



## UCL Academic Manual 2020-21

### Chapter 6: Student Casework Framework

# Section 10: UCL Student Complaints Procedure

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UCL's Student Complaints Procedure ('the Procedure' hereafter) has been prepared in accordance with the QAA's Quality Code on Concerns, Complaints and Appeals (November 2018). It was drafted in consultation with the Students' Union UCL and the current version was approved by UCL Council on 2 September 2020 to apply to student complaints made from 1 January 2021. This version supersedes all previous versions. The Procedure is written and maintained by Student and Registry Services.

## 1 INTRODUCTION

- 1.1 UCL is committed to providing a high-quality educational experience for all students. The university recognises however that from time to time problems do arise, and welcomes the opportunity to correct mistakes and to respond constructively when students are dissatisfied with a particular service or other aspect of UCL provision. Where a complaint is upheld, we will where possible seek to put things right for a student. If a complaint is not upheld, we will give reasons for the decision.
- 1.2 Many complaints can be resolved at an informal and/or local level. In the first instance, the most effective approach is usually for the student to take the matter directly to the member of staff best able to deal with it. Alternatively, the UCL Student Mediator is available to advise. Guidance on the services offered by the Student Mediator can be found at [Appendix 2](#). Students are generally expected to have pursued appropriate informal resolution prior to bringing a formal complaint.
- 1.3 Where informal resolution has not resolved the issue, students may enter the formal procedure at Stage One [see Section 5]. If, at the end of Stage One, a student is still not satisfied that a complaint has been adequately addressed, they may be able to request a Stage Two review of the outcome [see Section 7]. UCL's Student Complaints Procedure concludes with Stage Two. Once the UCL Procedure has been exhausted students have the right to submit their complaint for independent external review by the Office of the Independent Adjudicator for Higher Education (OIA) [see Section 8].
- 1.4 The Procedure is not a legal process. It serves primarily as the formal mechanism through 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.
- 1.5 Where there is dispute over the facts of a case, the standard of proof to be applied shall be the balance of probabilities.
- 1.6 Legal representation is not permitted at any meeting held under this Procedure. If a student initiates legal proceedings against UCL, any complaint on the same or a related matter will normally be paused until those proceedings are complete.
- 1.7 Where appropriate, we will make reasonable adjustments at any stage of the proceedings to accommodate the needs of students with protected characteristics. Students with any particular requirements should write to [casework@ucl.ac.uk](mailto:casework@ucl.ac.uk) or submit an inquiry through [AskUCL](#) so that we can discuss any adjustments that may be necessary.
- 1.8 Responsibility for the day-to-day operation of this Procedure lies with the Student Casework Team, who are based in Student and Registry Services. The Student Casework Team can be contacted at any time at [casework@ucl.ac.uk](mailto:casework@ucl.ac.uk) or via [AskUCL](#).
- 1.9 Where an academic complaint has been submitted, the original decision of the relevant Examining Board or other formal academic body shall stand until the final outcome of the Procedure is known.

## 2 SCOPE AND TIME LIMITS

### Who may complain under this Procedure

- 2.1 This Procedure can be used by all registered students<sup>1</sup> of UCL. Recent graduates or students on interruption, placement or a year abroad may also submit complaints about UCL provision so long as they are within the timescales set out at Paragraph 2.6.
- 2.2 Complaints from students registered at partner institutions relating to provision by UCL, or from registered UCL students relating to the provision of another institution in the context of intercollegiate programmes, *may* be considered under this Procedure, depending on the circumstances and the nature of UCL's agreement with the relevant partner institution. Queries should be addressed in the first instance to [casework@ucl.ac.uk](mailto:casework@ucl.ac.uk) or (for UCL students) submitted via AskUCL.
- 2.3 Complaints from groups of students can be considered under this Procedure. Group complaints should be submitted on a single Complaint Form signed by all complainants, with one individual nominated to act as the point of contact for the process. We will communicate with the nominated student, who will be responsible for keeping the group informed about the progress of the complaint.

