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COMPLAINTS POLICY AND PROCEDURE

# Key Details

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| **IMPLEMENTATION DATE** | 07 Oct 2009 |
| **POLICY OWNER (JOB TITLE)** | Director of Registry Services |
| **UNIT / SERVICE** | Registry Services |
| **CONTACT EMAIL** | complaints@cardiffmet.ac.uk |

# Version Control

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Complaints Policy and Procedure

# Policy Statement

## The University is committed to providing high quality services and facilities for students, staff and the general public. Integral to this is monitoring and evaluating those services to enhance quality and to ensure specified standards are met.

## The University has in place a variety of mechanisms to ensure that students, staff and public have the opportunity to participate fully in the development and improvement of services and it is expected that all parties will take full advantage of these in making their views known.

## The Complaints Policy and Procedure is available for use by students, staff and members of the public.

## The University recognises that there may be occasions when ordinary feedback mechanisms are not sufficient to deal with problems. It is for this reason that a formal Complaints Policy and Procedure has been established.

# Definition of a complaint

## A complaint is defined as an oral or written expression of dissatisfaction or concern someone may have about policies, processes, facilities or services provided by the University or about actions or lack of actions by the University or its staff.

## This does **NOT** include:

## harassment and bullying (use Harassment and Bullying Procedure)

## academic decisions (use Verification and Appeals Procedures)

## Student Union procedures

## disciplinary or misconduct matters (use Student Disciplinary Procedure)

## financial matters (refer to Finance Department)

## staff grievance procedures (refer to Human Resources Department)

## Freedom of Information Act and Environmental Information Regulations (Use FOIA/ Environmental Regulations Procedures)

## These issues are covered by separate procedures, but if in doubt advice may be sought from the Complaints Manager at the address at the end of this document, who will advise on which procedure to follow. If an appropriate procedure is not available or there is doubt about which one is most suitable, then the Complaints Procedure will be adopted.

## Where a complaint relates to provision at a Collaborative Partner Institution, the complaint should be raised through local procedures, before raising a complaint with the University.

## Where a complaint involves more than one School/Unit, one will undertake the Complaint investigation. This will be agreed between the Schools/Units and the Complaints Manager.

## Where an issue involves aspects that are covered by more than one procedure, it would not be prudent to have more than one investigation into a case running concurrently. In this situation, the Complaints Manager will write to the complainant advising of the situation and clarifying the approach that will be adopted. This will vary depending on the facts of the case, but the decision will always be explained to the complainant and they will be given an opportunity to object. For example, it is usually in the best interests of the complainant to have an Application for Verification investigated before a complaint, due to the time limits involved in each process.

## The Rules of Natural Justice will be observed in all complaint investigations to ensure that the complaint is investigated and processed fairly, that there is no bias and that the complainant is given the opportunity to state their case, having been appraised of all relevant facts.

#  Purpose of the Complaints Procedure

## The purpose of the procedure is to provide a route through which a complainant, as a student or member of staff or member of the public, can bring a complaint to the attention of the University.

## The procedure aims to:

## be accessible;

## encourage informal conciliation and resolution nearest to the source of the complaint;

## allow speedy handling, within established time-frames;

## ensure full and fair consideration of complaints;

## respect complainants’ confidentiality;

## provide an effective and appropriate response;

## support the right of the complainant to be accompanied at any stage of the procedure;

## contribute to the University’s performance measurement;

## identify areas of weakness in order to support the University’s development and improvement;

## ensure compliance with good practice and guidance issued by the Office of the Independent Adjudicator (OIA).

# Who is responsible?

## The Deputy Vice Chancellor has overall responsibility for the University’s Complaints Procedure, including reviewing, monitoring and reporting upon its implementation.

## The Complaints Manager has day-to-day responsibility for the delivery and management of the Complaints Procedure.

# Welsh Language Standards

## The University supports the principles of the Welsh Language (Wales) Measure 2011 and has adopted the principle of treating the English and Welsh language equally.

