

Applicant Complaints and Appeals Policy

1. Introduction and background

1.1 The University of Northampton strives to achieve high quality in all its interactions with applicants and students. Inevitably there will be times when applicant fails to receive that high quality of service and rightly wish to complain. The University believes that applicants should be able to make their concerns known without fear of reprisal and that arrangements for handling complaints are in line with Chapter B2 of the QAA Code of Practice, reflecting the principles of natural justice, being transparent and as open as confidentiality permits.

2. Purpose and scope

- 2.1 The Applicant Complaints and Appeals Policy is ultimately the responsibility of Senate, devolved to the Head of Admissions.
- 2.2 This Applicant Complaints and Appeals Policy covers all applicants for all University of Northampton courses. Students applying for courses involving Education With Others (EWO) are required to follow the delivery organisation's complaints procedure in the first instance. If issues remain unresolved through these local complaints procedures then this policy may be invoked.
- 2.3 Complaints will be handled with due consideration to confidentiality for both students and staff. Any person named in a complaint will be informed of the substance of the complaint and will have the right to reply as part of the investigation. Information contained within the complaint will be made available only to those members of staff involved in its resolution.
- 2.4 No applicant bringing a complaint under this procedure, whether successfully or otherwise, will be treated less favourably by any member of staff than if the complaint had not been brought. If evidence to the

contrary is found in this regard the member of staff may be subject to disciplinary proceedings under the relevant University policy.

- 2.5 The University of Northampton may not entertain complaints that are made substantially after the matters complained about, unless there is good reason for the delay. Complaints should be made 10 days after the initial decision made by the University of Northampton. To be received no later than 6 weeks before the start of a course to ensure a decision can be made in time.
- 2.6 A complaint is defined as an oral or written expression of dissatisfaction about a material aspect of a student's experience in pursuing a course of study as a student of the University of Northampton, irrespective of location of study and irrespective of registration status. Complaints may cover academic and non-academic matters.
- 2.7 Separate procedures exist for the following and can be found on the University of Northampton website:
- All academic matters relating to examination and assessment performance and outcomes are dealt with under the Academic Appeals Policy;
 - Disciplinary issues are dealt with under the Student Disciplinary Policy;
 - All forms of harassment or allegations of discrimination are dealt with under the Harassment and Dignity at Work/Study Policy, which may link with the Student Complaints Policy at the formal stages;
 - Health and Safety issues, which should be referred to the Occupational Health, Safety and Welfare Committee.
- 2.8 If the University feels that matters submitted originally as a complaint under this policy are better suited to other alternatives then it reserves the right to deal with the matter under the alternative policy. In all cases the 'complainant' will be notified.
- 2.9 The following categories are exempt from the Applicant Complaints and Appeals Policy and cannot be appealed against; academic decisions, occupational Health and criminal convictions.

3.0 Definitions

- 3.1 For the purposes of this Policy, a 'complaint' is defined as the expression of a specific concern on the application of admissions procedures or a related admissions service.
- 3.2 For the purposes of this Policy, an 'appeal' is defined as a request for a review of a decision concerning selection or admission and can be lodged only after such a decision has been made.
- 3.2 For the purposes of this policy, where an individual role is named this refers to those roles or a nominee.

4.0 Key principles

4.1 Monitoring and Record Keeping

- 4.1.1 The Applicant Complaints and Appeals Policy is regularly monitored and reviewed and a report submitted annually to Senate via the Student Experience Committee.
- 4.1.2 Records will be kept in relation to the nature and outcome of the complaint, the time taken to deal with it and equal opportunities issues such as gender and ethnic origin of complainants. All papers relating to the formal stages of the procedure will be managed by a nominee of the Head of Admissions.
- 4.1.3 Monitoring will ensure that appropriate support mechanisms are in place for applicants, that staff are adequately trained and supported, that staff and applicant understand the policy and that the policy meets its aims. It is important that applicants can make *bona fide* complaints without fear of any reprisal.
- 4.1.4 In order to inform and improve practice, care will be taken to ensure that issues which recur, and/or those issues with institutional implications, are referred to the appropriate authority in the institution.

