

# The University of Warwick

## Student Complaints Resolution Procedure

### 1. Focus on Early Resolution

The University is committed to providing a high quality service to our students from first enrolment, throughout their courses of study, to graduation and beyond as part of the Warwick global community. The University actively encourages feedback on all aspects of the teaching and learning experience and other services provided by the University. However there may be occasions when the level of service received falls short of that which might reasonably be expected.

The aims of the Student Complaints Resolution Procedure are:

- to resolve complaints in a timely, effective and fair manner; and
- to resolve complaints as close as possible to the academic or service area in which they arise.

Options for early resolution, such as facilitated discussion, should be considered wherever possible. A fair and thorough investigation of formal complaints will be undertaken when necessary. The most up-to-date University Student Complaints Resolution Procedure, together with further information and supplemental guidance about the University of Warwick's Student Feedback and Complaints Resolution Framework, including facilitated discussion, are available at the following webpage:

[www.warwick.ac.uk/go/studentfeedbackandcomplaints/](http://www.warwick.ac.uk/go/studentfeedbackandcomplaints/)

The University is committed to promoting equality and diversity in all its activities. This Student Complaints Resolution Procedure should be read in conjunction with the University's statements and policies in relation to Academic Appeals, Dignity at Warwick, Disciplinary Regulations, Research Misconduct and Whistleblowing. Links to these and other related information can be found on the University's Feedback and Complaints Resolution webpage at:

[www.warwick.ac.uk/go/feedbackandcomplaints/](http://www.warwick.ac.uk/go/feedbackandcomplaints/)

### 2. Overview of the Procedure

The Student Complaints Resolution Procedure has three levels:

**Stage 1:** Frontline / Local Resolution

**Stage 2:** Formal Departmental Investigation and Resolution

**Stage 3:** Formal Institutional Review and Final Resolution

Early resolution of the complaint should be sought and it is expected that the vast majority of complaints will be resolved at Stage 1. Should any complaint not be resolved through this internal three stage process, students are able to request that their complaint be independently reviewed by the Office of the Independent Adjudicator (OIA) [[www.oiahe.org.uk](http://www.oiahe.org.uk)], the HE sector ombudsman. Apprentices may choose to request that their complaint be independently reviewed by the OIA or the Education & Skills Funding Agency (ESFA), but not both.

To make a complaint, students must start at Stage 1 unless there are truly exceptional circumstances which make it inappropriate to do so.

### 3. What is a complaint?

***A complaint is defined for this Procedure as "an expression of significant or sustained dissatisfaction where a student seeks action to address the problem".***

### 3.1 Types of complaint

A complaint may relate to:

- the quality and standard of service provided by the University, including teaching and learning provision;
- failure to provide a service;
- unsuitable facilities or learning resources;
- inappropriate behaviour or treatment by a staff member, student or individual associated with the University (including contravening the University's Dignity at Warwick Policy);
- failure of the University to follow an appropriate administrative or academic process.

### 3.2 What is NOT classed as a complaint under this procedure

Although the above list is not exhaustive, not every concern raised with the University can be categorised as a complaint. The following examples are not complaints and would not be eligible for consideration under this Student Complaints Resolution Procedure:

- a routine, first-time request for a service;
- a matter relating purely to academic judgement (including marks awarded for formative or summative academic assignments unless on the grounds that appropriate marking procedures were not followed);
- an academic appeal against a decision by an examination board that should be dealt with through processes set out in the University's Regulations and associated appeals processes;
- a request under the Freedom of Information Act or Subject Access Requests;
- a request under the Data Protection Act;
- a request for information on University policy or practice;
- a response to an invitation to provide feedback or when feedback is given through general web forms or surveys seeking feedback;
- an insurance claim;
- an attempt to have a complaint reconsidered when the University has already given its final decision;
- a grievance by a student who is also a member of staff where the case is handled through the appropriate Human Resources procedures;
- an accusation of research misconduct;
- a challenge to an admissions decision;
- a complaint about the Students' Union (see 3.4 below); and
- complaints about matters which have already or are under consideration by the Office of the Independent Adjudicator for Higher Education ("OIA"), a court or tribunal.

