

## APPENDIX N – STUDENT COMPLAINTS PROCEDURE

### 1. Scope

- 1.1. This Complaints Procedure is for current or recent students of St Hugh's College who wish to complain about the College's action or lack of action in relation to them, or about the standards of service provided to them by or on behalf of the College.
- 1.2. In some cases, this Procedure will not apply because another College Policy or Procedure is more appropriate, or because the Complaint relates to the central University rather than the College.
  - Reports of alleged misconduct by another St Hugh's student are covered by the Non-Academic Disciplinary Procedure (Appendix C of these Bylaws), although a student who makes a report of alleged misconduct and is dissatisfied with the outcome is able to make a Complaint under this procedure.
  - Complaints about the central University's action or lack of action, or about the standards of service provided by or on behalf of the central University, are covered by the University's Student Complaints Procedure.
  - Reports of alleged misconduct by a student from another college fall under the University's Student Disciplinary Procedure for Non-Academic Misconduct and are handled by the Proctors.
  - Complaints of harassment or sexual harassment, whether by another St Hugh's student or by a member of College staff or a senior member of the College, are covered by the College's Harassment Policy and Sexual Harassment Policy.
  - Complaints relating to actions governed by the JCR or MCR constitutions should be addressed via the routes laid out in those constitutions.
  - Proposals to change College policies or procedures should ordinarily be raised in Governing Body or the relevant subcommittee, not via the Student Complaints Procedure. Student representatives from the JCR and MCR sit on relevant College committees, and any student member can propose a JCR/MCR motion in accordance with the JCR/MCR constitution to mandate student representatives to bring a proposal to the relevant committee.
- 1.3. This procedure is open to any current student of the College, or any former member of the College within 12 months of ceasing to be a current student.
- 1.4. The College welcomes feedback about its provision of services and encourages students to communicate any concerns to the College about the service they have received. It is also important to note that a formal complaint is a time-consuming process for all involved, and that the College reserves the right not to proceed with unfounded complaints, as detailed in section 6 below.
- 1.5. Complaints should be made as close in time as reasonably possible to the events in question, and in any event promptly

### 2. Aims and Principles

- 2.1. The College will seek early resolution of Complaints where possible, via a fair and transparent informal process.

- 2.2. The aim of this Procedure is to provide a process to investigate and address a student's dissatisfaction with their interactions with the College. Where a Complaint is upheld, the College will seek to make good any failings on its part which have been identified.
- 2.3. A Complaint is defined as an expression of dissatisfaction by one or more students about the College's action or lack of action, or about the standard of service provided to them by the College.
- 2.4. If a Complaint raises issues of potential misconduct on the part of staff or students, the Complaint will be investigated under this Complaints procedure, but any potential disciplinary implications will be considered subsequently and addressed under the appropriate disciplinary procedure as a separate process. Disciplinary action against an individual cannot form part of an outcome or resolution for a Complaint under this Procedure, and the College's duties to others may mean that a Complainant cannot be told about the outcome or existence of a subsequent disciplinary process.
- 2.5. No student who raises a proper Complaint will be treated less favourably, regardless of whether or not their complaint is upheld. However, where a complaint is considered to be made improperly the College reserves the right to consider the complainant's actions under the Non-Academic Disciplinary Procedure. Further detail can be found in section 6 below.
- 2.6. The College will not normally consider Complaints made anonymously but reserves the right to do so when it considers it is appropriate in the circumstances. However, Complainants should be aware that, even if an anonymous Complaint is allowed to proceed, the fact of its anonymity may make it harder to resolve the Complaint to the Complainant's satisfaction.
- 2.7. The College is mindful of its obligations under the Equality Act 2010 and will adjust these Procedures on a case-by-case basis where the College feels it is necessary to implement reasonable adjustments for any individual concerned.
- 2.8. The College will comply with relevant data protection legislation and its own data protection policies and procedures when processing individuals' personal data under this Procedure.
- 2.9. Where the issues raised affect a number of students, those students may choose to submit a joint Complaint. The College may ask the students to nominate one student to act as the group representative and may decide to communicate only through this representative who is expected to liaise with the other students.
- 2.10. If an officer of the College is unable to carry out their role as specified in this Procedure, including because of real or legitimately perceived conflict of interest, another member of Governing Body will be appointed in their place.
- 2.11. The College will endeavour to meet all timescales set out in this Procedure, although from time to time it may be necessary to vary them. If it is necessary to vary any timescales, the College will write to all parties to explain the reason and to set out a new timescale.
- 2.12. Where a Complaint requires more urgent resolution (e.g. because the potential remedy is time-sensitive), the College will endeavour to respond to each stage of the Procedure as promptly as it reasonably can. It is for the College, not the Complainant, to decide if this is necessary, based on the circumstances of the Complaint.

