

STUDENT COMPLAINTS REGULATIONS 2024/2025

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SECTION ONE: INTRODUCTION

- 1.1 The University's Student Complaints Regulations should be read in conjunction with the associated procedures, available [here](#).
- 1.2 The University of South Wales is committed to providing high quality education and support to its students. There are many routes through which students can raise any concerns or issues. The University welcomes feedback about its provision so that it can develop and enhance the services it provides.
- 1.3 When a complaint is received the University seeks to resolve it as quickly, fairly and equitably as possible, whether the complaint is about services provided by the University, treatment by any staff member, student or visitor, or any other issue.
- 1.4 The University's Regulations and Procedures for student complaints apply to:
 - Students studying with the University of South Wales.
 - Students studying at the Royal Welsh College of Music and Drama, in respect of the review stage only.
 - Former students, for a period of three months after leaving the University (please also see 3.6 in relation to timeliness of complaints).
 - Students studying university courses at the University's partner institutions where the complaints relate to academic matters. Where matters are the responsibility of the partner institution, for example facilities and student support services, the student will need to access the partner institution's complaints procedure but will have final recourse to the review stage of the University's Student Complaints Procedure
 - Students studying on work placements or engaged in work-based learning.
 - Students on an approved leave of absence.
 - Apprentices.
(NB Any reference to 'student(s)' or 'complainant(s)' should also be read as 'apprentice(s)'. Information on the receipt and outcome of student complaints for apprentices will be provided to the Dean of Faculty (or nominee), who will inform the apprentice's employer.)
- 1.5 The University's Regulations and Procedure for student complaints do not apply to:
 - Those applying to study at the University of South Wales.
 - Anonymous complainants.
 - Third parties. The University expects that students with concerns should be responsible for making these concerns known themselves. A complaint from a third party will only be investigated in exceptional circumstances. The complainant must provide valid reasons for this request together with written authorisation that they are happy for the third party to act on their behalf. The University does not normally

consider it necessary for a legal representative to act on a student's behalf unless there are exceptional reasons, such as complex points of law, that mean this is required. A decision on whether to allow a legal representative will be made by the Head of Student Casework. Where a legal representative is not permitted, the student will be referred to other sources of support and guidance within the University.

SECTION TWO: SCOPE

Complaints covered by these Regulations and associated Procedures

Academic matters

- 2.1 Academic matters mean specific concerns a student may have about the provision of academic courses and related services, including complaints about the conduct and management of academic appeals. Complaints about the provision and conduct of academic courses cannot be used retrospectively as grounds for an appeal against the decision of an assessment board.

Students' experience

- 2.2 Students may complain about any aspect of their experience at the University, including their learning and relationships with the administration or support services.¹

Discrimination

- 2.3 Students may complain about discrimination by the University, in contravention of the University's Strategic Equality Plan. Please see also the Dignity at Study Policy.

Malpractice or impropriety

- 2.4 Students may complain about concerns relating to malpractice or impropriety in the conduct or management of the University, the disclosure of which is deemed to be in the public interest.

Exceptional Case Process

- 2.5 The University has a legal duty under the Equality Act to provide reasonable adjustments for disabled students. If a student requests an adjustment from the University and the University determines the adjustment is not reasonable, the student can complain using these Regulations. Please see also the Exceptional Case Process: <http://dds.southwales.ac.uk/DEQ/and/polices/>.

Complaints not covered by these Regulations and associated Procedures

Academic appeals

- 2.6 Representations by students against decisions made by assessment boards are handled under the Academic Appeals Regulations and Procedure. Students wishing to

¹ For students studying University courses at the University's collaborative partner institutions, matters which are the responsibility of the partner institution, e.g. crèche facilities and student support services, should be dealt with under the partner institution's own complaints procedure. Students will, however, have final recourse to the review stage of the University's Student Complaints Procedure.

submit an appeal may seek advice from the Students' Union, Student Services and should address their submission to the Student Casework Unit.

Violence, harassment, hate crime

- 2.7 Students believing they are being harassed in any way should first seek the advice of a Dignity at Study Adviser. The Students' Union, Student Services or Chaplaincy can also help.

Serious allegations should be raised with the Student Casework Unit in the first instance.

Allegations of misconduct

- 2.8 Allegations of misconduct against a student are governed by the Non-academic Misconduct Regulations and Procedures. Allegations of misconduct against a member of staff are governed by the Disciplinary Procedure for staff. Students wishing to raise such allegations must bring them to the attention of the Student Casework Unit.