Such issues should be raised and considered under the appropriate alternative University procedures as follows:

- Student Academic Appeals Procedures outlined in University Regulations (see <http://www2.warwick.ac.uk/services/academicoffice/examinations/students/appeals> )
- Freedom of Information and Subject Access Requests (see [www.warwick.ac.uk/go/legalservices/freedomofinformation/](http://www.warwick.ac.uk/go/legalservices/freedomofinformation/) )
- University Data Protection Policy (see [www.warwick.ac.uk/go/legalservices/dataprotection/](http://www.warwick.ac.uk/go/legalservices/dataprotection/) )
- Human Resources Grievance Procedure or Statute 24 Academic Staff (see [www.warwick.ac.uk/go/humanresources/](http://www.warwick.ac.uk/go/humanresources/) or [www.warwick.ac.uk/go/governance/calendar/section2/charterstatutes/secondschedule2/](http://www.warwick.ac.uk/go/governance/calendar/section2/charterstatutes/secondschedule2/) )
- Insurance Services (see [www.warwick.ac.uk/go/insurance/](http://www.warwick.ac.uk/go/insurance/) )

- University's Code of Practice for the Investigation of Research Misconduct (see [www.warwick.ac.uk/go/go/ris/research\\_integrity/](http://www.warwick.ac.uk/go/go/ris/research_integrity/) )
- University's Whistleblowing Code of Practice (see <http://www2.warwick.ac.uk/services/gov/whistleblowing/> )
- Student Admissions and Recruitment Office Complaints Procedure (see <http://www2.warwick.ac.uk/study/complaintsprocedure/> )

Should a complaint include serious allegations of misconduct against another individual or individuals, it may be that the relevant staff or student disciplinary process may need to be used for investigation or determination of the outcome in conjunction with this Procedure.

### 3.3 Assessing eligibility under the Procedure

A student complaint may involve elements of the above or other elements that may potentially be relevant to other University Regulations and processes. The Academic Registrar will assess such complaints on a case-by-case basis and will determine the appropriate sequence in which each key element will be investigated and outcomes determined.

### 3.4 Complaints under the Students' Union

Complaints relating to the Students' Union services, facilities, societies and staff are not typically eligible for consideration through the Student Complaints Resolution Procedure. Further details of the Students' Union Complaint Procedure can be found at the following link:

<http://www.warwicksu.com/contact/complaints/>

Complaints relating to the quality of support or guidance provided by the Students' Union in relation to a complaint are conducted through the Students' Union's procedure.

Any student or groups of student who are dissatisfied in their dealings with the Union or who claim to be unfairly disadvantaged by reasons of having exercised the right of non-membership should complain in the first instance to the President of the Union who will investigate the complaint under the Students' Union Complaints Procedure. If the complainant(s) is not satisfied at this stage they may refer the complaint to the University's Secretary to Council pursuant to the Education Act 1994 Part II; Students' Union. The Secretary to Council will nominate a senior colleague on behalf of Council who will investigate and respond within a reasonable time frame. In exceptional circumstances the Secretary to Council may appoint someone external to the University to investigate. If the complaint is upheld the Secretary to Council will, to the extent practicable, recommend an appropriate resolution. Recourse to the Secretary to Council does not constitute a further appeals process. Complaints should be referred to the Secretary to Council within three months of the date of the completion of the Students' Union complaints procedure.

## 4. Who can make a complaint?

The University's Student Complaints Resolution Procedure covers complaints from any student who receives, requests or is directly affected by the services offered by the University and whose complaint does not relate to issues of admission or academic judgement including:

- Full-time or part-time students undertaking a programme of study at the University;
- Apprentices undertaking full-time or part-time programmes of study at the University;
- Former students of the University whose complaint relates to an incident or problem that took place within the approved timescales (see section 7 below);
- Students on courses leading to awards of the University of Warwick, based on campuses other than the Warwick campus or based at partner organisations, where the local student complaint procedure has been exhausted and/or where the student has been notified that the University of Warwick's complaints procedure applies.

The Student Complaints Resolution Procedure is the same for all students.

The University recognises that some individuals may be unable or reluctant to make a complaint. Under these circumstances, the University will accept complaints brought by a representative of the student who is dissatisfied with the University, provided the student gives personal consent under the requirements of the Data Protection Act. The student must give consent for a representative to act on their behalf and must confirm the accuracy of any documentation or evidence submitted by a representative. Following written authority the complaint will be processed according to the same timescales as outlined in the Student Complaints Resolution Procedure. Students are encouraged to engage with the complaints process to enable early resolution, including where facilitated discussion may be appropriate.

