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independent
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CONSULTATION

Good Practice Framework: Handling complaints and academic appeals

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Introduction

1. This is the third edition of the Good Practice Framework: Handling complaints and academic appeals, published in [December 2022]. It builds on earlier editions, drawing on good practice we have identified through our casework and wider work with students, student representative bodies, and providers. It also draws on the expertise of people in a range of bodies in further and higher education and in complaints resolution and ombuds bodies who have responded to our consultation and contributed to the further development of the Framework.
2. The membership of our Scheme is large and diverse. Members deliver a range of courses and qualifications to students, trainees and apprentices, who engage with their learning in a variety of different formats. In the Framework we use the term "provider" to refer to any member of our Scheme, and the term "student" to refer to students, trainees and apprentices.
3. The Framework is intended to support providers to develop and follow fair processes, and to be a tool to help any provider to evaluate their own processes. It can also be a useful resource for students and those who advise them as guidance on what good complaints and appeals processes should look like.
4. The Framework sets out guidance to help providers approach complaints and academic appeals fairly and make their processes easy to understand and follow. Providers' policies and procedures will vary depending on their own academic regulations and broader context, including the size and make-up of the student body, but should be consistent with the Framework. The Framework informs how we consider complaints to us.
5. The [Competition and Markets Authority](#) has indicated that procedures are more likely to comply with consumer law if they follow guidelines published by the OIA or the [Scottish Public Services Ombudsman](#). We recommend that each provider, along with its students, compares its own complaints and academic appeals processes to the Framework to be sure that there are sound reasons for any differences.
6. We have identified nine core principles for the development and operation of effective procedures.

Good procedures are:

- Accessible
- Clear
- Fair
- Independent

- Inclusive
- Flexible
- Proportionate
- Timely

and they

- Improve the student experience.

These principles underpin the Framework and are set out [links to be added, please refer to the separate Principles document]

What is a complaint?

7. For the purpose of this Framework, a student complaint is:

“an expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider”.

Some providers use different terminology, for example referring to “concerns”, “grievances” or “representations”.

8. Examples of issues that students might raise as complaints include:

- the provider not meeting obligations including those outlined in course/student handbooks or a student charter
- misleading or incorrect information in prospectuses or promotional material and other information provided by the provider
- concerns about the delivery of a programme, teaching or administration including, where applicable, delivery by a partner provider
- poor quality of facilities, learning resources or services
- events causing significant disruption
- bullying or harassment by another student or a staff member
- concerns about policies or procedures relating to financial support, immigration processes or welfare support
- concerns about a service delivered by other organisations or contractors on behalf of the provider.

9. Example of issues that are not normally handled as complaints include:

- a concern about a decision made by an academic body regarding student progression, academic assessment and awards, which would normally be considered under the academic appeals process.
 - a concern raised by a student about the outcome of their own disciplinary process. (At the end of any appeal process, the student could complain to us.)
 - a concern about a decision made under other specific regulations, such as fitness to practise. (At the end of any appeal process, the student could complain to us.)
 - matters relating to the Student Loans Company, which has its own complaints procedures.
10. A student complaint will usually be about something that has a direct impact on the person making the complaint. Where a student has a more general concern about policies or actions of a provider, there may be other ways to raise the matter. For example, a student representative body might routinely discuss concerns raised by individual students with senior leaders on behalf of the whole student body.
11. It is good practice to allow students to raise any issue as a complaint where there are no other formal processes for the student to get a response to their concern.

What is an academic appeal?

12. For the purposes of this Framework an academic appeal is defined as:
- “a challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards”.
13. An academic appeal relates to the outcome of an assessment or exam, or a student’s progression, and may be based on:
- a procedural irregularity in the assessment process
 - bias or perception of bias
 - circumstances affecting the student’s performance where, for good reason, the academic body was not made aware of a significant factor relating to the assessment of a student when it made its original decision
 - a challenge to the outcome of a student’s request for additional consideration of personal circumstances which have affected their performance.
14. Most providers’ academic appeal procedures don’t allow students to question the exercise of academic judgment, that is, a decision made by academic staff on the quality of the work itself or the criteria being applied to mark the work (rather than the administrative marking process).

15. The provider needs to set out clearly what its academic appeals process covers and the grounds on which a student can make an academic appeal.
16. Students have the right to appeal the outcome of other internal procedures such as disciplinary and fitness to practise processes. To avoid confusion, it is good practice for those procedures to include a separate appeal route, rather than using the academic appeal process.
17. When a student complains to us at the end of the higher education provider's internal processes, we refer to it as a complaint whichever internal process the student has followed. This is in line with the language of the Higher Education Act 2004.

Who can make a complaint or academic appeal?

18. A provider's complaints and academic appeals procedures are for its students. The term "student" refers to students, trainees or apprentices who have registered or enrolled on their course. It also includes those who have recently left a provider. It is good practice for providers to set out a deadline for students to raise complaints or make appeals, once they are no longer a student. Providers should apply the deadline flexibly, and be willing to consider whether any former student has a good reason for making their complaint or appeal after this time.
19. When setting deadlines, the provider will need to make sure a student or former student has a reasonable period to bring their complaint or appeal and seek support or advice if they wish to. But it can be challenging to investigate or respond to complaints or appeals that are made a long time after the issues arose, for example because key individuals may have moved on or important records may no be longer available. When deciding whether to accept a late complaint or appeal the provider needs to consider the student's individual circumstances, the nature and seriousness of the issues they are raising, and whether it is still reasonably possible to investigate the events.
20. Students should have confidence that they won't be disadvantaged by making a complaint and it should not be necessary to make a complaint anonymously. A provider may decide to consider an anonymous complaint if there are good reasons for the matter to be investigated, for example because the complaint raises safeguarding issues, or issues that may affect a number of students or a whole department or course. Providers should explain to all students that raising a concern anonymously might change the way that the provider can investigate the issue, and limit how it can respond to and support the students concerned. For example, a provider will not usually be able to issue a Completion of Procedures Letter if it doesn't know who made the complaint, so the student might not be able to bring their complaint to us. Providers should explain to students that complaints

that are not anonymous are still treated confidentially as far as possible. [Link to Maintaining confidentiality, [paragraphs 149-152](#) of this Section of the GPF].

21. To bring a complaint to the OIA a student must be or have been a registered student at a provider that is a member of our Scheme. Providers may have separate processes for applicants to make a complaint or to challenge decisions about who to admit to a course. Providers may choose to apply the principles in this Framework to those processes, but people who are only applicants and are not registered students may not bring a complaint to us at the end of those processes.
22. Similarly, providers may have separate complaints processes to address matters raised by members of the public or members of staff, but only students can complain to the OIA.
23. Many providers deliver courses that result in awards across the full range of levels within the UK Frameworks for HE Qualifications. It is good practice to provide students with a route of complaint or appeal regardless of their level of study. It is important that providers direct students to the right process for their [level and type of study](#) and [direct them to the OIA](#) when relevant.

Representation

24. Students will usually be able to make a complaint or academic appeal themselves. However, there may be cases where a student is unable or reluctant to make a complaint or academic appeal without support. It is reasonable for providers not to accept complaints from third parties unless they are acting as a student's representative. It is usually appropriate to ask the student to confirm their agreement before accepting a complaint or appeal from a third party on their behalf.
25. It is good practice for the provider's regulations to permit students to be supported, advised or represented by third parties, for example an officer or adviser from a student representative body. If a student has a representative, that should not delay the process.
26. The provider may give examples of who can, or can't, act as a supporter or representative for the student and explain what their role in the process will usually be. However, the provider will need to apply its [normal policy flexibly](#), for example to make reasonable adjustments, or because it may disadvantage the student if the requirements were applied rigidly.
27. Providers' internal complaints and appeals procedures do not have the same level of formality as a court of law. In most cases it will not be necessary or appropriate for a student or the provider to be legally represented. But where a student asks to use a legal representative, the provider should carefully consider whether it would be reasonable in

the circumstances of the case to allow them to do so. The involvement of a legal representative should not change the nature of the procedure or delay the process. It is not good practice to ban students from using legal representation entirely.

28. Providers do not normally have an obligation to contribute towards the costs of a student's representation. However, it may be appropriate for providers to consider doing so where the representation is necessary to prevent a disadvantage to a disabled student. This is because the provider must make its procedures accessible. Students should not be expected to use personal support resources intended for their academic work, funded by Disabled Students' Allowance, on complaints or appeals.

Support

29. Students are often inexperienced in raising concerns independently, within formal structures. They may not have had positive experiences of other bodies with authority over other aspects of their lives. They may anticipate that the process will be confrontational, and be worried about how staff may react to them raising their concerns and that it might have negative effects on their studies and career. It is important that providers take steps to give reassurance on these points. For example, providers can explain how marking and moderation procedures usually operate, ensuring that a member of staff can't reduce a student's grades because they had made a complaint. Providers can encourage a culture of listening to feedback and share with students the actions they have taken to respond to students' concerns. If the complaints process is part of this wider positive culture it can be less intimidating.
30. It is good practice to make sure students have access to well-resourced sources of advice and guidance. Often this support will be based within the provider's own student representative body, or within another student representative body that the provider's students have access to. Where there is no student representative body, providers should make sure that staff members who are independent of the subject of the complaint or appeal can give students advice and guidance about the process.
31. Some support services are able to offer advocacy services which might include helping a student prepare written submissions, attending hearings and speaking on the student's behalf. Other services are more targeted towards enabling the student to act independently. However the service is structured, it can be helpful to explore these issues with the student:
- How does the process work? What will the student need to do, what deadlines will they need to meet, and how long is the process likely to take?
 - What evidence can the student supply to support their views? Who can supply this?

