complaints in practice: complaints in crisis

a complaints survey carried out by the national postgraduate committee and the union of UEA students (June–July 1998)

december 2003

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Complaints in Practise: Complaints in Crisis

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Foreword

Many thanks to everyone who has responded to the NPC/Union of UEA Students ‘Complaints Survey’. This is the report detailing the results and providing a commentary (enclosed free of charge). For those parties who have not responded please find enclosed the original survey (Appendix 1). A follow-up exercise will be undertaken to compare responses and delve deeper into the turbid political waters of complaints. It was envisaged that a free copy of the forthcoming NPC ‘Guidelines for Complaints’ would also be sent out to all interested parties. However, due to the overwhelming response (with ca. 90 people requesting a copy) there will have to be a small charge. Please indicate if you would like to be put on a mailing list for a copy. At the same time the National Union of Students will be publishing (perhaps in formal collaboration with the NPC) ‘Best Practice Guides in Complaints and Appeals’ and will run an event on complaints on December 3rd. ‘Complaints’ is certainly a ‘hot’ topic at the moment, especially as we enter an era of tuition fees and a more legally binding and reinforced contract between students and universities.

Whilst you may not agree with the style and the slant of the enclosed report - ‘Complaints in Practice: Complaints in Crisis’ - I hope that you find it useful nonetheless as a source of information and a frame of reference if a complaints issue crops up in the future. A business consultant quoted in the report describes current complaints management practices as generating an “unexploded bomb” effect. Another legal adviser refers to the problem of “bouncing”; a situation where complaints gather a momentum of their own when they are not dealt with quickly. In such a context the enclosed report represents a ‘letter-bomb’. Whether, like complaints themselves, you choose to detonate it safely or leave it to explode in your face is entirely up to you. As friendly words of warning though, if you do choose to put it away in a filing cabinet please wrap it up in an asbestos anorak first. The current highly charged situation will not be defused unless there is more emphasis on co-operation not confrontation, reparation rather than retribution. Handled in the right manner, this report can be a catalyst in complaints resolution. If you pardon the pun, the ball is in your court.

In many ways this report is a targeted shot at those responsible for handling internal and external complaints. Hopefully it should strike at the heart; to those front-line staff directly involved in complaints management. As neither internal nor external complaints are being dealt with effectively, it is hopefully the shot in the arm that is urgently needed. Where complaints are concerned, ‘knowledge is power’ in many cases. Communication is therefore vital to all those involved in the complaints process, especially students who have traditionally been kept in the dark. If there is one message that underlies this report, it is for a greater sense of community and transparency. Public accountability is also of importance. To paraphrase the Nolan Report, those involved in complaints must not only make good decisions but also must be seen doing so.

Don Staniford  
NPC Project Officer 1997/98
Executive Summary

This report was originally written in 1998 following a survey on student complaints carried out jointly by the National Postgraduate Committee and the Union of University of East Anglia Students. Although the results were widely distributed at the time they were never officially published and made available in the public domain. It was therefore considered appropriate to publish this report with some minor additions, that being this executive summary and an update on recent developments for student complaints.

Since the information in this report has largely been left unmodified, it should be noted that some of the organisations referred to have since changed names and also many of the institutions surveyed may well have updated their complaints procedures. The results presented in this report should therefore not be assumed up to date.

The main conclusions drawn from the research present the wide diversity in complaints procedures with varying quality, which may have lack of transparency and independence. Further to this there is a need to adequately inform student representative bodies regarding student complaints and provide accessible information. The distinction between complaints and appeals is especially important for postgraduates, especially those who are research students. The supervisor being the first port of call for complaints creates a great deal of difficulty in allowing issues to be dealt with effectively at an early stage.

It is hoped these results will help in the plans to reform student complaints in the future, since there is no record kept of student complaints to address the issues that have arisen. The National Postgraduate Committee will continue with its campaigns to see the Office of the Independent Adjudicator (OIA) work effectively as a means to provide transparent, fair and time effective complaints procedures that can not be managed internally.
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This publication is dedicated to Dave, Elizabeth, Fred, Liam, Tony, Trevor, Vic and Vincent

“*The word bites like a fish.
Shall I throw it back free
Arrowing to that sea
Where thoughts lash tail and fin?
Or shall I put it into rhyme upon a dish?”*

(Stephen Spender - Founder of “Index on Censorship”)

Disclaimer

Every attempt has been made to an objective and accurate picture during the course of this research project on complaints and report on complaints procedures. It is fully realised that much of the material and documentation enclosed may cause controversy (certainly for those institutions without complaints procedures or those with defective ones). At the same time, if any individual or any organisation feels misrepresented or misquoted the author’s apologise in advance. The opinions expressed are the author’s alone and do not necessarily represent the views of either the National Postgraduate Committee or the Union of UEA Students.
Cartoons aside, ‘complaints’ is a serious issue. It is no laughing matter. From the point of view of both institution and student, opening the door to complaints and pushing the door open may be difficult. Coming out of the complaints closet is never easy. Openness is surely the forward.

