

Legal and Governance

External Complaints Procedure



Version control

Owner:	University Secretary
Author:	Governance and Casework Officer
Approved by:	Executive Board
Date of Approval of this Version:	25 May 2022
Next Review Date:	1 May 2025
Version Number:	V2.0
Applicable Statutory, Legal or National Best Practice Requirements:	Not applicable
Equality Impact Assessment Completion Date:	To be completed
Data Protection Impact Assessment Completion Date:	To be completed

This document can only be considered valid when viewed via the University website. If this document is printed into hard copy or saved to another location, you must check that the version number on your copy matches that of the one on the University website. Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

Contents:

1.	Introduction	4
2.	Scope.....	4
3.	General principles / Policy statements	4
4.	How to make a complaint	5
5.	Consideration.....	6
6.	Review	7
7.	Reporting.....	8
8.	Related policies and standards / documentation	8

1. Introduction

- 1.1 The University welcomes all constructive feedback on its activities, whether positive or negative, and understands that, from time to time, people or organisations external to the University may feel their expectations have not been met by the University, its staff or students. This procedure aims to provide a mechanism which will deal with any such complaints in a timely and open way.

2. Scope

- 2.1 This procedure applies to all external parties who wish to make a complaint regarding the University.
- 2.2 This Code of Practice has been designed to ensure that no-one receives less favourable treatment due to the protected characteristics of age, disability, gender (including gender identity), ethnicity and race, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity and social and economic background.

Exclusions

- 2.3 This procedure is not to be used by staff or students. Staff should seek to resolve any complaints they have, informally in the first instance, or otherwise in accordance with the relevant HR policy. Students should discuss any matters of concern with their Personal Academic Tutor or Programme Leader or may use the Student Complaints Procedure.
- 2.4 Vexatious and malicious complaints (i.e., repeated or persistent complaints which are trivial or untrue, made purposely to abuse this complaints procedure) or those accompanied by abusive or aggressive behaviour will not be dealt with under this procedure.

3. General principles / Policy statements

Values

- 3.1 The University is committed to its values:
- Excellence - excellence is at the heart of everything we do
 - Inclusion - diversity is a source of strength and must be understood, valued, supported and leveraged
 - Innovation - we give invention light and celebrate creativity and innovation

- Trust - trust is the foundation of our relationships, underpinned by integrity in all we do

3.2 To demonstrate these values we will:

- i. Deal with all complaints impartially;
- ii. Process complaints within specific the time frames set out in this procedure or explain why we are unable to do so;
- iii. Deal with complaints in a polite and straightforward way.
- iv. Maintain confidentiality throughout the complaints process, revealing information to others only to the extent necessary to complete a proper investigation and make a considered response and keeping the record of the complaint separate from other records.
- v. Ensure that no complaint made in good faith will be used to a complainant's disadvantage in the future.

4. How to make a complaint

Informal Resolution

- 4.1 Complaints can often be resolved satisfactorily and dealt with quickly on an informal basis. Individuals are encouraged to contact the person most directly involved in the circumstances surrounding their complaint as soon as possible after the situation arises and to seek informal resolution of any concerns they have in line with University policies and procedures, in the first instance.
- 4.2 As much useful information should be provided as possible to help the issue be clearly understood.
- 4.3 The staff member will attempt to resolve the complaint and take any action they deem necessary.

Formal Complaint

- 4.4 If the person making the complaint is not able to resolve informally, is otherwise dissatisfied with the outcome of any attempt at informal resolution, or it is not appropriate for the matter to be dealt with informally, a formal complaint may be submitted by completing the external complaints form and sending it to externalcomplaints@bradford.ac.uk.