- What outcome does the student want? Is this realistic?
- What can the student do while the case is ongoing to put themselves in the best position for afterwards? It can be helpful to think about what will happen if the student's case is successful, and also what will happen if it is not successful. This is particularly important if there could be an impact on opportunities to repeat assessments or continue to engage with specialist learning opportunities like placements.
- Are there wider issues that have been raised that the student needs support with? For example, has an academic decision had an impact on the student's financial entitlements, arrangements for accommodation or visa status? It may be appropriate to direct students towards specialist sources of advice in these areas.
- Does the student need support with their mental or physical wellbeing? It may be appropriate to direct students to additional sources of support.

The process

Overview

32. Providers should have separate complaints and academic appeals procedures. It is good practice for these procedures to include:
- opportunity for early resolution at a local level
 - a formal stage for the investigation and determination of complaints or appeals
 - a review stage.
33. **Early resolution** is designed to address straightforward concerns quickly and locally, for example at school or faculty level, before a student makes a formal complaint or appeal. This might include, for example, face-to-face discussion with the student to explain a decision, or asking an appropriate member of staff, or mediator or conciliator, to handle the matter. Where proportionate the provider should write to the student setting out the outcome.
34. **The formal stage** is used where a student is dissatisfied with the outcome of early resolution, or where early resolution is not possible or suitable due to the nature, complexity or seriousness of the case. The formal stage should normally be handled by people who have not been involved previously, and (in complaints) may include mediation or conciliation where appropriate. The provider should write to the student setting out the outcome at the conclusion of this stage.

35. **The review stage** is where the student can appeal to a higher level within the provider for a review of the process of the formal stage to make sure that appropriate procedures were followed and that the decision was reasonable. The issues themselves don't necessarily need to be reconsidered at this stage. The provider should write to the student setting out its decision at the conclusion of this stage.

Timeliness

36. Each provider has its own timelines and deadlines for the formal and review stages. It is good practice for providers to complete consideration of a formal complaint or academic appeal and any associated review within 90 calendar days. The 90-calendar day timeframe requires students to meet any deadlines set by the provider for submitting information or evidence.
37. There will occasionally be circumstances when, for good reason, the provider will need to extend the timeframe. Where this is the case the provider should tell the student and update them regularly on progress. It is important to think about any reasons why a student's complaint or appeal might be urgent, and to remember that the urgency of an issue may change in response to external factors such as progression points.
38. It is good practice for procedures to set time limits for making complaints and academic appeals, and for these time limits to be clearly communicated to students. It is also good practice to direct students to the relevant time limits for the next stage in the process when telling them the decision at each stage.
39. Providers should apply deadlines flexibly when the student has a good reason, which should normally be supported by evidence, for making their complaint or academic appeal late. It is good practice for a provider to keep a record of why it has accepted a complaint or appeal late.
40. Providers should always think about their obligations under the equalities legislation when considering whether there are exceptional reasons to accept a complaint or academic appeal outside the normal time limit, or whether it would be reasonable to make adjustments to the provider's normal procedures. Where the provider knows a student is disabled, it will not normally be appropriate to ask the student for evidence of this again when they are asking for an adjustment to the process. The provider should explore with the student what adjustments they might reasonably need. The provider should get advice from its disability support team where appropriate.

Case study 1: Late submission - the Equality Act

A student has mental health difficulties and receives support from the provider's disability support team. The student makes an academic appeal to the provider on the grounds that they missed their exams because of their ongoing mental health difficulties. Their appeal is late and the student says that this is because they have difficulty in meeting deadlines because of their disability. This is supported by the disability support team. The provider should consider whether its appeal procedures are placing the student at a disadvantage because of their disability, and whether it would be reasonable to adjust those procedures, for example by accepting the appeal late, to remove that disadvantage.

Early resolution

41. Effective complaints-handling systems have a local, informal element which can resolve student concerns before they develop into formal complaints. Encouraging students to raise concerns as soon as possible can help resolve them before they grow into a larger problem. Some concerns can be satisfactorily addressed through existing processes such as gathering feedback or through discussion with student academic representatives. Students should be told how to raise an individual complaint if these methods don't resolve their concerns.
42. Providers have developed many effective ways to resolve routine student concerns. These include:
 - giving more information or a more detailed explanation
 - suggesting solutions
 - being empathetic and understanding when there is no apparent solution
 - giving an [apology](#) where it seems appropriate to do so
 - introducing student and staff conciliators.
43. A local, informal stage can also help to resolve a student's concerns about an academic decision. It is not usually possible to challenge decisions about marks, progression and classification on an informal basis once they have been ratified by the appropriate body, such as an exam board. This is because individuals will rarely have the authority to overturn those decisions without the body being consulted. But many providers give students an opportunity to seek clarification of an assessment or exam board's decision, or to discuss their concerns with a nominated member of staff, for example at a "Results Surgery" following the publication of results. Showing the student how marks have been calculated and explaining the marking and moderation process can help a student to

accept a disappointing result. Explaining the likely outcomes of the academic appeal process can help the student to decide whether to make a formal appeal.

44. A student might raise their concern or complaint with any member of staff, so all staff need to be aware of the provider's complaints procedure and how to handle and record concerns at the early resolution stage. They should also be aware of who to refer to if they are not best placed to handle the matter personally. The provider should encourage all staff to try to resolve concerns quickly, and as close to the point of service delivery as possible.
45. Providers should take appropriate steps to make sure that all relevant staff are aware of:
 - the complaints and academic appeals procedures
 - how to handle and record concerns at the early resolution stage
 - the benefits of trying to resolve concerns and queries early and as locally (within their department) as possible
 - their individual remit or authority to try to resolve any concerns or queries that they may be asked to handle
 - who they can refer a concern or query to if they are not best placed to handle the matter personally.
46. Questions to consider in attempting early resolution of concerns might include:
 - Is this a complaint or academic appeal? Should the student be referred to another procedure?
 - What specifically is the concern about and which area(s) of the provider is/are involved?
 - What outcome is the student hoping for and can it be achieved?
 - Is the concern straightforward and likely to be resolved with little or no investigation?
 - Can it be resolved on the spot by giving an explanation, an alternative solution or an apology?
 - Can someone else help resolve the issue? Does it need someone with particular expertise or training?
 - Would it be helpful to use confidential mediation or conciliation, and are the student and the provider willing to do so?
 - What help or support can be provided to the student in taking this forward?
47. Students shouldn't normally need to use a particular form or to raise an informal concern in writing, although some may choose to. Providers may ask students to summarise or clarify the key parts of their concern in writing if it is unclear. Students should not usually be

asked to provide significant evidence during informal resolution. If the matter can't be resolved without gathering extensive evidence, it will usually be best to move on to the formal stage.

48. Whatever early resolution mechanism is used, students should be able to express their concerns and feel that they have been listened to. It may be possible to resolve the concern by providing an on-the-spot explanation of why the issue occurred and/or (where appropriate) an apology and an explanation of what will be done to stop a similar situation happening in the future. Providers may wish to advise staff on making and recording apologies, and alleviate any concerns that an apology creates a legal liability.
49. If responsibility for the issue raised lies in the staff member's area of work, they should try to resolve the concern in consultation with the student. If responsibility lies elsewhere, the staff member should normally work with the relevant colleagues to help resolve the student's concern, rather than simply passing the student on to another office. Where this is not possible or not appropriate, and the student is directed to liaise with another office, it is good practice to introduce the student to the person who will consider the concern or to make an appointment for the student to meet them as soon as possible.
50. Where it is clear early resolution is not appropriate or possible, and that the student's concern needs to move to the formal stage, the student should be directed promptly to the relevant procedure. They should be advised to complete the appropriate form, providing full details of the complaint or academic appeal and any relevant documents or information. It is good practice to tell the student about any time limits for making the complaint or appeal and where and how to access advice and support, for example the students' union or student representative(s), the student advice centre, professional association or the relevant trade union.
51. It is good practice to record the actions taken to consider and resolve the concern, the decision, and brief details of what was communicated to the student, and when. This can then be available to those considering any formal complaint at a later stage.
52. At the conclusion of an attempt at early resolution, and where proportionate, the provider should write to the student setting out the outcome.

Case study 2: Early resolution of academic appeal

A student is concerned about their assessment result and wants to make an academic appeal. The provider's appeal regulations include an early resolution process under which students can discuss concerns about assessment outcomes with a member of staff. The student attends a meeting with their Head of Department and they discuss the student's concerns. The Head of Department explains how the assessment was marked and moderated, and checks the marks awarded are correctly recorded on the results database. The student is reassured that the assessment has been marked properly and the marks recorded accurately. The Head of Department explains how they can appeal if they remain dissatisfied. A note of the meeting is made.