**Truth-Telling — The Raison D’Etre of Research**

“And there is every reason here to remind research of its traditional role of dissent. Like democracy, research is based on the ideal of free dialogue…established truths must be subjected to critical scrutiny. There is an inherent danger that research loses its fundamental justification and is no different from other interests whose most important function is to kowtow to power. Critical research must…be based on the rules and procedures for testing the validity of hypotheses, which exist in the research communities. This does not necessarily make research popular with the court and the king. But it benefits public debate. And it safeguards the self-respect of research” (Albaek: 1995, 97)
Telling the truth is a difficult concept to many within academia. It is often easier telling lies. Certainly, you may kiss goodbye a career in higher education if you persist in asking ‘awkward questions’ (Bird and Hoffman-Kim: 1998). There are counter-strategies designed ‘to blow the whistle and still have a career afterwards’ (Gunsalus: 1998) but whistle-blowers in most cases will be fighting a losing battle (Gadlin: 1998). That has not stopped many staff speaking out in the public interest (Murray: 1997). Students are even more at risk than staff and, unlike staff, do not even have a Code of Practice for Whistleblowers. Too often they are left “whistling in the dark, pissing in the wind” (A N Other: 1996). As one commentator points out:

“More than two-thirds of whistleblowers experience negative consequences of their actions…Most vulnerable to reprisals are students…Institutions hate ‘notoriety’ and will close ranks against the whistleblower” (Holden: 1996, 35)

Another postgraduate whistleblower speaks out:

“Inevitably, ‘whistleblowers’ (whether on matters of personal or academic misconduct) risk damage to their careers. To ensure scientific integrity, postgraduate students need adequate protection from the repercussions of ‘speaking out’. PhD’s should surely be protected from bullying and unfair termination of studentships, in the same way as ‘employed’ researchers are protected by legislation and contracts” (Anon: 1998)

A culture of complaint rather than a culture of compliance ought to be fostered. In other sectors of business and industry a ‘cultural change from demonising to encouraging whistleblowing’ is developing. Indeed, “a healthy organisation is characterised above all, by the flow of information and ideas” (Tolfield: 1997). There are times when the lodging of complaints - so-called ‘whistleblowing’ - can be the ‘right thing’ to do:

“Whistleblowing can reveal concerns about unlawful or improper practices that might otherwise disappear in internal bureaucracy or cover-up, or remain hidden because an employee fears retaliation…Whistleblowing tends to follow frustration with internal grievance procedures. It is in an organisation’s interests, therefore, to create a climate where staff concerns are welcomed and processed promptly and fairly” (Feenan: 1996, 13)

It can also be a dangerous thing to do:

“The mere act of ‘speaking the truth to power’ is a combative act because the official who receives the message and is responsible for the organisation’s proper function is implicitly being accused of dereliction of duty” (Deena Weinstein’s ‘Bureaucratic Opposition’: 1972)
A Running Commentary on Complaints

The economic and political imperative driving the complaints agenda is gathering momentum. Beginning in 1993 with the Charter for Higher Education (Citizen’s Charter: 1993), picked up by both the Dearing and Nolan Reports, run with (albeit slowly) by the CVCP, the Government have put the baton firmly in the hands of the university sector. It’s a political hot potato for sure. Whether you cite the Dearing Report:

“We recommend to institutions that, over the next two years, they review….their arrangements for handling complaints from students, to ensure that: they reflect the principles of natural justice; they are transparent and timely; they include procedures for reconciliation and arbitration; they include an independent, external element; and they are managed by a senior member of staff” (Recommendation 60)

CVCP ‘Management Guidance’:

“It is extremely important that every university should have a suitable internal complaints machinery for students which is widely known and can be easily invoked…There should be a clear, simple procedure widely publicised and brought to the attention of every student” (CVCP: 1998, 24)


“The Government regards it as important that…institutions should review their procedures for handling student complaints…and intend to review, in two years’ time, whether sufficient progress has been made” (Para 9.8)

It’s a race against time, which universities appear to be losing:

“In today’s increasingly moralistic and controlling atmosphere, institutions that wish to retain control of their own policies need to make sure that everything they do will bear inspection. On complaints and appeals that is not yet the case” (THES Editorial, 27th March 1998)

Although there appears a last gasp dash to introduce complaints procedures (“Universities are rushing to put in place formal procedures for student complaints to conform with new guidelines” THES: 11th September 1998), time is fast running out. Students too are on the losing side as ever; the only winners are the lawyers (Hocking: 1997, Farrington: 1998, Palfreyman and Warner: 1998). On the sidelines the umpire, in the form of the QAA, stands alone. The only whistles that can be heard are from a motley crew of revolting students who are running to stand still (McComb: 1997, Swain: 1997, Utley: 1997, Carvel: 1998, Kingston: 1998). This one’s going to run and run, at least until universities stop fumbling in the dark and face up to the facts. There is certainly much to fear:

“Provided there are good complaints procedures and representative structures in place for disputes and provided Dearing’s recommendations are implemented properly, I don’t think we have anything to fear” (Paul Cotrell - Assistant General Secretary of AUT - quoted in THES, Summer 1997)

Keeping a Check on “Controversial Complaints”

“Regarding the future of this area I still think there are some fundamental issues to be addressed, some of these are far ranging and will cause deep angst….Ideally, one would wish to see an alliance of interested parties all, at least, setting off on the road to achieving this” (Tim Birtwhistle, pers.comm)

Due to the controversial and inherently political nature of complaints, every attempt has been made to present a comprehensive picture. The NPC took a renewed interest in complaints at the 1997 NPC Annual Conference in Edinburgh with a paper on ‘Complaints in Practice’. Following on from that initiative, a joint-paper was drafted between the NPC and the Union of UEA Students: ‘Complaint in Practice and Codes of Practice: the alarming gap between rhetoric and reality’. A first draft of the questionnaire and project aims was sent out in January and February 1998 to a over a dozen protagonists including members of the CVCP, DfEE, QAA, and the NUS. As was pointed out in that first consultation exercise:

“The HEQC, NUS, CVCP have all investigated, albeit from different perspectives, the general question of ‘complaints’. The Nolan Review and Dearing Review both addressed the subject of ‘complaints’. The DfEE has also amassed a great deal of information and documentation in this problematic area. In addition, a body of largely anecdotal evidence regarding complaints exists in various quarters such as Student Unions. As yet, however, there is a lack of coherence, lack of concrete evidence and the whole issue remains a controversial
In April a preliminary paper was drafted, circulated to over thirty people and a revised version - 'Complaints and Codes of Practice' - published in the NPC Newsletter. Also in April the NPC funded a trip to attend a conference - “Complaints Management in Higher Education” - in London. In May a meeting between the QAA and the NPC took place in Gloucester. In June the final survey was sent out and a deadline of 11th July given. Preliminary results were circulated to all 100 institutions included in the survey and a ‘final call’ given in late July. The results were also presented at the NPC Annual Conference in Lancaster with another paper: ‘Complaints in Practice (and Codes of Practice)’. In August a second draft of the survey results were once more sent out to over a dozen protagonists and comments invited prior to publication. This second consultation exercise specifically stated (25.8.98):

“For the integrity of the research it is important that I receive as much outside feedback and input as possible (without compromising the controversial conclusions). I genuinely feel that my ‘personal’ perspective on complaints (as someone who has been through an internal complaints process, been upheld, not been satisfied with the ‘remedy’ offered and then pursuing the external avenues) does not constitute a conflict of interest; serving to infuse rather than confuse the picture. That said your critical comments are invited. I would like to take this opportunity to urge for a greater sense of co-operation, conciliation and consultation in the realm of complaints. It is painfully obvious from this survey and others that institutions have not moved as quickly as some would like on the subject of complaints, especially in implementing Dearing Recommendation 60. If you add into the equation the ‘radically enhanced remit’ of the QAA (particularly in relation to ensuring that institutions have ‘a fair and robust system for complaints’ - Dearing Recommendation 25), the CVCP ‘Management Guidance’ on complaints (which advocates ‘arbitration’ but neglects the Visitor system almost entirely), the NUS’ call for an independent ombudsperson and the DfEE’s backing of Dearing’s Recommendations on complaints, the stakes are raised even higher. The NPC is particularly concerned with the implications for postgraduates, especially the distinction between ‘appeals’ and ‘complaints’ and the apparently unjust position regarding complaints about ‘supervision’. Indeed there are a parasitic host of unanswered questions and there are, sorry for the corny clichés, no simple solutions. What is required, as advocated by Dearing, is a stronger sense of transparency and natural justice in the complaints process. Nobody is saying that complaints are to be encouraged (although they can lead to improvements in the system) but if a student does see the need to complain then they ought to be able to rely on a fair and robust system. Here endeth the sermon!”

Any further comments are much appreciated, as this is an ongoing project, which will directly feed into NPC policy and will culminate in NPC ‘Guidelines for Complaints’ in the coming months. I’ve already promised over 90 ‘free’ copies so I’m onto a loser from the start I suspect! If however you find this paper useful, thought-provoking or valuable in any way could I please ask that you show your support to the NPC; be it in terms of institutional affiliation, individual membership, or the purchasing of any of the other NPC ‘Guidelines’ currently already available (see reference list and back page of this report). As well as a new booklet on complaints there should also be one on ‘Equal Opportunities’, ‘International Students’, ‘Supervision’ and a revised ‘Codes of Practice for Research Students’ due in 1999.

Alternatively any letter bombs, barbed comments or academic abuse should be directed to the author in a personal capacity (details already provided). If you’d like to do that first-hand and face-to-face then there should be an opportunity to do so on November 20th or 27th at an event organised by Dennis Farrington on dispute resolution in appeals and complaints - like Peter Mandelson in front of the TUC Annual Conference, I’m due to speak!

Plugging the Gap

In the realm of complaints there is a policy vacuum and an information gap. The controversial nature of ‘complaints’ perhaps doesn’t lend itself to the free flow of information and communication between interested parties, often with their own vested interests. At the recent ‘Complaints Management in Higher Education’ conference in London, Professor Lee Harvey introduced the event by emphasising that complaints was “an area which is quite emotive” with “lots of anecdotes”. What is patently required is more information and less intransigence. A greater sense of community and transparency for both those handling complaints and the individual students lodging complaints must be fostered. Universities must not only listen to student complaints but their concerns must also be heard (Hodges: 1998). At the same time, in the absence of action from the QAA (see Laugharne: 1998), which due to ‘resource limitations’ will not unveil their complaints code
of practice until ‘Summer 1999 at the earliest’ (Peter Williams, pers.comm), advice and guidance to both Student Unions and Registry Officials is urgently required so institutions can implement the recommendations of Dearing:

“Can I underline that the University is currently in the process of developing a more formal student complaints procedure to accommodate the needs of both undergraduates and postgraduate students? We hope that it will be ready by Christmas. In this context sight of the forthcoming NPC guidelines would be appreciated” (Exeter AR)

In fact, the answer with the most replies was: Do you want a free copy of the NPC Guidelines? It would be nice to think that was a reflection of the need for guidance rather than the liberal nature of the guidance offered! Whilst the CVCP’s ‘Management Guidance’ on student appeals and complaints (CVCP: 1998) was a useful starting point, it dealt more with options for external complaints rather than internal complaints procedures and the fudged the Visitorial issue completely. Still less are there adequate guidelines for students contemplating and contending with the complaints process. There is a pastoral vacuum in too many cases.