### Matters which cannot be addressed under this Procedure

- 2.4 The following matters cannot be considered under this Procedure:
- a) complaints about Students' Union UCL. The Students' Union is a separate legal entity from UCL with its own complaints procedure;<sup>2</sup>
  - b) complaints from third parties, ie those who are not included in 2.1–2.3 above. Members of the public may use UCL's Public Complaints Procedure;<sup>3</sup>
  - c) complaints about bullying and/or harassment by members of UCL staff. Allegations of this nature will be dealt with under the [UCL Prevention of Bullying, Harassment and Sexual Misconduct Policy](#) and should be submitted to HR via [Report and Support](#);
  - d) complaints about other UCL students. Where appropriate, evidence of misconduct by other students will be considered under UCL's Disciplinary Code and Procedure in

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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, including those on a flexible mode of attendance, taking a recognised programme of study leading to a formal award, or undertaking a 'short-course' under UCL's Life Learning Regulatory Framework (Academic Manual, Chapter 10). Complaints about intercollegiate modules are often most appropriately addressed in the first instance through the procedures of the institution responsible for delivering that module. Students on programmes delivered with an external organisation should use the procedures referred to in their programme-specific terms and conditions, where these apply to the programme. Students are invited to contact the Casework Team via AskUCL [casework@ucl.ac.uk](mailto:casework@ucl.ac.uk) for advice in such circumstances.

<sup>2</sup> <http://studentsunionucl.org/how-to-guides/how-to-make-complaints-about-union>

<sup>3</sup> <https://www.ucl.ac.uk/academic-manual/chapters/chapter-6-student-casework-framework/section-11-public-complaints-about-ucl>

- respect of Students<sup>4</sup> (in the case of non-academic misconduct) or the Student Academic Misconduct Procedure<sup>5</sup> (in the case of academic misconduct);
- e) complaints which, by their nature, are more appropriately addressed by third parties, for example a government organisation such as the Home Office or Student Finance England. Such organisations generally have their own complaints procedures and it is their organisational procedure which must be followed where UCL has no role in the decision-making process;
  - f) anonymous complaints. Please refer to UCL's Public Interest Disclosure Policy<sup>6</sup> for information on how to address matters in this way.

2.5 Complaints founded on a student's disagreement with academic judgment in respect of their work cannot be considered under this Procedure. The term 'academic judgment' refers to decisions about a student's assessment or progression that can only be made by an appropriate academic expert. Complaints cannot be considered simply on the basis of disagreement with the examiners' assessment of the performance of a candidate in an examination or against academic decisions properly arrived at in accordance with approved procedures. In this context, disparities in a student's performance between examinations (or between examinations and a student's expectations) are not necessarily evidence of procedural irregularity or bias in the assessment process.

### Time Limits

- 2.6 Students are encouraged to submit a complaint as soon as possible after the event in question, as this facilitates timely investigation and enables UCL to take prompt corrective action where necessary. At the most, complaints *must* be submitted within **two calendar months** of the event giving rise to the complaint. Complaints submitted beyond this timeframe will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the complaint was not raised in a timely manner. Where a complaint is deemed out of time, UCL will issue a Completion of Procedures Letter on request, noting the reason why the complaint was not considered and advising the student that he/she may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 2.7 UCL is unable to consider under any circumstances academic complaints submitted more than 12 months after the relevant Examining Board meeting. UCL is unable to consider under any circumstances non-academic complaints where the main issues complained about took place more than 3 years before the complaint is received.
- 2.8 We are committed to dealing with all complaints as quickly as reasonably possible and will seek to follow the time limits set out in this Procedure. Students can expect that UCL will normally have completed its consideration of a complaint within 90 calendar days of its submission. However, from time to time there may be valid reason for a delay, particularly in more complex cases. In such circumstances students will be informed of any delay and the reason for it.

## 3. ADVICE AND SUPPORT

- 3.1 Students are welcome to seek advice or clarification on the operation of the Procedure from the Student Casework Team via AskUCL. The Casework Team however is not in a position to

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<sup>4</sup> <https://www.ucl.ac.uk/academic-manual/chapters/chapter-6-student-casework-framework/section-8-disciplinary-code-and-procedure-respect>

<sup>5</sup> <https://www.ucl.ac.uk/academic-manual/chapters/chapter-6-student-casework-framework/section-9-student-academic-misconduct-procedure>

<sup>6</sup> [https://www.ucl.ac.uk/hr/docs/public\\_interest\\_disclosure.php](https://www.ucl.ac.uk/hr/docs/public_interest_disclosure.php)

provide support with the drafting of complaints as this would conflict with their role in the process.