Should a group of students have a complaint about a matter which is not suitable for resolution via the Student Staff Liaison Committee for the relevant course of study, the students can submit a collective complaint and nominate one student as their representative in resolving the complaint, provided that all students provide their personal consent under the requirements of the Data Protection Act and confirm the accuracy of any evidence and information submitted to support their complaint. While the complaint may be submitted and potentially investigated collectively, it may be that appropriate resolution is different for the individuals involved dependent on their individual circumstances.

When investigating certain types of complaints, it may be that investigation can only be progressed should the student or students, and not solely their representative, participate within an investigatory meeting.

A complainant (or group of complainants) must be able to demonstrate that the complaint is based on evidence which the complainant honestly and reasonably believes to be true. Under such circumstances the complainant will be protected by the University against any subsequent recrimination or victimisation. Should the Academic Registrar determine that a complaint is malicious or vexatious, including where false representations have knowingly been provided by the complainant or their representative, the complaint will be closed and appropriate disciplinary action may be taken under University Regulation 23 on student disciplinary offences.

Complainants are required to communicate courteously throughout the complaint resolution process. Unacceptable behaviour including (but not limited to) unreasonable persistence, unreasonable demands, lack of co-operation or aggression will not be tolerated. Should complainants behave in an unacceptable manner, the Academic Registrar will be asked to consider the case and if reasonable warning has been given to the student as to their unacceptable behaviour, they will determine whether or not to close the complaint and, dependent on the severity of the behaviour, whether disciplinary action should be taken.

##### **5. Anonymous Complaints and Disclosure of Complaint Information**

Complaints submitted anonymously will only be considered if sufficient information is provided to enable the University to investigate the complaint. Students are discouraged from making anonymous complaints as it hinders investigation and there is little prospect of appropriate resolution. Informal feedback about a service provided by or activity run by the University is encouraged and can be submitted anonymously. If sufficient information is not provided the University will be unable to pursue the investigation and the complaint will be closed. If a complaint cannot be investigated immediately, the key aspects of the complaint will be recorded and further investigation may be undertaken if later deemed possible and appropriate.

In order for a complaint to be investigated, the member of staff will maintain confidentiality of the complaint and its contents as far as is possible. It is likely, however, the complaint or aspects of it will need to be shared with other staff members involved in resolving the complaint or relevant staff and students during the investigation. Should allegations be made within a complaint directly against another individual, these elements of the complaint would typically need to be shared with them so that they have the opportunity of reply in their own defence as required by natural justice. If a student has concerns about retaliation by the individual or individuals against whom a complaint is being made, this should be highlighted when making a complaint. The outcomes and recommendations from complaint investigations may be shared across the

University in the spirit of institutional learning, however any personal information will be removed and handled in accordance with the University's Data Protection Policy.

Under certain circumstances the University may share your personal data with the Students' Union in line with the Students' Union and University of Warwick's formal Data Sharing. A copy of this agreement can be obtained by emailing [GDPR@warwick.ac.uk](mailto:GDPR@warwick.ac.uk).

#### **6. Complaints involving organisations who provide a service on behalf of the University**

If a student complains to the University about the service of another organisation, the individual will be advised to contact the appropriate organisation directly. Where a complaint relates to a University service provided by another organisation the complaint will be handled through this Student Complaints Resolution Procedure in liaison with the partner organisation.

#### **7. Timescales for making complaints**

Complaints should be raised with the most relevant service area or member of staff as soon as possible to ensure prompt investigation and, wherever possible, swift resolution. Complaints must be raised within three months of the problem becoming apparent.

Once an outcome has been provided at Stage 1 Frontline/ Local Resolution Stage, a complainant or their representative has 10 University working days to escalate their complaint to Stage 2, together with supporting evidence, should the complaint or elements of it not be satisfactorily resolved at Stage 1 (see below for further information).

Following the communication of the written outcome from the formal Stage 2 Departmental Investigation and Resolution Stage, the student or their representative has 10 University working days to escalate their complaint to Stage 3, stating the grounds on which a review is requested (see below for further information).

A request by a complainant or their representative to the Academic Registrar to consider a complaint beyond the above time limits will not normally be granted unless there is evidence that the student was precluded from raising or escalating the complaint within the normal timescales.

International students must make themselves aware of immigration implications should consideration of their complaint extend beyond their permission to stay. A complainant would not typically be required to be present at the University for a complaint to be investigated, though participation in an investigatory interview via the phone or other means may be necessary.