**Bridging the Gap Between (Conspiracy) Theory and Practise**

In theory, everything is hunky dory in the area of complaints; complaints are managed effectively and quickly, students are dealt with fairly and everybody is happy as Larry. In practice, complaints are in crisis; those responsible for managing complaints have succeeded only in managing to duck the Dearing schedule, complaints procedures are simply not coping and the only thing that is operating effectively is the archaic way in which institutions are blocking freedom of speech and natural justice. Students are being denied access to even the basic rights of complaint and avenues of appeal. In too many cases the current systems of complaint in operation in modern universities belong in the Dark Ages; rather apt considering students are kept in the dark and must wait ages. This report (and forthcoming NPC ‘Guidelines for Complaints’) attempts to bridge the gap between theory and practice. Much has been written on the subject of complaints from the institutional perspective (Furmston: 1992, Hocking: 1997, CVCP: 1998, Farrington: 1998, Palfreyman and Warner: 1998). Those that have dealt with students have tended not to address them directly; using students merely as subjects to be studied rather than people to be listened to (Holloway: 1994, Parlour and Burwood: 1995). Nowhere was this ‘closed-shop’ attitude to complaints so evident more than at the recent ‘Complaints Management in Higher Education’ conference (see Beckingham: 1998, Berman: 1998, Blackmore: 1998, Farrington: 1998, Findell: 1998, Laugharne: 1998). Not only was this only one student there (myself) there was only a handful of Student Union representatives. This was a tad odd since students and SU officers are an integral part of the complaints process and ultimately part of the complaints management solution. The advertising flyer summed up the reactionary position:

**Who should attend?**

This conference will be vital for all those involved in student complaints, including:

- Vice Chancellors and Principals
- Registrars, Bursars and Proctors
- Complaints Managers
- Quality Assurance Managers
- Deans and Heads of Faculties and Departments
- Staff with administrative or academic responsibility for handling complaints
- Visitors

Against this negative backdrop however there has been a growing interest in students’ complaints from the complainant’s perspective (Findell: 1998, Maxwell: 1998). As a result the literature on student complaints is somewhat more accessible (e.g. Birtwhistle: 1998) but it is still couched in loaded language and legal terminology. The only real public access to information relating to student complaints comes in the form of press coverage (Swain: 1997, Baty: 1998b, Carvel: 1998, Hodges: 1998, Utley: 1998a, see Appendix 2) and directly from national bodies such as the NPC and NUS (NPC: 1996, NUS: 1994, 1997a, 1997b). And whilst the student profile has changed, unfortunately the procedures for complaint have not. This is a report written unashamedly from a student perspective:
“Consumers, customers, stakeholders. Whatever word is used - and they are all pretty unattractive to the providers of higher education - power is moving their way...In short, higher education is now a large-scale service industry and customer care is moving up the agenda fast, however much such managerial expressions may offend those committed to ‘traditional values’. If those values are to be defended - and they must be - the ‘customers’ will have to be persuaded that the service they are offering is worth having and worth investing in...Times have changed. Service providers who do not pay attention to the demands of their clients go bust” (THES, 27th June 1997)

In doing so it may prove uneasy reading, especially for those institutions who are simply ‘not coping’, but sometimes you have to burn bridges to build bridges with more solid foundations (Kingston: 1998).

**Playing Academic Registrars Off Against Student Unions**

The problem of data acquisition is certainly an inherent problem as complaints are so controversial and institutions do not especially want their dirty laundry washed in public. Many institutions have become embroiled in high profile disputes (McLaren: 1997, Swain: 1997, Utley: 1997, Baty: 1998c, Carvel: 1998, Hodges: 1998, Kingston: 1998) and are wary of closer scrutiny and public inspection. With the introduction of tuition fees the general consensus is that complaints from students are set to increase further (Jenkins: 1997, Roberts: 1998). Nevertheless, in playing Student Unions off against Academic Registrars (and if the response rate is any indication) this survey has been ‘successful’. Most other surveys have relied on merely one perspective; the 1996 HEQC survey (Farrington: 1996) focusing on AR’s and the 1998 NUS survey addressed to SU’s only (NUS forthcoming). When both AR’s and SU’s have been questioned the sample size has been too small to warrant significant conclusions (e.g. Birtwhistle: 1998) or the results have remained unpublished and anonymous (Thompson: 1997). In too many cases there is still a reluctance to release information. Perhaps this is understandable but it is not desirable. As another researcher who has recently published survey results of appeals comments:

“The facts regarding data are...there is no standard format for data gathering...and those that hold data are very reluctant to release it” (Tim Birtwhistle, pers.comm)

In this survey a significant amount of institutional intransigence was also encountered. This myopic mentality reveals itself in a failure to take advice or to listen to those giving practical solutions (Gunsalus: 1998b, Service First: 1998). Some AR’s, even when presented with the damning evidence, are still loathe to admit that there may be endemic problems in the sector. Such an anal attitude is summed up by the following comment from the Academic Registrar at Strathclyde:

“When you bother to get accurate information the number of institutions without complaints procedures is virtually zero...At one time I was under the naive impression that even journalists checked their sources, although I now realise that simply cannot be true. The 1990’s will go down in history as the ‘Age of Misinformation’. Anything for a good headline...It seems to me that you need to rethink the ethics of your approach - you will get research a bad name (or rather a worse one than it already has)!!” (Sue Mellows, pers.comm)
Other AR’s in Scotland were more reasonable, admitting that they didn’t possess a complaints procedure (e.g. Aberdeen, Edinburgh, Napier, St. Andrews), but no less antiquated in their attitude. For example, at St. Andrews University (where there aren’t any complaints procedures or any indication when they might be introduced) the ‘Ancient’ mentality still exerts influence. As the Academic Registrar advises a member of Exeter University:

“At St. Andrews, once a student has graduated, no appeal is allowed…However, as this case shows, there can still be grounds for a retrospective claim when the student was not made aware of the regulations, procedures and facilities that might have made a difference to the outcome of their studies. It is therefore vital that we are able to demonstrate that we made every reasonable effort to inform students of these things and it is additionally helpful to have evidence that the student has signed regular statements on registration forms to say that they are aware of the terms and conditions of study even if they have not read them!”

