

Complaints Procedure for Applicants

Introduction and Principles

1. Durham University aims to provide a high standard and quality of service and to deliver an admissions process that is consistent, fair and professional, but recognises that occasionally things may go wrong. This procedure has been established to deal with complaints in a fair and transparent manner. The University recognises that complaints may provide useful feedback from applicants and, where appropriate, will be used to improve the admissions process.
2. These procedures explain how applicants to undergraduate and postgraduate programmes may make a complaint, both informal and formal. Applicants who have a complaint to make should raise it as soon as possible, as matters that are dealt with informally at an early stage have the best chance of being resolved effectively. Only when the informal procedures have been exhausted and the applicant remains dissatisfied should a formal complaint be made.
3. It is recognised however that there may be occasions where the applicant may consider that an informal complaint is not appropriate and wishes to proceed to the formal stage in the procedure, giving their reasons for doing so. In such situations, the University, taking account of the complaint's particular nature and circumstances, will consider whether an attempt to resolve the complaint informally is appropriate or allow the complaint to be investigated formally.
4. Applicants are encouraged to discuss their complaint with parents or other family members, advisers or teachers. Separate advice before and during any dispute will help an applicant reach an informed opinion. University staff can provide clarification on the process but are unable to provide support in constructing a complaint as this will represent a conflict of interests.
5. Complaints should be brought forward by applicants as soon as possible after the events or actions (or lack of actions) which have prompted the complaint. The University will not consider complaints that are made more than three months after the events complained about unless the applicant provides evidence of an exceptional reason for the delay. If the University requests further information from the applicant it should be provided within 28 days of the request. The University will not consider such information if it is provided more than 28 days after the request from the University unless the applicant provides evidence of an exceptional reason for the delay. The decision on whether to consider a complaint made more than three months after the events or to consider further information submitted more than 28 days after the University's request will be made by the Academic Registrar or nominated deputy.
6. In order to ensure that complaints are considered in an appropriate manner and time lines are adhered to, applicants are expected to provide a concise and clear summary of their complaint, their desired outcomes and any relevant additional information to support their complaint at the time it is submitted to the University. Only in exceptional circumstances will the University accept additional supporting information from the applicant once the investigation has started, save for new information which was not previously available or if specifically requested by the officer considering the complaint.
7. The University expects applicants (as the person best able to communicate any issues of dissatisfaction or adverse effects) to raise matters of complaint with the University and will only

accept complaints raised by third parties on an applicant's behalf in exceptional cases (evidence of mitigation may be required) and only then with the written permission of the applicant to deal with a named third party.

8. The University reserves the right to refuse to investigate or suspend any investigation underway where it becomes aware that legal, court or tribunal proceedings have been initiated in relation to the issues raised in the complaint. Where an applicant wishes to have legal representation, the University will involve its own legal representation and will not continue with discussions as part of the Complaints Procedure for Applicants.

9. Staff at Durham University who have a role in undergraduate or postgraduate admissions are required to know, understand and follow the University's Complaints Procedure for Applicants.

10. Every reasonable effort will be made to deal promptly and efficiently with all complaints, to investigate them thoroughly, objectively and independently and to seek to resolve them satisfactorily. If a complaint is upheld, the University will seek to provide an appropriate response and correct any mistakes or misunderstandings and take any other action as deemed appropriate by the investigating officer. If a complaint is not upheld then reasons for that decision will be given.

11. All complaints will be dealt with in confidence. The University will however need to make enquiries to investigate the matters complained about. An individual (or individuals) against whom a complaint is made has the right to be supplied with a copy of the complaint and to comment on it. A complaint cannot be investigated if the applicant does not wish the substance of the allegation to be made known to the individual(s) concerned. If an investigation is undertaken, the investigating officer may also need to speak to other relevant third parties. All individuals involved in an investigation will be reminded of the requirement to keep the matter confidential.

12. The effectiveness of any complaints procedure depends on the University being able to collect appropriate information from the parties involved in order to investigate the matter. Information about a complaint will only be circulated to appropriate staff on a need-to-know basis. The University expects applicants to keep information relating to the complaint confidential except to those people directly advising or supporting them. No information is disclosed to anyone outside the University, including the applicant's family and key influencers, without the express permission of the applicant or as required by law. Records of the processing of formal complaints will be held centrally and retained in accordance with University records keeping policies.

