

# Complaints Procedure for Students

## Guidance for Completing the Complaint form

This guidance should be read in conjunction with the Complaints Procedure for Students available at:

[https://www.dur.ac.uk/university.calendar/volumei/codes\\_of\\_practice/complaints\\_procedure\\_for\\_students/](https://www.dur.ac.uk/university.calendar/volumei/codes_of_practice/complaints_procedure_for_students/)

### 1. Personal Details

The complaints procedure expects students to raise matters of complaint on their own behalf and the decision whether to make a complaint rests with you. Third party complaints will only be investigated in exceptional circumstances, and we will require your written consent.

Please be assured that by submitting a complaint the University will not take actions to against you or make allegations in response to a complaint except if misconduct is uncovered in the course of investigating the complaint.

Your complaint will be dealt with in confidence. However, the University will need to make appropriate internal enquiries to investigate the matters that are the subject of the complaint on a need-to-know-basis. If your complaint is about a specified member of staff, that member of staff has the right to be supplied with a copy of the complaint and, if necessary, to provide a response to your complaint.

### 2. Contact Information

Your complaint will be dealt with by email from the University to your University email account. Please contact us by email at [student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk), using your University account. We do not use non-University email accounts if you have a University email account. If you do not have a University email account, you may use another email account for correspondence with us.

### 3. Disability

Please contact your College Student Support Office or the Students' Union for assistance if you have a disability or a long-term health condition and need additional support or assistance to use this form or the complaint procedure. Please also indicate on the Complaint Form if you have a disability that has been registered with the University's Disability Support service.

If the substance of your complaint is about the level of support you received for your disability or the degree to which support was put in place by the University please use the subsequent 'Complaint Summary' section of the complaint form to outline your concerns.

### 4. Complaint Summary

This is the most critical section of the complaint form as any investigation will focus on the main issues raised here. The 500-word limit of this section is in place to encourage you to think carefully and critically about what your complaint is about and the main issues and areas of dissatisfaction you wish to address. A concise and clear summary of your complaint assists in ensuring that the investigation will focus on the main issues of your

complaint and that timescales are met. It is helpful to provide the dates of key events and the name, title or responsibility of staff members involved in your complaint. If you do not raise issues in this section they may not be responded to as part of an outcome to any investigation.

Where your complaint summary exceeds 500 words or it is unclear what your complaint is about, we may not be able to start an investigation. In these cases you would be informed of advice and guidance available to you and required to amend and resubmit the form by a specified deadline.

Section 7 of the complaint form is available for you to provide additional relevant details of the main issues of your complaints summarised in this section.

## **5. Informal Complaint Action (Stage 1)**

### **Completing the complaint form**

Please provide details of actions you have taken informally to approach and discuss the issues summarised in section 4 with the source of your dissatisfaction or other appropriate members of staff. Other appropriate staff may include members of support staff or the Students' Union who can provide you with advice and assistance to raise matters of dissatisfaction. It is important to provide details of what issues you raised and when as this will assist to confirm that you have taken appropriate and reasonable action and have submitted your complaint within the 28-day timescales.

If informal discussions are taking too long (more than a few weeks) or there is particular urgency in your case, you should make that clear in this section as a reason for not completing the informal stage. Where a proposal to resolve your dissatisfaction informally was made please provide your reasons for why it was not acceptable.

Occasionally students believe that their case is not suitable for informal resolution and proceed directly to the formal stage by submitting a complaint form. If you believe informal resolution is not appropriate in your case you will need to provide reasons why. However, the University may decide and inform you that prior to considering a complaint formally at Stage 2 it should be dealt with informally in the first instance. You would be provided with advice and assistance on how to do so.

### **Notes for consideration about informal complaints:**

You should raise matters of dissatisfaction as soon as possible, and as close as possible to the source of your dissatisfaction, as complaints that are dealt with informally at an early stage have the best chance of being resolved effectively. The University is committed to resolving matters of student dissatisfaction informally as this enables a prompt investigation and resolution to the mutual agreement of all parties.

You should not delay expressing your dissatisfaction to a staff member. By raising a matter with a staff member you will not be disadvantaged, and action will not be taken against you (except in the rare case where misconduct may be uncovered in the course of looking into your complaint, in which case the [General Regulations IV - Discipline](#) may apply, or where issues arise in relation to the [Code of Practice on Student Behaviour in Appeals and Complaints](#)). Staff members will engage with you about a complaint to seek a mutually acceptable and reasonable outcome in the circumstances.

In some cases, students may not consider it appropriate to approach the person directly responsible for their complaint. In these cases, you should approach an alternative appropriate staff member such as their line manager or head of that staff members

department. There is also guidance available on the [complaints webpages](#) concerning sources of assistance for discussion about potential complaints.

