strictly relate to the complaint appeal and that other issues (either new or previously addressed) are not raised;
- The Compliance Advisor/appointed investigator will also be provided with an opportunity to raise any issues arising from the investigations which they do not feel have been properly addressed during the Committee.

The Committee can uphold the complaint appeal in full, in part, or dismiss it.

The University Secretary's Department will compile the Committee's recommendations, a case summary report and the rationale for their decision and submit this to the Vice-Chancellor; who can approve the recommendations or may make alterations.

The student should receive written notification from the University Secretary's Department of the outcome within 5 days of the Vice-Chancellor receiving the Committee's recommendations.

GUIDANCE FOR STUDENTS SUBMITTING A COMPLAINT UNDER THE STUDENT COMPLAINTS PROCEDURE

Engagement and Absence

You are required to engage with the complaints process at all times, respond to correspondence when appropriate, and attend mediation sessions, meetings or Committees when requested to do so. If you are unable to attend a mediation session, meeting or Committee you should contact the staff member responsible as soon as possible with a valid reason for your unavailability in order to reschedule the proceedings; you may be required to provide written evidence of your unavailability. It may not be possible to fully investigate your complaint without your full engagement with the process.

Confidentiality

Insofar as reasonably possible, all complaints will be dealt with confidentially. All interested parties will be given the opportunity to respond to the matters that you raise, but your complaint will not be made known to anyone else without your consent, unless there are overriding statutory obligations, such as the Prevention of Terrorism Act.

Accompaniment and Representation

If you are invited to attend a mediation session, meeting or Committee, you may be accompanied by a friend or family member, a staff member from KUSU Support, or a Trade Union or professional association staff member. If the individual is from the latter category, they are only permitted to be present in a non-legal capacity. Representation by a third party is not permitted under the Student Complaints Procedure, and will only be considered where there is a valid reason such as ill health and/or disability; in such circumstances this must be consented to beforehand. Legal representation or accompaniment will not be permitted unless the University considers it necessary, only in exceptional circumstances. If the University determines legal representation is not necessary, you will be given the option to continue the internal procedure without such legal representation. If you do not wish to proceed on this basis, the University will treat the matter as closed and issue a Completion of Procedures letter.

Mediation

If you would like your complaint to be resolved via mediation, you should submit your request to the staff member investigating your case at Stage 1 or 2. Mediation will only take place if your case is deemed appropriate by the Mediation Service, and if the other party to the complaint agree to this means of resolution. If mediation is unsuccessful, your complaint will continue to be investigated under the Student Complaints Procedure;

however, if a resolution is reached during the meeting, you will not be able to take any further action on your case under the Student Complaints Procedure.

Mediation is a voluntary process and does therefore require the consent and full co-operation of all interested parties. If this is not the case, mediation will be deemed inappropriate, and the complaint will revert back to the Student Complaints Procedure for consideration.

The failure of either party to engage with the mediation process after agreeing to it may result in the mediation being stopped, and the case being referred back to the Student Complaints Procedure.

Further information about the University's Mediation Service can be found at: http://law.kingston.ac.uk/disputeresolution

Making a Complaint

If there is a matter of concern you wish to bring to the attention of the University, you need to follow the steps set down in the Student Complaints Procedure; if stages are missed out, the University will refer your case back to the appropriate stage for investigation. Your complaint should, in the first instance, be raised informally with the relevant Faculty/Department; the majority of complaints are in fact resolved at this stage.

At all stages of the Procedure, you should submit information about the nature of your complaint, why you are dissatisfied and your desired outcome. For instances where your complaint has been considered at a previous stage and you are escalating it, you need to state why you are dissatisfied with the investigation undertaken or outcome provided at the previous stage and provide all documentation from the previous stage(s).

It is important that you are as detailed as possible in your complaint, and that you provide any supporting evidence from the beginning of your complaint. This should prevent delays during the investigation, when the staff member considering your case may need to contact you to seek clarification. All documentation should be provided at the start of you raising any concerns under the Student Complaints Procedure, new issues and documentation will not be considered in subsequent stages of the Procedure.

Ordinarily all complaints (other than those at a Complaint Appeal Committee) will be decided on the documentation you submit; you will not be invited to present your case in person, unless it is deemed appropriate by the case investigator.

Complaint Appeal Committee

If you appeal against the outcome of your Stage 3 complaint, and are deemed to have satisfied at least one of the grounds of appeal, your case will be decided by a Complaint Appeal Committee. You will receive a letter from the University Secretary's Department informing you of the Committee arrangements and your right to be accompanied.

You must ensure that the University Secretary's Department has all hard copy documents you wish to be considered as part of your complaint appeal at least 5 days before the Committee is meeting so that they can be circulated to all parties.

The Committee will be made up of three independent and impartial individuals, the University Secretary's Department will be present to act as clerk to the Committee and to advise on any matters of procedure. The Committee will take the form of a question and answer session with both you and the Compliance Advisor or appointed investigator providing clarity to the case and the previous findings. At the end of the questions and answer session, you will have the opportunity to raise any issues in your complaint appeal which you do not feel have been addressed fully.