Case study 3: Early resolution of a complaint

A student tells their personal tutor that one of their lecturers is often late for lectures and that their lecture materials are of very poor quality. The personal tutor tells the student that the Head of Department is the best person to look into their complaint and arranges for them to meet. The Head of Department meets with the student and with the lecturer. The lecturer apologises for being late on two occasions but explains why, in their view, their lecture materials are of a high standard. The student isn't happy with the apology and the lecturer's explanation. The Head of Department decides that the complaint should be formally investigated. They explain to the student how to make a formal complaint and what the deadline is, and send the student a link to the complaint form.

Formal complaint or academic appeal

53. The formal process is activated when:
- the student chooses not to engage with early resolution and starts the formal process in line with the provider's procedures
 - early resolution was attempted, but the student remains dissatisfied and starts the formal process in line with provider procedures
 - the issues raised are complex and will require detailed investigation, for example where a complaint relates to the conduct of staff members or covers a number of different incidents
 - the provider's regulations say that only a specific body, for example an exam board, can resolve the issue raised.
54. Providers will normally ask students to make a formal complaint or academic appeal by email or online by completing the appropriate form. It may be appropriate to accept

complaints and appeals in other formats, for example, if a student is disabled. It is good practice to make sure that information about making complaints and academic appeals is easy to find and provided in accessible formats on the provider's public website. It is not good practice to make complaint and appeal forms available only on request.

55. A well-designed form can support students and reduce administrative burden on providers by prompting students to provide relevant information and evidence in a clear way, and to focus on core issues and the outcome they would like.
56. Providers can require students to set out their concerns clearly and concisely and provide evidence to support the issues raised where possible. A student's statement about what has happened to them is itself evidence, but it is normally reasonable to expect students to obtain and provide some other evidence relevant to their complaint or academic appeal too. It is good practice for the provider's procedures to set out the types of evidence that may be needed. This may include independent medical evidence, reports by professionals, financial information or witness statements. Guidance on [evidence of personal circumstances](#) that may have affected the student's performance, such as illness or bereavement, is included within the Requests for additional consideration section of the Good Practice Framework. Some evidence, such as course descriptions, archived versions of the website, a student's overall academic profile, or a record of agreed support arrangements, may be considerably easier for a provider to find than a student. It is good practice to encourage students to identify relevant evidence that is already in the provider's possession. It is also good practice to explain to students what they should do if they are having difficulty getting evidence within the deadline for making their complaint or appeal.
57. Providers' procedures should explain clearly whether a student will have further opportunities to add to their case at a later stage, or whether they should try to include all their information and evidence when sending in their formal complaint or appeal.
58. It is common for providers to set out specific grounds for making an academic appeal. Examples include:
 - Procedural errors in the assessment. That is, that there was a problem with the way an assessment happened or the way it was marked and moderated. For example, a student might think that the provider's marking or moderation processes have not been correctly followed.
 - Bias in the assessment. That is, that the student's work has not been impartially assessed on its merits.
 - Personal circumstances that have had an impact on the student's learning and their performance in the assessment. It is common for providers to expect students to consider the impact of their personal circumstances before they receive their

assessment results. Students may have to present a good reason for not asking for additional consideration of their circumstances at an earlier time. If their circumstances have already been considered under the relevant process, the student [will need to explain](#) why they think the process wasn't followed correctly or why the outcome is unfair.

- Problems with the delivery of teaching and learning opportunities. Some providers will only consider the impact of this type of issue on an individual student's performance if a complaint has been upheld. If this is the case, it is important to make this clear to students in good time.

59. It is less common for providers to set out specific grounds for making a complaint. It is good practice to direct students to other procedures that may be more suited to their concerns. And it is helpful to explain any areas that the provider has no authority to address. It is not good practice to define complaints narrowly or try to limit the type of issues that students may wish to raise.

What the provider will do when it receives a complaint or academic appeal

60. When a provider receives a formal complaint or academic appeal it should carry out an initial assessment to check that it has been made under the right procedure, within any deadline, and in the required format. This might result in:

- the student being referred to a different procedure
- the complaint or appeal being rejected, for example because it is late
- the complaint or appeal proceeding to formal consideration
- referral to conciliation or mediation.

61. Key questions to consider could include:

- Is this a complaint or academic appeal? Should the student be referred to another procedure?
- Was early resolution attempted? If not, should the matter be referred back to that stage?
- Has the student set out clearly what the complaint or appeal is about and which area(s) of the provider is/are involved?
- (For academic appeals) does the student's appeal fit within the allowed grounds for appeal?
- Are any external rules, for example, rules of a Professional, statutory or regulatory body (PSRBs) relevant to this case?
- Has the student provided evidence in support of their case?
- What outcome is the student hoping for and can it be achieved?

- (For complaints) is it suitable for mediation or conciliation?
- What help or support can be provided to the student in taking this forward?

62. It may be helpful to talk to or meet with the student at this stage to clarify any aspect of the student's submission that is not clear. It may also be helpful to explain to the student what will happen if only part of their submission falls within the permitted grounds, or if the provider has to consider rules and regulations of a PSRB.

Case study 4: Appeals that fall outside the permitted grounds

A student submits an academic appeal on the ground that they feel the mark awarded for their exam doesn't reflect the hard work they put in. The provider's academic appeal procedures permit students to bring an appeal on grounds of (1) procedural irregularity in the assessment process; (2) personal circumstances that were not (for good reason) made known to the exam board; and (3) bias on the part of the examiners. The procedures say that students can't challenge the academic judgment of markers through the appeal process.

The provider rejects the student's appeal on the basis that it does not fall within the permissible grounds of appeal. It writes to the student explaining that their appeal has been rejected because they are challenging the academic judgment of the marker, and haven't suggested there was any procedural error in the marking process. The provider explains to the student how to take their appeal to the review stage if they are not satisfied with the outcome.

63. Some complaints or appeals may need the provider to take particularly swift action. These may include, but are not limited to:
- cases where external time limits apply for example in meeting regulatory requirements for the completion of professional courses
 - cases involving a threat of serious harm
 - cases where the impact of the issues raised is significantly affecting the student's mental health or where the student is very distressed
 - complaints relating to disability support
 - cases where delay may cause significant difficulties regarding the student's visa status
 - issues of serious and repeated service failure and/or significant delay
 - issues of a highly sensitive nature.

Case study 5: Complaint about disability support needing swift action

A student has recently found out that they have dyslexia and the provider's disability support team has prepared a report setting out their support needs. The student is unhappy about the support proposed in relation to exams, and they make a complaint. Their final exams are coming up. The provider considers the complaint within days of receiving it and agrees to change the support for their exams in time to implement those changes before the exams start.

Case study 6: Student's mental health

An international student, studying for an MA, failed an assessment at the second attempt and was withdrawn from the programme. They submitted an academic appeal against the decision to withdraw them, on grounds of procedural error in an assessment. They also provided independent medical evidence which confirmed that the student had experienced serious mental health difficulties since the withdrawal. The provider fast-tracked the formal stage of their academic appeal to minimise any further detriment to the student's health.

64. If the complaint or academic appeal is accepted for consideration it is good practice for the provider to allocate it to a member of staff who has had no previous involvement in the matter. It will not normally be appropriate to keep the name of person considering, investigating or deciding the complaint or appeal confidential. That would lack transparency and may undermine the student's confidence in the process.

Investigating complaints

65. In smaller providers or departments it can be difficult to find a member of staff who has had no previous involvement to investigate a complaint. Every effort should be made to find a staff member who is sufficiently removed from any earlier process. It may be possible to ask a staff member from another part of the provider to investigate. Where this is not possible, the provider may be able to talk to the student and agree on an investigator they would have confidence in. Some providers may wish to pair up with another provider so that each can call on the other to provide a staff member to investigate a complaint, to work with an internal investigator, or to supervise the investigation to make sure that it is conducted impartially.
66. Providers may also choose to use an external investigator or service to increase capacity or to bring specialist expertise. The provider must make sure that the individual or service follows the provider's internal procedures, including the timeframes, and the principles and process set out in this Framework. This includes making sure that students and others involved are treated fairly and that the process isn't legalistic or overly formal. The provider

should also make sure that appropriate safeguards are in place to protect students and their personal data.

67. It is essential to be clear about exactly what is being investigated to make sure that both the staff member and student understand the purpose and scope of the investigation. The staff member should consider meeting with the student to facilitate this. If the student's expectations appear to go beyond what the provider can reasonably deliver or what is in its power to deliver, the staff member should explain this to the student as soon as possible in writing so that the student is clear about possible outcomes.
68. The procedures followed should be proportionate to the nature of the complaint and the complexity of the issues raised. The member of staff investigating the complaint may talk to key staff or other students and consider documents and other evidence. The staff member should keep records of who they have spoken to or met and will produce a report based on their investigations outlining the process followed, the information gathered, the conclusions drawn and any recommendations. The student or their representative should receive copies of the information considered and a copy of the investigation report. The staff member will also need to consider whether mediation or conciliation might be effective at this stage.
69. It is good practice to explain whether the person investigating the complaint will make a decision about it, or whether the decision will be made by someone else. For example, the staff member may refer their report to another senior member of staff for the recommendations to be agreed, or to a complaints panel if the provider's procedures allow for the complaint to be considered by a panel at this stage. In appropriate cases, it may be reasonable to refer the complaint to another member of staff for a second opinion.