<https://www.dur.ac.uk/academicsupport.office/appeals/>

## **6. Resolution**

You should use this section to describe the outcomes you would like to see implemented should parts of your complaint be upheld. Any outcomes stated by you should be carefully considered, reasonable in scope and within the University's ability to fulfil. You may wish to seek advice and assistance about reasonable outcomes and may contact an appropriate member of staff or the Students' Union to discuss. Some potential or frequently cited outcomes made in the past are listed below.

### **Outcomes requested in the past:**

- Formal apology from the University
- Reconsideration of an academic decision in light of new evidence
- Reconsideration of reasonable adjustments in light of a disability
- Changes to departmental procedures or service provision
- Refund or compensation for distress and inconvenience (please see below)
- Additional training for members of staff in one or more areas of University responsibility

### **Outcomes that cannot be considered:**

#### *Academic Judgement:*

It is not possible for a complaint considered under this procedure to reach a decision that interferes with the normal operation of academic judgments made by Boards of Examiners or other staff members or bodies with authority to make academic decisions delegated by Senate. A decision can only be reached that your circumstances or evidence that relevant procedures were not followed or not followed correctly lead to a decision that was not made in light of all available information. This would normally lead to the details of your complaint, supporting evidence, and the outcome report being referred back to the decision making body for reconsideration in light of new evidence. Please see [General Regulations VII – Academic Appeals](#) for the University's definition of academic judgement.

#### *Breaches of Law:*

It is not possible for a complaint considered under this procedure to reach a decision that a member of staff should be disciplined or removed from post as this decision would need to be made in accordance with University Human Resources policies, UK Law and EU Directives. Likewise, it is not possible for a complaint outcome to determine whether the University breached any UK Law or EU Directive as these decisions are reserved for the courts. A complaint will only be able to determine whether or not, in light of the matters raised in the complaint, the University provided a service to a student which was in accordance with its own internal policies and procedures.

#### *Financial Compensation:*

If you are requesting financial compensation, please note that the complaint process will consider refunds of payments previously made to the University in circumstances where services were not provided or were found to be inadequate. Compensation may also be considered in cases where you are able to specify distress and inconvenience you have experienced as a result of University actions or inactions. Other forms of compensation such as compensation for future loss of earnings or other expenses that you may have encountered as the result of accepting a place for study at the University will not normally be able to part of an outcome to the complaint process. If you are offered a refund or distress

and inconvenience compensation as part of a complaint outcome, you would be required to verify by signature that you accept the refund or compensation in full and final settlement of your complaints. Additional terms may also be applied as necessary with respect to an individual case. You would therefore not be entitled to make further use of the University's internal complaints procedure. This may affect your rights to complain to the OIA or pursue any legal action against the University.

## **7. Additional Complaint Information**

If necessary, you should use this section to briefly provide additional factual information to support your complaints summarised in section 4. It is not necessary to describe any events complained about in great detail but, when completing this section, it is helpful if you were able to relay any events described in order of the date/time they occurred. You should not expect that the complaint report will specifically comment on the events mentioned by you in this section; however they may be referred to in a more general way. A balance of probabilities is the test that is applied in determining the outcome of the complaint where factual information may be disagreed.

## **8. Supporting Information**

In addition to copies of supporting information, you should provide a descriptive list of the information you are submitting in support of your complaint. By providing a list of information you help the University (and yourself) to ensure that it has received all the documentation. You should specifically refer to information submitted and how it supports your complaints in the appropriate sections. Where you do not refer to information specifically, we may not be able to make a link between it and your complaint. In other words, information not specifically referred to may not be considered relevant to your complaints.

If you are not able to submit information to support your complaint, you should provide an explanation for why it was not possible in the circumstances. There are valid situations where it is not possible to provide supporting information. Your complaint would not normally be refused on this basis alone but it may limit the ability of the University to investigate your complaint or support an outcome in your favour.

In some cases you may be asked to submit original documents for review but these will be returned to you by registered post. You should retain a copy of any supporting information you submit.

## **9. Declaration and complaint submission**

It is very important that you have read and understood the Complaints Procedure for Students prior to signing the complaint form and submitting it. If you have questions about any part of the procedure you should make any enquiries prior to submission from an appropriate member of the University or the Students' Union. Information about sources of support is available at: <https://www.dur.ac.uk/academicsupport.office/appeals/>

The University will not be able to investigate a complaint where you wish to remain anonymous or where you refuse to permit your complaint to be provided to appropriate members of staff for investigation. In order to properly investigate a complaint it is necessary for staff members who may be the subject of the complaint, or are responsible for responding to the substance of the complaint, to know the identity of the complainant. Please refer to the guidance in section 1 of this document.

Please submit the complaint form electronically to [student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk). We aim to acknowledge receipt within 7 days.

(Last updated 2020)