



UK Quality Code for Higher Education

Advice and Guidance

**Concerns, Complaints
and Appeals**



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Regulatory contexts for the Quality Code

The Expectations and Core practices of the UK Quality Code for Higher Education (Quality Code) are mandatory for higher education providers in all parts of the UK. Common practices are mandatory in Scotland, Wales and Northern Ireland and while providers in England may choose to work towards them, they are not required to do so as these are not regulatory requirements and will not be assessed as part of the OfS's regulatory framework. National regulators and QAA are not bound by the information in this advice and guidance and will not view it as containing indicators of compliance. This guidance does not interpret statutory requirements.

Terminology

Providers use the terms 'concerns', 'complaints' and 'appeals' in their own systems and processes and are free to define these terms as they see fit. For the purposes of this document, we define these three terms, and others used in this area, as follows:

Concern: Where a student makes comment (in conversation, writing or via social media) on the provision of learning opportunities made available, or for any service that the provider may offer. When raised by a student this is often the starting point for what may become a complaint if left unaddressed. This guidance does not cover the QAA Scotland [Concerns Scheme](#) (where issues around a provider's management of academic standards, quality of learning, and information arise) nor the Office for Students [notifications and concerns](#) process.

Complaint: A specific query about an aspect of experience of the provider. This guidance focuses on complaints about the quality of a student's learning opportunities, although the principles can be applied to almost all complaints.

Appeal: A request for a review of a decision of an academic body around a mark, outcome or decision. Students may appeal an outcome on the basis of evidence or procedure, but not on the basis of disagreement with academic judgement.

Students: Current students on a course of study, recent former students and graduates (as defined by the provider's regulations), and people applying for a place at a higher education provider.

Expectations and Practices

The advice underneath the Expectations and Practices is not mandatory for providers but illustrative of a range of possible approaches.

This Theme gives guidance on concerns, complaints and appeals and how the ability of, and processes for, someone to raise their dissatisfaction promotes equality of opportunity and the rights of all students to benefit from a high-quality academic experience, and to access the support they need to succeed. Providers are encouraged to consider concerns, complaints and appeals as an open opportunity to address and enhance their provision, learning opportunities, public information and management of the information held within their institution.

Courses are well-designed, provide a high-quality academic experience for all students and enable a student's achievement to be reliably assessed.

Expectations for quality

From admission through to completion, all students are provided with the support that they need to succeed in and benefit from higher education.

A student's experience of their course is a complex interaction of their expectations, the information they have received before and during the course, and their experiences. A student may have experiences that lead to either complaints or appeals around this area.

Handling concerns, complaints and appeals is a very challenging area, both with regards to ensuring individual requirements are understood and met and establishing a model of working in partnership with the student to achieve this aim.

Core practice

- **The provider has fair and transparent procedures for handling complaints and appeals which are accessible to all students.**
In practice, this means that providers have formal mechanisms for handling complaints and appeals.

Common practice

- **The provider reviews its core practices for quality regularly and uses the outcomes to drive improvement and enhancement.**
In practice, this means that providers ensure impartial investigation of student concerns, complaints and appeals by having investigating officers with an appropriate level of separation from day-to-day operational managers and decision-makers within the provider (or its collaborative partners). They regularly review and enhance assessment policies, procedures and processes as they relate to quality to ensure they remain fit for purpose and take account of changing circumstance, demands and pedagogical developments. Providers have formal mechanisms in place for learning from concerns, complaints and appeals.

Guiding principles

The guiding principles given here are not mandatory for any provider. They are a concise expression of the fundamental practices of the higher education sector, based on the experience of a wide range of providers. They are intended as a framework for providers to consider when establishing new or looking at existing higher education provision. They are not exhaustive and there will be other ways for providers to meet their requirements.

1 Concerns, complaints and appeals are used to improve the student experience.

Providers improve the student experience systematically by learning from their processes, and other bodies' decisions and guidance, sharing this learning where appropriate.

2 Concerns, complaints and appeals procedures are accessible and inclusive.

Procedures are clear, accessible, inclusive, flexible and reviewed regularly.

3 Information is clear and transparent.

Providers explain key terms clearly, describe processes and time limits accurately, covering all types of course and partnership arrangements.

4 People raising concerns or making complaints or appeals are treated with dignity and respect, and their well-being is properly considered.

Students raising issues and staff who are subject to complaints are treated fairly, with dignity and respect, and are supported appropriately.

5 Concerns, complaints and appeals processes are proportionate and allow for cases to be resolved as early as possible.

Providers consider cases thoroughly but proportionately. The required evidence in support of a case, and the decision, is proportionate.