### **3. Informal Process**

- 3.1. The College will seek to resolve complaints informally where possible.

- 3.2. If a student is dissatisfied, they should in the first instance raise this informally with the person concerned, or with the relevant manager or officer of the College. If in doubt, complaints about academic matters can in the first instance be raised with the Senior Tutor; complaints about non-academic matters with the Bursar; and complaints about the actions or inaction of a College Officer with another officer who has not been involved in the issue (i.e. any of the Senior Tutor, Bursar, Dean, or Tutor for Equality, Diversity and Inclusion).
- 3.3. Informal complaints may be made orally or in writing, including via email.
- 3.4. The College will endeavour to respond to a complaint within 14 days, although this may need to be extended in some circumstances. Where appropriate, the College's initial response will be to arrange a meeting with the student to hear more about their complaint and to understand the issues involved before proposing an informal resolution.
- 3.5. The aim of the informal process is to reach mutual agreement on an informal resolution to the complaint. Depending on the content of the complaint, this can take the form of a particular action; of a change in the way the College handles particular situations in future; of an apology; and/or of some other mutually-agreed resolution. It is also possible that, following discussion of the issues, the student and the College might agree that no further resolution is necessary.
- 3.6. At the end of the informal process, the manager or officer handling the informal complaint will document what has been agreed, or, if no agreement has been reached, the College's best proposal for informal resolution, and will invite the student to respond either to accept or reject this.
- 3.7. If the student and the College cannot agree a mutually acceptable informal resolution to the Complaint, the student has the option to raise a formal Complaint as detailed below.

#### **4. Formal Process**

- 4.1. A student wishing to raise a formal Complaint should do so in writing to the Vice-Principal. They should set out, as succinctly as possible, what happened; why they are dissatisfied with what happened; and what remedy they are seeking. The student should also attach the relevant correspondence from the informal process.
- 4.2. In exceptional circumstances, a student may apply to the Vice-Principal for permission to make a formal Complaint without first attempting to find informal resolution. There is a presumption that it is always preferable to reach informal resolution where possible, and so a student would need to demonstrate a compelling reason not to engage in the informal process. It should be noted that an unwillingness on the part of a student to attempt to reach informal resolution would not in itself constitute sufficient reason to move straight to a formal process.
- 4.3. If the Vice-Principal judges a Complaint to be made improperly, they will reject the Complaint at this stage in accordance with section 6 of this Procedure, in which case the Complainant will have a right to request a Review by the Principal.
- 4.4. In all other cases, the Vice-Principal will appoint a Complaints Panel, consisting of three members. Panel members must either be members of the College Governing Body or people approved by the Governing Body as being suitable Panel members, and who themselves need not to be members of the College. The Vice-Principal will appoint one of the Panel members to chair the Panel. The Principal, Vice-Principal, Senior Tutor, Dean and Bursar

may not serve on a Complaints Panel. The Vice-Principal will normally appoint the Complaints Panel within 14 days of receiving a formal Complaint.