Office of the Independent Adjudicator ('OIA')

The OIA is the ombudsman for universities in England and Wales; it conducts free reviews of student complaints once all internal procedures have been exhausted and you have received a Completion of Procedures letter. Any complaint must be made within 3 months of the date of this letter. Further information about the OIA can be found on their website: www.oiahe.org.uk

FACULTY AND DEPARTMENT COMPLAINT CO-ORDINATORS

Faculty	Complaint Co-ordinator(s) and Contact Details
Faculty of Art, Design and Architecture	Angela Partington A.Partington@kingston.ac.uk Deputy: Lynne Jones Lynne.jones@kingston.ac.uk 0208 417 4062
Faculty of Arts and Social Sciences	Nicholas Butler N.Butler@kingston.ac.uk 0208 417 2327
Faculty of Business and Law	Paula Quinn P.Quinn@kingston.ac.uk 0208 417 5454 Deputy: Mette Kristensen M.Kristensen@kingston.ac.uk
Faculty of Health, Social Care and Education	Amanda Ashley A.Ashley@sgul.kingston.ac.uk 0208 725 3361
Faculty of Science, Engineering and Computing	Contacts: Peter Board 0208 417 2673 Nick Cheesman 0208 417 2698 SEC-FORM-COM-INFO@kingston-university.com
Department	Complaint Co-ordinator and Contact Details
Applicant Services	Nick Bhugeloo N.Bhugeloo@kingston.ac.uk 0208 417 3555
Credit Control	Chris Billington C.Billington@kingston.ac.uk 0208 417 3582
LRC	Sue Robertson suerobertson@kingston.ac.uk 0208 417 2552
Student Systems Support and Development, Student Services and Administration	Sarah Kenyon Ss.Williams@kingston.ac.uk 0208 417 4300
Student Engagement and Enhancement; Student Services and Administration	Therese Reinheimer-Jones T.Reinheimer-Jones@kingston.ac.uk 0208 417 7445
Student Life; Student Services and Administration	Keith Houghton K.Houghton@kingston.ac.uk 0208 417 7533
Student Wellbeing; Student Services and Administration	Patt Wrangles P.Wrangles@kingston.ac.uk 0208 4172180

SOURCES OF GUIDANCE AND SUPPORT FOR STUDENTS AND STAFF

Complaint Co-ordinators

- Provide advice and guidance to students and colleagues about the Student Complaints Procedure
- Investigate or co-ordinate the response to Stage 3 complaint reviews
- Act as a point of contact for Stage 4 complaint appeals

Compliance Advisors

- Provide advice and guidance to students and colleagues about the Student Complaints Procedure
- Investigate Stage 3 complaints concerning service delivery
- Attend the Complaint Appeal Committee to present the Stage 3 findings

Contact details: 020 8417 7312; Student Life Centre, John Galsworthy Building, Kingston University, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2EE

Harassment Contacts

- Provide advice, support and guidance to students and staff who feel they are experiencing inappropriate behaviour that could be harassment or bullying
- The Harassment Contact volunteers listen to the issue and experience and help to consider how the problem can be resolved

Contact details: Lorraine.Kelly@kingston.ac.uk; 0208 417 4083; Equality Unit, Kingston University, 53 Portland Road, Kingston upon Thames, Surrey, KT1 2SH

Human Resources

- Provide advice and guidance to students and colleagues about the Student Complaints Procedure
- Provide advice on staffing matters
- Appoint an investigator to investigate any Stage 3 complaints concerning staff conduct

Contact details: hr@kingston.ac.uk; 0208 417 3103; Human Resources, Kingston University, River House, 55-57 High Street, Kingston upon Thames, Surrey, KT1 1LQ

KUSU Support

- Provide advice and guidance to students going through the Student Complaints Procedure

- Accompany students to any meetings in relation to their complaint or Complaint Appeal Committees

Contact details: support@kingston.ac.uk; 0208 417 2868; KUSU Support, Kingston University Students' Union, Kingston University, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2EE

Occupational Health

- Provide advice on supporting staff who are the subject of a complaint
- Provide advice directly to those staff who are the subject of a complaint

Contact details: occ-health@kingston.ac.uk; 0208 417 7378; Occupational Health, Kingston University Students' Union, Kingston University, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2EE

Personal Academic Tutors

All students are assigned a Personal Tutor when they join Kingston University. Personal Tutors provide advice and guidance on academic matters and support students by referring them to expert student services where appropriate.

Trade Unions and Relevant Professional Associations

These are professional bodies which look after the interests of their members and relevant professional practitioners. They can provide advice and support to these individuals when required. In addition, the Employee Assistance Programme (Care First) and The College and University Support Network can provide advice on supporting staff who are the subject of a complaint, or directly support staff who are the subject of a complaint.

University Secretary's Department

- Provide advice and guidance to students and colleagues about the Student Complaints Procedure
- Convene Complaint Appeal Committees to hear appeals against Stage 4 complaint appeal investigations and outcomes
- Inform the Vice-Chancellor of the Complaint Appeal Committee's recommendations

Contact details: 0208 417 3026; University Secretary's Department, Kingston University, River House, 55-57 High Street, Kingston upon Thames, Surrey, KT1 1LQ