Complaints about the Students' Union

- 2.9 Students who are dissatisfied in their dealings with the Students' Union will have the opportunity to raise their complaint with the Students' Union in the first instance through procedures contained within the Students' Union's Standing Orders. The Procedure will be made known annually to all students through publications and/or notices. Complaints will be dealt with promptly and fairly and where a complaint is upheld there will be an effective remedy.
- 2.10 Those who fail to obtain a satisfactory outcome through the Students' Union, or who claim to be disadvantaged as a result of exercising their right not to be a member of the Students' Union, will be entitled to appeal to the Board of Governors of the University, who will appoint an independent person to investigate the complaint. The Board of Governors will receive a report from that independent person and determine what remedy, if any, is appropriate. The procedure may include recourse to the Office of the Independent Adjudicator, being an independent party, should the University not be able to provide a response to the complainant's satisfaction.

Complaints relating to academic judgement

- 2.11 The University will not consider complaints that relate solely to academic judgement.

Complaints that have already been considered

- 2.12 The University will not reconsider a complaint by a student where that complaint has already been considered through the Student Complaints Procedure.

Complaints about external organisations

- 2.13 The University will not consider complaints about external organisations. The student should complain directly to that organisation. This includes issues with the administration of Disabled Students Allowances, complaints about which should be directed to the relevant funding authority and its supplier(s).

Joint complaints (Employer/Apprentice)

- 2.14 Where an apprentice is seeking to raise a joint complaint with their employer against the University, the University will consider the facts of the complaint and determine, at its sole discretion, the appropriate procedure to be adopted. The complaint will either follow the process set out in these Regulations and the associated Procedures or will follow the process set out in the Apprenticeship Employer Complaints Policy.

SECTION THREE: GENERAL PRINCIPLES

Submission of complaints

- 3.1 All complaints must be submitted in line with the Student Complaints Regulations and Procedure. If a complaint is made directly to the Vice-Chancellor, or any other senior member of staff of the University, the complaint will be passed to the Student Casework Unit, who will ensure that it is processed appropriately.

Submission in good faith

- 3.2 The University presumes all complaints are submitted in good faith and will not disadvantage any student for bringing forward a complaint.

Submission of evidence

- 3.3 Complaints must normally be supported by corroborating evidence upon submission. Evidence must be provided in English or Welsh. Complaints which do not provide such evidence will not normally be considered, unless the complainant can provide a good reason for the lack of evidence. Examples of evidence include reports by professionals, written correspondence, financial information, witness statements or details of witnesses that can be contacted.
- 3.4 If a complainant submits any evidence that turns out to be false, they will be dealt with under the Non-academic Misconduct Regulations and associated Procedures. However, where a student represents their account of events and this differs from other accounts, this does not necessarily fall within the scope of false evidence.
- 3.5 The University recognises that with advances in modern technology, it is easier to make covert recordings, ie, recordings of meetings or conversations made without the consent of the participants. Where recordings are made of telephone calls, this activity is likely to be in breach of the Regulation of Investigatory Powers Act 2000/Investigatory Powers Act 2016 (as appropriate) In the case of recordings of face-to-face meetings, the material gained is likely to be held in breach of the participant's Article 8 right (to a private and family life) under the Human Rights Act and the UK's data protection laws.

In addition, a recording should only be used for the purpose for which it was made and should not be made available to a third party without the consent of the individual it refers to, unless there is lawful reason to do so.

For these reasons, the University will only permit the use of such recordings as evidence in student complaint cases, in exceptional circumstances.

The facts that will be considered are:

- The extent to which the evidence is relevant to the issues in the case, including considering the nature of the evidence and if other, more cogent evidence is available.
- The extent to which the evidence has been obtained unlawfully or its use otherwise interferes with privacy rights.
- The extent to which the evidence can be relied upon from a technical perspective given that it is possible to manipulate recorded material. The availability of an independently created transcript of any recording may be helpful to satisfy this requirement.

Timeliness of submission

- 3.6 All complaints must be submitted no more than three months after the issue leading to the complaint. In exceptional circumstances the Head of Student Casework (or nominee) may consider extending this deadline where there is good reason supported by evidence.

Complainants' engagement with the process

- 3.7 It is expected that complainants will engage with the process in a timely manner. If the complainant fails to respond to a request for further information or a meeting within timescales specified by the member of staff dealing with the case, without good reason (for example an incapacitating illness, in which case a doctor's note should be provided), the Head of Student Casework (or nominee) will suspend or close the case.

Impartiality in investigation

- 3.8 Neither the Investigating Officer or Complaint Review Officer will have any material interest in or prior involvement with your case and will normally be independent of the subject area. There may be certain circumstances where the faculty or Student Casework Unit consider that an Investigating Officer external to the University is required, for example where specialist knowledge is required. In such cases, an appropriate individual will be agreed between the relevant parties.

