



QAA

A large graphic composed of several interlocking puzzle pieces. The central piece is a dark grey circle containing the text 'UK Quality Code for Higher Education'. Surrounding it are several other pieces in shades of grey and green, some of which are partially cut off by the edges of the page.

UK Quality Code for Higher Education

Part B: Assuring and enhancing
academic quality

Chapter B9: Complaints and appeals

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Introduction

The following supersedes the *Code of practice for the assurance of academic quality and standards in higher education (Code of practice), Section 5: Academic appeals and student complaints on academic matters* (2007), published by the Quality Assurance Agency for Higher Education (QAA), and forms a Chapter of the UK Quality Code for Higher Education (the Quality Code).

The Quality Code

The Quality Code is the definitive reference point for all those involved in delivering higher education which leads to an award from or is validated by a UK higher education provider. It makes clear what institutions are required to do, what they can expect of each other, and what the general public can expect of all higher education providers. These Expectations express key matters of principle that the higher education community has identified as important for the assurance of quality and academic standards.

Each Chapter of the Quality Code comprises a series of Indicators which higher education providers have agreed reflect sound practice, and through which institutions can demonstrate that they are meeting the relevant Expectations.

About this Chapter

Each Indicator has been developed by QAA through an extensive process of consultation with higher education providers; their representative bodies; the National Union of Students; professional, statutory and regulatory bodies; and other interested parties. Indicators are not designed to be used as a checklist; they are intended to help institutions reflect on and develop their regulations, procedures and practices to demonstrate that the Expectations in the Quality Code are being met.

Each Indicator is numbered and printed in bold and is supported by an explanatory note giving more information about the statement's purpose and context.

Introduction to this Chapter

Chapter B9: Complaints and appeals of the Quality Code sets out principles for addressing complaints on academic matters (complaints) and appeals on academic matters (appeals) by students in higher education institutions. The term institution is used throughout to refer to all UK bodies providing higher education learning opportunities, qualifications and awards.

As this Chapter forms part of the overall Quality Code, its remit is necessarily limited to academic appeals and complaints on academic matters. This does not preclude institutions extending these principles to more general complaints, a wider range of appeals or other processes, such as disciplinary or fitness to practise procedures, if this is appropriate to their needs. Indeed, it is recognised that many institutions operate a single complaints system which embraces both academic and non-academic complaints.

Where institutions have established separate procedures for handling complaints and appeals, there is likely to be a high level of commonality in the underlying principles of

both. For this reason, the Expectations and accompanying Indicators do not generally distinguish between complaints and appeals although it is recognised that in terms of operational procedures and timescales these may well be distinct in individual institutions.

Those referring to this Chapter may find it useful to refer to the following Chapters, which also contain advice relevant to complaints and appeals:

- *Chapter B11: Postgraduate research programmes*
- *Chapter B10: Management of collaborative arrangements*
- *Chapter B4: Student support, learning resources and careers education, information and guidance*

Matters relating to complaints and appeals with respect to admission to study are specifically covered in *Chapter B2: Admissions*, especially Indicators 10 and 11. Matters relating to placements are addressed in the section of *Chapter B3: Learning and teaching* covering work-based learning and placements.

Definitions

This Chapter of the Quality Code defines a complaint as the expression of a specific concern about the provision of a course/module, or a programme of study, or a related academic service. It defines an appeal as a request for a review of a decision of an academic body charged with decisions on student progression, assessment and awards.

The term student is used broadly to include those accepted to study with an institution or registered for its awards and those who have recently left an institution. It embraces those studying for taught awards and postgraduate research awards. It uses the term institution to refer to any UK body providing higher education learning opportunities and/or academic awards.

Responsibilities

When developing this Chapter, QAA has paid close attention to the responsibilities of institutions delivering learning and research opportunities leading to academic awards, to which this Chapter is primarily addressed. This Chapter recognises that:

- complaints and appeals may be made by individuals or, in appropriate circumstances, collectively
- in resolving complaints and appeals individuals, groups, institutions and other corporate bodies, such as professional, statutory and regulatory bodies, may have overlapping responsibilities
- complaints may be dealt with effectively through informal, as well as formal, means, as may appeals, in their earlier stages.

This Chapter also recognises that for complaints and appeals to be resolved well, all the individuals and/or groups involved - staff and students - need to act reasonably and fairly towards each other, and to treat the processes themselves with respect and not abuse them.