Investigating academic appeals

70. Gathering evidence that may be relevant to academic appeals is typically a more straightforward process than investigating a complaint. The investigation process in an academic appeal could be limited to collating documents and information that already exist such as documents from the marking and moderation process. Where it is necessary to gather additional statements or seek out the answers to specific questions, providers should consider the approach outlined for complaints (link to [paragraphs 65-69](#), above).

Mediation and conciliation

71. Mediation and conciliation are usually voluntary processes where an impartial, independent third party helps the people in a dispute resolve issues confidentially. Using mediation or conciliation can help those involved to understand what is driving the concern and may be more likely to result in a quick and mutually satisfactory conclusion being reached. Mediation or conciliation may be particularly helpful in resolving disputes

between students. Providers should operate their processes flexibly to offer opportunities to negotiate an outcome acceptable to both parties at any stage of the process.

72. Mediation or conciliation are more often successful in complaints processes than in academic appeals processes. Academic regulations are designed to protect the academic standards and integrity of the provider's awards and so there is limited scope for negotiation. But there may still be times when a mediated approach can be helpful, for example, when a student's appeal is successful and a return to study needs to be arranged.
73. Where both the provider and the student agree to mediation or conciliation in the formal stage of considering a complaint or appeal they should agree revised timescales. All those involved need to be clear about the scope of the mediation or conciliation process, how the arrangement fits with other procedures, and whether they are expected to agree in advance to accept the solution offered by the conciliator. It may be necessary to restart the formal process if agreement cannot be reached.
74. Discussions during mediation or conciliation are normally confidential to those involved. This means that what is said during those processes shouldn't normally be referred to later on if the student remains unhappy and continues with the formal process. But it may be possible to resolve some of the issues even if full agreement isn't reached. A record should be kept of the outcome and any areas where agreement has been reached.

Complaint and academic appeal panels, hearings or meetings

75. If the complaint or academic appeal is to be considered by a panel hearing, or a meeting is to be held to consider it, providers should take all necessary steps to make sure that the hearing or meeting is held in a timely way and with enough notice given to the student. This includes:
 - telling the student about any right to attend, in person or virtually, and explaining how this will work
 - how to access advice and support
 - any right to be accompanied, for example by a friend or representative from a student representative body
 - what role the representative or friend is permitted to play in the hearing or meeting
 - any right to submit evidence or call witnesses.
76. It is good practice to provide the student in advance with information about the panel members and others who may attend to give evidence and a copy of the information to be considered. Any sensitive information should not be disclosed to panel members until their membership has been confirmed (so that the student has had an opportunity to object to a panel member, for example on grounds of bias, before they have seen the sensitive

information). It is helpful to explain clearly whether the student is responsible for communicating with any witnesses they want to make a statement, or whether the provider will do this.

77. For panels to be fair, they need to be free of a reasonable perception of bias [link to be included to Bias and the perception of bias, see the separate document]. The provider needs to consider the structure of panels and take steps to make sure that those reaching a decision have had no previous involvement in the matter, and are properly trained, resourced and supported. Providers should consider the diversity of the panel. In addition, it is good practice for panels to include an independent students' union officer or student.

Case study 7: Information about a complaint panel

A student's complaint is to be referred to the provider's complaint panel. Under the provider's procedures, the student may attend a meeting of the panel. The provider writes to the student, inviting them to a panel meeting, three weeks before the proposed meeting date. The letter sets out:

- the date of the meeting and an explanation of what the student needs to do if they can't attend on that date or don't wish to attend
- the names of the panel members and their job titles
- the names of anyone else attending the meeting and what their role will be
- that the student may be represented by a member of the students' union advice centre, or may bring a friend to support them
- an outline of how the meeting will proceed
- copies of relevant documents.

78. Students can find panel hearings daunting. These are not legal proceedings and providers should avoid unnecessary formality. Providers will usually want to hear from students in their own words, and it is important that everyone present remains focused on the matters relevant to the particular complaint or appeal. If the student is accompanied by a representative or friend, it is important that they also understand the process and any decisions that have been reached so they can support the student effectively. It is normally reasonable to give any representative, as well as the student, an opportunity to raise concerns about the process or ask questions to help them clarify their understanding if they need to.
79. It is good practice to take a note of any meeting, setting out who attended, a brief outline of what took place and the reasons for the decisions taken. It is not normally necessary to make or retain full audio or video recordings of panel hearings or meetings, but providers should consider requests from students to do this. It may be appropriate to record

meetings as a reasonable adjustment for some disabled students or staff. It is reasonable for providers to say that students should not make recordings without permission.

Closing the complaint or academic appeal at the formal stage

80. The provider should write to the student setting out the outcome of the formal stage, including any decision to reject the complaint or academic appeal at initial assessment, giving a clear explanation and outlining the reasons for each decision in straightforward language. This will help the student decide whether or not to pursue the matter further.
81. The decision should also give information about:
 - the student's right to take the complaint or appeal to the review stage
 - the grounds on which they can do so
 - the time limit for taking it to the review stage
 - the appropriate procedure
 - where and how to access support.
82. If the complaint or appeal has been rejected, for example because it was made late or was not made on the permitted grounds, the provider should issue a Completion of Procedures Letter. We publish guidance on issuing [Completion of Procedures Letters](#).
83. If the student does not take the complaint or appeal to the review stage within the time limit for doing so, the provider should close the matter and tell the student in writing. But it is not normally necessary to issue a Completion of Procedures Letter automatically if a student decides not to take their complaint or appeal to the next stage. If a student asks for a Completion of Procedures Letter and they are out of time to progress the complaint or appeal, if the provider is not willing to consider a late submission it should issue a Completion of Procedures Letter explaining that the student has not completed the process, but they are now too late to do so, and so there are no further steps that they can take internally. If the student asks for a Completion of Procedures Letter and they are in time to take the complaint or appeal to the review stage, the provider should signpost them to the next stage of the process. If the student decides not to engage with the next stage and still wants a Completion of Procedures Letter it is good practice to issue one, but the letter should explain that the student has not completed the provider's internal processes.
84. Where a complaint or appeal is upheld, the provider should explain how and when it will implement any remedy, whether that includes an apology, and what the student can do if they remain dissatisfied. It is important to set out clearly what action the student needs to take, and any deadlines for this.

Review of formal complaint or academic appeal

85. If a student is dissatisfied with the outcome of the formal stage, they can ask for a review. Providers can specify the grounds on which a student can ask for a review. The grounds for asking for a review may be limited, including but not confined to:
- a review of the procedures followed at the formal stage
 - a consideration of whether the outcome was reasonable
 - new evidence that could make a difference to the outcome and which the student could not reasonably have provided earlier in the process.
86. The review stage will not usually consider the issues afresh or involve a further investigation. A complaint or appeal must have been considered at the formal stage before it can be taken to the review stage.
87. Providers can require a student (or their representative) to ask for a review in writing, by email or online by completing the appropriate form. It may be appropriate to accept requests for review in other formats, for example, if a student is disabled.

What the provider will do when it receives a request for review

88. The provider will carry out an initial assessment to check the student's request for review is in time and meets the grounds set out in the process. If the request for review is rejected at this stage the provider should issue a Completion of Procedures Letter.
89. The provider will ask a specific member of staff, who has not been involved at any previous stage, to carry out the review. It is important to be clear from the start of the review stage exactly what is being reviewed, and to make sure that both the reviewer and the student understand the purpose and extent of the review. If the student is expecting an outcome that isn't possible at the review stage, the provider should clearly explain this to the student as soon as possible in writing or another appropriate accessible format.
90. The procedures should explain what happens if the student's request for review is upheld. The provider should set out whether the reviewer is able to overturn the outcome of the formal stage and make a different decision themselves in its place, or whether the matter needs to be passed on to another body to consider.
91. Key questions to consider could include:
- Were the relevant procedures followed during the formal stage?
 - Was the outcome reasonable?
 - Has the student received clear reasons why the complaint or academic appeal was rejected at the formal stage?

- If the student has provided new evidence that could have made a difference to the outcome, have they given good reasons for not supplying this earlier?

Closing the complaint or appeal at the review stage

92. If the complaint or appeal is not upheld the student should be told the outcome of the review stage in writing in a Completion of Procedures Letter [as soon as possible and within 28 days](#). This should include a clear explanation and outline the reasons for the decision in straightforward language. This will help the student decide whether or not to pursue the matter further.
93. The decision should also tell the student about:
- their right to submit a complaint to the OIA for review
 - the time limit for doing so
 - where and how to access advice and support.
94. The time limit for bringing a complaint to the OIA is 12 months. It is good practice to draw the student's attention to any factors the provider is aware of which mean that it is particularly important for the student to bring the complaint to the OIA promptly (for example because the remedy the student is seeking is time-sensitive, or the course is being discontinued).
95. Where a complaint or appeal is upheld, the provider should send the student a written outcome, and explain how and when it will implement any remedy, and whether that includes an apology. It is good practice to issue a Completion of Procedures Letter if the student asks for one. If the remedy proposed includes referring the complaint back to the formal stage for reconsideration, it is good practice to make sure that reconsideration is concluded as soon as possible and, where practical, within the 90 calendar days timeframe. The provider should explain whether the student can appeal the outcome of the reconsideration, and should issue a Completion of Procedures Letter at the conclusion of the process if the complaint or appeal is not upheld.
96. It is good practice to issue a Completion of Procedures Letter if the student asks for one where the complaint or appeal is upheld, once any internal reconsideration has concluded.