- 4.5 Formal complaints must be submitted within one month of the incident to which the complaint relates occurring, or, if an informal complaint has been made, within one month of the last date on which the complainant had engaged with the University on their informal complaint.
- 4.6 Formal complaints will be considered initially by the Legal and Governance Department to determine whether they are valid and whether they should be dealt with at stage one or stage two.
- 4.7 If the complaint relates to the conduct of a student or a member of staff, it may be referred to and investigated under the Student or Staff Disciplinary Procedure.
- 4.8 The complainant will receive an acknowledgement and will be advised how the University intends to process their complaint.

5. Consideration

Formal Complaints: Stage One – Early Resolution

- 5.1 Most complaints will be considered at Stage One in the first instance. This stage will consider minor or straightforward complaints where there is an opportunity to quickly identify the substance of the complaint and identify an appropriate solution. It may not be appropriate for more complex or sensitive complaints to be dealt with at Stage One and in such instances, these may be considered at Stage Two in the first instance.
- 5.2 The Dean of Faculty or Director of Professional Service will consider all complaints at this stage.
- 5.3 The Dean or Director will respond to the complaint within one month of receipt of receiving the complaint determining one of the following outcomes:
 - 5.3.1. The complaint is upheld;
 - 5.3.2. The complaint is partially upheld;
 - 5.3.3. The complaint is not upheld; or
 - 5.3.4. The complaint will be escalated to the next stage.
- 5.4 The response will also outline what action will be taken.

Formal Complaints: Stage Two – Investigation

- 5.5 More complex or sensitive complaints, or complaints escalated from Stage One will be considered at Stage Two of this procedure.
- 5.6 For these complaints, the Dean of Faculty or Director of Professional Service will commission a full investigation, appointing an investigator to review the circumstances outlined in the complaint and the evidence provided by the complainant.
- 5.7 The complaint investigator may make such further enquiries as may be required to complete their investigation. They will submit an investigation report summarising their findings to the Dean of Faculty or Director of Professional Service
- 5.8 A full response will usually be made within two months of receipt of the complaint. If the investigation cannot be completed in that time for good reason for example if the matter is complex, the complainant will be advised of a revised timescale.
- 5.9 The Dean of Faculty or Director of Professional Service will respond determining one of the following outcomes:
- 5.9.1. The complaint is upheld;
 - 5.9.2. The complaint is partially upheld;
 - 5.9.3. The complaint is not upheld.
- 5.10 The response will also outline what action will be taken.

6. Review

- 6.1 Individuals may appeal against a decision made under Stage Two of the procedure on the following grounds:
- Lack of procedural fairness: this can include bias or perceived bias, procedural irregularity or other administrative error or failure which has led to a material disadvantage.
 - New evidence or evidence that was not available when the case was considered during earlier stages of the procedure; the appeal must specify the reasons why such evidence was not, or was not able to be, disclosed earlier.
 - Manifest unreasonableness of the decision: this applies where there is evidence to show that the outcome reached at Stage Two was not a reasonable conclusion that a similar process of consideration might have reached.

- 6.2 To lodge an appeal, it must put it in writing and sent within two weeks of the conclusion of consideration at Stage Two to externalcomplaints@bradford.ac.uk.
- 6.3 Any submitted appeal must clearly demonstrate how the grounds of appeal apply. The burden of proof is on the person making the appeal to demonstrate that the original outcome is no longer appropriate.
- 6.4 All evidence must be presented with the appeal submission.
- 6.5 Appeals will be considered by the University Secretary. In the event of the complaint relating to the University Secretary, it will be considered by the Vice-Chancellor or Deputy Vice-Chancellor.
- 6.6 The University Secretary will consider all the evidence and, within one month, decide whether to reject or uphold the appeal.
- 6.7 The decision of the University Secretary is final.

7. Reporting

- 7.1 The University Secretary will keep a register of matters raised under this Code of Practice and will make an annual report to the Audit Committee.

8. Related policies and standards / documentation

- 8.1 External Complaints Form
- 8.2 Student Complaints Procedure
- 8.3 Staff Disciplinary Procedure
- 8.4 Public Interest Disclosure (Whistleblowing) Code of Practice