6 Concerns, complaints and appeals procedures are fair and impartial.

Procedures follow principles of procedural fairness and are applied consistently. Decision-makers are properly trained and resourced and have no conflict of interest in the matter. Providers give clear, detailed reasons for their decisions.

7 Confidentiality and anonymity are appropriately assured.

Information is released only to those who need it to investigate or respond to the case.

8 Concerns, complaints and appeals are resolved in as timely a way as possible.

Providers operate reasonable timeframes and allow identification of concerns, complaints and appeals that require swift action. Staff are encouraged to deal with matters informally where appropriate. Students are informed if any delays occur.

Practical advice

This section provides practical, contextualised advice to providers on concerns, complaints and appeals. The information is set against the guiding principles the advice will help you achieve. Please bear in mind that this guidance is illustrative, and intended to inform the approaches you consider and ultimately implement.

In line with the Core practice, 'The provider actively engages students, individually and collectively, in the quality of their educational experience', providers can include student representation within their practices and procedures related to concerns, complaints and appeals. Appropriate training and support should be given to enable students to fully engage with the activities (see also [Student Engagement](#) Theme).

Concerns, complaints and appeals are used to improve the student experience (Guiding principle 1)

Providers learn from the outcomes of concerns, complaints and appeals to improve the student experience. They record the outcome of formal cases in sufficient and proportionate detail (ensuring that individuals are not identifiable), and have systems to collate informal matters, then review and analyse any outcomes to share learning and to address any systemic issues.

Providers share the outcomes of these reviews (bearing in mind the requirements of appropriate data protection legislation, not the details of individual cases) with their student representative body. They communicate summary information on the actions they have taken, and the changes made to their practice, to both staff and students.

Protocols ensure a consistent approach to recording the outcomes of cases, allowing outcomes to be systematically and regularly reviewed. Records are kept in such a way as to allow year-on-year comparison, in relation to numbers, types and outcomes of cases, analysed on the basis of course and faculty. Formal reporting on complaints trends takes place routinely. Improvements may also be made to regulations and procedures as a result of learning from the outcomes of complaints.

Senior management are involved in this process, so that identification of issues, and the implementation of remedies, is systemic and institution-wide.

Providers also learn from decisions taken, and guidance issued by, relevant ombudsman services and other external bodies, in particular the Office of the Independent Adjudicator and the Scottish Public Services Ombudsman. Furthermore, when reviewing reports providers should consider whether there is potential to improve their services or a need to update.

Enhancement advice

Staff are encouraged to engage in training offered externally, such as by relevant ombudsman services to improve the student experience.

Mechanisms are in place to capture learning from concerns raised outside of providers' complaints or appeals processes (for instance, on social media, through the student representative body, or at staff-student committees).

Providers work collaboratively with their student representative body to co-develop remedies to the issues identified in their analyses of the outcomes of concerns, complaints and appeals. Providers may want to consider regular meetings to support this.

Reflective questions

- How do you ensure that you learn from the outcomes of concerns, complaints and appeals to improve the student experience?
- How are senior managers involved in considering the outcomes of complaints processes?

Concerns, complaints and appeals procedures are accessible and inclusive (Guiding principle 2)

Providers publish procedures that:

- are easy to find and navigate
- are accessible to all students
- apply equally to all students, including those who are part-time, off-site, on courses delivered with others, transnational education (TNE), on visiting programmes, or research courses.

Where relevant, providers are cognisant of the Welsh Language Standards.

Communication with students throughout the process, whether written or verbal, is clear and understandable. Providers direct students towards, and enable them to access, independent advice, support and guidance (for example, from their student representative body, disability or welfare support teams).

Processes for submitting cases are straightforward. Any templates or forms are clear and can be provided in alternative formats.

Providers take into account their duties under the *Equality Act 2010* or equivalent legislation when writing their procedures and considering individual cases. They make reasonable adjustments to processes where necessary. In operating their procedures, providers give appropriate consideration to the impact upon individuals' mental health and well-being.

Procedures are clear about who performs the various roles when considering concerns, complaints and appeals, in particular where more than one organisation is involved.

Providers ensure that staff considering cases have received equality and diversity training. They encourage staff to engage with external training, for example, on supporting disabled students. Where necessary and ensuring appropriate confidentiality, providers seek advice from their disability or welfare support teams when considering individual cases, and more generally to ensure that their procedures are accessible and inclusive.

Procedures are reviewed regularly to ensure they are fit for purpose and align with the provider's and students' needs. These reviews take into account learning from previous experience, feedback from students and staff and any guidance issued by relevant external bodies.