#### **8. The Three Stages of the University's Procedure**

The University's Student Complaints Resolution Procedure is intended to provide a streamlined process with a focus on early resolution. The Student Complaints Resolution Procedure has three stages:

**Stage 1: The Frontline / Local Resolution stage** is the stage where straightforward concerns should be resolved swiftly and effectively at the point at which a complaint is made, or as close to that point as possible. Stage 1 can also be used for difficult interpersonal matters where early resolution strategies such as facilitated discussion may be beneficial prior to escalation to a formal complaint.

**Stage 2: The Formal Departmental Investigation and Resolution stage** is appropriate where a student is dissatisfied with the outcome of informal resolution attempted at Stage 1, or where informal resolution is not possible or appropriate due to the complexity or seriousness of the case.

**Stage 3: The Formal Institutional Review and Final Resolution** is where the student can appeal to a higher body within the University for a review of the process to ensure that appropriate procedures were followed and that the decision made was reasonable.

While there are three clear stages in the Procedure, seeking resolution may potentially be an iterative process within each stage, with active engagement by student complainant and relevant others prior to the final complaint outcome for that stage being communicated to the complainant.

All parties involved in investigation and determination of an outcome of a complaint at this stage will be offered appropriate support by the University, through services established to enable the University to meet its duty of care towards staff and students. For students these include: Wellbeing Support Services, including the Disability Services team, the Mental Health team, the Counselling Service, and the University's Dean of Students, departmental Personal Tutors, the Students' Union Advice Centre, and the Chaplaincy. Human Resources will be able to direct staff members to the appropriate support available.

### **8.1 Stage 1: Frontline / Local Resolution**

#### **– to be completed typically within 20 University working days**

Complainants are encouraged to raise complaints as soon as they become aware of the problem and to raise it with the academic school, department or appropriate service area in which the incident or problem arose. Stage 1 complaints may be raised in person, by email, in writing or by phone. The purpose of Frontline / Local Resolution is to attempt to resolve as quickly as possible complaints which are straightforward and typically would require little or no investigation. Stage 1 can also be used, however, to try to resolve sensitive interpersonal matters raised by students in line with the Dignity at Warwick Policy.

Members of staff to whom Stage 1 complaints are made may consider the following questions:

- What specifically is the complaint about and which area(s) of the University are involved?
- What outcome is the complainant hoping to achieve?
- Is the complaint straightforward and likely to be resolved or responded to with minimal investigation or by using an existing University policy?
- Can another member of staff assist in seeking informal resolution if I am not in a position to do so?
- What assistance or support can be provided to the student in taking this forward?
- Should the Student Complaints and Academic Casework Team be asked if facilitated discussion might be appropriate in this case?

Frontline / Local Resolution may be achieved by providing an on-the-spot explanation as to why the incident or problem occurred and/or an apology, as appropriate, potentially noting what will be done to stop a recurrence.

If responsibility for the incident or problem being complained about lies within the staff member's area of work, every effort will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will liaise with the relevant area in an attempt to resolve the problem for the complainant. If the staff member is not able to resolve or respond to the complaint themselves, they should agree with the appropriate colleague who will progress consideration of the complaint and communicate this to the complainant. The staff member responsible for resolving the Stage 1 complaint will typically keep a note of the resolution offered even if the complaint outcome was provided verbally.

Stage 1 Frontline / Local Resolution will typically be completed within 20 University working days, though a resolution should be sought as quickly as possible. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint (for example by obtaining information from other areas of the University) at this stage. Where an extension is required this should be clearly communicated to the complainant before the end of the expected time period.

The outcome of the Stage 1 complaint can be communicated to the complainant in person or by phone but ideally in writing or by email through the student's University email address. The response to the complainant will address all the key elements raised in the complaint and will explain the reasons for the determinations made, including any agreed resolutions. The student should be advised of their right to

submit a formal Stage 2 complaint and reference given to the Procedure. The formal Stage 2 complaint must be received within 10 University working days following the outcome of the Stage 1 process being communicated to the complainant and, where appropriate, their representative, otherwise the complaint will be closed. The University collates information on Stage 1 complaints resolution to inform service development and students will be invited to confirm they give permission for information sharing for this purpose.