- 4.5. A member of College staff who has had no previous involvement in the Complaint or events complained of will be appointed as Secretary to the Complaints Panel.
- 4.6. The Chair of the Complaints Panel will determine whether or not an Investigation needs to be carried out into some or all of the substance of the Complaint prior to the Complaints Panel Meeting. If an Investigation is necessary, the Chair of the Complaints Panel will appoint an Investigator, who can be either a member of College or a suitably-qualified external person. If necessary, the timescales in this Procedure will be modified to allow time for the Investigation to be carried out. The Secretary to the Complaints Panel will notify the Complainant (i) that an Investigation is taking place, and (ii) of the scope and terms of that Investigation. In many cases (for example, where facts are clear from the documentary record, or where the Chair judges it possible to test any disputed questions of fact in the Complaints Panel Meeting itself), no Investigation will be necessary.
- 4.7. The Investigator will carry out any investigation in the manner that they judge best, in line with the rest of this Procedure. At the conclusion of the Investigation, the Investigator will produce a Report for the Complaints Panel, which will be sent to the Panel, the Complainant, and anyone else the Chair of the Complaints Panel decides should receive it, not less than 7 days before the Complaints Panel Meeting (see 4.8).
- 4.8. Within 14 days of the Vice-Principal's receiving the Complaint (unless timescales are modified to allow for an Investigation), the Secretary will write to the student who is making the complaint, setting a date for the Complaints Panel Meeting, and asking them if there is anything they wish to add to their written submission, and for the names of any witnesses that they wish to propose calling and the reason for calling them. The student will be given 7 days to respond in writing.
- 4.9. The Chair of the Complaints Panel will specify any information, evidence or written submissions that the Panel needs to receive in advance. Where relevant, this can include a submission from a nominated representative of the College (usually a relevant officer or senior manager) setting out the College's response to the Complaint.
- 4.10. The calling of witnesses is at the absolute discretion of the Chair of the Complaints Panel. Where questions of fact are not disputed or are clear from the written record or other documentary evidence (including CCTV footage or other digital information), it will not normally be necessary to call witnesses. Where expert evidence is required (for example, medical evidence), the default is for this to be submitted in writing. The Chair of the Complaints Panel will not unreasonably withhold permission for witnesses to be called but will also be mindful that this is an internal complaints procedure that should be conducted proportionately to the gravity and complexity of the Complaint.
- 4.11. The Complainant will have the right to attend the Complaints Panel Meeting. The Chair will determine if other parties, including witnesses, should attend, and whether for all or part of the meeting. If an investigation has been undertaken, the Investigator will normally be asked to attend the meeting to present their Report.
- 4.12. The Complainant can be accompanied by a supporter who will play no speaking role in proceedings. A supporter will usually be a member of the College or a member of the Oxford Student Union. Requests to be accompanied by a supporter should be made to the Chair of

the Complaints Panel, providing the name and position of the supporter at least 48 hours in advance of the date of any meeting or hearing.

- 4.13. The Complainant may request permission from the Chair for a Representative to attend the meeting in their place, which must be requested at least 7 days in advance of the hearing, and which will not be unreasonably withheld. A Representative would normally be a member of the Oxford Student Union who has received appropriate training. It would normally be disproportionate to seek legal representation during proceedings, but reasoned requests for such representation may be made and will be considered.
- 4.14. The Chair of the Complaints Panel will conduct the meeting as they judge appropriate, mindful that this is an internal complaints procedure. If it is judged appropriate for the Complainant or other parties to be allowed to question witnesses, the default will be for all questions to be put through the Chair rather than for there to be direct cross-examination.
- 4.15. The decision of the Complaints Panel can be made by majority vote. Within 7 days of the Panel's reaching its decision, the Secretary will write to the Complainant setting out the Panel's decision, which can include:
- to uphold the Complaint in full;
  - to uphold some elements of the Complaint but not to uphold others;
  - not to uphold any element of the Complaint.
- 4.16. If some or all elements of the Complaint are upheld, the Panel will also determine what action should be taken to remedy the Complaint. This can include:
- to apologise on behalf of the College;
  - to reverse a previous decision;
  - to require the College to take a particular future action (for example, to provide training to staff in a particular area);
  - to require a change to the way the College will handle a particular situation(s) in future, and/or;
  - financial compensation, e.g. a refund of rent as detailed in section 7 of this Procedure.
- 4.17. Where the substance of a Complaint relates to the alleged actions or inaction of a member of academic or non-academic staff, the Panel's decision will be shared with the appropriate officer or manager to determine if a disciplinary investigation should take place. Any disciplinary procedure will be wholly separate from the Complaint procedure and will remain confidential.