Providers allow students to be accompanied to any meeting or hearing by suitable individuals, as defined by the provider.

Enhancement advice

Providers offer students the opportunity of a verbal discussion meeting to discuss their case, and ensure that such meetings are sufficiently recorded. 'Verbal discussions' may include face-to-face meetings, conference calls and virtual meetings.

Providers are aware of the varying levels of digital literacy among their students and the varying ways in which they access information online. Their procedures take account of this.

Providers are aware that students may raise issues of concern or complaint through other routes such as social media, and have processes in place to deal with this.

Reflective question

- What steps do you take to ensure your procedures are accessible and inclusive?

Information is clear and transparent (Guiding principle 3)

Providers ensure that published information, formal guidance and informal verbal advice is provided to students in a clear and transparent manner, using straightforward language, avoiding jargon and Latin terms. They clearly define what they mean by 'concern', 'complaint' and 'appeal', and cover any processes for handling group complaints or appeals. Such group processes allow for the nomination of a representative, ensuring that each member of the group consents to the representative acting on their behalf.

Procedures clearly set out the grounds upon which students may complain or appeal, including the grounds upon which they may escalate their case to subsequent stage(s) of the procedures. Deadlines for students to complain or appeal are clear and reasonable, with the flexibility to extend those deadlines where there is good reason to do so. Clear guidance as to the nature of any evidence they require in support is given.

Procedures are well signposted so that students know which process to follow, what timescales apply, what issues can normally be considered, and what the potential outcomes might be. Their procedures are flexible where a student raises issues that fall under more than one process. In correspondence to students, the staff responsible for considering complaints and appeals are clearly identified.

Providers manage student expectations appropriately concerning potential outcomes. They explain to students which procedures apply to different types of issues, and how they will coordinate this where issues fall under more than one process. Providers ensure clear and regular communication with students throughout any formal processes.

Providers delivering learning opportunities with others, including TNE, have clear procedures in place that set out which body is responsible for considering concerns, complaints or appeals, and any routes for escalating the case to the awarding body.

Providers have discrete procedures for concerns and complaints that take the form of 'whistleblowing', where a student raises an issue within their provider about the learning experience. Providers should pay appropriate attention to any legal protections available to whistleblowers.

Effective records are kept, including sufficiently detailed reasons for their decisions. Copies of all evidence considered, and ultimately the reasons for decisions, are provided clearly to students. Providers signpost students to relevant ombudsman services at the end of their internal processes, in accordance with the guidance issued by those services.

Enhancement advice

Providers have processes for students and staff to provide feedback on the operation of their complaints and appeals procedures to inform future practice. They give clear guidance to students and staff in relation to if, and under what circumstances, covert recordings will be accepted as evidence in support of a complaint or appeal, taking into account relevant legislation.

Reflective question

- How do you make sure your information is clear, transparent and accessible to all students?

People raising concerns or making complaints or appeals are treated with dignity and respect, and their well-being is properly considered (Guiding principle 4)

Procedures ensure that students raising legitimate issues of concern can expect to do so without risk of disadvantage. Providers will treat students, and staff, fairly, with dignity and respect, and recognise that pursuing a complaint or appeal may be stressful. They ensure that the well-being and support needs of both students and staff are addressed through the provision of impartial and unbiased advice and guidance. They signpost internal and external specialised agencies and services where the need arises, particularly if the student is showing signs of distress.

Providers ensure that staff handling concerns, complaints or appeals have the skills to treat students fairly and with sensitivity, and are properly trained, resourced and supported to perform their role. This may include resilience training, and help to understand the conclusions of the investigation and any decisions made. They offer support to staff and others who are the subject of a complaint.

Providers have appropriate processes for identifying and dealing with frivolous or vexatious complaints or other unreasonable behaviour, and those processes are made clear to students.

Complaints and appeals procedures take into account dignity at work and study guidance. They allow for complaints or appeals to be suspended where there is good reason to do so.

Reflective question

- How do you ensure that students making complaints, and staff who are the subject of complaints, are treated fairly, with dignity and respect?

Concerns, complaints and appeals processes are proportionate and allow for cases to be resolved as early as possible (Guiding principle 5)

Providers have processes for identifying cases that require immediate action, for example, where there is a threat of serious harm or where an individual displays significant distress. Procedures enable cases to be resolved swiftly, particularly where the issue is minor or straightforward. They may also allow for cases to be deferred on health grounds.

Processes are sufficiently flexible to allow for appropriate action in exceptional circumstances. They explain clearly what constitutes exceptionality without fettering the discretion of decision makers by, for example, setting exhaustive criteria.