13. For the reasons outlined in paragraphs 8 and 9, the University will not investigate anonymous complaints formally under this procedure.

14. The University will treat complaints seriously and applicants will not be discriminated against in any further application should they make a complaint under the University's policies and procedures.

15. In all cases considered under this procedure, the balance of probabilities is the test that is applied in determining the outcome of the complaint.

16. An investigation will deal with the main issues of complaint identified by the applicant but it is not expected that the investigator's findings will be able to address in detail all matters raised.

17. Where a complaint is shown to be frivolous, vexatious or motivated by malice, it will not be investigated.

18. The time limits set out in this procedure will be followed as it is in the best interests of the applicant, staff and the University to investigate and conclude matters of complaint as quickly as possible. However, where, for good reason, the University is unable to keep to the normal time limits, all parties will be kept regularly informed of progress and should inform the University where they do not consider extension to timelines reasonable. All parties are expected to comply with reasonable deadlines set by the University and advise the University about any difficulties they may face during investigation. Any delays by one party may impact on other time lines within this process.

Scope of the Procedure

19. This Procedure is for complaints from applicants to undergraduate and postgraduate programmes, including applicants to Foundation Year and pre-sessional English programmes. A complaint is defined as a specific concern related to a procedural error, irregularity or maladministration in the admissions procedures or policies.

Please refer to the [Undergraduate Admissions Policy](#) and the [Postgraduate Admissions Policy](#) for further information.

20. This Procedure does not cover appeals, which are defined as a request for a formal review of an admissions decision. Applicants have no right of appeal against a decision based on academic judgement not to offer them a place at the University. Given the level of competition for places, and without knowledge of all other applications received, there will inevitably be occasions where an applicant disagrees with the decision.

21. This Procedure does not cover complaints about college allocation. Further information about [undergraduate](#) college allocation and [postgraduate](#) college application is available on our website.

22. Stages 2 and 3 of this Procedure are only available for students who have submitted an application to Durham University. Ahead of an application being submitted complaints can only be made using Stage 1 of this Procedure.

23. This Procedure is not available for applicants to Erasmus and Exchange programmes. Complaints concerning admission to these programmes should be addressed to the International Office.

Informal Stage (Stage 1)

24. The University is committed to resolving matters of applicant dissatisfaction informally. In the first instance applicants should raise their concern or area of dissatisfaction through our [Ask us](#) service, explaining clearly and concisely what they are dissatisfied about and why. Matters of dissatisfaction should be raised as soon as possible and delays in raising issues should be minimised.

25. Wherever possible, applicant dissatisfaction should be resolved at this local level, without the need to resort to formal proceedings. Ideally, the resolution should be confirmed in writing with the applicant, who, if appropriate, should also be informed of Stage 2 of this procedure. Where it is not possible to reach a satisfactory resolution to an informal complaint the applicant should be informed of their right to submit a formal Stage 2 complaint. An applicant will be recommended to proceed to the formal Stage 2 if the staff member believes that it would be unprofessional to continue informally, for example if the complaint is on the grounds of discrimination against a protected characteristic under the Equality Act.

Formal Stage (Stage 2)

26. If the applicant is not satisfied with the response at the informal stage or did not consider informal resolution to be appropriate in their circumstances, he or she may initiate a formal complaint by completing all sections of the Complaints Form within three months of the events complained about. The Complaint Form should be submitted to admissions.complaint@durham.ac.uk.

27. In order that the University is able to investigate complaints in a timely, fair and transparent manner, the information provided by the applicant must be clear and concise. To facilitate this, the University has a Complaint Form where the applicant should provide:

- (a) A short (500 word or fewer) statement describing the main issues to be addressed or areas of dissatisfaction. This is the most critical section of the complaint form as any investigation will focus on the main issues raised here;
- (b) A statement detailing actions already taken by the applicant to resolve the matter informally and why the response provided was considered unsatisfactory or reasons why informal action was not considered appropriate in the circumstances;
- (c) The form of resolution or redress sought by the applicant in relation to the main issues.
- (d) If necessary and as briefly as possible, additional related background or contextual details or descriptions of incidents and events raised as the main issues and their impact on the application. Any details or descriptions provided should directly relate to the main issues. Applicants should not expect that any details and descriptions provided here will be directly responded to;
- (e) A list and copies of any documents or information provided in support of the main issues of the complaint. In some cases the University may request to see original documents.