## **8.2 Stage 2: Formal Departmental Investigation and Resolution – to be completed typically within 30 University working days**

Stage 2 complaints will already have been considered at the Frontline / Local Resolution Stage 1 unless there are exceptional circumstances or interpersonal matters under the Dignity at Warwick Policy which could benefit from informal resolution strategies. The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response.

A Stage 1 complaint will be moved to the formal Stage 2 when:

- Frontline / Local Resolution has been attempted but the complainant remains dissatisfied following receipt of the Stage 1 outcome and takes action to escalate;
- The problems raised by the complainant are complex and require detailed investigation and the implications are significant.

If a student remains dissatisfied after Stage 1 Frontline / Local Resolution and wishes to escalate the complaint within the University they must within 10 University working days complete and submit a Formal Stage 2 Departmental Resolution form available at:

<http://www2.warwick.ac.uk/services/feedbackcomplaints/students/complaints/stage2/>

The complainant will be expected to provide full details of the complaint and the resolution they are seeking, including all relevant supporting evidence and documentation. The complainant is advised to seek advice and assistance prior to completing the Stage 2 complaint form from at least one of the following: Wellbeing Support Services (including the Dean of Students' Office), the Students' Union Advice Centre, their Personal Tutor or Supervisor.

The Student Complaints and Academic Casework Team will allocate the Stage 2 complaint to the appropriate area of the University where a different member of staff will typically be responsible for investigating the Stage 2 complaint. If a complaint which escalates to Stage 2 relates to more than one department or academic unit the Student Complaints and Academic Casework Team will confer with the area(s) named in the complaint with a decision taken on who will take the lead in the investigation and resolution. The student will be informed who is investigating each key element of their complaint and a co-ordinated response typically will be provided. As set out above, should a complaint include serious allegations of misconduct against another individual or individuals, it may be that the relevant staff or student disciplinary process may need to be used for investigation or determination of the outcome in conjunction with this Procedure.

The Head of Department or Service Area is ultimately accountable for the outcome issued in Stage 2, however, where the Head of Department or Service Area has provided a Stage 1 outcome, or where otherwise appropriate, another senior individual in the department or the relevant Chair of Faculty may be appointed to oversee the investigation and write to the complainant with the Stage 2 outcome. It is good practice that a different member of staff communicates the complaint outcome at Stage 2 than as at Stage 1. Typically, in consultation with the complainant if deemed appropriate, the investigator may consider a number of key questions:

- What specifically is the complaint? What are the key elements?
- Why was Frontline / Local Resolution at Stage 1 unsuccessful? Was any potential resolution offered?
- What does the complainant seek to achieve by escalating the complaint to Stage 2?
- Do the complainant's expectations appear to be reasonable and achievable?
- Should the Student Complaints and Academic Casework Team be asked if facilitated discussion might be appropriate in this case?

If the complainant's expectations appear to exceed what the University may reasonably provide, or are not within the University's power to provide, the complainant should be advised of this as soon as possible in order to manage their expectations about possible outcomes.

Complaints submitted to Stage 2 Formal Departmental Investigation and Resolution using the Stage 2 online form will be acknowledged within 2 University working days. A full response will be provided to the complainant typically no later than 30 University working days from the time that the complaint, and all associated documentation, was received for investigation.

Not all investigations undertaken during Stage 2 Formal Departmental Investigation and Resolution will be able to meet the indicative timescales. For example, some Stage 2 complaints may be so complex that they will require careful consideration and detailed investigation beyond the standard timescale or there may be an agreement with the complainant that an investigatory meeting should be postponed. Where there are clear and justifiable reasons for extending the timescale the Student Complaints and Academic Casework Team will exercise judgement and will set time limits on extending the investigation, notifying the complainant in writing giving an explanation for the need for the extension. The complainant will be kept updated on the projected timescales and given a revised deadline for bringing the formal Stage 2 to a conclusion and issuing the written Stage 2 outcome. If the complainant feels the outcome is being unreasonably delayed, they can write to the Academic Registrar as to why they feel this is the case. The Academic Registrar will consider whether and how the case may be expedited or, exceptionally, recommend escalation to Stage 3 of the Procedure.

The outcome of the Formal Departmental Investigation and Resolution Stage 2 will be communicated to the complainant in writing giving a clear explanation for the determination made on each key element of the complaint and any resolution to the complaint agreed. The complainant should be advised of their right to escalate the Stage 2 complaint to Stage 3 Review, the grounds on which this is permissible, the time limit for escalation, the appropriate procedure and the availability of support (reference to online information provided for students relating to the Procedure is sufficient). Once the outcome has been issued, a record will be kept by the University detailing the decision reached. If the complainant does not escalate the complaint to Stage 3 within 10 University working days, the complaint will then be closed.