Complaints and appeals may initially be expressed informally. Moreover, there may be times when what is expressed by the person or persons presenting it as a complaint contains within it an appeal and vice versa. Where this is the case, institutions may find it helpful if their procedures make it possible for complaints and appeals to be reclassified (at whatever stage they may have reached) in consultation with the person complaining or appealing. It should be possible for such a reclassification to trigger an alternative procedure without the student having to initiate this. Institutions may also find it helpful to describe their general approach to handling a complaint and appeal, where these are linked.

Complaints and appeals and their outcomes can have significant consequences for the individuals or groups lodging them and for the individuals, institutions and bodies named in, or associated with, them. Institutions will want to ensure that the interests and well-being of all staff and students associated with a complaint or an appeal are properly safeguarded, and there may be a need to provide appropriate support for those associated with a complaint or appeal. At the same time, institutions will recognise that there is a need for sound evidence and procedural fairness.

Changes to legislation

Since Section 5 of the *Code of practice* was first published in 2000, the former visitorial system for hearing complaints and appeals in some universities in England and Wales has been superseded. Since the enactment of Section 20 of the Higher Education Act 2004, the Office of the Independent Adjudicator for Higher Education (OIA) became established. It receives complaints from students in England and Wales who have exhausted the procedures of the institution with which they are studying, or which is responsible for making their award. These can include complaints relating to academic appeals and complaints on academic matters, although the OIA will not consider complaints which relate only to the exercise of academic judgement. The OIA makes recommendations on appropriate remedies to governing bodies of qualifying higher education institutions. In Northern Ireland the universities have retained the Visitor as the final stage in their appeals arrangements. See Appendix 2 for details of the OIA's remit.

With the enactment by the Scottish Parliament of the Scottish Public Services Ombudsman Act 2002, and the later extension of its remit to higher education in the Further and Higher Education (Scotland) Act 2005, the Scottish Public Services Ombudsman (SPSO) has superseded the Independent Reviewer system, formerly operated for Universities Scotland by the Scottish Faculty of Advocates. The Further and Higher Education (Scotland) Act 2005 also gives authority to the Scottish Funding Council to take an interest, in some circumstances, in how complaints and appeals are handled by institutions in Scotland. See Appendix 3 for details of the SPSO's remit.

In addition to the changes described above, legislation enacted in the UK and Scottish Parliaments and European Union (EU) Directives may have implications for institutions' arrangements for handling complaints and appeals. Because this section is likely to remain current for some years, any list of the legislation relevant to this area of the work of institutions can be expected to go out of date, more or less rapidly. Institutions should therefore keep abreast of legislation across the countries of the UK, including applicable EU legislation and current case law.

Expectations about complaints and appeals

The Quality Code sets out the following Expectation about complaints and appeals, which higher education institutions are required to meet.

Higher education providers have fair, effective and timely procedures for handling students' complaints and academic appeals.

Indicators of sound practice

General principles

Indicator 1

Institutions have fair, effective and timely procedures for handling students' complaints and academic appeals.

The need for institutions to have transparent, fair and just procedures for dealing with complaints and appeals is key to this Indicator, as is the need for institutions to ensure fairness to all those who are party to, or named in, a complaint or an appeal. Dealing with a matter fairly and justly includes:

- dealing with a complaint or appeal in ways which are proportionate to the complexity of the issues and the resources of the parties involved
- making provision for informality and flexibility in the proceedings, where appropriate
- ensuring, as far as possible, that the parties involved are on an equal footing procedurally and able to participate fully in the proceedings, including assisting or otherwise facilitating the person making a complaint or an appeal in the presentation of their case
- avoiding delay as far as is compatible with fairness and the proper consideration of the matters involved.

The definitions of a complaint on an academic matter and an academic appeal used in the Quality Code are set out above. To recap, a complaint is defined as the expression of a specific concern about the provision of a course, or a programme of study, or a related academic service. An academic appeal is defined as a request for the review of a decision of an academic body charged with decisions on student progression, assessment and awards.

Institutions will find it helpful to define what they mean by a complaint and an academic appeal so that staff and students can readily distinguish one from the other. This is of importance whether or not institutions establish separate procedures for handling academic appeals and complaints, but is especially important for those that operate a single process, where different timeframes and different procedures might apply in each case.

Institutions may establish separate procedures for dealing with specific types of complaint such as allegations of harassment or discrimination. In such cases, it is necessary to explain the differences between the types of complaint, the reasons for the different procedures, and the consequences for students and others of following a specific procedure. For complaints, it is also valuable to explain or define how a formal complaint differs from negative or critical feedback and how it is different from whistle blowing.