- 3.2 Where appropriate, a student may at any stage request mediation to help resolve their complaint. This can be done by contacting the UCL Student Mediator (see [Appendix 2](#)). The Student Mediator can also advise students on the submission of formal complaints where mediation is not an option.
- 3.3 In cases where the formal UCL Student Complaints Procedure has already commenced, the Student Mediator will liaise with the Student Casework Team regarding his/her involvement. The timescales set out in this Procedure will be put on hold until the mediation process has been completed. Students will be informed of this and, in cases where mediation is unsuccessful, will similarly be informed when the formal UCL Student Complaints Procedure recommences.
- 3.4 Most students accessing this Procedure are adults, and UCL's contract is with the student. For this reason, we request that students personally liaise with the relevant officers regarding their case unless there is good reason preventing them from doing so. We cannot accept complaints made on behalf of students by UCL staff, staff at partner providers (including providers of work placements), parents, or other third parties. In an exceptional case where a third party does represent a student, written consent is required from the student (except where they are incapacitated and unable to give consent) before any information in connection with the case is disclosed. UCL's consent to such arrangements may be withdrawn at any time if the behaviour of a third party is not appropriate. We will only communicate with one party at a time.
- 3.5 The sole purpose of any inquiries made under this Procedure will be to investigate the grounds of the complaint by the student; the Procedure will not in any way constitute or be seen to constitute a disciplinary process against the member(s) of staff or UCL department, faculty or service concerned.

#### **4. DISCLOSURE AND CONFIDENTIALITY**

- 4.1 We will deal with complaints discreetly and sensitively and students will be treated without discrimination or disadvantage. It is nevertheless necessary to provide a copy of the written complaint and supporting evidence to any members of staff whose response is required in order to address the complaint fully. Where a complaint is taken forward and concerns the actions of an individual member of UCL staff, that individual will be given the opportunity to respond. That individual will also have the right to be accompanied and/or assisted at any related meeting by a 'friend', who must be a member of the UCL community<sup>7</sup>. The role of the friend is to provide moral support during a meeting or hearing. They cannot make representations nor cross-examine any other party at a meeting of the Complaints Panel.
- 4.2 The outcome of the Procedure will be communicated to anyone who has been deemed the subject of the complaint by the Student Casework Team, following the issue of the decision to the student.
- 4.3 In some rare cases a duty to breach confidentiality may exist, typically where it is necessary for the safety of the student or of other people. Students will be required, as part of their submission of a complaint, to give explicit consent to the above approach to the operation of disclosure.
- 4.4 Advice has been taken to ensure that this Procedure complies with the standards set out in the General Data Protection Regulation (GDPR), which became effective in May 2018.

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<sup>7</sup> Defined as a person who is a currently enrolled student of UCL, a member of staff of UCL, or a member of the Students' Union UCL.

## 5. STAGE ONE: SUBMISSION AND CONSIDERATION OF COMPLAINT

- 5.1 If, following attempts to resolve the matter informally, a student wishes to pursue a formal complaint, they must complete a Complaint Form (available at <https://www.ucl.ac.uk/academic-manual/chapters/chapter-6-student-casework-framework/section-10-ucl-student-complaints-procedure>) and submit this via AskUCL with any relevant supporting documentation. We are not able to initiate this Procedure until a signed Complaint Form has been received. Simple notice of an intention to complain given in writing by a student within the prescribed timeframe shall not be deemed to constitute a formal complaint and will not be accepted.
- 5.2 This Procedure relates both to complaints about UCL (that is, about action or lack of action by the university, or about the standard of service provided), and appeals against decisions of an academic body, on the grounds of procedural irregularity, bias, or decisions being made without awareness of mitigating circumstances. In submitting a Complaint Form the student is requested to specify the nature of the matter complained about according to the following:
- a) an **academic complaint** may include any matter affecting the academic status of a student, such as: progression; the results of examinations; award/degree classification; inadequate supervision; or perceived maladministration of an academic programme.
  - b) a **non-academic complaint** relates to any matter which (i) falls outside the definition of an academic complaint, (ii) affects a student's experience at or of UCL and requires a response and (iii) is not covered by another UCL procedure.