### **8.3 Stage 3: Formal Institutional Review and Final Resolution** **– to be completed typically within 30 University working days of receipt**

A complainant who is dissatisfied with the outcome of the Formal Departmental Investigation and Resolution Stage 2 of the Student Complaints Resolution Procedure may request a Stage 3 review within 10 University working days of the written outcome of the Stage 2 process being provided to them. A Stage 3 review may be requested when:

- there is evidence of procedural irregularity or bias at Stage 2;
- the Stage 2 outcome is considered unreasonable;
- material evidence is available that was unavailable at Stage 2 and it is determined that it would not be appropriate for the relevant Department to re-open the case within Stage 2.

The student should complete a Stage 3 Formal Student Complaints Form including full details of the complaint and the outcomes from the Formal Departmental Resolution Stage 2, which is available at:



The complainant is advised to seek advice and assistance prior to completing the complaint form from at least one of the following: Wellbeing Support Services (including the Dean of Students' Office), the Students' Union Advice and Welfare Centre, or their Personal Tutor or Supervisor. The Provost or their nominee will make a determination as to whether there are sufficient grounds for the complaint to be considered under Stage 3. This determination will be communicated in writing to the complainant. Should it be determined that there are sufficient grounds for the complaint to be considered at Stage 3, the Student Complaints and Academic Casework Team will allocate the request to review to a senior member of staff outside of the student's department not previously involved in the complaint. In consultation with the student if deemed appropriate, the senior member of staff will consider:

- Whether the complainant's expectations exceed the scope of the review?
- Were appropriate procedures followed?
- Were the outcomes of the formal stage reasonable and proportionate?
- Has relevant new evidence been submitted? Is the submission of new evidence valid?
- Would there be benefit from facilitated discussion?

Stage 3 complaints submitted for review via the Stage 3 online form will be acknowledged within 2 University working days. Where it is determined there are sufficient grounds to accept the complaint into Stage 3, the University will review the complaint and provide an outcome, in writing, typically no later than 30 University working days from the time that the complaint was submitted for Stage 3 Formal Institutional Review. A Panel approved by the Provost and Chaired by a Pro-Vice-Chancellor, Academic Vice-President, Deputy Pro-Vice-Chancellor or an authorised nominee of the Registrar may be constituted to determine the final outcome of the review should a resolution not be agreed with the complainant prior to this being necessary. In addition to the Chair, the Panel will typically include one individual from a Senate-approved Panel and one Students' Union Sabbatical Officer. No-one involved in the complaint under investigation will be a member of the Panel. The Panel will convene either in person or consider the case by correspondence to make its determination on the final outcome, and the complainant or their representative would not typically be in attendance.

Where there are clear and justifiable reasons for extending the timescale for considering a complaint in Stage 3, the senior member of staff responsible for the investigation will exercise judgement and set time limits on extending the review, notifying the student in writing. The student will be kept updated on the need for any extension and given a revised deadline for bringing the review at Stage 3 to a conclusion. If the complainant feels the outcome is being unreasonably delayed they can write to the Registrar setting out why they feel this is the case.

The outcome of the Formal Institutional Review and Final Resolution Stage 3 will be communicated to the student in writing. In line with OIA guidelines, a Completion of Procedures Letter will be issued within 28 days as appropriate. The outcome will include a clear explanation of the determinations made on the key elements within the complaint under review. The University will give an explanation of how any outcomes from the review are to be implemented. The Completion of Procedures Letter issued will advise the student of the right to submit a complaint to the Office of the Independent Adjudicator (OIA) and the time limit for submission.

Once a decision has been issued a record will be kept by the University detailing the outcome and the complaint will then be closed subject to further external escalation.

## **9. Facilitated Discussion**

Facilitated discussion as a means of complaint resolution may be sought at any point in this Procedure. Facilitated discussion in the context of complaint resolution is a structured joint attempt to clarify and

resolve an incident or problem through dialogue and negotiation, undertaken by a trained facilitator with no connection to the complaint or the other individuals involved. This is a confidential process which, if successful, leads to a written agreement which is binding on all parties. Facilitated discussion can often bring about an early resolution where both parties understand the other's point of view and co-operate to produce a mutually agreed, workable outcome. If however agreement is not reached, the parties are not bound by any concessions made during the discussions and can return to the relevant stage in the Procedure. Facilitated discussion may be used at any stage of the Procedure and is offered free of charge to participants.

