



## UCL Academic Manual 2018-19

### Chapter 6: Student Casework Framework

# Section 10: UCL Student Complaints Procedure

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# Section 1 - Guide to the UCL Student Complaints Procedure

## Introduction

1. UCL is committed to providing a high quality educational experience for all our students, reflected in excellent academic, administrative and pastoral support services. Our aim is for every student to be satisfied with their experience of UCL.
2. It is recognised that from time to time problems do arise and students may wish to express concern or dissatisfaction with aspects of UCL or the quality of services provided. UCL's policy is to encourage feedback regarding perceived problems so that they can be addressed and improvements made to the student experience. UCL sees the handling and monitoring of complaints as an important aspect of our quality assurance procedures.
3. Many complaints can be resolved at an informal and/or local level. UCL strongly encourages resolution of this kind and a student wishing to make representation under this procedure will be expected to have pursued informal resolution prior to bringing a formal complaint.
4. Complaints can also arise as a result of mismanaged expectations, by either party.

## Underlying Principles

5. UCL's Student Complaints Procedure (the '*Procedure*' hereafter) has been prepared in accordance with the [QAA's Code of Practice](#) for the assurance of academic quality and standards in Higher Education, and specifically Section 5: Academic Appeals and Student Complaints on academic matters.
6. In consideration of any complaint UCL will adhere to the following principles:
  - All complaints will be treated fairly, impartially, effectively and in a timely manner.
  - All complaints will be treated seriously and constructively, and can be made without fear of victimisation.
  - This Complaints Procedure applies throughout UCL and will be followed in all Schools, Faculties, Academic Departments and Professional Service Divisions.
  - The Complaints Procedure will provide a clear and accessible route for complaints, and will be transparent and well publicised.
  - Where UCL is found to have made a mistake or fallen short of reasonable expectations, an apology will be made, the mistake rectified where appropriate, and/or action taken to prevent the same mistake happening again.
  - Complaints will be monitored and analysed, with a view to addressing the root causes. UCL will report on actions taken as a result of complaints.
7. In consideration of any complaint UCL will adopt the following practices:
  - The Complaints Procedure focuses on resolving complaints rather than apportioning blame. Confidentiality owed to staff and students will be protected. Details of a complaint may, however, need to be shared with relevant parties in order for a full investigation to take place, and individuals named in a complaint will be made aware of the allegations and have the opportunity to give their version of events.

- Wherever possible and agreeable to the parties concerned, complaints will be resolved at a local level and/or without recourse to the formal Complaints Procedure.
- Repeated or vexatious complaints will not be considered.
- All parties involved in a complaint will be kept informed of the progress of the complaint at regular and appropriate intervals during the process.

## Scope of Complaints Procedure

8. A formal complaint considered under this Procedure can be one of two types:
- (a) an **academic complaint** which may include any matter affecting the academic status of a student, such as: her/his progression; the results of examinations; award/degree classification; inadequate supervision; or perceived maladministration of an academic programme.
- (b) a **non-academic complaint** may include any matter which (i) falls outside the definition of an academic complaint, (ii) is not covered by another UCL procedure and (iii) affects a student's experience at or of UCL and requires a response.
9. Where there is uncertainty over the type of complaint and corresponding process to be followed then a final decision will be made by the Registrar. In the event that a matter is raised under this Complaints Procedure which should be dealt with under another UCL procedure, then the matter will be referred to the UCL officer concerned for consideration under the appropriate procedure. This Complaints Procedure **does not** cover:
- Bullying and Harassment – <https://www.ucl.ac.uk/students/policies/conduct/harassment-and-bullying-policy>
  - Complaints against Students' Union UCL - <http://studentsunionucl.org/how-to-guides/how-to-make-complaints-about-union>
10. A decision to proceed with a formal complaint will be made solely on the basis of the information set out on or accompanying the complaint application form. It is therefore imperative that the complaint is written in as clear and succinct a manner as possible and focuses on the key issues of complaint, avoiding vague allegations. Requested outcomes of a complaint must be clear and realistic.