## The University is fully committed to meeting the Welsh language standards set under the powers provided in the Welsh Language (Wales) Measure 2011 and to ensuring that the Welsh language has equal status.

## In line with those standards the following principles apply:

### This policy and procedure is available in Welsh.

### Complainants can submit complaints and correspondence in Welsh.

### A member of staff can respond in Welsh to any complaint made about them and the University will advise them of their right to do so.

### Where any complaint is made in Welsh any written response to that complaint will be provided in Welsh.

### Where any formal meetings are required under this policy and procedure the complainant and respondent will be offered the opportunity to use the Welsh language at the meeting.

### A translation service from Welsh to English will be provided for any formal meetings that are requested through the medium of Welsh, with a simultaneous translation service from Welsh to English where meetings are conducted in the medium of Welsh.

### When the University informs a complainant of a decision and / or an outcome that has been reached in relation to a complaint made by them, this will be made available in Welsh where that complainant:

### brought the complaint in Welsh;

### asked for a formal meeting to be conducted in Welsh;

### asked to use the Welsh language at a meeting about a complaint.

### Where the University informs a member of staff of a decision or outcome that has been made in relation to a complaint made about them, this will be made available in Welsh where that employee:

### Responded to a complaint about them in Welsh

### Asked for a formal meeting a about a complaint to be conducted in Welsh

### Asked to use the Welsh language at a meeting about a complaint.

## The complaints procedure specified in this policy document can be used to bring a complaint against the University’s compliance with the Welsh Language Standards. This includes (but not limited to) policy making and operational standards. The use of this complaints procedure is in addition to a complainant’s rights to take a complaint about the University’s compliance with the Welsh Language Standards to the Welsh Language Commissioner:

##  <http://www.comisiynyddygymraeg.cymru/English/My%20rights/Pages/Making-a-complaint.aspx>

## The Complaints Manager will keep a record of all complaints received about the University’s compliance with the Welsh Language Standards, or any written complaint that relates to the Welsh language.

## Any individual who is involved in translation services, will treat any completed complaint form, correspondence, discussions and meetings that they are involved in, in strict confidence.

# Supporting Disabled Students

## For students with a disability under the Equalities Act 2010 support is specifically available from the Student Services department. Advice and representation is also available from the Students’ Union in bringing a complaint forward. The Complaints Manager can also provide assistance and information on the Complaints Procedure.

## This support is available whether, or not a complaint is in relation to a breach of the Equalities Act 2010.

## The Complaints Procedure can be used by students who are currently on a period of suspension from their studies. This covers a period of either voluntary suspension, or suspension imposed under the University’s Fitness to Study Procedure, or Student Disciplinary Procedure.

## The Complaints Procedure can be used by disabled students who do not agree with the University about the support which the University has made available to them following a Disabled Students Allowances (DSA) assessment.

# Ground Rules

## Before making a formal complaint, an attempt must be made to resolve the matter informally with the relevant person or through her/his line manager or the Complaints Manager.  **Appropriate action must be taken to prevent unnecessary escalation of the complaint.**

## At all stages of both the informal and formal procedure, a complaint should be acknowledged, handled in a quick, polite and straightforward way and investigated thoroughly and impartially.

## A complainant will not be disadvantaged in any way by raising a complaint.

## The University reserves the right not to investigate or act upon anonymous complaints, those raised on behalf of an anonymous third party or where a third party makes a complaint on behalf of someone else without their written consent. For example, consent must be given before a parent or representative can act on behalf of a student over 18 years of age.

## If a student under the age of 18 complains, normally subject to obtaining the consent of the student, the University will notify the parent(s)/guardian(s) in writing and keep them informed of the progress of the complaint. The University will also allow them to act on behalf of the student, provided the student agrees to this in writing.

## If a complaint is found to be frivolous, vexatious, defamatory or motivated by malice, the University reserves the right not to proceed with the complaint and to take action against the complainant.