The aim of facilitated discussion would be to recognise the problem, address its impact upon the parties, look for means to enable the student to proceed with their studies at Warwick, and ideally agree on an outcome that will put the student back in the position they were before the problem occurred, with relationships undiminished. The University encourages the use of facilitated discussion to resolve disputes at all stages of the Student Complaints Resolution Procedure, and a complainant will usually be offered facilitated discussion if it is felt that it could help resolve the problems raised.

All complaints submitted through this Procedure will be considered for suitability for facilitated discussion by a University Complaints Resolution Officer. Where it is felt that facilitated discussion would be beneficial in bringing about a satisfactory resolution for a particular complaint, all parties involved in the complaint will be contacted and offered the option of undertaking facilitated discussion. All parties must be in agreement to take part in the facilitated discussion for it to go ahead. In addition, any person involved in a complaint may propose facilitated discussion at any time.

Examples of cases that may benefit from facilitated discussion include: the level or quality of academic support, a breakdown in supervisory relationships, resources provided to support student's individual learning needs, and disputes over accommodation. Facilitated discussion will not be used in cases which challenge academic judgement or the University's Regulations and conventions.

Where parties involved in a complaint agree to discussion a trained facilitator, typically a member of Warwick staff, will be allocated to the case and an "agreement to discuss" form will be signed by parties involved. The facilitator will then manage the process of facilitated discussion, arranging and enabling dialogue between the two parties to aid mutual understanding and resolution. In most cases this will involve initial individual meetings or conversations with the facilitator, before a joint meeting between all parties takes place. Where a joint meeting is not possible the facilitator would typically continue to enable discussion between parties in individual meetings throughout the process. It is not the responsibility of the facilitator to suggest resolutions; instead the facilitator will help parties work towards their own agreed resolution, giving advice and guidance where appropriate. A facilitator would typically continue to work with parties until a suitable and agreed resolution is reached, or until it is felt that facilitated discussion is no longer beneficial to the case.

At the end of the facilitated discussion process, a "Memorandum of Agreement" will be signed by all parties, outlining the agreed outcome of the process, whether the complaint is fully, partially or not resolved, and the next steps for all parties involved.

#### **10. Independent External Review**

Once the Review Stage 3 has been completed and an outcome issued to the complainant, or it is determined there are insufficient grounds for the complaint to be considered within Stage 3, the University's Student Complaints Resolution Procedure has concluded and the student is entitled to ask the OIA to look at their complaint. The OIA considers complaints from students who remain dissatisfied at the conclusion of the University's internal complaints handling procedures and which meet the OIA's eligibility requirements. The complaint must be received by the OIA within twelve months of the Completion of Procedures Letter being issued by the University. It typically takes a number of months for the OIA to consider a complaint and issue an outcome. Further information about escalating a complaint to the OIA is available on:

<https://www.oiahe.org.uk/>

Apprentices have the right to refer their complaint to the ESFA for independent review if they are dissatisfied with the outcome of their complaint following the completion of the University's internal processes. The complaint must be received by the ESFA within twelve months of the issue occurring, not within 12 months of the Completion of Proceedings letter being issued by the University. Apprentices can escalate their complaint to the ESFA Complaints Team by email or post to:

**ESFA complaints team**

[complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk)

Complaints team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

If the apprentice is unhappy with the way the ESFA has dealt with the complaint they can contact the Department for Education. Details of how to do this can be found on the DfE website at <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>.

**An apprentice can refer their complaint to either the OIA or the ESFA for independent review, but not both.**

**11. Feedback**

The University values all feedback and will take it into account when reviewing its policies, procedures and services. We are committed to ensuring we deliver the most effective service possible and to that end welcome feedback on the Student Complaints Resolution Procedure and the related information and guidance provided. If you would like to assist in improving this Procedure or the service provided, you can either complete the online form at the following web address:

<http://www.warwick.ac.uk/go/feedback/>

or email [Studentcomplaints@warwick.ac.uk](mailto:Studentcomplaints@warwick.ac.uk)

Approved by the Senate on 19 September 2019  
With effect from 30 September 2019