Independent external review (OIA)

97. The OIA is the independent body set up to review students' complaints. Once the provider's review stage has been completed, the student can ask us to review their complaint about the outcome of the provider's complaints or academic appeal process. The student should make their complaint to the OIA within 12 months of the date of the

Completion of Procedures Letter. That is, if the Completion of Procedures letter is sent to the student on 11 August, the deadline is 11 August the following year.

98. It is good practice to [include information](#) about students' right to complain to the OIA in the provider's written procedures.

Deciding which process to use and managing more than one process

99. Many students raise issues that do not fall neatly into the category of either complaint or academic appeal, or that need to be handled under a different type of procedure. Sometimes the student will start more than one procedure in relation to the same or similar issues, or the provider itself may decide that the issues need to be handled under more than one procedure. Sometimes a student raises a number of issues at the same time that are not connected. There is no single approach that will work best for all of these cases.
100. The provider will need to make a case-by-case assessment of the best way to handle complex or interconnected cases. The provider should take a flexible approach and vary its normal procedures where reasonable. In deciding which process is most appropriate, or the order in which processes should happen, providers should think about:
- What outcome the student is seeking, and which body within the provider would be able to make a decision on that
 - Whether a single process can be used to establish the facts, and used as the basis for decisions under another process. For example, if a student's complaint about teaching is upheld, an exam board might reconsider their case on the basis of the conclusions reached on the complaint
 - If any matters should be prioritised, for example because they are time critical, or because there are concerns about the student's wellbeing
 - How to make it as easy as possible for the student to use more than one process when they need to.
101. The provider should consider meeting with the student at an early stage and shouldn't overlook opportunities for early resolution or mediation or conciliation just because the case appears to be complex or likely to involve more than one procedure. Taking the time to properly understand the student's concerns can help the provider to clarify what the key issues are for them and decide on the most appropriate procedure(s) to use to address those concerns.
102. When more than one process is needed, it is important to talk to the student about whether it's better to use one process after the other (and in what order), to run them at the same

time, or to apply the processes more flexibly. Where the provider decides to vary its normal procedure, it should discuss this with the student. It's important that everyone involved in the process understands what will happen instead and why. It is good practice for the provider to keep records of why it decided to follow a different process. The principles of the Good Practice Framework should still be followed. The provider should explain to the student how the matters will be investigated, who will coordinate the process, and who will issue the final decision.

103. Providers should listen to how students would like their concerns to be taken forward, but the provider must make the final decision about how to proceed.
104. If the issues need to be handled under more than one procedure, where possible the provider should take steps to avoid any unnecessary duplication, such as requiring the student to submit the same evidence multiple times. It is good practice to tell the student which specific issues will be considered under which specific procedure and to direct the student to the appropriate procedure for any remaining issues.
105. It is good practice to tell the student about the implications, if any, of following two procedures, particularly where one procedure may be suspended until the other has finished. It is good practice for the provider to proactively refer the matter to the second process. If the student is expected to take an action to begin the second process, the provider should explain what they must do and say if any deadlines apply. Any secondary process should be completed promptly.
106. The provider should keep the student updated if their case is likely to take longer because more than one process is involved. It is good practice to direct students to sources of advice about how they can preserve their position while the issues are still being considered (for example, to make sure they don't miss any course deadlines or a resit opportunity).

Case study 8: Deciding which process to use

A student submits an academic appeal on several grounds, one of which is that they have been bullied by their supervisor. The student says this affected their performance in their dissertation. The provider tells the student that it is putting the appeal on hold until the bullying allegation has been investigated under its Harassment and Bullying Procedures. Once that process has been completed, the appeal process can continue.

Case study 9: Acting flexibly to use a single process

A disabled student makes a formal complaint that the provider did not put in place agreed reasonable adjustments during the academic year. They explain that lecturers across different modules appeared to be unaware of the agreed adjustments, and often didn't provide copies of lecture materials in advance. They also say they were made to sit a timed in-class assessment without arrangements being made for a separate room or additional time. The student says they were made to feel they were being difficult when they tried to raise their concerns and that the persistent issues caused their mental health to deteriorate. The student explains that this negatively affected their academic performance throughout the year.

The provider carries out an initial assessment of the complaint. It decides that some of the issues raised may also be grounds for an academic appeal and, if the issues of complaint were upheld, it is likely that it would need to consider an academic remedy in addition to other steps to put things right for the student. The provider decides it would be pragmatic to carry out a single investigation and hold a single meeting to consider all the issues raised by the student. It explains to the student the process it plans to follow and why, what the student's role in the process will be, and where they can get support and advice.

Case study 10: Considering connected issues under separate processes

A final year student makes an academic appeal against their degree classification on the ground that they had personal circumstances that affected their performance, and there was a good reason why the circumstances could not be made known to the exam board at the time. The student explains they felt very unwell on the day they had to sit an exam that was weighted at 50% of the module mark, and they believe this affected their performance in the assessment. They provide evidence of both their illness and their reasons for not making the board aware of their circumstances at the time.

The student also says that in previous years the module was assessed by two equally weighted essays, but they didn't find out about the changes to the assessment methods until after the module had started. The student explains they wouldn't have chosen the module if they'd known in advance they would need to sit an exam because they have anxiety which is brought on by exams. The student says that worrying about the exam ruined the final semester of their programme for them.

The provider carries out an initial assessment of the appeal and decides the information and evidence the student has provided about their illness meet its grounds for appeal and should be referred to an appeal panel for further consideration. The provider decides the other issues don't fall within the scope of its appeals procedure, but it tells the student they can make a complaint about the way the changes to assessment methods were communicated if they want to, and how to do that. The student makes a complaint and receives separate outcomes for their appeal and complaint.

Complaints and appeals involving more than one academic provider or awarding body

107. Guidance on handling complaints and academic appeals involving more than one provider or awarding body can be found in the [Good Practice Framework: Delivering learning opportunities with others](#).

Complaints involving other organisations or contractors who provide a service on behalf of the provider

108. A student may wish to complain about the service provided by another organisation (which is not a higher education provider) on behalf of the higher education provider, for example accommodation services or leisure facilities. It is good practice to advise the student to

contact the appropriate organisation directly, and for providers to make sure that those organisations have appropriate complaints procedures in place.

109. Students should be able to complain directly to the provider about a service provided by another organisation, for example, a placement provider, which the student feels has impacted on their learning experience.
110. If a provider needs to make enquiries to an outside organisation when investigating a complaint, it should take care to comply with data protection legislation and the provider's own policies on handling personal information.

Complaints about a student representative body

111. The nature of the relationship between the provider and the students' union or student representative body varies between providers. It is important to explain to students how they can raise complaints about the actions of their student representative body.
112. Some providers are obliged by law to make sure that there is a complaints procedure available to individual students and groups of students who want to complain about their students' union. The students' union procedures must include provision for an independent person appointed by the provider's governing body to investigate and report on complaints. ([Section 22 of the Education Act 1994](#) sets out the responsibilities of universities for their students' unions).
113. All providers should make sure that complaints about the students' union or other student representative body are handled fairly and promptly and that an effective remedy is provided when a complaint is upheld.
114. If a student who has made a complaint or academic appeal is in dispute with the student representative body, either about that issue or about something else, it is good practice for the provider to direct the student to other sources of support.
115. Where a student complains to the provider about the student representative body, it is good practice to explain what the provider's role is and what it can and can't do, particularly if the student is seeking a remedy that the provider can't deliver.
116. Generally, we can't look at complaints about the actions of an independent student representative body. However, we can consider a complaint about a student representative body where it is part of the legal entity of the higher education provider, or where the complaint concerns the provider's obligations relating to its student representative body. Where a provider has considered a complaint about a student

representative body it should give the student a Completion of Procedures Letter at the end of that process.

Case study 11: Late submission – waiting for advice from the students' union

A student makes an academic appeal about their end of year results. The student explains that they have missed the deadline to send in their appeal because they were waiting for advice from the students' union. They provide evidence that shows the students' union promised to get back to them and had told the student that the deadline was not important. The provider decides to accept the appeal and advises the student how they can make a complaint to the students' union.