As the anonymous contributor concludes cynically:

“Rather sums up the attitude of many an academic administrator, does it not?” (Anon, pers.comm)

And as the report - “Student goes public to shame St. Andrews after it fails to act” (The Observer: 4.10.98) - quotes from a ‘wronged’ student:

“I am very frustrated because this has now gone on for years. It has been going on for such a long time but they are still getting away with it. I am trying to make them answer and make them take responsibility. I still don’t think they will acknowledge me and what happened and that there were improprieties going on. I have been treated like a naughty child throughout the whole thing. I have to deal with this and everyone else has to deal with it but they can just walk away. It doesn’t seem as if the university wants to face the fact that it did something dodgy.”

Even academics agree:

“What we really need tackle are the anachronistic notions that students are children to be talked down to, and that they must just put up and shut up” (C.C. Floyd in THES, 25th September 1998)

In the context of such a higher (education) form of hubris, it is not surprising that some SU respondents decided to remain anonymous:

“The internal politics here are still very tricky; please do NOT attribute any quotations…We are worried about the university’s reaction to some of my comments (though I stand by everything I said). However, if you still want to use them, then please do so and attribute them to ‘Anon SU’. The basic facts of whether or not we have a complaints procedure are not controversial so we are happy to be listed per responses given” (Anon, pers.comm)
“Please keep the institution anonymous as quite literally my job is on the line with this one” (Anon, pers.comm)

**Appeals and Complaints — A Difficult Distinction?**

“With the introduction of fee payment by all students a feeling of being a consumer will be introduced into the university sector. Perhaps the failure to distinguish between complaint and appeal in Dearing and *Higher Education for the 21st Century* are a conscious recognition of the shift that is to take place” (Birtwhistle: 1998, 50)


“Complaints and grievance cover broader issues than appeals which focus on a defined aspect of the assessment process” (HEQC: 1996, 46)

The CVCP deals with both ‘appeals’ and ‘complaints’ in its ‘Management Guidance’ (CVCP: 1998), the HEQC dealt with both as well (HEQC: 1996), as did the NUS (NUS: 1994) whilst others have chosen to focus solely on appeals (Birtwhistle: 1998, NPC: 1996, Underwood: 1998). Whichever approach is taken, the fact is that although appeals and complaints are often dealt with separately (e.g. via ‘Appeals’ and ‘Complaints’ Procedures) complaints cover appeals and a complaint may even turn into an appeal. Confused yet?! The definition employed in this project encompasses all ‘ appeals’ and ‘grievances’ under the overarching rubric of ‘complaints’. As was pointed out in the survey introductory letter (11.6.98):

“For the purposes of this survey and forthcoming guidelines, therefore, the term ‘complaints’ includes both ‘appeals’ and ‘grievances’; both ‘academic’ and ‘commercial’ complaints. Where separate ‘Academic Appeals’ and ‘Academic Complaints’ exist please indicate. Given the diversity of procedures and academic provision it is often difficult to distinguish between each. Indeed in many cases academic complaints inevitably turn into academic appeals. Suffice to say that in this survey the whole continuum of complaints, grievances and appeals falls under the rubric of ‘complaints’.”

Nevertheless there are still problems of definition and even those involved in ‘complaints’ are confused:

“There is considerable confusion and inevitable overlap between academic complaints and appeals and one objective will be to try to draw up clear guidance on handling specific issues by one and only one procedure” (Dennis Farrington, pers.comm)

Some would seemingly like to see it continue that way:

“You are right to distinguish between complaints and appeals, but draw away from doing so” (David Anderson-Evans - CVCP Policy Adviser - pers.comm)

The mere act of giving apparently avuncular advice reveals some of the murky political waters in the area of complaints. It would appear that those involved in managing higher education prefer to see students floundering out of their depth. The present predicament (see Conclusions 6 and 7) in which postgraduates are ‘all at sea’ when it comes to raising complaints about supervision suits institutions fine. The fine line between an ‘appeal’ and a ‘complaint’ can make a huge difference in postgraduate complaints. This importance distinction will be developed throughout the report.

**An Independent View**

The degree of independence in complaints procedures is a source of much debate and a legal minefield (NUS: 1997a, 1997b, Baty: 1998a, CVCP:1998, Griffith: 1998). Whilst many, including the NUS and NPC, have campaigned for an independent ombudsman for student complaints, others, including the CVCP, have pressed for the adoption of arbitration. Suffice to say that the debate will continue. Somewhere in the middle of the road are the QAA; sitting on eggs and scared of breaking egg-shells. Thinking must be the prelude to action:

“It is all very well to say, ‘wouldn’t it be a great idea’, but you cannot consider it in isolation. There is a need to think carefully indeed” (John Randall - Chief Executive of the QAA - quoted in THES, 21st August 1998)
“The Quality Assurance Agency does not have and does not seek a role in adjudicating on individual student complaints. It is for institutions to put in place fair, open and robust systems to handle complaints…A decision of an ombudsman could not oust the jurisdiction of the courts or a visitor…The best way forward, as the government recognised in its response to Dearing, is for institutions to get complaints handling right first time” (John Randall - Letter to THES, 18th September 1998)

Whatever the future role of an independent ombudsman (if any) there is a need for a universal template for complaints procedures (see NUS: 1997a, 1997b). But the Government appears willing to leave universities alone and give them some sort of ‘institutional immunity’:

“The Department would encourage universities to introduce independent complaints procedures in line with the Dearing recommendation. However, as you are aware, higher education institutions are autonomous, independent bodies responsible for their own internal affairs, including the consideration of complaints from students.” (DfEE spokesperson, pers.comm)

For external as well as internal complaints procedures the same applies. As The Independent points out:

“In the final analysis, universities, as independent bodies, are not bound to adopt any form of external appeal mechanism” (Hodges: 1998)

Therefore, the CVCP, under the misguided guise of ‘institutional autonomy’, have given institutions carte blanche to do as they please. Such a laissez-faire attitude is inviting inconsistency and injustice for students.

