

Guidance Notes for Investigators of Complaints

These notes are prepared as general guidance to support members of University of York staff who have been asked to help investigate complaints from students, either at the informal or formal complaint stages.

Thank you for agreeing to assist in investigating a complaint.

Please familiarise yourself with the principles and provisions of the Complaints Procedure for Complaints from Students and Student Applicants at <https://www.york.ac.uk/about/departments/support-and-admin/sas/complaints/>. These must be fully observed throughout any investigation to avoid any further complaint arising that proper procedures were not followed. You will also benefit from being familiar with and keeping in mind the Good Practice Framework regarding complaints issued by the Office of the Independent Adjudicator for Higher Education (OIA) available at <http://oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>.

At the informal complaint stage, complaints may be raised in several forms, such as verbally or by email. At the formal complaint stage, complainants are asked to submit their complaint on a Formal Complaint Form, designed to help collect the material needed for the investigation. It has also been designed to help the student say what they need to say at the start of the procedure to give a reasonably full picture of their concern and its history. The form encourages complainants to itemise the details of the complaint so that separate issues can be addressed individually.

Your task is to help investigate any concerns and allegations that the student has made. You should first make an initial assessment to check that the complaint has been submitted under the correct procedure, for example whether it should instead be looked at

- as an Academic Appeal (<https://www.york.ac.uk/students/help/appeals/>)
- under the Accommodation Services Complaints procedure (<http://www.york.ac.uk/about/departments/support-and-admin/accommodation/currentstudents/reportaproblem/>)
- under the Harassment Code for Students administered by the Equality & Diversity Office (<http://www.york.ac.uk/admin/eo/Harassment/code.htm>).

NB - Complaints are not usually investigated if raised one year or more after the matter concerned, without good reason.

In investigating the complaint you should consider the student's assertions and the evidence they provide to support these. You may triangulate what they have told you by seeking evidence from those involved in matters relating to the complaint, such as through contacting relevant members of staff and obtaining copies of relevant documentation. You may well have further questions to ask of the complainant and/or may request them to produce additional relevant evidence. You may also consider whether mediation or conciliation might be feasible.

If you would like the complainant or a member of the University to attend a meeting about the complaint you should consider giving them the option of being accompanied by a member of the University (staff or student), a trade union representative (if they are a staff member) or a member of the YUSU Advice & Support team or the GSA (if they are a student). Reasonable notice should be given to the person asked to attend, whilst also keeping in mind the overall timescales set out in the Formal Complaints Procedure.

Where there are disputed or unclear facts, you should reach your conclusions based on a balance of probabilities. Usually the investigator concludes overall that the complaint is either justified, not justified or partially justified. If justified or partially justified, consideration should be given to any appropriate redress that might be offered.

At any stage of an investigation if necessary, you may seek further guidance from the Registrar & Secretary, the Academic Registrar or the Legal Administrator. It may also become appropriate to consult other officers, such as the Head of Equality and Diversity, the Director of Student Support Services, the Director of Health, Safety & Security or the Data Protection Officer. In exceptional cases, the University may also seek external legal advice.

At the informal complaint stage, you should normally liaise with the relevant Head of Department and aim for a written response to be sent to the student that addresses their concerns and sets out the Department's position in relation to these.

At the formal complaint stage, when you have completed your investigation you should normally prepare a report (which may be in the form of a draft response to the student) which addresses the central issues raised in the complaint, with any recommendations on the basis of your findings. Your completed report should be sent to the Registrar & Secretary, who will consider it and then arrange for a formal response on behalf of the University to be issued. If the student remains dissatisfied, they can request a review of the Registrar & Secretary's decision and can also ultimately take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA). It is important to retain careful records of any complaint investigation, as these may have to be disclosed later to OIA (who normally also provide copies to the student).

The Registrar and Secretary's Office keeps a record of the progress and outcomes of Formal Complaints. It is important that this record is kept up to date so that complaint investigations are not allowed to drag on unjustifiably.

Please bear in mind that any written documentation (including electronic documents) relating to a complaint or the investigation/review of a complaint, may be subject to a Subject Access Request and disclosure to the student. Such requests are normally referred to the University's Data Protection Officer/Information Manager. Any queries regarding document retention should normally be referred to the Data Protection Officer/Information Manager.

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