### Grounds for Academic Complaint

- 5.3 Academic complaints which may be considered under this Procedure are restricted to one or more of the following areas:
- 5.3.1 **Alleged deficiency in teaching/supervision received for some or all parts of the programme;**
- 5.3.2 **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.
- 5.3.3 **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.
- 5.3.4 **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 5.3.3 apply, that is:
- (i) either the examination and/or classification process was not 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, which has not already been considered through the Extenuating Circumstances Policy or through support given under a Summary of Reasonable Adjustments.
- 5.4 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.
- 5.5 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. Students dissatisfied with this aspect of UCL's delivery are expected to raise the issue at the time.
- 5.6 Complaints against unofficial results cannot be considered. Formal complaints against the results of examinations can be made only once they have been confirmed by UCL's Education Committee or Research Degrees Committee and published on Portico.

### **Submission of the Complaint Form**

- 5.7 In submitting a [Complaint Form](#), students should state clearly what it is that they are complaining about, why they are dissatisfied, and what it is that they would like to see done to resolve this issue. The complaint should encompass everything that the student would like to see addressed; new elements cannot be introduced later in the process. If a complaint relates to several different issues, students should ensure that these are clearly distinguished.
- 5.8 All sections of the Complaint Form must be completed by the student. If a form is incomplete or missing any necessary information, it will be returned to the student for completion. The timescales outlined in this Procedure will only begin once a fully completed Complaint Form has been received.
- 5.9 Students are encouraged to submit relevant supporting documentation and evidence with their Complaint Form. The Casework Team is unable to seek evidence on a student's behalf. It is the student's responsibility to provide this with the complaint. A translation (undertaken by an accredited translator) must be provided for any material not in English – untranslated documents cannot be considered. Where the Casework Team considers that supporting documentation does not inform the consideration of the complaint, that material may be set aside in taking the matter forward. In such circumstances the student will be informed of the

reasons for this decision. Where the documentation includes data relating to third parties, we reserve the right to redact or remove such material before proceeding, so far as is practicable without undermining the substance of the complaint.

- 5.10 The completed Complaint Form should be submitted via AskUCL. The Student Casework Team will acknowledge receipt and will conduct an initial assessment of the case against the scope and criteria set out at Sections 2 and 5.3 above. If, in the view of the Casework Team in consultation with the Chair of the Complaints Panel, this assessment indicates that there are no valid grounds for consideration of the matter under the Procedure, the student will be advised of the reasons for this within ten UCL working days<sup>8</sup> of receipt.
- 5.11 Where it is considered that the matter should more properly be considered under a different Procedure (Paragraph 2.4) the student will be informed of this within ten UCL working days and the complaint will not be progressed. By agreement with the student, the matter may be referred direct to the appropriate UCL office-holder for consideration under the relevant procedure.
- 5.12 In cases involving both academic and non-academic matters, it may be necessary to refer individual elements of the complaint to the academic and non-academic complaints panels (Paragraph 6.2). Wherever practicable, however, the complaint will be considered as a single entity and a single Outcome Letter or Completion of Procedures Letter issued. Where there is uncertainty or disagreement over the type of complaint then a final decision will be made by the Registrar or nominee<sup>9</sup>.