The scope and grounds on which an academic appeal may be lodged also need to be clearly stated. At the same time, institutions are likely to find it helpful to clarify what, in their arrangements, falls outside the grounds for appeal. For example, most institutions do not allow appeals against the exercise of academic judgement and it would therefore be helpful for institutions to consider what falls outside the scope of academic judgement.

Academic appeals are often part of an institution's overall arrangements for the assessment of students. It is probable, therefore, that they will need to be dealt with in a formal manner and appeal procedures are often set out as part of an institution's official regulations. Complaints can be raised about a wider range of academic matters, and arrangements for handling them may therefore need to be more flexible and responsive. In both complaints and appeals, however, the aim should be to ensure that all the parties have the benefit of access to fair procedures so that the complaint or appeal can be considered fairly. In many cases, it is valuable to have a means of enabling complaints and appeals to be resolved informally, at an early stage before formal procedures are initiated or completed. Where institutions encourage such informal means, it is important for staff to be briefed on:

- how the informal stages in complaints and appeals procedures relate to the formal stages
- the importance of keeping notes of any discussions and their outcomes
- the limits of their authority to speak on behalf of the institution.

Likewise, where institutional procedures recognise the existence of informal procedures, it is important to be clear about this and for institutions to enable students to be sure at all stages whether a complaint or appeal is being dealt with informally or formally. At the outset it is often helpful to all parties for the institution to invite the person complaining or appealing (or considering making a complaint or appeal) to state the nature of the outcome they are seeking, which might include an apology (if the complaint or appeal is found to be justified).

Some institutions may find it useful and valuable to staff and students to establish an alternative means to resolve complaints, usually via an impartial mediation or ombudsman arrangement, which may be provided by a member or members of the institution. The purpose of establishing such arrangements may be limited to enabling individuals to explore, with an impartial third party, the focus of their complaint and to seek advice, separate from the institution's complaints processes. In other cases, they may be intended to provide a forum for reaching a decision or a solution to the matters. Where institutions establish mediation, ombudsman or other alternative dispute resolution services, they may need to make clear to students and staff the scope of the services, and whether their use is subject to the parties agreeing in advance to accept the solution offered or the findings reached.

Where no informal resolution can be achieved at the outset, it is important that students who wish to pursue a formal complaint or appeal are encouraged to do so in a timely fashion and are referred to the institution's formal procedures.

A key factor in the effective handling of complaints or appeals is the institution's ability to respond in a timely way and bring matters to a conclusion as speedily as possible. It is therefore helpful if procedures and correspondence include indicative timescales for responses. At the same time, it is also important that the timescales set are both fair and realistic, and have sufficient flexibility that they are able to take account of individual circumstances where necessary. Equally, it is important that the institution sets out clearly the responsibilities of the person or persons complaining to respect the procedures and to respond to letters and requests for meetings and information in a timely manner.

While recognising that it is not always possible for institutions to take forward complaints and appeals procedures when key staff are unavailable (for example, when carrying out duties away from the institution, or during closed periods or vacations), nonetheless, it is important that institutions have arrangements in place to take forward matters appropriately and professionally in such circumstances.

Likewise, institutions' arrangements need to take into account delays occasioned by necessary absences on the part of students.

Indicator 2

Institutions' complaints and appeals procedures are approved and overseen at the highest level.

The point of this Indicator is to remind institutions that ensuring that their complaints and appeals procedures are ratified by their senior academic committee clarifies for students and others that the procedures are those of the institution, and not those of a school or department. In many cases such a senior academic committee will be the institution's Senate, Academic Board or Governing Body. Making provision for the most senior academic committee to have the authority to monitor the consistent operation of these processes, and to have the ability to review the procedures and amend them, where necessary, to secure fairness, is an important factor in ensuring transparency. It provides senior members of the institution with direct access to information on the outcomes of its complaints and appeals procedures and how the procedures themselves are working.

Indicator 3

Institutions ensure that those studying at all levels have the opportunity to raise matters of concern without risk of disadvantage.

This Indicator is about the need for institutions to state who has access to their complaints and appeals procedures. Those who might reasonably be expected to have access to such arrangements might include:

- individuals accepted to study for an institution's awards (see also Indicator 10 of the Quality Code, *Chapter B2: Admissions*)

- current students, including those studying for an institution's award or qualification
- recent graduates (as defined by the institution)
- students studying with a partner institution in collaborative arrangements.