28. The Complaint Form should be signed and submitted electronically together with any supporting information. The Head of University Admissions (or Director of Student Recruitment and Admissions if the complaint is made about the Head of University Admissions) in the Recruitment and Admissions Office will acknowledge receipt of the Complaint Form within ten working days.

29. Upon receipt of a Complaint Form, the Head of University Admissions/Director of Student Recruitment and Admissions in the Recruitment and Admissions Office will conduct a formal investigation into the issues raised in the complaint, in consultation with appropriate staff as necessary. The raising of the complaint and any communication between the applicant and the Head of University Admissions/Director of Student Recruitment and Admissions will be in writing.

30. It is expected that the formal procedure should be completed and a written response sent to the applicant within 42 days of receipt of the completed Complaints Form. The possible outcomes include:

- (a) The complaint is upheld in relation to one or more of the main issues specified by the applicant. A formal review of the application decision may follow if deemed appropriate, but applicants should note that any review may not necessarily change the outcome. The applicant will be informed in writing of the decision and any resolution;
- (b) The complaint is dismissed in relation to all the main issues specified by the applicant and reasons are given to the applicant in writing.

31. In all cases where the applicant remains dissatisfied with the outcome, they will be informed of their right to request a review of the decision under Stage 3 of this procedure, the timescales for doing so and the grounds on which they may request a review. Where the University does not receive additional enquiries or requests from the applicant within the applicable timescales it will consider the matter closed and the applicant will not be permitted to progress their complaint to Stage 3.

32. A copy of the letter to the applicant informing them of the outcome of their complaint and all information relevant to the decision of the Head of University Admissions/Director of Student Recruitment and Admissions in the Student Recruitment and Admissions Office will be retained by the Recruitment and Admissions Office for a period defined by the University's Records Retention Policy.

Review Request (Stage 3)

33. If the applicant remains dissatisfied with the outcome of the Stage 2 complaint and believes that the complaint has not been handled properly or fairly according to these procedures, the applicant may request for a review by writing to the Director of Student Recruitment and Admissions within 14 days of receipt of the Stage 2 outcome. The request must state the grounds for requesting a review and include details of the resolution they are seeking.

34. The grounds for review of a Stage 2 complaint outcome are limited to the identification of a procedural irregularity during Stage 2, provision of new material evidence together with a valid reason for why it was not previously submitted and consideration of whether the outcome reached was reasonable in all the circumstances.

35. Receipt of the request for a review will be acknowledged within ten working days. The Director of Student Recruitment and Admissions will review the case in light of the review request submitted by the applicant and all the information considered by the Head of University Admissions (where the complaint was dealt with by them) in the Recruitment and Admissions Office in reaching an outcome at Stage 2. The Director of Student Recruitment and Admissions (or the Academic Registrar if the Stage 2 complaint was dealt with by the Director of Student Recruitment and Admissions) may decide to seek further information from the applicant and/or others concerned or to inform the applicant of any limitations on the scope of a review.

36. Taking account of the substance of the review request and the outcome of Stage 2, the Director of Student Recruitment and Admissions (or the Academic Registrar if the Stage 2 complaint was dealt with by the Director of Student Recruitment and Admissions) will then decide on an appropriate outcome. The applicant will be notified of the decision within 28 days of receipt of the request for a review and provided with a response that clearly sets out the reasons for each decision.

37. If the Director of Student Recruitment and Admissions or Academic Registrar upholds one or more aspects of the review request the applicant will be provided with information about implementation of any remedy.

38. If the Director of Student Recruitment and Admissions or Academic Registrar as appropriate dismisses the complaint there shall be no further opportunity for the complaint to be pursued within the University. The applicant will be provided with a completion of procedures letter.

Monitoring:

39. An annual report on admissions complaints will be made to the University's Education Committee.

Contacts:

Informal (Stage 1) communications should be sent to [Ask us](#).

Formal (Stage 2) complaints should be sent to: admissions.complaint@durham.ac.uk

This procedure is based on good practice formulated by Supporting Professionalism in Admissions (SPA) and shown elsewhere in the UK University sector. Where appropriate it also aligns with Durham University's Complaints Procedure for Students.

(Last update May 2020)