4.2 Confidentiality

Privacy and confidentiality will be assured unless disclosure is necessary to progress the complaint. The demand for confidentiality may make it difficult for a complaint to be dealt with. If confidentiality is a problem, the complainant may discuss with the Head of Admissions (or nominee)

how their complaint may be dealt with. In accordance with good practice in the sector, and within its jurisdiction, the University will facilitate access to documentation and information that is material to a complaint.

4.3 Protocols

- 4.3.1 *Anonymous complaints*: complaints require investigation to enable resolution. Where a complaint is made anonymously it will not be possible to undertake such an investigation. For such practical reasons, no action will normally be taken in respect of complaints made anonymously.
- 4.3.2 *Third Party complaints*: no investigation of a complaint made on behalf of an applicant will be undertaken without the student's written consent under the Data Protection Act; additionally, for an investigation to be carried out, explicit written consent of the student is required. This includes complaints made by a parent, spouse, agent or nominated person of the applicant concerned.
- 4.3.4 *Complaints made to the Vice Chancellor or other members of the University's Executive*: any complaints received by the Vice Chancellor or other members of the Executive Team will be forwarded to the DSAS, who will acknowledge the complaint and ensure that it enters the procedure at the appropriate point. If no attempt has been made by the complainant to resolve the matter using the local procedure (see section 6 below).
- 4.3.5 *Complaints made by applicants under the age of 18*: if a formal complaint is made by an applicant who is under the age of 18, unless it is the applicant's express wish that this should not be done, the University will notify the parents or guardians of the applicant in writing and keep them informed of the progress of the complaint. The University will permit the parents or guardians of the applicant to act on their behalf during the process, provided the applicant has confirmed agreement beforehand.
- 4.3.6 *Group complaints*: where a complaint is brought by a group of students, one of the complainants should be prepared to identify him/herself as spokesperson and correspondent for the purposes of the formal procedure and each member of the group must be able to demonstrate that he/she has been personally affected by the matter which is the subject of the complaint. In addition, all complainants must agree in writing that the spokesperson acts on his/her behalf.

4.3.7 *Frivolous, vexatious or malicious complaints:* a vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the Complaints Policy or, for example, to attempt to defame the name or character of another person.

If a complaint is considered by the Head of Admissions (or nominee) to be frivolous, vexatious or malicious, or otherwise unreasonable or not made in good faith, the complainant(s) may be subject to the University's Student Disciplinary Policy.

4.3.8 *Staff disciplinary matters:* if a complaint is upheld, then any member of staff who has acted inappropriately may be subject to the University's Staff Disciplinary Procedure.

4.3.9 *Reimbursement of expenses:* if a complaint is upheld, the University will, on production of receipts, reimburse any reasonable out of pocket expenses connected with attendance at the University for the formal stages of the procedure. This may include travel and subsistence costs in connection with the complainant's attendance at a hearing. The same will apply to part time hourly paid staff who may be expected to attend on a day they would not normally be working at the University.

5. Complaint Handling Procedure

5.1 Local Complaints Procedure

5.1.1 Any concern or dissatisfaction is best dealt with at the level at which the matter arose. This will involve raising the matter as soon as it arises with the person(s) most directly concerned. It is anticipated that most complaints can be resolved through this local stage of the procedure.

5.2 Formal Procedure Stage 1

5.2.1 An applicant should make their complaint using the Applicant Complaint Form.

5.2.2 The Head of Admissions (or nominee) will acknowledge receipt of the form and initiate an investigation. This will be conducted by a member of staff who has not been involved at the local stage.

5.2.3 Where a member of staff is named in a complaint, he/she will be provided with a copy of the complaint and will be invited to provide a written

response to the Head of Admissions. This will be forwarded to the appointed investigator and will be considered in arriving at a conclusion.

- 5.2.4 The investigator will prepare a report and come to a conclusion on whether the complaint is justified. The investigation will normally be concluded within three months of receipt of the complaint by the Head of Admissions. This timescale may need to be extended, for example during University vacations, to ensure that everyone involved has the opportunity to contribute.
- 5.2.5 The investigator will consider documentary evidence and may interview the complainant. In all cases, where a member of staff has been named in a complaint, he/she will be interviewed by the investigator. Any student or member of staff invited for interview as part of the investigation may be accompanied by a friend or representative (see Appendix to this document). The circumstances of the complaint will dictate the process considered most likely to result in a resolution of the complaint to the satisfaction of all parties concerned.
- 5.2.6 The Head of Admissions will keep all parties informed of progress and the reason for any delay in proceedings.
- 5.2.7 The investigator will submit a written a report for the Head of Admissions. This report will include:
- in the opinion of the investigator, whether the complaint is justified. If it is justified then the investigator should recommend a resolution. This resolution may or may not be that requested by the complainant.
 - in the opinion of the investigator, whether the complaint is not justified;
 - any recommendations to prevent similar problems arising in the future;
 - in the opinion of the investigator, whether the complaint is vexatious, malicious or frivolous.
- 5.2.8 The Head of Admissions (or nominee) will communicate the outcome to the complainant in an official letter, which marked the end of the complaint procedure. Where a member of staff has been named in the complaint or involved in the investigation he/she will also be informed of the outcome.