## Academic Judgement

11. One of the most common grounds for making a complaint about an academic decision is the results of examinations. Whilst the Procedure can consider whether or not UCL's academic regulations and related procedures have been followed correctly, the Procedure cannot interfere with the operation of academic judgment. Complaints will not be considered where these are made on the grounds that the examiners' assessment of the performance of the candidate in the examination was incorrect or against academic decisions properly arrived at in accordance with approved procedures.
12. In this context, disparities in a student's performance between examinations (or between exam performance and a student's expectations) are not necessarily evidence of procedural irregularity or bias in the assessment process. It is not uncommon for students'

attainment in examinations to be lower than they hoped for; similarly, student performance in some subject areas and assessment types will often be stronger than in others.

## **Who Can Complain?**

13. The Procedure can be used by the following:

- A registered student of UCL<sup>1</sup> on a recognised programme of study.
- A group of registered students of UCL on a recognised programme(s) of study - in which case the group must nominate one person to be its spokesperson, representing the group in all matters relating to the complaint. Where it is a group application a decision will be made on whether to deal with the complaint under this procedure or via an Academic Review Panel.
- A former student provided that the matter about which a complaint is being made occurred within the specified deadline for that particular complaint as set out in the relevant process below.
- Students at overseas UCL campuses are expected to use the complaints procedure of their local campus in the first instance. They are, however, also free to pursue a complaint through this Complaints Procedure if the complaint remains unresolved through the local procedure and provided that the complaint refers to a matter over which UCL has jurisdiction and power to deliver a remedy. In some cases, the complaints processes of overseas campuses may also be subject to the jurisdiction of local (e.g. state) or national legislation.

## **Anonymous Complaints**

14. Complaints require full investigation to enable resolution. Where a complaint is made anonymously, it will not be possible to undertake such an investigation. For practical reasons therefore, no action will be taken in the event of a complaint made anonymously.

## **Third Parties**

15. Anyone wishing to make a complaint is strongly encouraged to do so personally. A complaint received from a third party (including a parent) will be considered only with the express written permission of the person to whom the complaint relates giving the named third party power to act on their behalf.

## **Legal Advice**

16. The Procedure is not a legal process. It serves primarily as the formal mechanism by which consideration can be given to whether or not UCL has applied its regulations and/or procedures correctly and/or delivered its services to students satisfactorily, and whether any decision arrived at was both reasonable and proportionate.

17. Under the terms of this Procedure legal representation is not permitted in the event that the complaint is referred to a Complaints Panel.

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<sup>1</sup> For the purposes of this Procedure a registered student is defined as either a full-time, part-time, affiliate or intercollegiate student on a recognised programme of study leading to a formal award. Individuals undertaking 'short-courses' may not submit a complaint under this procedure.

## **Process**

18. If the matter complained about is the subject of legal or internal UCL proceedings and these have not yet been completed, then any complaint received under this Procedure will be stayed pending the outcome of the other proceeding.
19. All formal complaints will be considered in accordance with the Procedure in force at the time that the complaint is submitted and students wishing to submit a formal complaint are required to follow its provisions.
20. In most instances it is expected that the outcome of the complaint can be determined on the basis of the written material presented. Only in exceptional cases, and where on the basis of the material presented it has not been possible to reach a decision on the complaint, will the matter be referred to a Complaints Panel.

## **Remedy**

21. The student is invited to indicate, if s/he wishes, the form of remedy which may be sought. While UCL will take such wishes into consideration in the resolution of the issue, this information is, nevertheless, given without prejudice to the final remedy determined.

## **Completion of Procedures Letter**

22. A Completion of Procedures letter will be issued once this Procedure has been exhausted. The letter will set out the issues that have been considered, UCL's final decision and the reasons for that decision. It will also inform the student of what further steps s/he may wish to take if they remain dissatisfied with the outcome.

## **Referral to the Office of the Independent Adjudicator [OIA]**

23. The Office of the Independent Adjudicator for Higher Education [OIA] provides an independent scheme for the resolution of student complaints. A complaint by a current or former student may be taken to the OIA once this Procedure has been exhausted and a Completion of Procedures letter has been issued.
24. Further details on the operation of the OIA are available from the [OIA web site](#).

