

## University Student Complaints Procedure: Guidance and FAQs on Stage One

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### Purpose

This document provides advice and guidance for staff who are managing the stage one process of the [University Student Complaints procedure](#). It identifies common pitfalls in investigating complaints and discusses potential resolutions. It should be read in conjunction with the procedure and further advice can be sought from the Proctors' Office ([casework@proctors.ox.ac.uk](mailto:casework@proctors.ox.ac.uk)) in the first instance, or the University lead for the Office of the Independent Adjudicator (OIA) ([oiacasework.oxford@admin.ox.ac.uk](mailto:oiacasework.oxford@admin.ox.ac.uk)). If the student has engaged a lawyer, the Legal Service Office (LSO) should also be consulted.

### General FAQs on the University Student Complaints procedure

- *How was the University Students Complaint procedure developed?*  
The procedure is based on the [OIA's Good Practice Framework](#) and the [Quality Assurance Agency's UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals](#). It is divided into three parts: stage one is a local resolution managed where the complaint has arisen, whilst stages two and three are formal considerations managed by the Proctors' Office if a local resolution has not been possible.
- *What is the OIA and why are they our regulators?*  
The Higher Education Act 2004 required that an independent body should be set up to run a student complaints scheme in England and Wales. This same Act also defined the higher education providers that are required to be members of said scheme and this definition has subsequently been expanded. The OIA was chosen to run this scheme and part of their remit is to contribute to the development of policy in this area and to make determinations on complaints students consider to be unresolved. The University falls within the required members definition and, therefore, is regulated by the OIA.
- *What can a student complain about?*  
Students can raise concerns under this procedure about and the provision of academic services (such as teaching or supervision) and non-academic matters (such as support services, accommodation, facilities etc.). Students cannot raise concerns under this procedure about decisions made by an academic body (i.e. the Academic Appeals process), admissions, College matters, behaviour of staff, behaviour of students, academic integrity (including disputes over ownership of work), bribery and fraud, public interest disclosure or freedom of information requests.

When considering a complaint, the underpinning principle being assessed is what was promised compared to what was delivered. Any concerns that involve academic judgment, such as the quality of academic provision, are out of scope. For example, a complaint can be made that a subject was not covered as the course description said it would; that a student's supervisor was unavailable; that a student didn't benefit from teaching because they could not access it; that a department did not support its students adequately; or that the department did not follow a reasonable assessment process. However, any complaints about the quality of what has been delivered are

likely to involve academic judgment, which cannot be considered. The OIA defines academic judgment as “not any judgment made by an academic; it is a judgment that is made about a matter where the opinion of an academic expert is essential”<sup>1</sup>. This therefore means that we cannot consider a complaint that teaching was not of an adequate academic standard; that an online teaching session was just not as good as it would have been face to face; that the student’s work was worth a higher mark; or that a postgraduate student did not get the right academic guidance from their supervisor.

- *Why is there a Stage One: Local Resolution part of the procedure?*

In many cases the concerns a student raises can be resolved with an immediate explanation and/or solution at the local departmental level. Stage one of the complaints procedure is in place in order to facilitate this. It forms part of what the OIA terms an effective complaints handling system. It is expected that each stage of the process should be exhausted before moving on to the next stage; therefore, both staff and students are expected to take every opportunity to resolve a complaint before escalating the matter further.

- *Is the Stage One complaint process complicated?*

No, in many cases when a student raises a concern it is resolvable quickly and to the student’s satisfaction, with few records needing to be kept. However, in some exceptional cases, there may be many and/or concerns where records should be kept to ensure it is clear what has been agreed and implemented. In general, if a student’s concerns cannot be resolved quickly or through making some straightforward changes it is good practice to capture what is being discussed in writing (emails are sufficient). It is appropriate to capture this evidence if a student specifically notifies the department that they are raising or intend to raise a stage one complaint with them.