Complaints about the behaviour of staff or other students

117. Providers should have procedures in place for handling complaints from students about other students or members of staff. Providers may choose to design specific processes to address students' concerns about the behaviour of another member of the provider's community. For example, many providers have developed bullying and harassment or dignity at work and study procedures. If the provider does not have a separate procedure for students to raise these kinds of concerns, then students should be allowed to raise concerns about behaviour under the general student complaints procedure.
118. Some providers have processes in place that allow for students to report concerns about the behaviour of other people anonymously. It is good practice to explain clearly whether and how the provider's response to anonymous reporting is different to how it can respond to complaints that are not anonymous.
119. When students complain about staff members it is essential that the investigation is conducted by someone who is independent of the situation to avoid bias or a reasonable perception of bias. It is important to make sure that there are proper procedures in place that set out the process for handling such complaints. The provider may need to investigate or take action under its staff human resources (HR) procedures. However, it may be possible to draw a distinction between a complaint about alleged misconduct of a member of staff that should normally be handled under an HR procedure, and what is effectively a service complaint directed at an individual member of staff that can be handled under the complaints procedure.
120. It is reasonable for providers to expect students to take steps to resolve some disagreements and disputes with other students themselves. For example, it would be unusual for a provider to become involved in disagreements about social activities, or

cleaning arrangements among students in a privately rented house. But providers should be alert to students reporting concerns which show a pattern of behaviour that could amount to bullying or harassment, wherever this behaviour occurs.

121. Some complaints of this nature can be successfully resolved informally, or through mediation or conciliation, for example, where an individual is unaware of the impact of their actions on another student. But in some instances, it will not be appropriate to try to resolve a complaint informally. The views of the student reporting the concern should be given significant weight in deciding which approach to take.
122. Where a student's complaint indicates that another student or member of staff may have breached expected standards of behaviour, codes of conduct, or expectations or conditions of their employment, providers will need to investigate the concerns in a way that takes account of the rights of the person complained about to have a fair process. The [Good Practice Framework: Disciplinary procedures](#) gives guidance relating to students.
123. When a student has complained to their provider about the behaviour of another student, the provider has the same duties and obligations to each of the students involved. Providers should take all reasonable steps to make sure that they treat each student fairly and should support both students through the process. It is good practice to identify separate members of staff to act as sources of support and advice for the students.
124. It is good practice to explain to reporting students how they will be involved in the process of investigating the complaint. The extent of their involvement will depend on the unique circumstances of the case and should take account of the provider's responsibilities relating to safeguarding, data protection, and employment law as well as the views of the individuals involved. Providers should explain whether, when and how the reporting student will have opportunities to make further statements or respond to evidence gathered. It is good practice to explain whether the reporting student may attend all or part of a hearing, and how their evidence will be shared with the responding person and with decision-makers. It is not usually good practice to allow reporting and responding parties to cross examine one another directly in hearings.
125. Data protection legislation does not completely prevent providers sharing information about a responding person's disciplinary process with the reporting student. There are benefits to the reporting student, and to the student community as a whole, in being open about how complaints about student or staff behaviour have been considered.
126. Nevertheless, providers must think carefully about [individuals' rights to privacy](#). It is good practice to document reasons for deciding what information can or can't be shared.

127. Whether the complaint is handled under the complaints procedure or referred to a separate procedure for the allegations to be investigated, the student who made the complaint should receive a resolution to that complaint. It is good practice to consider including the following information:
- What steps were taken to investigate the complaint;
 - A summary or high-level description of the evidence made available to the decision-maker(s), or a copy of that evidence;
 - Who made the decision(s);
 - What measures may be put in place to prevent the issue that led to the complaint happening again;
 - If the behaviour is found to have had an adverse impact on the reporting student, a remedy for that impact.
128. Providers should set out clearly whether and how a student can challenge the outcome of their complaint about the behaviour of another student or member of staff. It is unusual to allow a reporting student to make an appeal that directly challenges the penalty applied to another student or member of staff through a disciplinary procedure. It is good practice to allow students to ask for a review of the outcome of their complaint. Typical grounds for requesting a review might include:
- Concerns about the fairness of the procedures followed at the formal stage, including bias or the perception of bias;
 - Concerns about whether the actions taken to support the reporting student going forward are reasonable;
 - new evidence that could make a difference to the outcome and that the student could not reasonably have provided earlier in the process.

Group complaints

129. Providers should allow students to complain or appeal as a group where the issues raised affect more than one student. Group cases are most likely to relate to a service or facility delivered by the provider, and will often involve students studying on a particular module, course or pathway, that use the same facilities. But students on very different courses of study may also make group complaints where they share a source of dissatisfaction with their experience, for example, if they are affected by a closure of leisure or support facilities.
130. Group academic appeals are more unusual. Normally a provider would consider any [circumstances](#) that have had an impact on the performance of multiple students at or before the meeting of the relevant assessment board. But the provider should be flexible

and allow students who have been affected by the same issues in a similar way to submit a group appeal.

131. A provider should consider whether its complaints procedure is flexible enough to allow it to handle complaints from groups of students in an effective and efficient way, or whether it would be beneficial to introduce a separate process setting out how it will handle group complaints. Providers may wish to set out how they will look at complaints from very large groups of students. Any separate process should reflect the principles and good practice guidance set out in this section of the Good Practice Framework.

Deciding whether to treat the case as a group or individual complaints

132. Students may have a number of well-established routes to raise initial concerns collectively, particularly where the issue complained about relates to an aspect of their academic experience. For example, students may raise issues through student academic representatives or course representatives, or may have opportunities to offer feedback during or at the end of a module. Students may also approach members of staff directly or start a petition. It is important that providers explain to students the limits of any actions arising from these processes, and direct students to a formal complaints process when appropriate.
133. Sometimes students will make a formal complaint having already identified themselves as a group. It is good practice to operate procedures in a way that reduces the administrative burden on students and staff, for example, not requiring every student in a group to make individual submissions to initiate the process. But a provider can take reasonable measures to check that any students named in a group complaint are aware of the complaint and have actively agreed to be part of it.

Case study 12: Making a group complaint

A provider receives a complaint from the representative of a group of students naming 50 other students in their cohort as signatories to the complaint. Instead of requiring everyone to submit an individual complaint form, the provider asks the representative to circulate a copy of the complaint form to the group. It explains that each student who wants to be part of the group complaint should send an email from their own student account to the complaints team confirming their student number, that they are aware of the content of the complaint and that they accept the declaration of consent on the back of the complaint form.

134. It is normally reasonable to expect students to follow any steps set out in the procedure for making a group complaint and to require students to opt-in to the complaint. Providers don't have to notify students that a group complaint has been submitted or encourage them to join it. But it will often be easier to manage a complaint if the provider tries to establish at an early stage whether other students have also been affected by the issues and are likely to be joining the group. The students' union or other student representatives might be able to offer students support in organising the group even if they are unable to act as the representative for the complaint.
135. Sometimes, students may want to join a complaint that is already being investigated, or submit individual complaints about the same issues after the provider has made its decision. If their complaint would otherwise be in time under the provider's procedures, it would not be reasonable to refuse to look at it because the student wasn't part of the group from the start. The provider should explain, or should ask the group's representative to explain, how far the complaint has got and whether the student has an opportunity to make individual representations, if they choose to join the existing group.
136. If a provider receives a number of individual complaints about the same issues, it may decide to handle those complaints as a group. But there should be an element of student choice. If a student doesn't want to join the group, or they want to represent themselves in the complaint, they should be able to make an individual complaint.
137. Sometimes students will bring a complaint as a group, but the issues may have impacted the students in different ways. In circumstances like this the provider may decide to split the complaint into sub-groups, for example by organising them into different module or programme groups. The provider may also decide it would be better to handle some of the complaints individually, or to look at remedies individually. For example, an individual student may have been impacted very differently because of a disability or personal circumstances. Or they may give the provider information that they would like to be considered but not shared with other students in the group. It may be reasonable for the provider to reach a decision about the group complaint first, and then respond to individual complaints.
138. The provider can decide it would be pragmatic to allocate any individual complaints to the same investigator and decision-makers, so the core issues of complaint only need to be investigated once and decisions can be made consistently. The investigator's conclusions on the group complaint can feed into outcomes for the sub-groups and any individual complaints, although they may have different outcomes depending on the impact of the issues and the individual circumstances.

Communicating with the group

139. Usually it is helpful for someone to act as a representative for the whole group of students making the complaint. Providers can ask the group to nominate a representative, who will normally be responsible for liaising with the provider on behalf of the other students. It is helpful for providers to set out information about the role of the group representative in the process.
140. Usually a group representative will need to:
- Collect and submit information and evidence from the students, making sure it represents all of the views expressed, not just their own;
 - Liaise with the provider about the process to be followed and explain this to the group;
 - Attend any meetings, discussions or hearings and make representations on behalf of the group;
 - Present any resolution offered by the provider to the group;
 - Accept or reject any solutions offered on behalf of the group.
141. If the group is large the provider may need to be flexible and extend any deadlines in the procedure to give the representative enough time to coordinate the views of the rest of the group. It should also consider allowing the students to nominate more than one representative to help share the work, although it may ask one of them to act as a lead representative and its primary point of contact. The provider should consider speaking with the representative(s) at an early stage to make sure they understand their role and know who to contact if they have any questions about the process.
142. If the students are not able to identify their own representative, the provider may consider whether a member of staff not otherwise involved in the complaint could help the students in this way. For group complaints the provider needs to make sure that students in the group have a proper opportunity to put forward their case whether or not there is a representative.