## **Review and Monitoring**

25. This Procedure is monitored and co-ordinated by the Casework Team in Student and Registry Services. If you have any queries about this Procedure, please e- mail [casework@ucl.ac.uk](mailto:casework@ucl.ac.uk).
26. Senior UCL committees will receive an annual report on the operation of the Student Complaints Procedure during the preceding 12 calendar months, including a breakdown of the number of complaints received, the areas of UCL concerned and, when the Complaints Panel has met, a summary of its meetings and their outcomes.
27. This Procedure takes effect from 1 April 2014 and supersedes all previous relevant complaints policies and procedures. It is reviewed regularly.

## Section 2 - Informal Resolution

28. The first step is for the student to raise awareness of the problem, either by e-mail, phone or face-to-face, and discuss it with the relevant staff in the academic unit or service concerned. If the complaint concerns an academic matter the student should raise this with a member of staff in her/his Department or Faculty: for undergraduate and taught graduate students this might be either the Programme Director or Supervisor, her/his Personal Tutor or the Departmental Tutor/Graduate Tutor or Faculty Tutor/Faculty Graduate Tutor. A research student would be expected to approach either her/his primary or secondary supervisor, Head of the Research Unit or Faculty Graduate Tutor. If the complaint is not about an academic matter but about a different aspect of the student's experience at or of UCL then the student should try to resolve the matter informally in consultation with the person or unit against whom s/he has the complaint.
29. As a next step students are encouraged to contact the [UCL Student Mediator](#) after initial attempts to resolve the matter informally have failed but before a formal complaint under this Procedure is made. The UCL Student Mediator has the authority, on behalf of the Provost, to mediate, to act relatively informally and speedily, and propose practical solutions to resolve justifiable student complaints on a 'without prejudice' basis.
30. Informal resolution, including referral to the UCL Student Mediator, will remain an option at all stages of the Procedure until the Procedure has been exhausted and a Completion of Procedures letter issued to the student.
31. Students may also find it helpful to approach the [Students' Union UCL Advice Service](#) for advice and support in submitting a complaint.

## Section 3 – Submitting a Complaint

32. Formal complaints should be made only if informal discussion fails to resolve the matter satisfactorily.
33. Academic complaints from registered students or former students which may be considered under this Procedure are restricted to one or more of the following areas.
- 33.1 **Alleged deficiency in teaching/supervision received for some or all parts of the programme;**
- 33.2 **Alleged unsatisfactory delivery/administration of a programme of study,** insofar as:
- (a) published information about the programme was substantively misleading; or
  - (b) the programme was not organised or delivered in accordance with the information and documentation provided to students on the programme.
- 33.3 **The results of examinations** (including alleged bias in the assessment or a decision not to permit transfer (i.e. upgrade) from MPhil to PhD, insofar as:
- (a) either the examination and/or classification process was not conducted in accordance with the relevant regulations/procedures;
  - (b) there has been an arithmetical or transcription error in the compilation of the marks and/or the result;
  - (c) the examiners could not reasonably have been made formally aware of special circumstances (e.g. illness) notified by the candidate which significantly affected her/his performance in the examination.
  - (d) there is substantive evidence that one or more of the examiners can be shown to have been biased or prejudiced against the candidate in one or more specific examinations.
- 33.4 **A decision not to readmit a student to UCL or to allow a student to continue on a programme of study on the grounds of unsatisfactory academic performance,** insofar as:
- (a) The decision rests on an examination outcome where any of the provisions set out in 33.3 apply, that is:
    - i. the examination has not been conducted in accordance with the relevant regulations/procedures;
    - ii. there has been an arithmetical or transcription error in the compilation of the marks and/or the result;
    - iii. the examiners could not reasonably have been made formally aware of special circumstances (e.g. illness) notified by the candidate, which significantly affected her/his performance in the examination; and
    - iv. there is substantive evidence that one or more of the examiners can be shown to have been biased or prejudiced against the candidate in one or more specific examinations.