(See also *Chapter B11: Postgraduate research programmes* of the Quality Code)

Where institutions are involved in collaborative activity, it is important to clarify, for all staff and students, how the complaints and appeals procedures of the respective institutions relate to each other and where a complaint or appeal should initially be directed. In most cases, institutions will want to record such information in the written agreement between them and their partner institutions, as suggested in Indicator 26 of *Chapter B10: Management of collaborative arrangements* of the Quality Code. A normal expectation is that ultimately, a student has the right to appeal, or complain on academic matters, to the institution making their award. In all cases, it is beneficial to specify the basis on which any appeal or complaint will be handled.

Institutions may find it helpful to make provision for complaints or appeals to be made either individually or, if appropriate, collectively and to indicate how any collective action might be managed (for example, through a single spokesperson). See also Indicator 8.

Students may be inhibited from making a complaint or an appeal if they fear that by doing so they may suffer disadvantage (for instance by being treated less favourably than others). For this reason, it is important to maintain confidentiality when receiving or handling a complaint or an appeal, unless disclosure is necessary to enable the complaint or appeal to be progressed. Where this is the case, it is good practice to notify the person(s) complaining or appealing before any disclosure is made and to check that they wish to proceed before doing so.

Information

Indicator 4

Institutions make publicly available easily comprehensible information on their complaints and appeals procedures.

Making their complaints and appeals procedures (and any associated guidance) publicly available assists institutions to ensure that those who need to know about the procedures have ready access to them. It is a helpful extension to the routine provision of information when students commence their studies and provides students with opportunities to raise matters of concern whether they are:

- studying or domiciled overseas
- working at, or with, a partner institution
- involved in placements or work-based learning
- recent graduates
- prospective students who have been accepted to study by the institution.

Other occasions when pointers to institutions' complaints and appeals procedures can be routinely provided include the time when students are notified of the results of their assessments and when announcing their overall results.

Where institutions maintain specially designed complaints and/or appeals procedures for particular categories of students, such as postgraduate research students or students studying with partner institutions, it is important for them to make this clear and to provide pointers to where information on these separate procedures may be found. Where an institution has also established independent mediation arrangements or an internal ombudsman scheme, it is valuable to publicise these arrangements widely.

It is generally recognised that the use of straightforward language, and the avoidance of legalese and jargon when developing their procedures, helps institutions to be confident that all those referring to, or making use of, complaints and appeals procedures will be able to understand how they work. It can also be helpful for those writing the procedures to approach drafting or redrafting them from the perspective of a person making a complaint or an appeal. In many cases, the use of graphical illustrations or flowcharts of institutions' complaints and appeals procedures has been found to assist those who need to refer to them.

Institutions have a responsibility to communicate their complaints and appeals procedures effectively to those who need to know about them. There is a corresponding responsibility on the part of students to acquaint themselves with the complaints and appeals procedures of the institution(s) with which they are studying (or the relevant awarding body) and information on where advice, guidance and support can be found.

Internal procedures: design and conduct

Indicator 5

Clear design of institutions' complaints and appeals procedures enables them to be conducted in a timely, fair and reasonable manner, and having regard to any applicable law.

This Indicator focuses on the need for institutions to have fairness and reasonableness in mind when designing and operating their complaints and appeals procedures.

(a) Design considerations

As part of the design process for their complaints and appeals procedures, institutions need to consider whether and how their procedures should allow complaints and, where appropriate, appeals to be resolved informally at any stage, with the agreement of both parties. As part of such consideration, institutions may wish to decide whether to allow information gathered for one institutional process (for example, an appeal) to be made available, where appropriate, to another institutional process, such as a complaint, in consultation with those involved. Such an arrangement can save cost and time, contain the demands of the processes (and associated stress) for the parties involved and for the institution, and enable complaints and/or appeals to be resolved more quickly.

Institutions may also find it helpful to authorise designated senior staff to make decisions on redress in complaints cases, as appropriate, in order to promote early resolution.

Many institutions operate multistage complaints or appeals procedures. In such cases it is helpful to all parties for the institution to state in its complaints and/or appeals procedures the point at which an informal process can become formal and vice versa. In designing multistage processes, there is a need for institutions to guard against the risk that the complexity of their procedures might become confusing to all parties, and to ensure that the complexity of such procedures does not lead to delays which may give rise to unfairness.

At the beginning of their complaints and appeals procedures, many institutions find it valuable to operate a filtering process to enable complaints or appeals which appear, on the face of it, unable to satisfy the stated grounds on which an appeal or complaint may be based, to be identified (and rejected) at the outset. As part of the design of such a filtering process it is fair and reasonable to provide an opportunity for the person complaining or appealing to challenge such a preliminary finding.