For external complaints procedures this is has been the case for centuries. The Visitor system, especially, has attracted much criticism (For a bibliographical review see Palfreyman and Warner: 1998). Visitors such as the Archbishop of Canterbury and the Lord Chancellor have in particular led to fears that they are abrogating their duties by delegating their powers. Others find it perversely funny that a case of Regina Vs Regina could reach the courts (Kingston: 1998). For a personal view:

“Essentially the real problem is that the Visitor is a law unto himself/herself and that the courts will intervene only in the event that (s)he acts outside the jurisdiction, abuses his or her powers, has acted contrary to the rules of natural justice or failed to exercise judgement at all…There is no authority for compelling the Visitor to follow any set procedure in any given time-scale. I have seen an example of a student case against a chartered university taking years when if the student had attended a university only a few hundred yards away his case would have been disposed of through judicial review much more quickly” (Dennis Farrington, pers.comm)

For internal complaints procedures, the issue of inconsistency is arguably even more important. For example, under the current arrangement a student at Aberdeen University has no opportunity to complain whilst across the road at Aberdeen Robert Gordon University there is a well-established complaints procedure in operation. Similarly, at Manchester Metropolitan University (and UMIST for that matter) there are firmly laid down formal complaints procedures whereas across the park at Manchester University a student has no chance to complain as there are no procedures (yet). Even within the University of London the degree of diversity is incredible. Similarly, in Oxford and Cambridge the collegiate system breeds quandary. And within departments the disparity beggars belief in many cases. Such diversity in provision is asking for trouble and can only increase the confusion amongst students and staff alike. The QAA appears to agree:

“The priority ought to be in getting the matter dealt with within the institution wherever possible. If that means improving the internal institutional procedures, then that’s where the effort ought to go” (John Randall - quoted in The Independent 1st October 1998)

There must be no substitute for a widely known, easily invoked and universally adopted complaints procedure:

“I would most of all like there to emerge some pressure for a basically standard procedure, set of definitions, and access to justice rather than the system that currently operates” (Tim Birtwhistle, pers.comm)

This view is echoed by another leading analyst:

“It is probably also necessary to impose at least some measure of consistency on procedures for departmental handling of complaints, if only to avoid problems being escalated if different departments adopt radically different approaches” (Dennis Farrington, pers.comm)
And another legally challenged academic:

“Because disputes vary so greatly in scope and intensity, no simple reforms are applicable. Complaints will continue to be channelled through grievance procedures within each institution. But some mechanism is needed for their supervision…perhaps it is time for an alternative” (Griffith: 1998)

**Complaints Cost Time, Money…**

A greater sense of independence could even save money insofar as there would be less complaints reaching the courts and less acrimonious litigation:

“We are aware of the increasing amount of litigation between students and institutions, and do not feel this is in anyone’s interests. We support students’ right to take legal action, but only if there is no other appropriate course of action. We feel that in many disputes it would be far better for all concerned if the matter could be resolved through quicker, cheaper means. In NUS’s view, an ombudsperson would provide such an alternative means and would significantly reduce the volume of litigation” (NUS: 1997a, 3)

The bottom line is that complaints matter because they cost time and money. Power is certainly moving the way of consumers but there is a long way to go before institutions are forced to play by the rules:

“The real politics of the contemporary academic world, in the United Kingdom at least…Academic life is characterised by a compliance culture. Its rules are determined by those with power and influence - especially those with the allocation of money” (Johnston: 1996, 93)

The rising tide of litigation is sending the message to universities that they cannot go on treating first-class students like second-class citizens. Not every student expects to pass with flying colours but what they do expect is value for money. If they do not get it, there are legal channels open to them. This is especially true of international postgraduates who are realising that they are often regarded merely as a foreign currency to be traded (Okorocha: 1997). ‘Campus consumerism’ is a growing trend that has caught a number of universities out. The following disingenuous comment betrays the fear of institutions:

“When you create a clearer means of complaint procedure you necessarily increase dramatically the number of complaints, and that costs money” (Professor George Warner - co-author of *Higher Education and the Law* - quoted in THES, 10th April 1998)

As the 1996 HEQC project on student complaints concludes, complaints can cost serious amounts of money:

“Estimates ranged from ‘a few thousand pounds’ or ‘10-15 days of my time’ through to £50,000 p.a. At times of reducing resources some of the figures are alarming and the picture darkens when one considers that at some of the institutions recording the highest spending, the number of complaints to external agencies is also high and increasing” (Farrington: 1996, 9)

These cost implications must be off-set by other factors. The QAA now has the power to take away funding:

“With the following sentence, Sir Ron Dearing sent shivers down universities’ spines: ‘The funding bodies should be enabled to withdraw funding if the complaint is upheld and appropriate remedial action is not forthcoming’.” (The Independent, 28th August 1998)

HEFCE has also been forced to show an interest in this issue (Rosalind Keir, pers.comm). In fact, behind the scenes the QAA and HEFCE are being forced to hold regular summit meetings on complaints due to the volume of complaints received (Sue Montague, pers.comm). The QAA’s ‘institutional files’ (Laugharne: 1998) must surely be bulging. A ‘good’ complaints procedure should actually save time and money; better to pay a little now than possibly an awful lot later. But ‘bad’ practice is endemic across the university sector. As the NUS Vice President of Education said at a recent conference on ‘Complaints Management’:

“If there’s anything that universities hate more than spending money, it’s saying sorry” (Findell: 1998)

This entrenched attitude is slowly changing as universities become more experienced in dealing with complaints and actually listen to the legal advice offered (Farrington: 1997, Hocking: 1997, Utley: 1998b). However, the ‘head in the sand’ attitude is still more pervasive than many would like to admit:
“Many institutions arrogantly think they can treat all students like children. This is then compounded if they take advice from their local solicitor with little real experience of public law who subsequently goes for advice to a local barrister with equally little experience in this specialised area. This is a recipe for disaster and a huge bill for legal costs, escalating daily” (Elaine Maxwell - Marsden Huck - quoted in THES: 26th June 1998)

Unfortunately, it appears that universities which are mortgaged to the hilt and no longer bankrolled by Government are promising more and delivering less. Business interests and industry sponsorships are more important than research and the teaching of students. Standards are slipping as student numbers are rising. That is more or less the problem. In economic terms it’s a costly situation that just doesn’t add up. There’s no accounting for failure. Perhaps that’s why more and more universities are employing accountants as Vice “Iron” Chancellors?