### **Consideration of the Complaint**

- 5.13 Where the initial assessment of a complaint shows that it is eligible for consideration under this Procedure, the Chair of the Complaints Panel will review the complaint. The student will be notified within ten UCL working days of receipt of the complaint whether the matter will be progressed. Where a complaint raises multiple issues, we reserve the right to progress part of a complaint.
- 5.14 If it is decided not to proceed with the complaint, the Chair of the Complaints Panel will inform the student in an Outcome Letter, giving reasons for this decision. A student who is dissatisfied with this decision may request a review under Stage Two (Section 7).
- 5.15 Where a complaint is progressed, the Casework Team will submit the Complaint Form and any supporting documentation to the relevant academic unit or Professional Services division with a request for a written response. This will normally be submitted to the Head of the unit or division concerned with a request that they co-ordinate a response from the relevant colleagues. Where the nature of the complaint is such that in the opinion of the Casework Team a named individual would be most able to respond, the complaint may be sent to that member of staff directly. In developing its response the department may consult any members of staff who are able to provide relevant information. In the case of academic complaints, the relevant Faculty Tutor will also receive a copy of the complaint.
- 5.16 The written response will be requested within ten UCL working days of notification. This timescale may be subject to extension where circumstances require and where the response is felt to be necessary in order to respond to the complaint satisfactorily. The Chair of the

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<sup>8</sup> 'UCL Working Days' means all days except weekends, bank holidays, and periods of UCL closure at Easter and Christmas.

<sup>9</sup> The Registrar will normally delegate this responsibility to a member of the Student Casework Team, and all references to the Registrar in this Procedure should be understood to include also the Registrar's nominee.

Complaints Panel reserves the right however to proceed to a decision if the department's response is not forthcoming by the stated deadline.

- 5.17 The response from the department concerned will be forwarded to the student, who will be given five UCL working days to comment on any matters of factual accuracy. This does not constitute an opportunity to introduce new elements into the complaint which have not previously been considered and on which the members of staff concerned have not had an opportunity to comment. This timescale may be subject to extension where circumstances require and on the agreement of the Casework Team. The Chair of the Complaints Panel may however proceed with taking a decision if the response is not forthcoming by the stated deadline.
- 5.18 The Chair of the Complaints Panel will then determine whether a decision on the complaint can be reached on the basis of the written material. In cases where a decision can be taken, the Chair of the Complaints Panel will notify all parties, in the form of an Outcome Letter, normally within ten UCL working days of the student's comments on factual accuracy (Paragraph 5.17). The Outcome Letter will confirm whether the complaint has been upheld, partially upheld, or not upheld, and will give reasons for the decision and details of any action UCL proposes to take as a result.
- 5.19 Where a student is dissatisfied with the decision of the Chair of the Complaints Panel, they may apply for a review by the Complaints Review Panel (Section 7 below).
- 5.20 Where the Chair of the Complaints Panel conclude that further consideration of the complaint is necessary, or where it is not possible to reach a suitably informed decision without discussion with the parties concerned, the Chair will refer the matter to a meeting of the Complaints Panel (Section 6 – Complaints Panel refers).

## 6. THE COMPLAINTS PANEL

### Operation and Membership

6.1 Where the complaint is referred to a meeting of the Complaints Panel ('the Panel' hereafter), the Panel will consider the complaint and in so doing will:

- (i) accord equal procedural treatment to both or all parties concerned;
- (ii) seek further clarification of the written evidence from whomever it feels appropriate;
- (iii) interview the parties concerned.

6.2 The membership of the Panel will be as follows:

#### Academic complaints (taught students)

- the Pro-Vice-Provost (Student Experience) (or nominee) [*Chair*]
- a senior member of staff drawn from a list approved by Academic Committee, usually a Faculty Tutor from a Faculty other than that in which the student is registered
- a student representative (normally a Sabbatical Officer of Students' Union UCL).

#### Academic complaints (research students)

- the Pro-Vice-Provost (Doctoral School) (or nominee) [*Chair*]
- a senior member of staff drawn from a list approved by Academic Committee, usually a Faculty Graduate Tutor chosen from a Faculty other than that in which the student is registered
- a student representative (normally a Sabbatical Officer of Students' Union UCL).

#### Non-academic complaints

- the Chief Operations Officer (or nominee) [*Chair*]
- a senior manager selected from one of the Professional Services Divisions or Schools/Faculties
- a student representative (normally a Sabbatical Officer of Students' Union UCL).

6.3 The appointment of Panel members will be made with regard to considerations of an appropriate balance of diversity.

6.4 A member of staff from UCL Student and Registry Services will be appointed to act as Secretary to the Panel. All documentation will be passed through the Secretary and there will be no direct communication, either written or oral, between the Panel and either the student or the member or members of staff concerned.