In order to resolve complaints and appeals swiftly, institutions may design their procedures so that they can be conducted without formal hearings. In some circumstances, however, the absence of provision for the person appealing or complaining to present their case in person to those investigating or deciding the matter might, on the face of it, be considered unfair. For example, when information and evidence, including oral statements, and/or their interpretation is disputed, or where the sanctions at the end of the process are severe (for example, dismissal from a programme of studies or research). Institutions may therefore find it advisable, in the interests of fairness, to make provision for hearings, in appropriate circumstances, in their complaints and appeals procedures.

It is generally considered good practice to consult students about major changes to complaints and appeals procedures. Likewise, it is considered good practice to ensure that, once agreed, significant changes to appeals and complaints procedures are drawn to the attention of all affected students and staff in a timely manner. It is then important for institutions to define the currency and period of validity of any different versions of their procedures if they have decided to operate them simultaneously.

(b) Conduct of procedures

Procedures governing the conduct of a complaint or an appeal should emphasise the institution's requirement for proceedings to be conducted fairly. In order to secure fairness to all parties to a complaint or an appeal, those investigating or deciding on them need to act impartially and identify any actual or potential conflict of interest or any circumstance in which they might benefit materially from the outcome of the complaint or appeal. Where this is the case, they should consider their position.

An important element in securing fairness to all parties is to ensure that proceedings are conducted in a timely manner, that both the institution and the person making the complaint or appeal have adequate notice of the subject of the complaint or the appeal, and that each has equal access to all the evidence which will be used as a basis for determining the outcome. Whether or not there is a hearing, the person complaining or appealing (and any relevant representatives involved) will need to be

provided, as appropriate, with the documentation and information made available to the proceedings.

Where, in the interests of fairness, institutions provide for the holding of a hearing, there is a need to make it clear whether a panel will be convened to hear the case (which the student will be entitled to attend) or not. Where it is considered appropriate to hold a hearing, it is important to ensure that timely information is provided to the student on the composition of the panel and the staff and students who may be called on to provide evidence. Institutions may wish to consider what approach they might adopt in meeting reasonable and proportionate incidental expenses incurred by a person complaining or appealing and make that policy known.

Indicator 6

Institutions ensure that appropriate action is taken following a complaint or an appeal.

This Indicator focuses on the need for institutions to follow up and implement the findings of a complaint or an appeal.

When a finding on a complaint or an appeal has been determined, the outcome needs to be communicated to the person complaining or appealing and to any other relevant parties, such as the relevant department(s) or school(s), as soon as possible and as long as this does not prejudice other proceedings. It is good practice to state the reason for reaching the decision, in order to ensure that this is clearly understood by the student and staff involved. This may help the student determine whether or not to pursue the matter further. Institutions will also wish to explain how and when they will implement any remedy and whether that might include an apology.

At the point where institutional procedures have been completed, the person complaining or appealing should expect to be provided by the institution with a clear written statement, confirming that its internal procedures have reached completion and the outcome that has been reached. This is widely referred to as a completion of procedures letter and is a requirement of the OIA and the SPSO. It is good practice for such a letter to advise the recipient of any relevant external procedures to which they may have recourse if they remain dissatisfied with the final outcome or response to their complaint or appeal. For designated institutions in Scotland the most immediately relevant external body is the SPSO and for designated institutions in England and Wales it is the OIA.

In the light of an outcome of a complaint or appeal, institutions will also wish to reflect on whether the findings might suggest that institutional regulations, procedures or practice need to be amended for the benefit of students and staff.

Institutions should ensure that their Senate, Academic Board or other similar body has an unambiguous power to annul a decision of the examiners and to substitute it with a decision of its own (normally following further advice from competent examiners), where circumstances make it appropriate to do so. It is important that there is clarity in the institution's procedures, as to where the authority lies in the institution for reaching a revised decision in cases where an appeal has been upheld (see also Indicator 2, above).

Access to support and advice

Indicator 7

Institutions satisfy themselves that appropriate guidance and support is available for persons making a complaint or an appeal, including those taking advantage of learning opportunities provided away from institutions and/or through flexible and distributed learning.

This Indicator considers what responsibilities institutions might have to provide advice and support to persons making a complaint or an appeal.