Anonymity

- 3.9 Complaints made anonymously will not normally be accepted by the University, unless there are exceptional reasons why the matter should be investigated. In such cases, the way in which the complaint is investigated and responded to may change. In addition, the University will not normally take into account witness statements, where the witness requires that they remain anonymous.

Confidentiality

- 3.10 The University will process all personal information in accordance with its Privacy Notice and as articulated in the Communication Plan for student complaints.
- 3.11 Confidentiality will be respected in conducting all aspects of the Student Complaints Regulations and Procedure. However, any member of staff about whom a complaint is made will have the right to be informed of the complaint and its nature and have access to any relevant evidence.

- 3.12 The University will not disclose any information to third parties regarding investigations and outcomes from student complaint cases unless legal exceptions under the UK's data protection laws apply.

Complaints against members of staff

- 3.13 For complaints of serious misconduct, a case conference will take place to decide whether the case will be considered through the Student Complaints Procedure or through the appropriate HR procedure for staff, or appropriate alternative process. Normally, if the complaint is about the alleged misconduct of a member of staff, this will be considered under the HR procedure, whereas service complaints directed at an individual member of staff will be handled under the Student Complaints Procedure.
- 3.14 Where a case is particularly complex, it may be considered jointly by HR/Student Casework Unit.
- 3.15 If a complainant is unhappy with the outcome of the consideration of their case under the Student Complaints Regulations and the associated Procedures, they are able to request a review of the outcome under the grounds detailed within the [Request for Review Procedure](#). The complainant will be informed in writing of the process of submitting the request for review, dependent on the process followed.
- 3.16 If a complainant is unhappy with the outcome of the consideration of their case under a Human Resource procedure, they are able to submit a complaint about the process followed.
- 3.17 Once the internal procedures have concluded, the complainant will be issued with a Completion of Procedures Letter, which will enable them to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of their complaint, provided that the complaint they take to the OIA is eligible under its Rules.

Complaints against senior members of staff

- 3.18

Subject of complaint	Who will handle the complaint
Dean of Faculty	Deputy Vice-Chancellor
Director of Department ²	Deputy Vice-Chancellor
Deputy Vice-Chancellor	Vice-Chancellor
Vice-Chancellor	Chair of the Board of Governors

Advice and support for staff

- 3.19 It is recognised that being involved with, or the subject of, a complaint can cause pressure for staff. The University runs a Staff Support Scheme, details of which can be found on the Human Resources (HR) website. In addition, the Chaplaincy has considerable experience of dealing with sensitive matters and is available to offer formal and informal confidential advice and support.

² This means a member of senior staff from a professional services department; for example Director of Service, University Secretary etc

Group complaints

- 3.20 Where a complaint is submitted by a group of students one of the group should be nominated as the main contact and to act as a spokesperson. Each member of the group must confirm in writing that they wish the nominated individual to act in this capacity and that the complaint reflects their concerns. The nominated spokesperson will receive updates on the complaint on behalf of the group. All members of the group will receive a copy of the outcome letter.

Complaints by students on placement

- 3.21 Whether a complaint will be dealt with by the University, or the placement provider will depend on the circumstances of the complaint. If the complaint is more appropriately dealt with through the placement provider's own complaints procedure, the complainant will be assisted by an appropriate member of staff in the faculty in taking this forward.

Deadlines

- 3.22 Deadlines under the Procedure may be extended at the complainant's request, where there is good reason to do so. For example, if a complainant has ill health or a family bereavement that has prevented them from submitting a form within the specified timescale. If a complainant wishes to request an extension, they must do so in writing to the Student Casework Unit and provide relevant evidence, such as a doctor's note, to support their request.
- 3.23 The University may extend the deadline for investigation where the complexity of the case, or other unforeseen circumstances, necessitate further time to complete the investigation. The complainant will be kept informed of progress and the reason for any delay.

Unreasonable behaviour

- 3.24 Complaints which, following initial consideration, the University considers to be vexatious or complaints that are being pursued in an unreasonably persistent manner, will not be considered and could result in action being taken under the Non-academic Misconduct Regulations and the associated Procedures. In this context 'unreasonably persistent' means, for example, that the complaint is being made in a way that is obsessive, prolific or repetitious, and is having a negative effect on the University's colleagues or work, or that might be considered to be harassment. It may be one that is being pursued in a way that hinders the ability of the University to carry out its Complaints Procedure. A 'vexatious complaint' is, for example, one that the University considers is designed to cause disruption or annoyance or makes demands for redress that lack serious purpose or value.
- 3.25 Where the Head of Student Casework (or nominee) considers that a complaint is being pursued in an unreasonably persistent manner or is vexatious, the complainant will be written to and informed that the University will not consider the complaint any further. Reasons for this decision will be given and a University Completion of Procedures Letter will be issued.
- 3.26 Where a student behaves unreasonably in their interactions with staff of the University, they will be issued with the [Unacceptable Behaviour Guidance](#) and action may be taken as outlined in this document.

