

## COMPLAINTS POLICY

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We regularly review and update our regulations and policies, including this policy. Accordingly, the following changes have been made from the Complaints Policy in place during the 2020-2021 academic year.

Clause(s)	Description
5.4	Update to the information about vexatious and malicious complaints.

### Key facts

You should familiarise yourself with the entirety of this policy, and we would particularly draw your attention to the following elements:

Clause(s)	Description
1.2	Complaints must be submitted as per the Complaints Procedure, to allow the University to deal with concerns as quickly and efficiently as possible, and ensure parity for all parties involved. The University expects all parties involved in the raising and investigation of a complaint to act reasonably and fairly towards each other in the spirit of conciliation, and to treat the procedures with respect.
2..2	<p>You should raise your complaint as soon as possible after the specific issues and/or events against which you wish to complain occurred, and within the timescales stated within the Complaints Procedure. This process allows the University to investigate and respond to your claims and, where necessary, make changes. If significant time has passed since the issues/events about which you wish to complain took place, it may be difficult and/or impossible for the University to conduct a fair and proper investigation into the circumstances and details of the complaint.</p> <p>If there is a delay in submitting a complaint, you may be asked to explain the reason for the delay. If you do not have a valid reason, your complaint may be determined to be out of time, and will not be investigated.</p>
2.3	Complaints cannot be made anonymously. If another person is named in a complaint, they have a right to know what is being alleged, and to know who is making the complaint. However, all complaints will be dealt with sensitively, in the spirit of conciliation, and as far as possible, confidentiality will be maintained.

## Key facts continued

Clause(s)	Description
2.8	Every complaint will be carefully considered and you will be told the reasons for any decision. The University aims for the Complaints Procedure to find a satisfactory resolution to any problems. However, please be aware that the consideration of a complaint will not always produce your desired result, as provision of some results and/or services may be dependent on resources or policy decisions at University or national level.
4.1	The University's relationship is with you as a student, irrespective of who pays your fees. The University will not deal with a third-party complaint made on your behalf if unless there is a valid reason, for example, a reasonable adjustment for a diagnosed disability. In cases where a third party complaint is appropriate, you will be required to complete a Third Party Consent Form in order to formally authorise a third party (such as a parent or guardian, carer, spouse or significant other) to act on your behalf. Where a <a href="#">Third Party Consent Form</a> is received, the University will only correspond with the individual authorised to act on your behalf.

This policy should be read in conjunction with the [Complaints Procedure](#).

This policy applies to any student, prospective student and applicant of Falmouth University in receipt of a direct service from the University.

Definitions:

- **You/Your** means a student, prospective student or applicant of Falmouth University
- **We/Us/Our/The University** means Falmouth University

The Complaints Policy is managed by the Quality Assurance and Enhancement (QAE) team, which is responsible for the effective development, implementation and management of the University's policies, procedures and processes. QAE may be contacted at [QAE@falmouth.ac.uk](mailto:QAE@falmouth.ac.uk).

You can get free, impartial, confidential advice on this policy from the Falmouth & Exeter Students' Union: [advice@thesu.org.uk](mailto:advice@thesu.org.uk) | 01326 255 861 | drop in at the SU reception.

## 1 Introduction

1.1 The levels of service that you can expect from the University are outlined in course information and other publications and on the University's website. Where you believe the University has failed in its provision of this level of service, and you are a student, prospective student or applicant of Falmouth University in direct receipt of said provision, you may wish to submit a complaint.

- 1.2 Complaints must be submitted as per the Complaints Procedure, to allow the University to deal with concerns as quickly and efficiently as possible, and ensure parity for all parties involved. The University expects all parties involved in the raising and investigation of a complaint to act reasonably and fairly towards each other in the spirit of conciliation, and to treat the procedures with respect.
- 1.3 If a complaint is received by the Vice-Chancellor, the Chair of the Board of Governors, or another such office-holder, it will be referred to the Head of Quality Assurance & Enhancement who will ensure that it enters the procedure at the appropriate point.
- 1.4 The Chancellor has no role with regards to the receipt or consideration of student complaints; any complaints sent directly to the Chancellor will not be investigated. The University will not forward any letters of complaint to the Chancellor.
- 1.5 This complaints policy is part of the University's process of quality review and improvement. Complaints are considered as useful feedback rather than criticism and are valued. Any comments about this policy should be referred to the Head of Quality Assurance & Enhancement via [QAE@falmouth.ac.uk](mailto:QAE@falmouth.ac.uk).