Cases are considered thoroughly but in proportion to the issues raised. Consideration should involve the minimum number of stages necessary to ensure a fair outcome, taking into account guidance from relevant ombudsman services. Providers ensure that the evidence they require in support of a case is proportionate.

Decision-makers exercise discretion where it is deemed reasonable to do so. Decisions take into account relevant factors (including any factors in mitigation) and do not have a disproportionate impact on the individual student concerned.

Procedures set out clearly the standard of proof to be applied, normally the balance of probabilities. Providers reflect this in the reasons they outline for the decisions they take.

Remedies normally aim to return the student to the position they would have been in had the failing identified in the complaint or appeal not occurred. If this is not possible, providers consider other suitable remedies. In the case of upheld group complaints or appeals, providers apply remedies that are consistent but that also take into account each student's individual circumstances.

Where a provider offers an apology, they do so genuinely and acknowledge what has gone wrong. They explain what they will do to put things right and to minimise the likelihood of a similar issue recurring.

Enhancement advice

Where it is apparent to the provider that a student intends to raise a particularly complex set of issues, they offer students the opportunity to seek preliminary advice, without prejudice, on the scope and nature of the evidence they intend to submit in support of their case.

Reflective questions

- Are your procedures proportionate, allowing for cases to be resolved as early as possible, with the lowest level of intervention?
- Do you explain what you mean by 'exceptional circumstances'?

Concerns, complaints and appeals procedures are fair and impartial

(Guiding principle 6)

Providers follow the principles of procedural fairness and impartiality. They allow both parties an equal opportunity to present their case and to see all evidence, and give reasonable notice of proceedings. Providers ensure that processes are not, and do not become, adversarial in nature.

Providers apply their processes fairly and consistently, complying with legislation and taking into account relevant external guidance when reaching their decisions. This includes the *Equality Act 2010* and associated guidance, guidance from the Competition and Markets Authority and guidance from relevant ombudsman services.

Decision-makers are properly resourced, regularly undertake relevant professional development activities, are of appropriate seniority, have no conflict of interest or prior involvement in the case, and come to the matter afresh. Each case is considered on its individual merits.

Enhancement advice

Providers create provider-wide guidance for staff involved in handling complaints or appeals to ensure a consistent approach. They offer practical training to all staff involved in handling complaints or appeals, and encourage them to access appropriate external training where appropriate.

Reflective question

- How do you ensure procedural fairness and impartiality?

Confidentiality and anonymity are appropriately assured (Guiding principle 7)

Providers handle cases with appropriate confidentiality, releasing information only to those who need it to investigate or respond to the case. They treat students' information carefully, securely and with respect and ensure that their processes comply with data protection legislation, and tell students how they will use their information to progress the case as well as how it will be shared and stored. Their systems ensure that only those who are directly involved in investigating the case can access case materials and supporting evidence.

Providers outline their approach to considering complaints or appeals raised collectively as well as individually, and outline the circumstances under which cases brought anonymously may be considered.

Providers highlight to students if there are likely to be difficulties investigating anonymous complaints. They ensure that, when sharing statistics and data relating to complaints or appeals, individuals are not identifiable.

Enhancement advice

Providers work with their data protection and information governance specialists to ensure that their processes comply with data protection legislation. They offer data protection training to staff involved in handling complaints or appeals.

Reflective question

- What steps do you take to ensure confidentiality and anonymity?

Concerns, complaints and appeals are resolved in as timely a way as possible (Guiding principle 8)

Providers specify reasonable timeframes for students to submit cases, and make decisions quickly, consistently, and with fairness. They allow cases to be dealt with informally at a local level, including through mediation or other verbal dialogue. Some cases may not be suitable for informal consideration and are dealt with formally due to their seriousness.

Providers normally consider cases in accordance with the timescales set out in their procedures. They ensure that those timescales are reasonable and achievable. They do not normally exceed any timescales set by relevant ombudsman services to issue their final decision.

Providers have arrangements to progress complaints or appeals in the case of delays, for example, due to staff absence. They keep students updated if there is any delay and allow students to say what remedy they are seeking if their case is upheld.

Enhancement advice

Providers analyse information on the remedy students are seeking at the beginning of the process, the nature of the concern, complaint or appeal being raised, and the remedy applied in cases that are upheld. Their analysis informs reviews of any guidance made available to students and those advising them regarding what potential remedies might be feasible under different circumstances.

Reflective questions

- Do you monitor and analyse the time taken to resolve concerns, complaints and appeals to ensure they are being handled within set timeframes?
- What happens if they are not handled within set timeframes?

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