Making a complaint or an appeal can prove stressful and burdensome for the parties involved. In such circumstances, it is good practice for institutions to provide opportunities for those involved with a complaint or an appeal to seek informed and impartial advice and guidance on lodging an appeal or making a complaint (or responding to an appeal or a complaint) on a confidential basis. This might include support in preparing evidence and other information to be considered in a complaint or an appeal and ought to be considered separate from any mediation or like arrangements (see Indicator 1). For any such support arrangements to be effective, institutions will need to make available to staff and students contact information for those authorised to provide such support and advice (whether by the institution or students' representatives). Such persons might include members of students' representative bodies, professional associations or trades unions (see also Indicator 10).

Where students have declared a disability to the institution, it is important to ensure that information is available to them at all stages in appropriate formats, and that reasonable adjustments are made to the proceedings to accommodate their needs (See *Chapter B4: Student support, learning resources and careers education, information and guidance* of the Quality Code).

As part of their arrangements for students who study away from the institution, it is important for the institution to provide them, in advance, with clear information and contact details of those within the institution, and in any partner or other provider, who can provide advice and guidance in the event that they wish to make an appeal or complaint (see also Indicator 4).

Indicator 8

Institutions make provision in their procedures for those making a complaint or an appeal to be accompanied at any stage, including formal hearings.

This Indicator recognises that providing persons making a complaint or an appeal with support and advice may extend to enabling them to be accompanied at any hearing. In such circumstances, institutions will find it helpful to set out in their procedures the basis on which a student may be so accompanied, particularly in the context of a formal hearing or investigation.

In particular cases, this can extend to confirming what category of individual or individuals can accompany a student and the agreed capacity in which that person (or

persons) will be attending (that is whether as a supporter or as a representative), and what that will mean in practice.

For example, both the person complaining or appealing and any panel might reasonably be expected to need to know, in advance of any hearing, whether:

- the representative will be able to speak
- the person complaining or appealing will need to be silent throughout
- the representative or person will be allowed to address the appeals or complaints panel
- either the representative or the person, or both, may ask questions of the panel.

It is also helpful for institutions to clarify in their complaints and appeals procedures whether the person making a complaint or an appeal may or may not be represented in their absence by a third party and whether a panel can proceed to consider the case in their absence.

Because the proceedings of appeals and complaints hearings are part of institutions' internal arrangements, formal legal representation may not necessarily be either helpful or appropriate. Institutions might therefore wish to consider their general position on legal representation for persons making a complaint or appeal, and under what circumstances they might agree to the person complaining or appealing being accompanied by a legally qualified person.

When thinking through this matter institutions might wish to consider their own position. In their appeal and complaints procedures some institutions provide for a legal adviser to attend to support the work of the panel but not to represent the institution's case. Where, however, institutions themselves are legally represented in complaints and/or appeals hearings, it is likely to be seen as unfair not to allow those making a complaint or an appeal to be legally represented. However, it will be useful for all those involved to appreciate that legal representation is likely to be the exception rather than the norm.

Monitoring, review and enhancement of complaints procedures

Indicator 9

Institutions have effective arrangements to monitor, evaluate and improve the effectiveness of their complaints and appeals procedures and to reflect on their outcomes for enhancement purposes.

This Indicator is about why it is important to institutions to monitor and evaluate the work of their complaints and appeals procedures regularly. It points out that such monitoring and evaluation can assist two aspects of their work: their complaints and appeals procedures themselves, and those aspects of their work and relationships with students that form the focus of particular complaints and appeals.

Monitoring how their complaints and appeals procedures work overall, and maintaining records of such monitoring over time, will help institutions to be confident

that procedures are fair and are working as they intend. As part of the process of ensuring that their procedures are working satisfactorily for all their students, institutions may find it helps them to be able to report to their senior academic committee on, for example:

- the number of complaints made by undergraduate, taught postgraduate and research students, respectively, and by students on full-time and part-time modes of study
- the gender and ethnicity of those making complaints and appeals
- whether or not those making complaints and appeals had disabilities
- the number of complaints and appeals made by international students and students from the UK.

An institution might expect that having the capacity to identify for itself whether a particular category of students is making a higher number of complaints or appeals than anticipated from their numbers will provide the information needed to decide whether, and how, it is to respond to such circumstances and, incidentally, to safeguard its reputation.

Such monitoring and evaluation information can also assist institutions when they undertake periodic reviews of the design and conduct of their complaints and appeals procedures. Such reviews can help to ensure that complaints and appeals procedures remain in step with institutions' other procedures and arrangements, with legislative requirements and general Expectations of good practice in handling complaints and appeals in higher education.