6.5 An additional member of staff from UCL Student and Registry Services may be appointed by the 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.

6.6 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.

### Conduct of Complaints Panel Meetings

6.7 The conduct of a Complaints Panel meeting will be determined by the Chair of the Panel in order to ensure that the complaint is heard in such manner as s/he considers appropriate and fair.

- 6.8 All documentation relating to the complaint will normally be received by all parties no later than ten UCL working 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 discretion of the Chair.
- 6.9 A single written record of the meeting will normally be made by UCL for the purpose of providing a factual record in the event of the decision going to Review.
- 6.10 Both the student and the member(s) of staff concerned are entitled to be present throughout a Panel meeting except when the Panel deliberates on its decision. Only in exceptional circumstances, and with the agreement of all parties, will individuals be heard separately. Each party will be entitled to be accompanied<sup>10</sup> during the Panel meeting by a 'friend' as defined at Paragraph 4.1.
- 6.11 Requests by either the student or member(s) of staff concerned to call witnesses will be decided by the Chair of the Panel. Where agreed, the presence of either party (or of witnesses) at a Panel may be through virtual means such as video or telephone conferencing.
- 6.12 If any party fails to attend the Panel meeting, the Panel may proceed and determine the complaint in the absence of that party.

### **The Decision of the Complaints Panel**

- 6.13 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.
- 6.14 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.
- 6.15 The Panel may adjourn for a period not exceeding five UCL working days for the purpose of reaching its decision and/or deciding upon the appropriate action to be taken.
- 6.16 The Panel will complete a written statement of its findings and decision, in the form of an Outcome Letter, normally to be issued within ten UCL working days of the date of the meeting. The Panel is authorised to impose a solution on the officers of the area of UCL in which the complaint occurred, including where appropriate a recommendation for a Suspension of the Regulations. 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.
- 6.17 Subject to the rights of review, all decisions made in accordance with these procedures shall be binding on all parties.

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<sup>10</sup> Where a complainant is under 18 years of age they *must* be accompanied to any meeting by a parent, guardian or other responsible adult.

## 7. STAGE TWO: COMPLAINT REVIEW

- 7.1 Stage Two will only be initiated once Stage One has been completed. The purpose of the review stage is not to reinvestigate the complaint itself but to address concerns about the decision, on any of the grounds set out at 7.4 below.
- 7.2 A student holding an Outcome Letter, either following a meeting of the Complaints Panel or following a decision taken by the Chair of the Complaints Panel, may under certain circumstances apply for a review of that decision. In order to apply for a review the student must complete a Complaint Review Form and submit it to the Student Casework Team within ten UCL working days of the date of the Outcome Letter. A Complaint Review submitted beyond this timeframe will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the review was not requested in a timely manner. Where a Complaint Review is deemed out of time, UCL will issue a Completion of Procedures Letter on request, noting the reason why the Complaint Review was not considered and advising the student that he/she may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 7.3 The student must sign and date the Complaint Review Form (see [Appendix Four](#)), and include a statement explaining why they remain dissatisfied, attaching where appropriate any new evidence. All sections of the Complaint Review Form must be completed by the student and include a statement explaining why they remain dissatisfied, attaching where appropriate any new evidence. The Casework Team is unable to seek evidence on a student's behalf. It is the student's responsibility to provide this. A translation (undertaken by an accredited translator) must be provided for any material not in English – untranslated documents cannot be considered.
- 7.4 Students should note that a disagreement with the decision reached on their complaint does not in itself constitute grounds for seeking a review. Requests for a review of a decision can only be submitted on the grounds of:
- (i) *procedural irregularity* in the way in which the decision was reached;
  - (ii) *new evidence* that was not available during consideration of the complaint and where it would have been impossible for that evidence to have been made available at the time;
  - (iii) the decision was not reasonable given the circumstances of the case
- 7.5 If a Complaint Review Form is not received within 10 working days, we will assume that the student does not wish to request a review. Where a student subsequently requests a Completion of Procedures Letter, UCL will issue a Completion of Procedures Letter, noting that the student did not engage with the Complaint Review procedures in a timely manner and advising the student that he/she may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 7.6 The Student Casework Team will acknowledge receipt of the Complaint Review Form and will assess the application to determine whether there are grounds for a review under Paragraph 7.4.
- 7.7 Where, in the view of the Casework Team, the information submitted contains no grounds for further consideration of the complaint by a Complaints Review Panel, the student will be informed of this and will be issued with a Completion of Procedures letter within ten UCL working days of the receipt of the Review Form.
- 7.8 If the facts of the case indicate that the complaint decision did not take into account all the relevant information which had been provided by the student, the Casework Team, in