**Survey Methodology — Ironing Out the Inconsistencies**

Concerns have been expressed during the consultation process at, inter alia, the survey methodology and validity of the results (David Anderson-Evans, pers.comm, Maureen Blackmore, pers.comm, Sue Mellows, pers.comm, Simeon Underwood, pers.comm, Anon, pers.comm). As a rejoinder it mirrors the 1996 HEQC survey, employs exactly the same research methods and differs only insofar as it represents a SU oriented view rather than an AR one. It merely puts across the other side of the argument. As the author of another student oriented survey comments:

“Dr Farrington (1996) was commissioned by HEQC to undertake a project to ‘assemble information about existing institutional complaints procedures and the extent and nature of the current problems’. This report effectively suggests some of the main issues in terms of the current status quo with complaints in HE, but does not address the issue of how effectively complaints are being dealt with. Complaints are, by definition, generated by consumers so the closest source to assess their effectiveness would be consumers themselves. Farrington’s report focuses on a management perspective, which would naturally be prone to presenting the institution in the best possible light. In fact 88% (22 out of 25) stated that the procedures were coping” (Thompson: 1997, 19)

Other complaints surveys have ‘failed’ insofar as the sample size obtained has been unrepresentative (e.g. Birtwhistle: 1998). The rest have been anonymous and have thus avoided the inevitable difficulties of ‘naming and shaming’ (e.g. Farrington: 1996, Thompson: 1997). Unavoidable, however, is the fact that the responses given are from one person (sometimes two). Subsequent conclusions based upon this evidence therefore lays the report open to criticism. It is criticism that is taken on board but it is the same for all qualitative based research (however quantitatively it is presented):

“The Principals of all institutions were also contacted and asked whether they, or one of their senior colleagues, would fill in and return a questionnaire. This has similar limitations as for Student Union Presidents, in that the view of one senior manager may not be reflective of the whole of management, being more of a personal viewpoint. These problems of accurate representation are acknowledged and the report is specifically designed to open up further debate on complaints” (Thompson: 1997, 24)
There are intractable problems in attempting to collate and present all the data. There is an inherent subjectivity in the results received and even more so in their presentation. Every attempt has been made to present all the evidence (Appendices 3-5) and to employ a rigorous methodology (Oppenheim: 1992). Including all the data in the form of direct quotes and attached as appendices represents a pre-emptive strike against accusations of bias. Chasing up potentially inaccurate information via phone calls, fax and email are strategies that have all been employed in order to minimise errors. At the same time, critical comments have been taken on board and have been incorporated into the text. There are no sweeping solutions to these debates; no panacea to the data problems encountered. Indeed, differences in opinion and arguments are signs of a healthy research area. Complaints will always be a tricky issue and will raise heckles wherever and whenever the issue is raised. The very nature of complaints - with a complainant and a service provider on either side of a customer counter - polarises the debate. ‘Good’ and ‘Bad’ are invariably squared against each other in a battle with no winners. Any ‘victory’ is merely Pyrrhic. Only when a more transparent and mature attitude to complaints, from both those lodging complaints (for there are certainly some juvenile delinquents out there) and those handling complaints (for there are bungling bureaucrats as well), is developed will the current crisis in complaints abate.

On a practical level, that requires a 100% response rate to this questionnaire (Appendix 1). Your support is encouraged, welcomed and urgently needed. As was pointed out in the original survey flyer (11.6.98) sent to 100 AR’s and 100 SU’s at the same 100 institutions:

“It is fully realised that ‘complaints’ is a controversial subject with a tendency for institutions to want to guard their institutional autonomy and confidentiality. That said, it is important that best practice in complaints management and general ‘good practice’ is encouraged. As such I hope that even those institutions who do not have complaints procedures in place (the 1996 HEQC survey estimated is as 44%) feel able to answer at least part of the questionnaire. Furthermore, I would hope that the forthcoming NPC ‘Guidelines for Complaints’ may prove useful to both those institutions who are planning on introducing complaints procedures and those whose existing procedures are undergoing review…Data acquisition is all important and your co-operation is encouraged. A similar survey is also being sent to every Academic Registrar/Student Union and it will be interesting to compare response rates…It will be interesting to delve beyond the rhetoric of the official procedures and down to the bare bones on the ground…In the realm of complaints it is vitally important that we steer a safe course between vested interests and conflicts of interests”

The central tenet of this survey is public accountability coupled with transparency. ‘Outing’ is viewed as a prelude to improved performance and the adoption of best practice. Citing ‘worst’ practice is seen as representing a kick up the bureaucratic butt. It may not always prove popular with the court and king but openness and the inevitable press coverage that goes with it (Appendix 2) can only be a good thing for students. For institutions, coming out of the complaints closet may not be easy. But as that annoying advert advises: “It’s good to talk”. Only together can we iron out the inconsistencies.