Responding to the complaint

143. Responding to a complaint brought by a group of students is broadly the same as responding to a complaint brought by an individual. As with any complaint, it's important to focus on properly understanding and addressing the students' concerns, gathering and testing relevant evidence, and where appropriate exploring steps that can be taken to put things right, as early in the process as possible. However, handling a group complaint may need more flexibility; for example, it may be appropriate to gather additional evidence after a hearing takes place. Providers shouldn't overlook opportunities for early resolution, or

mediation or conciliation, just because students have decided to bring a complaint as a group.

Putting things right

144. Where an offer to put things right is made in the context of a group complaint, it's important that the terms of the offer are made clear to the group. The provider should think carefully about whether it is reasonable to make any offer conditional on the whole group accepting it. In most circumstances, conditions like this shouldn't be necessary and students should be able to decide on an individual basis whether any offer provides a satisfactory resolution for them, or if they want to go on to the next stage of the provider's internal procedures or complain to us. Occasionally a remedy might be difficult to implement unless most students are willing to agree to it. For example, a change to a module assessment may be impractical to make if only some of the students were to agree to it.
145. In some circumstances a provider may consider making an offer to or taking some action for students who were not part of the group complaint.
146. Some of the group may accept an offer at the formal stage and decide not to go to the review stage. But sometimes the review stage will result in a different or better offer for the remaining students. Although it doesn't automatically need to extend the new offer to the other students, the provider should nevertheless think about whether it would be reasonable in the circumstances to do that. This is likely to depend on the nature of the complaint and what the conclusions were. For example, if the review stage concludes that the provider has done something substantially wrong, and that wasn't properly acknowledged at the previous stage, the provider still needs to think about how to put that right for the students. The provider should also consider whether the remedy should be offered to other affected students too, even if they didn't join the complaint.

Case study 13: Group complaint – enhanced offer at the review stage

A group of 25 students complained to the provider about delays in their department releasing information about placements for the following year. At the formal stage of its procedures, the provider offered the group compensation for the distress and inconvenience caused by the delays. 10 students accepted the offer and the remaining 15 decided to take the complaint to the review stage. At the review stage the provider upheld the findings of the formal stage but increased the financial offer. The provider decided not to offer the other students the higher amount because the earlier offer was clear and the students could have asked for a review if they were unhappy with the amount.

Case study 14: Group complaint – offering the remedy to all students

A group of 15 students complained to their provider that they hadn't received tuition on a piece of specialist software that was essential to their module. At the formal stage the provider explained that the person with the relevant expertise had left and the provider hadn't been able to recruit a replacement in time. It explained it had already changed the module assessments so the students wouldn't be disadvantaged academically. It did not uphold the complaint. 10 students in the group took the complaint to the review stage. At the review stage the provider acknowledged that it had not delivered something that it had promised in its promotional material and that this hadn't properly been addressed at the formal stage. It apologised and offered to bring in an external expert to deliver a one-day workshop on the specialist software. It extended the apology to all students on the module and invited all students to attend the workshop, not just those that brought the complaint.

147. It may be appropriate for the provider to recognise, in any remedy offered for a complaint, the additional responsibilities taken on by students acting as representatives for large groups.

Completion of Procedures Letters

148. Once the provider has made its final decision, it should issue Completion of Procedure Letters to the students involved in line with our published guidance. Even if the provider has been corresponding with a representative, it is still responsible for ensuring that each student is given a Completion of Procedures Letter setting out its final decision on the complaint and signposting them to the OIA at the end of the process.

Other factors for providers to consider when handling complaints and academic appeals

Maintaining confidentiality

149. Complaints and academic appeals should be handled with an appropriate level of confidentiality, with information shared only with those who need it for the purposes of investigating or responding to the complaint or academic appeal. No-one should be told any more about the investigation than is strictly necessary to get information required from them. It is good practice to remind people involved in the investigation or review of complaints and appeals that there is an expectation of confidentiality, and that they should not share the information.

150. Students can ask for their complaint or academic appeal or elements of it (for example, a statement from a witness or medical evidence) to be kept confidential. Providers will need to balance individuals' requests for confidentiality against the needs of the investigation. It is good practice for procedures to set out the circumstances in which the entire complaint or academic appeal – or elements of it – can be kept confidential. It may be possible to limit the number of people information is shared with or to summarise or anonymise it.

Case study 15: Keeping elements of an appeal confidential

A student makes an academic appeal based on very sensitive personal circumstances. The information is shared only with the Chair of the Exam Board. The Chair is satisfied that the student has good reason for not disclosing the circumstances earlier. The Chair explains to the rest of the appeal panel that the student's circumstances were severe and applied at a particular time. The appeals panel then considers the student's academic profile without needing to see details about the circumstances they had faced.

151. Sometimes students share information during a complaint or appeal process that may be relevant to supporting their continued studies, such as information about a disability. It is good practice to discuss with the student whether and how this information should be shared within the provider.
152. It is not good practice to ask a student to sign a confidentiality agreement or non-disclosure agreement as a part of an offer to settle or resolve their complaint. Such agreements can leave the student feeling that their complaint has not been listened to or taken seriously, and can mean that learning from the complaint is lost.

Expectations of behaviour

153. Some people may have difficulties in expressing themselves or communicating clearly, especially when anxious or upset. Some may find it difficult to identify what impact their behaviour might have on other people. It is good practice to consider making adjustments to complaints and appeals processes to support students in accessing them. But it is also important for providers to provide a safe working environment for their staff and to take account of the negative effect that some behaviour can have on them and their work.
154. It is good practice for providers to have in place policies and procedures setting out:
- the expectation that students, their representatives and staff members should act reasonably and fairly towards each other, and treat the processes themselves with respect;
 - that the provider has a responsibility to protect its staff against behaviour that might have a negative effect on them or their work;

- whether and how concerns about a student's behaviour might be considered under separate disciplinary, fitness to practise or support for study procedures.

155. These policies and procedures will set out examples of behaviour that may negatively affect staff or their work and the circumstances when the provider may decide to restrict access to staff or procedures or take other action. The provider should explain to the student any decision to restrict access, and the procedures for reviewing such a decision.

Complaints and academic appeals that are intended to disrupt or with no serious purpose

156. It is good practice for providers to have their own policies for dealing with complaints or academic appeals that have no serious purpose or that are intended to cause disruption or annoyance. Examples include complaints and academic appeals:

- that the provider has previously considered and decided;
- that are about something which a fair-minded person would consider to be trivial;
- that the student is pursuing in a way that is having a seriously negative effect on the provider's staff or work;
- where the student is looking for a remedy that lacks any serious purpose or value.

157. The provider may decide to terminate consideration of a complaint or academic appeal under this policy. In such cases, the provider should write to the student explaining why it is doing this. The student should be provided with details of how to appeal the decision, for example by taking the matter to the vice-chancellor/principal or a member of the governing body, and any associated timescale. At the end of any appeal process, the provider should issue a Completion of Procedures Letter.

158. Students may be concerned that bringing a complaint that is not upheld may result in action against them under conduct, disciplinary or fitness to practise procedures. It is important to assure students that they will not be penalised for raising a complaint about something they are genuinely concerned about, even if those concerns turn out to be misplaced.

Supporting the student

159. It is good practice to make sure that procedures are available to all students in accessible formats. Providers should consider on a case-by-case basis whether to make reasonable adjustments to procedures to take account of the individual needs of students. It is good practice to keep a record of any adjustments that have been made.

160. Students should be directed towards support services, for example a student representative body, which can provide helpful independent support and advice to those who wish to pursue a complaint or academic appeal. It is good practice to provide students with access to support and advice and, where it is not practical to do so internally, providers should consider making arrangements for students to access support services at neighbouring institutions, partner providers or other local community services.
161. Providers should have in place well-signposted specific support services such as counselling services for students with mental health issues. Where appropriate, providers should also direct students to external services. If a student appears unable to engage effectively with the complaints or academic appeals procedures, the provider may wish to suggest that the student appoints a representative. It may be appropriate to suspend the consideration of a complaint or academic appeal until the student has accessed appropriate support.

Straightforward language

162. Providers should make their regulations and procedures accessible and write them clearly and in straightforward language. Footnotes should be kept to a minimum and acronyms should be defined.
163. Procedures and guidance should be written in English and/or Welsh, as appropriate, and comply with the Welsh Language Standards where they apply. It is reasonable to expect students whose first language is not English (or Welsh) to be able to follow the complaints or academic appeals processes, as these are the languages used for tuition, but providers may need to be sympathetic to individuals who need a degree of language support.
164. To avoid possible confusion, providers should not use job titles such as "ombudsman", "ombuds office" or "adjudicator" to describe the roles of those handling complaints and academic appeals.

Capturing and sharing learning from complaints and academic appeals

165. Complaints and academic appeals are a valuable source of feedback and learning. They can help providers to find ways to improve their services and academic decision making. It is good practice for providers to record all complaints and academic appeals at the formal and review stages as a minimum so that the information can be used for analysis and for management and governance reporting. It's also important to capture learning from complaints and appeals, including from concerns that are resolved at the early resolution stage.