- (b) There is evidence that performance for part or all of the programme was significantly affected by special circumstances (such as illness), which has not already been considered through the Extenuating Circumstances Policy or through support given under a Summary of Reasonable Adjustments. Complainants will be required to demonstrate valid reasons why they have not sought consideration under the Extenuating Circumstances Policy if they are raising matters for the first time as part of their complaint.
34. Complaints concerning alleged deficiency in teaching/supervision and/or unsatisfactory delivery/administration of a programme of study will not be considered if received after the student's results have been confirmed by UCL's Education Committee or Research Degrees Committee and published on Portico.
35. Complaints against unofficial results will not be considered. Formal complaints against the results of examinations can be made only when results have been confirmed by UCL's Education Committee or Research Degrees Committee and published on Portico.
36. Information regarding special circumstances (e.g. illness) must have been notified in writing with supporting documentation (e.g. a medical certificate), where appropriate, to the Departmental or Degree Programme Tutor as soon as possible but in any case not later than the day after the student's last examination in the session concerned. Extenuating circumstances not previously notified in accordance with UCL's Procedure for Extenuating Circumstances in force at the time of the complaint or relevant academic year will not be considered under this Procedure.
37. Non-Academic Complaints may include any matter which (i) falls outside the definition of an academic complaint, (ii) is not covered by another UCL procedure and (iii) affects a student's experience at or of UCL and requires a response.

### **The Complaints Process**

38. Where informal resolution is not possible, a student should submit to the Registrar ([casework@ucl.ac.uk](mailto:casework@ucl.ac.uk)) a completed [Student Complaints Form](#) as soon as possible after the events to which it relates.
39. Subject to paragraphs 34-36 above and paragraph 41 below, all complaints must in any event be received by the Casework Team within twenty-eight days of the formal date of notification of the decision/award in question/event causing the complaint occurred.
40. If the form is received any later, the complaint shall be investigated only if evidence can be produced that the student has attempted genuinely to resolve the matter informally in accordance with Section 2 of this Procedure.
41. The Casework Team will acknowledge receipt of the complaint. Where necessary, further clarification on any issues raised in the complaint or on the academic status of the student may be sought at this time.
42. The complaint will be considered in the first instance by the Chair of the Complaints Panel (paragraphs 56-58 refer) and the student will be notified in writing by the Registrar of the decision to proceed/not to proceed with the complaint within ten days.



If it is decided not to proceed with the complaint, the Registrar shall inform the student in writing of the decision, giving full reasons for this decision. The Registrar may delegate this responsibility to another member of Student and Registry Services staff and all references to the Registrar in this Procedure should be understood to include also the Registrar's delegate.

43. If it is decided to proceed with the complaint, the Deputy Registrar will notify the member(s) of staff concerned (i.e. the respondent(s)) that a complaint has been received.
  - 43.1. For academic complaints this will include the relevant Faculty representative and/or Head of Department and/or Chair of the Board of Examiners.
  - 43.2. For non-academic complaints this will normally be restricted to the head of the relevant unit of UCL.
44. The notification to the respondent(s) will include a copy of the complaint together with a copy of this Procedure and an invitation to respond formally to the complaint within fifteen days of notification. The respondent(s) may consult with any individuals who may have been involved or who may be able to provide information relevant to the matter under consideration.
45. The response will then be forwarded to the student who will also be given fifteen days to comment on the factual accuracy of the response.
46. The Registrar and Chair of the Panel will then determine, on the basis of the material presented, whether or not a decision on the complaint can be made. If it is decided that a decision can be made, the Registrar shall notify all parties in writing of the decision, giving reasons, as soon as is practicable and normally within ten days following the meeting between the Registrar and the Chair of the Panel. Depending on the outcome, this may include the issuing of a Completion of Procedures letter.
47. Where further consideration of the complaint is required, the Chair will establish a Complaints Panel ([Section 4](#) - Complaints Panel refers).

### **Request for Review of the Decision made by the Registrar and Chair of the Complaints Panel**

48. In cases where a decision has been made by the Registrar and the Chair of the Panel and where the student remains dissatisfied, they may apply for a review of the decision within 10 working days of the date of the notification of the outcome of the complaint by the Registrar. Any such application for a review of the decision should be addressed to the Student Casework Team and submitted to [casework@ucl.ac.uk](mailto:casework@ucl.ac.uk), accompanied by a statement setting out the reasons why the review is requested and the evidence in support of this.
49. Requests for a review of a decision will only be granted on the grounds of:
  - (i) procedural irregularities in the way in which the Registrar and the Chair of the Complaints Panel arrived at their decision;