- *Is there a time limit for when a complaint can be made?*

Yes. A student is expected to raise a complaint as soon as possible after the matters giving rise to the complaint have occurred. This is to ensure that it can be investigated effectively and that any action can be implemented as quickly as possible to set things right. Stage two of the complaints procedure is clear that a complaint should be made, at the latest, within three months of the matters being complained about having occurred. Therefore, if matters are raised at stage one outside the three month period, although it may be possible and reasonable to resolve the concern by providing an on-the-spot explanation of why the issue occurred and/or an explanation of what will be done to stop a similar situation happening in the future, it may not be appropriate or reasonable to take such a complaint forward. There are several reasons why we have such a time limit. The first is that the OIA considers it reasonable for providers to have deadlines and to expect students to be aware of them and comply with them. The second is that the aim of a complaint is to resolve issues in a timely way; the longer after the fact a complaint is made, the harder it is to investigate effectively or to set things right.

However, if the student has been able to demonstrate clearly that they were prevented from making the complaint within the specified three months’ time frame and also the period up to the complaint being made, it is reasonable to take the complaint forward. This should be in exceptional circumstances only, as it would not be fair or reasonable to consider complaints which are out of time as standard. A discussion about timeframes can be had with the Proctors’ Office as and when these

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<sup>1</sup> <https://www.oiahe.org.uk/information/glossary/>

situations occur. Students should be informed that their complaint is 'out of time' for consideration and the reason why as they can challenge that decision with the Proctors' Office and, ultimately, the OIA.

- *Who should be involved with investigating the stage one complaint?*  
Once a complaint has been received the individual tasked with taking the stage one complaint forward should not be mentioned in, or otherwise be part of, the complaint. This avoids subsequent complaints of bias or perceived bias that could lead to an otherwise sound decision being overturned.
- *Who is responsible for making distress and inconvenience payments?*  
Departments are able to offer at stage one a [distress and inconvenience](#) payment as part of a resolution (see also the guidance below on resolutions to stage one complaints). The department which provided the service being complained about are expected to make any payments as part of the resolution being offered. This can also be offered as part of a resolution at later stages of the complaints process. However, it should be noted that the payments offered can, and often do, increase as a complaint progresses. If you have concerns about what amount should be offered or how to follow the OIA guidance, do contact the Proctors' Office or LSO for further discussions.
- *We have identified an issue, what can we do?*  
All universities are expected to try to deliver teaching and services broadly equivalent to what was promised to the student (e.g. what was advertised to students, what is in the course handbook, etc.) and to ensure that learning or other relevant outcomes can be met. Where a department finds that they have not done this, even if the circumstances were beyond their control, they will need to consider how to put that right. This can take many forms; typically, the more a department has done to proactively identify and address the issues before a student has cause to complain, the easier it is to answer any subsequent complaints as the department will have already taken mitigating actions. In circumstances where a group or cohort are similarly affected, let the group know you are aware of the issues and what you are doing to address them. This open and transparent approach can reassure students that their concerns are being taken seriously and acted upon.

### **Guidance on investigating stage one complaints**

- *Identify what the issues are and what outcome the student is looking for*  
Students are not always explicit about what their concerns are, or what solution they would like implemented. Therefore, it is appropriate to establish in the first instance with the student exactly what the issues are, who has been involved so far, and, in the student's view, what outcome they are hoping for. In most cases the Department will be able to resolve the concern with little or no investigation by providing further information, by explaining what has occurred, or advising on actions that can or will be taken. However, for those more complex concerns, or if a resolution has not been accepted or deemed appropriate by the student, the Department should confirm with them whether the concern being raised is being made under stage one of the [University Student Complaints](#) procedure and provide a link to the University page on this as further information.
- *Where reasonable, investigate all concerns raised by the student*  
It is important to address each of the concerns a student raises, and, if they have already been answered orally, a note should be made to ensure these are still

included in any outcome letter. If a concern cannot be considered by the department because it is not within the department's remit (for example, it relates to a college matter) this should be clearly communicated to the student to ensure they understand why the department is not taking the matter forward. The same might apply if some elements of the complaint are 'out of time' or the complaints procedure does not cover all or some of the matters raised. It should be explained why these cannot be investigated and, where appropriate, the student's attention should be directed to the correct complaints policy.