Referral to other procedures

- 3.27 In certain cases, for example, where there is a threat of serious harm, or where there are signs of significant distress, the University may decide to put the Student Complaints Procedure on hold pending further advice or may refer the complainant to the Support to Study Procedure.
- 3.28 Where another procedure is already in process, the Head of Student Casework (or nominee) will decide whether it is appropriate to allow the complaint to proceed at the same time as the other procedure, or whether the complaint should be paused until the other procedure has completed.
- 3.29 In such cases, the nature and length of the considerations may require adjustment from the usual form or may be suspended pending the outcome of investigations under another procedure.
- 3.30 The Head of Student Casework (or nominee) may refer a complaint, or elements of a complaint, to be dealt with under other University regulations or procedures if it is considered appropriate.

Burden and standard of proof

- 3.31 The burden of proof determines whose responsibility it is to prove an issue. For student complaints, the burden of proof rests with the complainant. The standard of proof is on the balance of probabilities, that is it is more likely than not that the issues raised occurred.

Admissibility of complaints

- 3.32 Issues that have previously been considered under the University's Student Complaints Regulations and Procedures cannot be resubmitted as a new complaint at a later date.
- 3.33 Issues that have previously been considered under the Academic Appeals Regulations and Procedures cannot subsequently be used as a ground for complaint.

SECTION FOUR: STAGES IN THE HANDLING OF STUDENT COMPLAINTS AND ASSOCIATED TIMESCALES

The University has three stages to its Complaints Procedure:

Early Resolution

- 4.1 Any concerns that a student may have must be raised no more than three months after the issue leading to the complaint (see [Procedure for Stage 1 – Early Resolution](#)).

Formal Investigation

- 4.2 A formal complaint will be investigated by one of the University's team of Investigating Officers, a senior member of staff with no prior involvement with the case. The investigation will normally be completed within 40 working days, with the final report provided to the complainant within an additional 10 working days (see [Procedure for Stage 2 - Formal Investigation](#)).

Review

- 4.3 Complainants are able to request a review of the outcome of a complaint, provided they meet the grounds set out in the [Request for Review Procedure](#). The review stage will normally be completed within 15 working days.

SECTION FIVE: MONITORING

- 5.1 The actions taken in relation to recommendations arising from investigations into student complaints will be considered through the Continuous Monitoring Procedure.
- 5.2 The Student Casework Group may identify lessons learnt and make recommendations for consideration by the Learning, Teaching and Enhancement Committee, Research Degrees Committee, Quality Assurance Committee and Academic Board, as appropriate, on any matters arising from the consideration of complaints that require enhancements and/or amendments to regulations and procedures.

SECTION SIX: COMPLAINTS TO EXTERNAL ORGANISATIONS

Office of the Independent Adjudicator for Higher Education (OIA)

- 6.1 If a student is unhappy with the outcome of this Procedure they may, following issue of a University Completion of Procedures Letter, lodge a complaint with the OIA.
- 6.2 Details of the OIA and the relevant information in relation to the Scheme can be accessed at www.oiahe.org.uk. Further information and advice can be obtained from the Student Casework Unit.

Financial Ombudsman Service (FOS)

- 6.3 Following a complaint about debt advice or debt counselling provided by the University, the student will be informed of their right to request a review of their case by the Financial Ombudsman Service (<http://www.financial-ombudsman.org.uk/>) should they remain dissatisfied with the outcome of the internal procedures.

Higher Education Funding Council for Wales (HEFCW)

- 6.4 HEFCW is the regulatory body for higher education provision in Wales. In certain circumstances, students are able to make a complaint to HEFCW. Further information can be found on the following web page:
https://www.hefcw.ac.uk/working_with_he_providers/institutional_assurance/allegations_concerning_institutions.aspx

6.5 Disabled Students Allowances (DSA)

Complaints about Disabled Students Allowances (DSAs) should be directed to the relevant funding authority or to the relevant DSA supplier (eg Needs Assessment Centre, Assistive Technology supplier or Non-medical Help provider. Further information on the Student Loans Company Complaints Procedure can be found here: [Complaints procedure - Student Loans Company - GOV.UK \(www.gov.uk\)](http://www.gov.uk)