## **2 Policy detail**

- 2.1 You should raise your complaint as soon as possible after the specific issues and/or events against which you wish to complain occurred, and within the timescales stated within the Complaints Procedure. This process allows the University to investigate and respond to your claims and, where necessary, make changes. If significant time has passed since the issues/events about which you wish to complain took place, it may be difficult and/or impossible for the University to conduct a fair and proper investigation into the circumstances and details of the complaint.

If there is a delay in submitting a complaint, you may be asked to explain the reason for the delay. If you do not have a valid reason, your complaint may be determined to be out of time, and will not be investigated.

- 2.2 As far as possible complaints should be raised initially with a relevant member(s) of staff. Every effort will be made to facilitate early resolution and it should be possible for the majority of complaints to be resolved quickly and effectively at this informal level.

If you make a complaint which has not been raised informally in the first instance, it may be referred back to the early resolution stage if appropriate.

- 2.3 Complaints cannot be made anonymously. If another person is named in a complaint, they have a right to know what is being alleged, and to know who is making the complaint. However, all complaints will be dealt with sensitively, in the spirit of conciliation, and as far as possible, confidentiality will be maintained.
- 2.4 A complaint involving alleged misconduct of a Falmouth University student will be referred to Student Services to determine whether any action is required under the Student Disciplinary Policy and Procedure.

- 2.5 A complaint involving alleged misconduct of a member of staff will be referred to the Head of Employee Relations and Business Partnering, Human Resources, to determine whether any action is required under the University's Disciplinary Policy for staff.
- 2.6 You should be aware that where a serious allegation against a student or a member of staff is made, the University may have a duty to investigate the case, regardless of whether you wish to formalise your complaint. It may also be necessary to refer some serious complaints to Student Services/Human Resources even where these have been reported outside of the timescales set out in the Complaints Procedure.
- 2.7 Whatever the nature of your complaint, you can expect it to be dealt with fairly and in accordance with the University's policies and procedures. The time limits set out in the Complaints Procedure will normally be followed; however, where this is not possible, you will be kept informed of progress.
- 2.8 Every complaint will be carefully considered and you will be told the reasons for any decision. The University hopes that the Complaints Procedure will enable you to find a satisfactory resolution to any problems. However, please be aware that the consideration of a complaint will not always produce your desired result, as provision of some results and/or services may be dependent on resources or policy decisions at University or national level.
- 2.9 You will not be discriminated against or suffer any recrimination as a consequence of making a complaint.

### 3 **Collaborative partners: complaints involving more than one provider**

A 'collaborative partner' is any provider who delivers courses for which the University is the named Degree Award Body.

- 3.1 For **validated provision**, where you are studying for a Falmouth University qualification, but are enrolled and registered on a course that is owned and delivered by a collaborative partner, you will be subject to the collaborative partner's complaints policy and procedure in the first instance. The collaborative partner is responsible for issuing you with a Completion of Procedures letter. You will have recourse to the Office of the Independent Adjudicator (OIA) after the collaborative partner's internal procedures have been exhausted.

Exceptionally, where the complaint concerns academic standards at the collaborative partner (e.g. the quality of teaching), the University may decide to review the complaint under Step 3 of its Complaints Procedure. You will be notified of this decision in writing and, in such cases, the University will issue the Completion of Procedures letter.

- 3.3 For **franchised provision**, where you are enrolled at the University and registered on a University-owned course, but the course is delivered by a collaborative partner, you will be subject to the collaborative partner's complaints policy and procedure in the first instance.