- *Carry out a fair and reasonable investigation*  
All communications with the student should be neutral in tone and fact-based, even if the Department disagrees with what is being complained about.
- *Keep and collect documented evidence*  
All the concerns raised by the student should be investigated and any responses received should be kept as documented evidence of the investigation. If a student raises an oral complaint they should be asked to put this into writing (for example, by email), as this enables the student to put into their own words their concerns and expectations regarding the outcomes. It also ensures that there is a record of what has been raised and when. Confirming what has been orally discussed in a follow-up email also ensures that there is an on-going and agreed understanding of what has been said. This practice should also be followed for communications with anyone deemed material to the complaint. Confidentiality must be maintained throughout the investigation of the complaint and only involve those who are material to the complaint. The information and evidence collated during a complaint investigation will be disclosable under a Subject Access Request and may include information shared with the LSO. If the complaint reaches the OIA, it is likely that all information collected will be requested and considered by them.
- *Only discuss resolutions and outcomes after you have investigated the concerns*  
It is important to understand the full circumstances as soon as possible and before discussions of resolutions and outcomes are had with the student – even in informal chats. The information presented to the Department, be it from the student or colleagues, will need to be reviewed and an assessment made as to whether: (i) there is a proven concern that needs to be addressed, (ii) the concern has been mitigated in any way through actions already taken, (iii) the student has received what was promised as per the student handbook, course information sheets etc., (iv) additional action is reasonable and, if so, what action could helpfully be taken that would rectify the situation.

### **Guidance on managing group complaints**

- *When a group complaint has been received*  
The Divisional Office should be notified when a group complaint has been received as they may wish to be kept up to date on the investigation, and may also help liaise with other departments around the University, for example the Proctors' Office.
- *Advice to students when they consider making a complaint*  
If it is clear that a number of students have concerns about a particular issue, the Department should make the students aware of the [University Student Complaints](#) procedure, and in particular of the possibility of making a group complaint. Dealing with a complaint submitted as a group at the outset is much simpler to handle and respond to than grouping similar complaints together at a later stage, as outlined below.

- *When a number of complaints have been received about the same concern*  
In some circumstances, a number of individual complaints may be received by the Department about the same concerns. The Department may wish to explore combining these together as a group complaint to enable one investigation rather than multiple individual investigations. However, any aspects of an individual complaint which cannot be incorporated into the group complaint will need to be investigated separately and be responded to as part of that individual's outcome letter. If this situation arises, the [Proctors' Office](#) can be contacted for advice on how to manage the situation.

### **Guidance on resolutions to stage one complaints**

- *Types of resolution available to the Department*  
The Department can consider as a resolution anything that would normally be available to them under the University's regulations. If the Department identifies a solution which is outside their power to grant, they should consult with other relevant departments to agree a way forward, for example the [Proctors' Office](#), [Education Policy Support](#) etc. It is possible to offer more than one resolution as an outcome to the complaint.
  - i. *Examples of resolutions for taught courses*
    - Providing an explanation of what occurred and why.
    - Providing an explanation as to steps taken to ensure what happened will not occur in the future (e.g. recommendations for changes to departmental practices).
    - Suggesting a resolution (e.g. the department supporting an MCE or late exam excusal request and/or contacting another department about a resolution outside their remit). (Please note: before offering a solution which is managed by a different department, the department should ensure they have discussed and agreed this with that department.)
    - Providing an apology.
    - Agreeing a retrospective suspension.
    - Offering a distress and inconvenience payment.
  - ii. *Examples of resolutions for research courses*
    - Providing an explanation of what occurred and why.
    - Providing an explanation as to steps taken to ensure what happened will not occur in the future (e.g. recommendations for changes to Department practices).
    - Suggesting a resolution (e.g. the Department voiding a milestone interview or final viva, seeking a change in supervisor, the Department contacting another department about something outside their remit. (Please note: before offering a solution which is managed by a different department, the Department should ensure they have discussed and agreed this with that department.)
    - Providing an apology.
    - Agreeing a retrospective suspension.
    - Offering a distress and inconvenience payment.