consultation with the Chair of the Complaints Panel, may issue an Amended Outcome Letter which details any new or additional action UCL proposes to take.

- 7.9 There shall be no right to request a further review of the outcome as set out in the Amended Outcome Letter. On receipt of the Amended Outcome Letter, if the student is dissatisfied with the outcome, the student may request a Completion of Procedures Letter be issued which will advise the student that he/she may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.
- 7.10 Where the information submitted contains grounds for further consideration of the complaint by a Complaints Review Panel, the Student Casework Team will refer the matter to the members of the Complaints Review Panel.
- 7.11 The constitution of the Panel will be as follows:
- a) a Vice-Provost or the Chief Operating Officer (Chair), or nominee;
  - b) a Students' Union UCL Sabbatical Officer;
  - c) a senior member of staff from a list approved by the Academic Committee.

Those appointed to the Panel will not have had any prior involvement in the case.

- 7.12 The Complaints Review Panel will proceed as follows:
- a) Where the Review is granted on the grounds of new evidence, the Chair of the Complaints Review Panel will determine within five UCL working days whether a further response from the Department, Faculty or Service concerned is required. Where such a response is deemed necessary, the review material will be sent to the Department within two UCL working days, together with a full copy of the original complaint and Outcome Letter, with a request for a response within ten UCL working days;
  - b) Where the Review is granted on the grounds of procedural irregularity or where a case is made that any compensating action was inadequate, the Review paperwork and original complaint will be sent within two UCL working days to the individual who was Chair of the Complaints Panel under Stage One, with a request for a response within ten UCL working days;
  - c) after receipt of any responses under (a) and (b) above, the Complaints Review Panel will consider the review application and the response.
- 7.13 The Complaints Review Panel may carry out its work by correspondence, or may arrange a meeting by agreement between its members. In either case, a member of staff from UCL Student and Registry Services will be appointed to act as Secretary to the Review Panel.
- 7.14 Where the Complaints Review Panel will carry out its work by correspondence, the Panel will make a determination which will be communicated to the student and all other relevant parties by the Secretary, normally within three working weeks of the receipt of the Complaints Review Form.
- 7.15 In cases where a meeting is deemed necessary, the procedures relating to the conduct of meetings and the confirmation of a decision by the Complaints Panel (Paragraphs 6.7 – 6.17) will apply, with the exception that the outcome will be confirmed in a Completion of Procedures letter rather than an Outcome Letter.
- 7.16 The Complaints Review Panel will have the power to reverse or modify the decision reviewed in any way that it thinks fit, or to direct that the matter be referred back to the original Panel for reconsideration.

7.17 A Completion of Procedures Letter will normally be issued five UCL working days after a decision is reached on the Stage Two review. If this timescale is to be extended for any reason, the student will be advised of this in writing.

## **8. OFFICE OF THE INDEPENDENT ADJUDICATOR**

8.1 The outcome of the Complaint Review will conclude UCL's consideration of the complaint and will be confirmed in the form of a Completion of Procedures letter.

8.2 When a student has received a Completion of Procedures letter confirming that the internal procedures of UCL have been concluded, they have the right to submit their complaint for review to the Office of the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied. A student choosing to do this must do so no later than twelve months from the date of the Completion of Procedures letter, using the OIA's Scheme Application form. The procedures and the form are available from the website of the OIA: <https://oiahe.org.uk> or from the UCL Students' Union Advice Service (who will also be able to provide advice and assistance).