Monitoring and evaluating their complaints and appeals procedures enables institutions to satisfy themselves that the procedures are working satisfactorily for all their students, and to take appropriate action where this is not the case. Additionally, where they collect information on the focus of complaints and appeals, this can provide institutions with valuable feedback on all the aspects of their support for students' learning. The identification of consistent themes among complaints and appeals - or a disproportionate number of complaints and appeals from one part of the institution - might, for example, point to positive improvements which could be made to the student experience.

Institutions may find monitoring and evaluating the number and character of formal complaints and appeals relatively straightforward. Extending such monitoring and evaluation to complaints and appeals dealt with through informal means and by mediation will be more difficult but may be worthwhile, not least to enable institutions to be confident that the existence of such informal procedures is properly acknowledged and to provide an estimate of their effectiveness. Extending monitoring and evaluation in this way should also enable institutions to be confident that the informal resolution of complaints and appeals is not masking areas of their work about which students are dissatisfied.

It is good practice for regular summary reports on the evaluation and outcomes of appeals and complaints processes to be considered by a designated senior academic committee (or those with corporate responsibilities at an executive level) and used to inform subsequent practice and institutional responses. By this means, complaints

and appeals can make a positive contribution to an institution's quality assurance and enhancement frameworks. To this end, institutions may find it helpful to publicise to all their staff and students information from summary reports again, with a view to improving awareness of the procedures themselves but also to enhance the confidence of students and staff in the transparency and effectiveness of institutions' complaints and appeals procedures.

Indicator 10

Institutions ensure that suitable briefing and support is provided for all staff and students involved in handling or supporting complaints and appeals.

Handling complaints and appeals is becoming an increasingly specialised and technically demanding area of institutions' work. In order that staff involved can be alert to the interests of all parties, the general legal context and their institution's own regulations and precedents, suitable induction and briefing, and opportunities for professional updating are essential.

The aim of providing induction and briefings should be to familiarise staff with the detail of their institutions' complaints and appeals procedures and how these should be applied, and to enable them to appreciate the need for impartiality in investigating complaints or appeals. Inductions and briefings should also provide staff with an informed legal context in which they can situate their institution's complaints and appeals procedures and provide them with access to advice on technical matters such as, for example, the standard of proof to be adopted in any particular case, the admissibility of evidence and how to handle evidence from witnesses. It is good practice for institutions to provide regular opportunities for all those involved in handling complaints and appeals procedures to be appropriately briefed on current developments in their procedures and the law, and to exchange information on good practice in this area.

Institutions are increasingly aware that complaints and appeals can be stressful for staff, particularly those who may be the subject of a complaint and for those implementing the institution's procedures, as well as for students. In addition to considering what support and advice they may need to provide for those making a complaint or an appeal (see Indicator 7), institutions may also wish to consider how to safeguard the interests of staff, including those handling complaints and appeals.

Institutions will also find it helpful to ensure that staff and student representatives at all levels appreciate what is required of them, so that institutions' complaints and appeals procedures can deal fairly with all those involved. As part of this, it is important that all staff and students involved in handling complaints or appeals, or providing support to those involved in the processes, are aware of how their institution's complaints and appeals procedures relate to other institutional schemes for raising concerns (for example whistle blowing and harassment procedures), of opportunities for informal resolution at all stages of the complaints or appeals processes, and how they relate to any independent and alternative means of resolving complaints and appeals, such as an internal mediation or ombudsman scheme.

Further information and additional references

References are given here to material which higher education providers may find useful in relation to the topic of the Chapter. They do not form part of the Quality Code, but as each Chapter is developed by an expert advisory group, the status of these materials (and others not listed) may be reconsidered, and the views of the higher education sector more broadly sought through public consultation. Additional references may also be added: this is not intended to be a comprehensive resource.

Raising concerns about standards and quality in higher education: a guide for applicants

www.qaa.ac.uk/Publications/InformationAndGuidance/Pages/Raising-concerns-about-standards-and-quality-in-higher-education.aspx

Protocol for managing potential risks to quality and academic standards

www.qaa.ac.uk/Complaints/concerns/Documents/ManagingRisksProtocol.pdf

Appendix 1: The Indicators

Expectations about complaints and appeals

The Quality Code sets out the following Expectation about complaints and appeals, which higher education institutions are required to meet.

Higher education providers have fair, effective and timely procedures for handling students' complaints and academic appeals.

The Indicators

Indicator 1

Institutions have fair, effective and timely procedures for handling students' complaints and academic appeals.

Indicator 2

Institutions' complaints and appeals procedures are approved and overseen at the highest level.

Indicator 3

Institutions ensure that those studying at all levels have the opportunity to raise matters of concern without risk of disadvantage.