## The subject of a complaint about will be informed of the detail of the complaint.

## Mediation is open to parties at the informal or formal stage. This is a process by which an impartial person helps others to resolve their difficulties. It is voluntary and it can help to resolve problems. Mediation is undertaken without any admission of wrongdoing by any party, and without precluding any opportunity to pursue formal action. If a student decides he/she would like to use mediation, he/she should discuss the matter with the Complaints Manager. Mediation can only proceed with the agreement of all the parties.

## To enter the formal stages of the procedure, the complaint must be submitted in writing and a statement of the desired outcomes must be provided.

## At all stages of the informal and formal procedures the case may be presented in Welsh or English. If a complainant intends to be present at a meeting, they must give prior notice of their preferred language.

## The timescales laid down in the procedure may need to be extended by one of the parties in certain circumstances, for example where witnesses or the Investigating Officer are unavailable. Where this need arises, the Complaints Manager will inform the parties in writing. The University reserves the right, however, not to consider any complaint that is submitted more than three months after the event and to set a final deadline at any stage, after which the complainant will forfeit the right to pursue the complaint further.

## Privacy and confidentiality will be maintained and information restricted to only those involved in the investigation and resolution of the complaint.

## All persons involved will be provided with details of the complaint and any supporting documentation at least **5** working days before any interview or hearing.

## When making a formal complaint the complainant and the person(s) being complained about may be accompanied at any time by a friend, representative or colleague, but not by a solicitor or barrister acting in a professional capacity, unless this is agreed by both parties. If legal action is considered by a complainant, the University will take suitable steps to ensure that its legal position is fully protected.

## If a complainant is complaining as a member of a group, one person must be prepared to act as the spokesperson and correspondent for the purpose of the formal procedure, and all complainants must be able to demonstrate that they have been personally affected by the matter. All complainants must all agree in writing to the spokesperson acting on their behalf.

## Decisions and outcomes will be communicated to the person(s) complained about at the same time as the complainant.

## Throughout the process due regard will be given to the Data Protection Act 2018 /GDPR. This means that no details about any individual will be given out without his/her permission. Until a complainant’s identification is verified, only information about process and procedures will be supplied.

##  All records of complaints will normally be destroyed after **6** years has elapsed from the complaint being resolved.

# Complaints Procedure

## Informal Response (Early Resolution at a Local Level)

### The first step is to try to resolve the complaint informally with the person(s) concerned at the point at which the problem arose. If the complaint is about treatment by a specific individual, then the complainant must try to approach this person in the first instance. Alternatively, s/he may wish to talk informally with someone else[[1]](#footnote-1) or approach the person’s line manager or the University’s Complaints Manager for advice and assistance.

### Normally a complaint must be raised as soon as possible after the event that is the cause for complaint.

### An acknowledgement will normally be sent within 5 working days and hopefully a resolution within **30** working days.

### The informal process will generally be an oral one and only the outcome will generally be recorded in writing. A written response can however be provided to the complainant when a complaint is submitted in writing.

### All involved must try to reach a resolution before considering any formal procedures.

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## Formal Procedure - Stage 1 (Investigation)

### If the complainant is dissatisfied with the outcome of attempts to reach an informal resolution of the complaint, Stage 1 of the formal Complaints Procedure should be initiated. This must be done either by letter, email or completion of a ‘Complaints form’, which must be submitted to the Complaints Manager, who will forward it to the appropriate person. A copy of the Complaints Form can be located using the link below. A Welsh language version of the form is also available on the link.

### <http://www.cardiffmet.ac.uk/registry/Pages/Complaints.aspx>

### The nature and grounds of the complaint must be outlined, along with evidence, and the outcome or redress sought. This must be received within **10** working days of the failure to resolve the issues informally.