- (ii) new evidence that was not available to inform the decision and where it was impossible for that evidence to have been made available by the student at the time.
50. The Casework Team will acknowledge receipt of the application for a review of the decision and, where necessary, will seek further clarification on any new issues and evidence raised in the student's request for a review.
51. Where there are valid grounds for undertaking a review, the statement and new evidence provided by the student, along with the full information relating to the original complaint, will be submitted for decision within 10 working days as follows: (i) for academic complaints, to the Vice-Provost (Education and Student Affairs) or a nominee drawn from among the Faculty Tutors (including Faculty Graduate Tutors); (ii) for non-academic complaints, to the Head of a Professional Services Division appointed by the Registrar for the purpose. The person appointed to consider the appeal will have had no previous involvement in the complaint.
52. In deciding on the outcomes of the review, the options available to the relevant officer are:
- (i) to uphold the original decision made by the Registrar and Chair of the Complaints Panel;
  - (ii) to refer the complaint for further consideration by a Complaints Panel (Section 4 - Complaints Panel refers);
  - (iii) to amend the original decision of the Registrar and Chair of the Complaints Panel.
53. Unless it is decided to refer the complaint for further consideration by a Complaints Panel (see paragraph 52(ii) above), a Completion of Procedures letter will be issued at this stage.

## Section 4 - Complaints Panel

54. The Complaints Panel ('the Panel' hereafter) will consider the complaint and in so doing will:
- a) accord equal procedural treatment to both or all parties concerned;
  - b) seek further clarification of the written evidence from whomever it feels appropriate;
  - c) interview the parties concerned.
55. The sole purpose of the Panel will be to investigate the grounds of the complaint by the student; the Panel will not in any way constitute or be seen to constitute a disciplinary hearing against the member(s) of staff or UCL department, faculty or service concerned.

### **Panel Membership**

56. In cases of an academic complaint involving undergraduate or taught graduate programmes of study the Panel membership will comprise the Dean of Students (Academic) as Chair, a Faculty Tutor from a Faculty other than that in which the student is registered and a student representative (normally a Sabbatical Officer of the Students' Union UCL). Where the Dean of Students (Academic) is unable to act in the capacity as Chair he/she will nominate another Faculty Tutor to serve in this role.
57. In cases of an academic complaint involving a research programme, the Panel membership will comprise the Head of the Graduate School as Chair, a Faculty Graduate Tutor chosen from a Faculty other than that in which the student is registered and a student representative (normally a Sabbatical Officer of Students' Union UCL). Where the Head of the Graduate School is unable to act in the capacity as Chair he/she will nominate another Faculty Graduate Tutor to serve in this role.
58. In cases of a non-academic complaint the Panel membership will comprise the Vice-Provost (Operations) (or her/his nominee) as Chair, a senior manager chosen from one of the Professional Services Divisions or Schools/Faculties and a student representative (normally a Sabbatical Officer of Students' Union UCL).
59. Where the decision to establish a Complaints Panel arises as a result of a review of the decision made by the Registrar and the Chair of the Complaints Panel (see paragraph 52.2 above), the officer who took the decision on the review will not serve as Chair of the subsequent Complaints Panel.
60. The appointment of Panel members will be made with regard for an appropriate balance of diversity.
61. A member of staff from UCL Student and Registry Services may be appointed by the Deputy Registrar to support and advise a Panel as necessary in respect of UCL's Academic Regulations for Students and/or other relevant UCL regulations and procedures according to the nature of the complaint.
62. A member of staff from UCL Student and Registry Services will be appointed to act as Secretary to the Panel through whom all documentation will be passed. There will be no communication, either written or oral, between the Panel and either the student or the member or members of staff concerned. Communication, either written or oral, by any

party directly with members of the Panel will not be admitted as part of the case documentation.

63. Where necessary, an independent expert in the field of study or related discipline may be appointed, subject to the agreement of all parties, to advise the Panel either orally or in writing.
64. Where a case is considered at more than one meeting of the Panel, the same Panel members who first considered the case will normally consider that case at a second or subsequent meeting.