166. A low volume of student complaints is not of itself an indicator of success. Providers that have been successful in establishing an open culture of feedback and partnership with students should expect to receive complaints and appeals. Providers may wish to develop analysis that takes into account other factors including:

- Whether students understand which process to use and use the right one at the right time;
- Whether there are persistent complaints about certain things or common themes in different complaints;
- Whether students' complaints and appeals are handled in a timely way;
- Whether students and their representatives understand the reasons for the provider's decision even if they disagree with it.

Recording concerns, complaints and academic appeals

167. Providers should have their own records management policies which set out how long information about student complaints and appeals should be kept. Providers should usually keep full, detailed records while the issue is being considered and for the time that a student might bring a complaint to the OIA. Providers may decide to record more limited information in other formats for the purpose of sharing learning from complaints and appeals.

168. The information and level of detail that providers record for sharing learning will vary depending on the nature and seriousness of the complaint or the complexity of the appeal. As a minimum, providers should record a summary of the issue or issues raised, relevant dates, and the outcome including a summary of the reasons for any decisions made.

169. Personal information about individual students will need to be removed and care taken to make sure that students are not identifiable in the summary. Where it is not possible to record information about a complaint or academic appeal without identifying the student (for example because the cohort is very small) care should be taken to make sure that only the bare minimum of information is recorded.

170. When information is recorded and used in this way, it helps providers to identify and address the causes of complaints and academic appeals. Providers may identify training opportunities and, where appropriate, improvements can be introduced.

Learning from concerns, complaints and academic appeals

171. Those handling concerns, complaints and academic appeals should always try to make sure that everyone involved understands the conclusions of the investigation and any decisions made.

172. The analysis of management reports on concerns, complaints and academic appeals will help to make sure that any trends or wider issues are quickly identified and addressed. Good analysis will consider not only the complaints and appeals that have been received, but where they have not been received, and any groups of students who are not using the processes. Senior management should make sure that the provider has procedures in place to act on such reports.
173. The reports should be shared with the appropriate committee and officers and the student representative body where relevant. This may be at school or faculty level, or at provider level, and may be through quality assurance or resource groups or committees. The level of information provided in the reports should be proportional to the role of the committee.
174. Appropriate summary information should be given to staff and students, including student representative bodies, on what the provider has done in response to concerns, complaints and academic appeals. This helps to raise awareness of the procedures and build the confidence of students and staff in their transparency and effectiveness.

Accountability for concerns, complaints and academic appeals

175. Senior management should make sure that:
- the provider's final position on a complaint or academic appeal is signed off by someone suitably senior to provide assurance that this is the provider's definitive response and that the student's concerns have been taken seriously;
 - named individuals from senior management maintain overall responsibility and accountability for the management of handling concerns, complaints and academic appeals within the provider;
 - senior management has a clear understanding of, and a role in, the complaints and academic appeals procedures (this will include an oversight role and will not necessarily mean being involved in the decision-making process);
 - mechanisms are in place to ensure a consistent approach to the way information about handling concerns, complaints and academic appeals is managed, monitored, reviewed and reported at all levels in the provider;
 - concerns and complaints information is shared within the provider and used to improve services to students and the student experience;
 - there is appropriate oversight of complaints and appeals at governance level;
 - complaints and academic appeals procedures meet the requirements of relevant regulatory bodies, including the [Office for Students](#) (in England), [Higher Education Funding Council for Wales](#), [Commission for Tertiary Education](#) (in Wales), and other PSRBs that regulate specific course provision.

Annexes

Annex 1: Glossary

Academic appeal - For the purpose of this Framework an academic appeal is a challenge to or request for reconsideration of a decision by an academic body that makes decisions on student progress, assessment and awards. This may include a request to change marks or progress decisions, or final award classifications.

Complaint - For the purpose of this Framework a complaint is an expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider. A complaint can be about any aspect of student life, for example about teaching and learning opportunities, assessments, behaviours, facilities, equipment, and support, advice and accommodation services, whether delivered directly by the provider or by another person or organisation on behalf of the provider. Where a student wishes to challenge an academic decision this is not normally handled as a complaint.

In line with the language of the Higher Education Act 2004, all submissions to the OIA are called "complaints" whether they relate to a complaint or an academic appeal.

Completion of Procedures Letter (often referred to as a COP Letter) - A Completion of Procedures Letter is a letter which a provider sends to a student when they have reached the end of the provider's internal processes, whenever there is no further avenue for the student internally. Normally a student can't complain to us without a COP Letter. We must receive a student's Complaint Form within 12 months of the date of the Completion of Procedures Letter. For example, if the Completion of Procedures Letter is dated 1 January 2022, we must receive the Complaint Form by 1 January 2023.

Concerns - In this Framework "concern" means an issue, query or request for clarification that is raised locally by a student or students.

Conciliation - In conciliation, as in mediation, an independent person (the conciliator) tries to help the people in dispute to resolve their problem. The process is voluntary and confidential. The conciliator should be impartial and should not take sides. The people in dispute are responsible for deciding how to resolve the dispute, not the conciliator. In some conciliation, the conciliator gives an opinion about what is reasonable resolution.

Exceptional circumstances - This Framework describes the processes that should usually apply in higher education providers. In exceptional circumstances it may be appropriate to follow different procedures, for example, where it would be very unfair to the student, or the

student's safety might be at risk, if the procedure is applied strictly. Providers should look at cases individually to see whether there might be exceptional circumstances.

Former student - Students should have access to their provider's procedures for a reasonable period after their studies have concluded or been terminated. Providers' regulations should set out how long a student has after leaving the provider to bring a complaint or academic appeal, and in what circumstances other procedures, such as disciplinary or fitness to practise processes, might apply to them after they have left the provider.

Governing body (or equivalent) - The governing body of a provider is sometimes known as either the board of governors or council. The governing body or its equivalent, is responsible for overseeing the provider's activities, deciding its future direction, and fostering an environment in which the provider's mission is achieved.

Learning opportunities - Learning opportunities refers to how a provider makes its programmes of study available to learners including all modes, levels and places of study.

Mediation - Mediation is a process that is voluntary and confidential. An impartial third party (the mediator) helps people with a dispute to try and reach an agreement. The people with the dispute, not the mediator, decide whether they can resolve their issues, and what the outcome should be. Mediation follows a series of rules or steps that are agreed in advance.

Requests for additional consideration – Students are sometimes taken ill before or during an exam or assessment deadline, or their performance is affected by other unexpected events that are beyond their control. Students are generally able to ask their higher education provider to take these circumstances into account. Most providers in England and Wales have a formal process for this, often called the “mitigating”, “extenuating” or “special circumstances” procedures, or “factors affecting performance”.

Ombudsman – An ombudsman is an independent service that investigates and resolves complaints. [Ombudsman schemes](#) are free to use and impartial in their investigations – so they don't take sides. They make decisions based on what is fair. As well as providing redress for an individual, an ombudsman also identifies any systemic issues and provides feedback to help improve services and complaint handling.

Companies House criteria to register a company name or use a business name with the title "ombudsman" (from 7 April 2015, if not a statutory body) are that it should:

- be certified as a provider of Alternative Dispute Resolution by a competent authority;
- be an [Ombudsman Member of the Ombudsman Association](#);
- have a proven track record in dispute resolution in the relevant sector (normally at least 12 months).

Procedural irregularity - A procedural irregularity is where the procedures and regulations of a provider have not been complied with, giving rise to a complaint or appeal.

Professional, statutory and regulatory body (PSRB) - Professional, statutory and regulatory bodies (PSRBs) are authorised to accredit, approve or recognise specific programmes and courses of study leading to the qualifications of various industries and professions.

Provider – The Framework uses the term "[provider](#)" to refer to any higher education provider in England or Wales that is a member of the OIA.

Reasonable adjustments - Under the Equality Act 2010, where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by

- (i) changing provisions, criteria or practices;
- (ii) altering, removing or providing a reasonable alternative means of avoiding physical features; and
- (iii) providing auxiliary aids.

SCITT – Provider of School-Centred Initial Teacher Training.

Student - The term student includes those taking a course of study, including initial teacher training trainees studying at a SCITT and higher education apprentices. It includes those on an interruption of study, temporary withdrawal or temporary exclusion or suspension and those who have recently left a provider.

Student experience - The student experience refers to all the ways a student interacts with the provider during their course of study. It includes but is broader than the student's learning opportunities.

Student representative body - Student representative bodies, including students' unions, come in all shapes and sizes. They play an important role in supporting students who are unhappy with something they have experienced. Sometimes they can help students and providers to resolve an issue without formal complaints being made. Or they may provide advice or support to a student going through a formal process, sometimes acting as an adviser or representative. Most work with providers to develop and improve regulations and procedures using learning and insights gained from advising and representing students in complaints and appeals. Providers should support and where possible fund student representative bodies so that they can provide this service.

Providers have specific responsibilities for students' unions which are set out in section 22 of the Education Act 1994.

CONSULTATION - Good Practice Framework: Handling complaints and academic appeals

Student's representative - An individual who is authorised by a student to act on the student's behalf through the provider's processes.