- *What to consider when developing financial resolutions*

There are two main ways the University considers financial payments; both are in line with approaches taken by the OIA.

  - The OIA has developed financial bands for [distress and inconvenience](#) payments which include descriptive factors to aid decisions concerning what level of recognition of distress and/or inconvenience could be reasonable. These bands are *moderate* (up to £500), *substantial* (between £501 and £2,000) and *severe* (between £2,001 and £5,000). The bands are not intended as strict rules governing what must be paid; however, they do ensure fairness and consistency when financial resolutions are being considered.
  - The OIA has provided an approach to payments when teaching or supervision has not been delivered as expected, and when there has not been sufficient mitigation put into place to minimise the academic impact. They suggest basing payments on the notional cost of the teaching hours missed, reduced by 50%, as this takes into account that the University has to provide and maintain buildings, IT and library facilities, wellbeing and other student support and administration. This approach is based on the idea that it is difficult to make a direct correlation between missed contact hours and annual tuition fees, and that it is not sufficient to divide the fees by the number of teaching weeks and the number of taught sessions per week to work out the “cost” of any missed sessions, as this does not take account of other learning opportunities, facilities etc. The [Proctors’ Office](#) can be contacted for advice on applying this calculation.
- *There may be no resolution that can be offered*

The Department may determine that there is no resolution that can be put forward to the student. This could be because the outcome of the investigation identified that the complaint is not borne out, or that the concern did not present a material detriment to the student’s studies/progress as argued, or there may have been a genuine misunderstanding about what has happened. In these circumstances it is important to make the reasons why a resolution isn’t being offered clear to the student.
- *The proposed resolution may not be what the student has requested*

At the outset of the investigation the student should be asked to identify what solution they consider would be appropriate. However, this does not mean their proposed solution is reasonable or proportionate to the concerns raised (or subsequently found to be valid in the investigation), or that it addresses in the most appropriate manner the concerns raised. The resolution proposed by the department needs to address the identified concerns in a proportionate and reasonable manner, and if this differs from what the student has requested, it is good practice to explain why this is the case.
- *The proposed resolution may not be satisfactory to the student*

If the department has concluded its investigation and the student is dissatisfied with the proposed resolution, they can take the matter to the next stage of the procedure which is formal consideration by the Proctors. The Proctors will then notify the department of the stage two complaint and ask for commentary and any supporting evidence in order to assess the matters raised with them. This is why it is good

practice for the department to record the actions taken in order to consider and resolve the student's concern, the decision made, and basic details of what was communicated to the student, and when. This information and evidence can easily be provided to the Proctors when they are considering a stage two complaint without significant additional work needed.

### **Guidance on communicating the outcome of a stage one complaint**

- *The outcome letter*

At the conclusion of a stage one complaint the department should write to the student setting out the outcome. In this letter it is appropriate to:

  - (i) state that this is a response under Stage 1 of the University's Complaints Procedure
  - (ii) repeat back the concerns the student raised, in a neutral tone, no matter what the manner/tone in which the complaint was made,
  - (iii) address all concerns raised by the student, with any that lie beyond the department's remit being clearly marked as such
    - For academic complaints:
      - identification of the key learning outcomes and core teaching provision promised for the part of the course complained about, and
      - an explanation of how these have been fulfilled (or are planned to be fulfilled) by the alternative provision put in place as a result of the pandemic;
    - For non-academic complaints,
      - identification of what was promised in relation to the service being complained about, and
      - an explanation of the alternative provision put in place to ensure that the service provided was broadly equivalent to what was promised
  - (iv) direct the student to the second stage of the complaints procedure if they are dissatisfied with the outcome.