### **Conduct of Hearings**

65. The conduct at a Complaints Panel will be determined by the Chair of the Panel so the complaint is heard in such manner as s/he considers appropriate and fair.
66. All documentation pertaining to the complaint must be received by all parties no later than ten days before the meeting of the Panel. No further communications of any sort will be accepted for consideration by the Panel after this time except at the sole discretion of the Chair of the Panel.
67. A single recording will normally be made by UCL of each hearing for the purpose of providing a factual record in the event of the hearing going to Review.
68. Both the student and member(s) of staff concerned are entitled to be present throughout a hearing except when the Panel deliberates on its decision. Only in exceptional circumstances, and with the agreement of all parties, may individuals be heard separately. Each party will be entitled to be accompanied during the Panel hearing by 'a friend'. The friend must be a member of UCL or Students' Union UCL.
69. Requests by either the student or member(s) of staff concerned to call witnesses will be decided by the Chair of the Panel.
70. If any party fails to attend the Panel, the Panel may proceed and determine the complaint in the absence of that party.

### **The Decision**

71. The decision of a Panel will be reached by a majority vote of the members of the Panel, and shall be announced as the decision of the Panel.
72. The votes of individual Panel members shall always be treated as confidential and there shall be no disclosure either of such votes or of information showing whether the decision was reached by a unanimous or a majority vote.
73. The Panel may adjourn for a period not exceeding seven days for the purpose of deciding upon the appropriate action to be taken.
74. The Panel will complete a written statement of its findings and decision within ten days of the date of the final meeting of the Panel. The Panel is authorised to impose a solution on the officers of the area of UCL in which the complaint occurred. Any compensating action proposed in the light of the complaint will not be implemented until it is clear if a review of

the Panel's findings will be made and, if so, until the outcome of the review is known.

75. Subject to the rights of review, all decisions made in accordance with these procedures shall be binding on all parties.

## Section 5 - Review Procedure

76. If the student feels that the complaint has not been resolved satisfactorily by the Panel, s/he has the right to request that the matter be reviewed.
77. Notice of intention to seek a review of the outcome of the Panel may be made in writing by the student to the Registrar within twenty-one days of the date of the notification of the Panel's decision. Such notice must include all documentation pertaining to the grounds on which the review is being made. No further communications of any sort will be accepted for consideration under the review after this time.
78. A request for a review may be made only on one or more of the following grounds:
- a) that the complaint process was not conducted according to the above procedures;
  - b) that new evidence has become available which was not, and which could not reasonably have been made available to the Panel;
  - c) that the compensating action agreed by the Panel was inadequate in relation to the complaint.
79. As soon as is practicable after receipt of such notification the Registrar will present the documentation relevant to the review to the Chair of the Review Panel who will decide on the evidence available whether or not the review should be proceeded with in accordance with the grounds set out at above.
80. If it is decided not to proceed with the review, the Registrar will inform the student of the decision of the Chair of the Review Panel, giving reasons, accompanied by a Completion of Procedures letter.
81. Where it is decided that the review shall be proceeded with, the Registrar will inform all parties of the decision of the Chair of the Review Panel and will make the necessary arrangements for a Review Panel to consider the complaint as early as possible. The outcome of the review is expected to be determined within two calendar months of receipt of the notification of intention to seek a review.

### **Review Panel Membership**

82. Membership of a Review Panel will be drawn from an independent panel approved by Council. As far as is practicable, the appointment of Panel members shall be made with regard for an appropriate balance of diversity.
83. The Review Panel will have three members, including the Chair, who will be appointed by the Provost. In the event of the unforeseen unavailability of a Panel member, the Registrar may appoint a replacement.
84. The Secretary of a Review Panel will normally be appointed from UCL Student and Registry Services. S/he will not have acted as secretary to the Panel whose decision is now under review.
85. A Review Panel will review all of the evidence before it; will seek further clarification of the written evidence from whomever it feels appropriate; and will have the power to reverse or modify the decision reviewed in any way that it thinks fit. Where new evidence is

considered which was not available to the Complaints Panel, the Chair of the first Panel will be given the opportunity to respond to the new material. Only exceptionally, and on its own initiative, will a Review Panel interview the student and member(s) of staff concerned. On such occasions the procedure for conducting a panel interview will be as prescribed under the procedures for establishing a Panel.

86. The decision of a Review Panel will be reached in accordance with the decision-making procedure as prescribed for a Panel.
87. The Review Panel will notify the Registrar in writing of the outcome of the Review. The Registrar will in turn notify all parties of the decision of the Review Panel and issue a Completion of Procedures letter to the student.
88. A decision of the Review Panel shall be final as far as this Procedure is concerned.