5.4.9 The decision of the Head of Admissions is final and not subject to review by any other university body.

5.4.10 The complainant may withdraw their complaint at any stage of the proceedings.

6.0 Key responsibilities

6.1 Admissions Administrator (SAS) – acknowledge receipt and forward to the Head of Admissions (or nominee).

7.0 Links to related external documents (e.g. QAA)

7.1 [UK Quality Code for Higher Education](#).

8.0 Appendices

8.1 Guidance on Accompanying Friend

8.2 Summary Sheet

8.1 Guidance on Accompanying 'Friend'

The University of Northampton recognises that providing support and advice to persons making a complaint or an appeal should extend to enabling them to be accompanied at any formal meeting or hearing.

Legal Representation

Because the proceedings of appeal and complaint hearings are part of University's internal arrangements, formal legal representation is not normally either helpful or appropriate: legal representation is therefore likely to be the exception, rather than the norm. A complainant or appellant who intends to be represented by a legal representative, or another person acting in a professional capacity, must contact the University to request this at least 5 working days prior to any meeting and set out the reasons for making this request. Any such request will be considered by the Head of Admissions (or nominee) and a decision made. The decision, and reasons for it, will be relayed to the applicant. Where a legal representative is to be present the University may consider whether to include its own legal representation. In such circumstances it may become necessary to postpone any meetings to a later date.

Role of the 'Friend'

The University normally restricts the role of friend to that of support and advice. The friend will not normally be allowed to present the applicant's case on his/her behalf, nor respond directly to questions. At the discretion of the investigator or the Head of Admissions, the friend may present a brief supporting statement. Where an applicant wishes his/her friend to take a more active role this should be requested to the Head of Admissions in advance of any meeting or

conversation (with reasons). The Head of Admissions will decide whether or not to accept the request.

The appellant or complainant may not be represented in their absence by a third party. Where, through reasons of disability, the appellant or complainant is unable to represent themselves, appropriate adjustments will be made and these arrangements will be subject to approval by the Head of Admissions (or nominee).

9.2 Summary Sheet:

Policy Title:	
Student Complaints Policy & Procedure	
Purpose of Policy and to whom it applies (please specify cohorts):	
<p>The University arrangements for handling complaints are benchmarked against Chapter B9 of the UK Quality Code for Higher Education and reflect the University's need to:</p> <ol style="list-style-type: none"> 1. provide fair, effective and timely procedures for handling students' complaints; 2. approve and oversee these procedures at the highest level; 3. ensure that those studying at all levels have the opportunity to raise matters of concern without risk of disadvantage; 4. make publicly available easily comprehensible information on the complaint procedure; 5. enable complaint procedures to be conducted in a timely, fair and reasonable manner, having regard to any applicable law; 6. ensure appropriate action to be taken following a complaint or an appeal; 7. provide appropriate guidance and support for persons making a complaint, including those taking advantage of learning opportunities provided away from institutions and/or through flexible and distributed learning; 8. make provision for those pursuing a complaint to be accompanied at any stage, including formal hearings; 9. have effective arrangements to monitor, evaluate and improve the effectiveness of the complaint procedure and reflect on the outcomes for enhancement purposes; 10. ensure that suitable briefing and support is provided for all staff and students involved in handling or supporting complaints; <p>Students studying on courses involving Education With Others (EWO) are required to follow the delivery organisation's complaints procedure in the first instance</p>	
Owner and Department:	
Deputy Director of Student & Academic Services	
Principal contact:	
Kathryn Kendon (ext. 2928)	
Dissemination and implementation plan:	
Via SEC and SSECs On Web	
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