## **5. Review Stage**

- 5.1. If a student is dissatisfied with the Complaints Panel's decision, they may write to the Principal ([principal@st-hughs.ox.ac.uk](mailto:principal@st-hughs.ox.ac.uk)) within 14 days of the decision to request a Review. The Complainant should include details of the grounds on which they are requesting a Review.
- 5.2. The permitted grounds for Review are:
- there was bias, or a reasonable perception of bias, during the procedure;

- there was unfairness or a failure to follow this Procedure;
  - the Complainant has new material that it was not reasonably practicable for them to provide earlier in the process, that would have been likely to make a material difference to the outcome;
  - the decision of the Panel on whether or not to uphold the Complaint was one which no reasonable decision-maker could have made; and/or
  - the remedy that the Panel determined for a Complaint that has been upheld was insufficient to address the substance of the Complaint.
- 5.3. The fact of a student's disagreeing with the Panel's decision does not in itself constitute grounds for Review.
- 5.4. The Principal will review the Complainant's stated grounds for Review, along with any relevant documentary evidence from the Complaints Panel. If the Principal determines that there are insufficient grounds to convene a Review Panel, they will issue a Completion of Procedures letter to the Complainant.
- 5.5. If the Principal determines that there are sufficient grounds, they will appoint a Review Panel, consisting of three members. Panel members must either be members of the College Governing Body or people approved by the Governing Body as being suitable Panel members, and who themselves need not to be members of the College. The Principal will appoint one of the Panel members to chair the Panel. The Principal, Vice-Principal, Senior Tutor, Dean and Bursar may not serve on a Review Panel.
- 5.6. The Chair will determine how the Review Panel will carry out its Review. Depending on the grounds for Review, this may or may not involve inviting the Complainant or other parties to attend a meeting. A Review will not normally involve a complete re-hearing of the original Complaint.
- 5.7. Unless additional evidence is required, the Review Panel will conduct its Review within 14 days of the Principal's convening the Panel.
- 5.8. The Review Panel's decision can include:
- to uphold the Complaints Panel's decision in full;
  - to revise some or all of the Complaints Panel's decision, or;
  - in exceptional circumstances, to refer the Complaint to a fresh Complaints Panel for a complete rehearing.
- 5.9. The Secretary will write to the Complainant within 7 days of the completion of the Review to communicate the Panel's decision and the reasons for this decision.
- 5.10. Except where the decision of the Review Panel is to refer the Complaint to a fresh Complaints Panel, the Complainant will be issued with a Completion of Procedures Letter.

## **6. Improper Complaints**

- 6.1. The College's default position is to take all Complaints seriously unless there is good reason to do otherwise.
- 6.2. However, the College will terminate consideration of a Complaint if it considers it to be an improper complaint.

- 6.3. Complaints which may be considered improper include:
- complaints which are vexatious, whether intentionally or recklessly, including complaints which are obsessive, harassing, or repetitive;
  - complaints which relate to trivial or trifling issues;
  - complaints which insist on pursuing manifestly non-meritorious grievances;
  - complaints which seek the attainment of unrealistic or unreasonable outcomes;
  - complaints which seek to reopen (either in substance or in form) other complaints which have been previously decided;
  - complaints which insist on pursuing what may be meritorious issues in an unreasonable manner;
  - complaints which are designed to cause disruption (including disruption to the complaints process itself) or annoyance, or are evidently retaliatory in nature;
  - complaints which involve demands for redress which lack any serious purpose or value, and/or;
  - complaints which, in any event, are made in bad faith.
- 6.4. If the Vice-Principal considers a Complaint to be improper, they will not refer it to a Complaints Panel, but will instead write to the Complainant to inform them of the decision not to let the Complaint proceed, and to explain the reason.
- 6.5. A student whose Complaint is not allowed to proceed to a Complaints Panel because it is considered improper may request a Review by the Principal. The Complainant must write to the Principal within 7 days of the Vice-Principal's decision, giving the reasons why they believe the Vice-Principal's decision to be incorrect.
- 6.6. Within 7 days of receipt of a request for Review, the Principal will review the Vice-Principal's decision and will either:
- uphold the Vice-Principal's decision not to refer the Complaint to a Complaints Panel, in which case the Principal will issue the Complainant with a Completion of Procedures Letter, or;
  - instruct the Vice-Principal to refer the Complaint to a Complaints Panel as detailed in section 4 of this Procedure.
- 6.7. If a Complaint is not allowed to proceed to a Complaints Panel because it is considered improper, the Vice-Principal may also refer the matter to the Dean for potential consideration under the Non-Academic Disciplinary Procedure. This will only be done if there are sufficient grounds, and Complainants will not be referred to the Dean unreasonably. However, the College reserves the right to do so where necessary, for example where a complaint that is improper may also amount to harassment or seems designed to disrupt the proper functioning of the College.