Indicator 4

Institutions make publicly available easily comprehensible information on their complaints and appeals procedures.

Indicator 5

Clear design of institutions' complaints and appeals procedures enables them to be conducted in a timely, fair and reasonable manner, and having regard to any applicable law.

Indicator 6

Institutions ensure that appropriate action is taken following a complaint or an appeal.

Indicator 7

Institutions satisfy themselves that appropriate guidance and support is available for persons making a complaint or an appeal, including those taking advantage of learning opportunities provided away from institutions and/or through flexible and distributed learning.

Indicator 8

Institutions make provision in their procedures for those making a complaint or an appeal to be accompanied at any stage, including formal hearings.

Indicator 9

Institutions have effective arrangements to monitor, evaluate and improve the effectiveness of their complaints and appeals procedures and to reflect on their outcomes for enhancement purposes.

Indicator 10

Institutions ensure that suitable briefing and support is provided for all staff and students involved in handling or supporting complaints and appeals.

Appendix 2: the Office of the Independent Adjudicator for Higher Education

[The text of this appendix has been provided by the Office of the Independent Adjudicator for Higher Education (OIA) and is included with its permission.]

The OIA Scheme was designated under the Higher Education Act 2004 which established an independent Scheme to adjudicate on student complaints against universities in England and Wales without charge to complainants. The OIA, which had run a voluntary Scheme from March 2004, began operating under statute in January 2005. The OIA is a Registered Charity and is a not-for-profit company limited by guarantee.

Qualifying Institutions under the Act include all HEIs in England and Wales, and each is required to join the OIA Scheme. Qualifying complaints include 'an act or omission' by an HEI, brought by a student or former student, once internal procedures have been exhausted. All Qualifying HEIs in England and Wales are required to comply with the Rules of the Scheme and with the OIA's Decisions. The OIA also accepts Non Qualifying Institutions into the Scheme upon application to the OIA Board. Universities have a strong record on compliance with OIA Decisions and any non-compliance is published in the Independent Adjudicator's Annual Report.

The OIA's aim is to provide practical remedies for students wherever possible; financial redress is only considered where another remedy is not available or is considered insufficient. The OIA also makes recommendations about how institutions deal with complaints and what constitutes good practice.

More information about the OIA and its work can be found on its website www.oiahe.org.uk

Appendix 3: the Scottish Public Services Ombudsman

[The text of this appendix has been provided by the Scottish Public Services Ombudsman (SPSO) and is included with its permission.]

The Scottish Public Services Ombudsman (SPSO) has two main functions. The first is to look at unresolved complaints from individuals about public services after they have completed the complaints procedure of the organisation that delivered that service. These include: colleges and universities, councils, the National Health Service, prisons, housing associations, most water and sewage providers, the Scottish Government and most Scottish Public Authorities.

Higher education institutions were made 'persons' liable to investigation by the Ombudsman under the terms of the *Further and Higher Education (Scotland) Act 2005*. The same Act stated that 'academic judgements' about training or education matters lie outwith the Ombudsman's remit.

The second statutory function, granted by the Public Services Reform (Scotland) Act 2010, is to improve complaints handling in public services. This work is led by the SPSO's internal unit, the Complaints Standards Authority (CSA). The Act gives SPSO the authority to lead the development of simplified and standardised complaints procedures. The CSA also provides support in issuing guidance and sharing good practice across and within sectors.

The Ombudsman is Jim Martin. Jim was Police Complaints Commissioner for Scotland from the office's inception in 2007 until he became Ombudsman on 1 May 2009. He was also the Scottish non-executive chairman of Logica and ran a management consultancy. Jim was General Secretary for the Educational Institute of Scotland from 1987 until 1995 and served as a member of the Scottish Funding Council.

Following consideration of a complaint, SPSO sends a copy of its decision on each case to the complainant and the body complained about. Some decisions are laid before the Scottish Parliament and reported publicly. The Ombudsman's monthly Commentary highlights trends and issues and recommendations it has made. This is one way in which SPSO feeds back the learning from complaints, in order to improve the delivery of public services.

Information about the role and remit of the SPSO can be found on its website along with reports of its findings, commentaries, copies of leaflets, guidance annual reports and other corporate information - www.spsso.org.uk. Information about and produced by the CSA can be found online at www.valuingcomplaints.org.uk

The Quality Assurance Agency for Higher Education

Southgate House
Southgate Street
Gloucester
GL1 1UB

Tel 01452 557000

Fax 01452 557070

Email comms@qaa.ac.uk

Web www.qaa.ac.uk

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