Where the complaint concerns academic standards at the collaborative partner (e.g. the quality of teaching) the University will review the complaint under Step 3 of its Complaints Procedure. You will be notified of this decision in writing and, in such cases, the University will issue the Completion of Procedures letter. You will have recourse to the OIA after the the University's Step 3 procedures have been completed.

- 3.4 Complaints about professional services, such as accommodation, recreational/catering services, and pastoral care should be directed to the collaborative partner. In such cases, the collaborative partner is responsible for issuing you with a Completion of Procedures letter.

#### **4 Provision delivered by Falmouth University on behalf of other awarding bodies**

- 4.1 Any complaints regarding provision delivered by the University on behalf of another awarding body should be directed to QAE in the first instance.

#### **5 Matters which are not covered by the University's Complaints Procedure**

- 5.1 Some issues cannot be dealt with under the Complaints Policy. For example, this policy cannot be used to appeal against a decision made under the Student Disciplinary Policy or by an Assessment Board. Students wishing to make an appeal should read the **Appeals Policy and Appeals Procedure**.

- 5.2 Complaints about services provided by other organisations should be directed to those providers for resolution.

- 5.3 All students are expected and required to be aware of and abide by the University's regulations, policies and procedures, and ignorance of any particular regulation, policy or procedure is not valid grounds for complaint.

For example, the Fees Policy states that tuition fees are payable for each year of study and are subject to annual inflation-linked increases. Complaints may not be submitted on the grounds that you do not agree with the advertised fee increase against which you have enrolled.

- 5.4 If any aspect of your complaint is shown to be malicious, dishonest and/or vexatious, the complaint will not be considered. Examples include:

- complaints which are obsessive, harassing, or repetitive
- insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- insistence on pursuing what may be meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress which lack any serious purpose or value.

If your complaint is deemed to be malicious, dishonest and/or vexatious the University will issue a Completion of Procedures letter. Depending on the

circumstances you may also and you may be referred to the University's Student Disciplinary Policy and Procedure.

## **1 Third party communication**

4.1 The University's relationship is with you as a student, irrespective of who pays your fees. The University will not deal with a third party complaint made on your behalf if unless there is a valid reason, for example, a reasonable adjustment for a diagnosed disability. In cases where a third party complaint is appropriate, you will be required to complete a Third Party Consent Form in order to formally authorise a third party (such as a parent or guardian, carer, spouse or significant other) to act on your behalf. Where a [Third Party Consent Form](#) is received, the University will only correspond with the individual authorised to act on your behalf.

4.2 In line with the provisions of the General Data Protection Regulations, the University has a policy on the confidentiality of information held about individual students. Therefore, information relating to an complaint cannot be released to a third party other than when required by law or with the written consent of the student. If you would like to give your consent for the University to discuss your complaint with a third party, please complete a [Third Party Consent Form](#).

## **6 Public Interest Disclosure Policy**

6.1 The Board of Governors has approved a procedure under the *Public Interest Disclosure Act 1998*, which is consistent with its commitment to conduct its affairs in a responsible and transparent way. The procedure provides a means by which a member of the University (Governors, the President of the Students' Union, staff and current students) can disclose information, which they believe shows misconduct or wrongdoing within the University, without fear of reprisal.

6.2 A copy of the procedure and further advice and guidance on invoking the procedure and the scope of the Act can be obtained from the Secretary to the Board of Governors, the University's Human Resources Department, or the Students' Union.

## **7 Policy and Procedural Review**

7.1 QAE submits an annual report regarding complaints to the Academic Quality & Standards Committee.

## VERSION CONTROL

PURPOSE/CHANGE	AUTHOR	DATE
Original document for approved at AQSC.	QAE	26/05/2016
v1.2 Updates to the clause below following approval at Academic Board: 1.3	QAE	12/07/2017
Minor amendments to 2.5 and 6.2 (references to role of Registrar)	QAE	28/08/2018
TBC: Rewritten in student-facing language, clarification of circumstances where complaints can and cannot be made, changes to third party appeals, following approval at AQSC	QAE	22/07/2020
Update to clause 5.4 following approval at AQSC	QAE	21/07/2021