### The Dean of School/ Director of Unit or Complaints Manager will acknowledge receipt of the formal complaint within **5** working days and then arrange for an investigation to be undertaken by an Investigating Officer who will be a senior colleague from a different department/area within the School who has no involvement with the events complained of; this may involve holding meetings and interviews with relevant people. Written notes of such meetings will be made.

### Should the complaint be against the Dean of School/ Director of Unit, it will be dealt with directly at Stage 2 of the Procedure.

### The investigation will be completed as quickly as possible and the parties involved will normally be informed of the outcome by the Dean of School/ Director of Unit or the Complaints Manager within **30** working days. If the complaint is upheld, the parties will be informed of any action that the University intends to take.

### When the investigation is concluded, the Investigating Officer will submit a report of the Investigation to the Complaints Manager for monitoring purposes.

### The report of an appointed Investigating Officer will be based upon the following headings:

### Purpose of the Report

### The Nature of the Complaint, including allegations

### Background/Context, including outcomes of any previous Stages

### Evidence reviewed

### Details of the Complaint and Investigator’s findings in relation to each issue/ allegation,

### Conclusion and Recommendations, including whether the complaint is upheld or not.

## Formal Procedure – Stage 2 (Review)

### Where the complainant remains dissatisfied with the response from Stage 1 of the Formal Procedure, they may request that the outcome be reviewed by a different investigator at Stage 2, who will be independent of the matter under investigation, normally a senior University manager. In order to initiate this process the complainant must submit details in writing to the Complaints Manager within **10** working days from the date of notification of the outcome of Stage 1, reiterating the grounds for the complaint, the desired outcomes and outlining why the decision of Stage 1 is not satisfactory.

### Taking into account the substance of the complaint and previous attempts at resolution, the situation will normally be reviewed by the Complaints Manager or her/his nominee (the Independent Reviewer) and the complainant will be notified within **5** working days whether the investigation is to proceed.

### The Independent Reviewer will have access to all prior correspondence and the results of the previous stages. S/he may wish to meet with the complainant and any other parties involved, in order to reach a decision.

### The Review should be completed and the decision / recommendations communicated to all parties within **30** working days of the start of the investigation. Where appropriate, the complainant will also be informed of any action that the University intends to take. If the review is expected to take longer parties will be kept informed of progress.

# Conclusion

## The Formal Stage 2 Review completes the internal procedures for complaints. The complainant will be finally and promptly issued with a Completion of Procedures letter in accordance with the guidance published by the Office of the Independent Adjudicator (OIA). This letter will: a) confirm that all internal procedures have been exhausted; b) list the issues involved and dealt with and their outcome; and c) inform the complainant of the right to take the complaint further to the OIA within the specified time frame.

## If the complainant is a student or a parent or guardian acting on behalf of a student and still dissatisfied, the case can be taken to the OIA. The University will provide information about the OIA and how to contact them. Their website address is [www.oiahe.org.uk](http://www.oiahe.org.uk/)

# Monitoring and Review

## The Complaints Procedure will be reviewed annually, usually before the beginning of the next academic year. This is the responsibility of the Complaints Manager.

##  Monitoring of the process is undertaken by:

## maintaining a tracking system and record of each complaint;

## providing an annual report, review and analysis of complaints for the University’s Academic Board;

## feeding back details of actions and outcomes to relevant Schools and Units;

## ensuring staff responsible for co-ordinating complaints and responses undertake staff development. Training is offered at regular intervals each year.

## establishing a rigorous and effective system of dealing with proven culpability by one or more parties and feeding back to the complainant the course of action that has been taken by requiring a report from the Dean of School/Head of Unit involved on what has been achieved and implemented to prevent the same situation happening again.

# Complaints Manager Contact Details

## Cardiff Metropolitan University Complaints Manager

## Registry Services, Western Avenue, Llandaff, Cardiff, CF5 2YB

## Email: complaints@cardiffmet.ac.uk (Tel: 029 20 205810)

1. [↑](#footnote-ref-1)