## **7. Complaints about College Accommodation**

- 7.1. If the College has failed to fulfil its obligations in respect of the provision of accommodation under a student's Licence to Occupy, the remedy for a complaint can include a refund of

some or all of the student's rent for the affected period in cases where this is proportionate and appropriate.

- 7.2. The period for which a rent refund may be appropriate is from the date on which the student first notified the College of an issue, up to and including the date on which the issue was resolved or alternative accommodation was offered (regardless of whether or not the student chose to accept the alternative offered).
- 7.3. It is essential that students notify the College of any issues at the earliest opportunity, primarily so that any problems can be addressed promptly, but also because a rent refund will not be offered for any period when a student was aware of an issue but chose not to notify the College, and during which the College could not reasonably have done anything to rectify the problem.
- 7.4. If a room is uninhabitable or not fit for purpose, the College will normally offer a full refund of rent for the days in question. If a room is fit for purpose but some element of the College's service is materially impaired such that the College is not fully complying with its obligations under the Licence to Occupy, the College will normally offer a partial refund of rent for the days in question. It is unlikely that a rent refund will be offered for minor issues that do not materially impair the service that the College delivers or affect the College's ability to comply with its obligations under the Licence to Occupy.
- 7.5. Any potential rent refunds will be assessed to ensure that the College is being fair and proportionate across all comparable cases, and to ensure that any proposed remedy is reasonable. Except in the case of Reasonable Adjustments or other factors relating to the Equality Act 2010, the fact that an individual student finds a particular issue subjectively more upsetting than average is unlikely to influence any proposed rent refund.
- 7.6. The College has the right to relocate students to alternative accommodation where necessary, although this is not exercised unreasonably. The fact that a student is unhappy with alternative accommodation (including where this means living in a different part of the College site from their friends) is not a reason for a full or partial refund of rent.
- 7.7. The following are also unlikely to constitute reasons for a full or partial refund of rent:
  - issues caused by other students, for example noise or mess (although the College will take reasonable steps to ensure appropriate behaviour and cleanliness from all residents);
  - issues reasonably beyond the College's control, such as street noise, roadworks, power cuts, or wildlife activity;
  - low-grade issues that are integral to old buildings (e.g. occasional noisy pipes or floorboards; creaking windows);
  - simply not liking a particular room without a material reason.
- 7.8. Where a full or partial refund of rent is reasonable and proportionate, the College will always look to propose this at the informal stage rather than requiring students to submit a formal complaint.
- 7.9. Any concerns or complaints about College accommodation should be addressed to the Domestic Bursar.

## **8. Reporting, Records and Confidentiality**



- 8.1. Complaints and the resolution of complaints provide valuable feedback for the College in improving its services. At least once per year, a report will be provided to Governing Body detailing the nature and outcome of any complaints received, suitably anonymised and redacted to preserve student confidentiality. This report will also include details of any changes to improve future process and operations.
- 8.2. Proper records will be maintained of any student complaints, including at the informal stage. At minimum, this will include copies of relevant correspondence, and notes of any meetings. These will be retained for the timescales detailed in the relevant Records of Processing Activity under our Data Protection Policy and procedures.
- 8.3. The identity of the student making a complaint will be kept confidential, save where it is necessary for the College to disclose information to another person or body in order to resolve the complaint, or where it is necessary to do so in order for the College to comply with its legal or regulatory obligations. Complainants and other parties are expected to adhere to similar principles of confidentiality in respect of this Procedure.