**Recent Developments on Student Complaints and the Visitor**

Since the original of this report was produced, there have been a number of developments that have taken place with regards to the University Visitorial system. A number of cases have been produced and other publications written in relation to the Visitor. With the growing student numbers, particularly postgraduate numbers, there is an ever increasing demand as far as complaints are concerned. The increased demand increases the problems of a visitor outlined by Jaswinder Gill and Gillian Evans:

> "Sometimes a University will even try to prevent a student making an appeal at all, or try to put blockages in the way of an appeal to a Visitor, by telling the student that it can be done only through the University’s administration or that the problem is not one that the Visitor can consider, or that it is too late.” (Evans G, Gill J, 2001, pp 128)

A number of cases that have emerged have exposed severe problems with the Visitor in terms of violation of the Human Rights Act 1998, the ambiguity of the Visitor’s powers and the time taken to pursue a complaint. The Wilkinson case (Smithers R, 2003) is currently awaiting review in the high court, as the failure of the Visitor to award damages has raised serious questions as to whether the Visitor has breached the Human Rights Act 1998, where article 6 states:

> “In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a **fair and public hearing within a reasonable time by an independent and impartial tribunal established by law**. Judgment shall be pronounced publicly but the press and public may be excluded from all
or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.” (Human Rights Act 1998, Bold print added)

The Visitor in this instance is not independent or responding in good time. Time delay is certainly an issue with the McDougal case (THES Editorial, 1999), which has been in process several years since the beginning of the complaint. Very recently the Ogden case has brought news to the higher education community in that a Visitor has awarded damages (Baty P, Farrar S, 2003). This clearly raises the questions about the Visitor’s powers since they are a law unto themselves. The following extract indicates how a student may wish to chose an institution based on what Visitor they have should they need to pursue a complaint:

“The Queen - acting through the privy council of the Lord Chancellor. Enough said
The Duke of Edinburgh - overseas students might think twice
The Duke of Kent - best not to call during Wimbledon fortnight
The Archbishops of Canterbury and York - the hotline to God should see you all right
The bishops of Durham, Ely, Exeter, Lincoln, Oxford, St David’s and Winchester - top drawer theologians to a man - and they are all men - but wouldn't you feel more comfortable with an archbishop?
The Earl of Pembroke and Montgomery, aka Henry George Charles Alexander Herbert - if you want a private word, try going to Royal Ascot
Lord De L’Isle of Penshurst, aka Philip John Algernon Sidney - since 1979 has described himself as a landowner, so keep him sweet by chatting about the problems of first-time buyers
Lord Howe - has done everything else, so why not this?
Lady Warnock of Weekes - ditto
Master of the Rolls, aka Lord Phillips of Worth Matravers. May get you off on a legal technicality
Sir Anthony Evans - grammar school boy as close to a pleb as you'll get on this list
Lord Griffiths of Govilon - especially useful for those disputes on "golf course studies" degrees
Lady Archer - has first-hand experience in the witness box and is used to getting a result.”
(McLeod D, Crace J, 2003)

Despite all this the Office of the Independent Adjudicator (OIA) has been appointed (McLeod D, 2003). This will clearly overcome problems with timing, impartiality and allow complaints to be handled professionally. It is still likely to be a learning curve as to how the OIA will work best, since it is the first time anyone has attempted to create such an office. It is likely that the internal complaints procedures of a higher education institution will have to be reformed in the future to work properly in relation to the OIA. Although the OIA will remove much unnecessary bureaucracy, it could cause many complaints to come forward that could otherwise easily be dealt with internally. The OIA would therefore want to be reserved for cases that are beyond measure for internal complaints procedures such that it will fulfil its intended role of helping institutions improve their own complaints procedures through the complaints it receives. It is important that a transparent procedure will be created, especially for postgraduate research students who often find complaints difficult to pursue with the current feedback mechanisms. Given current cases taken to the Visitor, it is likely that a vast majority of cases that will reach the OIA are going to be research student related. Avoidance of such cases is largely achieved when problems are met early on in a research degree, where impartial and accessible feedback mechanisms are available at grassroots, which the NPC has been campaigning for.
Results and Commentary

Response rate

Comments: Lies, damn lies and statistics.... The overall institutional response rate was 81%, with individual responses from 108 people. Only one institution replied but refused to take part: “It has been decided that we do not wish to take part in this survey on this occasion” (London UCL AR). Perhaps next year when a complaints procedure is in place?! The breakdown of the replies were as follows: AR’s = 62 and SU’s = 46 (Appendix 3). In view of the fact that 200 questionnaires were sent out and there were only 108 replies, a response rate of 81% is perhaps cheating. Having said that, since there were only 100 institutions surveyed the sample return is 81%. It appears that it was either a freak result that there were only 25 replicated results or that the SU’s and AR’s got their heads together. Whether this was positive head-turning or negative head bashing I’m not sure. Certainly, some responses from SU’s more than implied that obtaining information from the AR was nigh impossible. In other cases the act of responding to the survey brought the AR and SU closer together and engendered a culture of co-operation. That said, even if the response rate is taken separately for the two surveys the response rates are 46% for SU’s and 62% for AR’s. The different AR and SU response rates compare with another survey, which had response rates of 40% and 33% respectively (Birtwhistle: 1998). Obviously the SU officers are working too hard playing at politics to find the time to reply to a survey.

In some cases two AR responses were received from the same institution. The London QMW reply from the Vice-Chancellor even differed from. The Academic Registrar’s response! In other another case (Kent) is took four individual replies to arrive at a definitive answer. Cases in which the reply from the AR and the SU differed were resolved with a follow-up phone or email inquiry. Not all questions were answered in full and some questions were not answered at all. Nevertheless, the data gathered is more than enough to handle for the time being (Appendices: 3-5). The response rates compare favourably with both the 1996 HEQC Survey (only 25 AR’s out of a 29 sample) and the 1998 Birtwhistle survey on ‘appeals’ (only 15 SU’s out of a 45 sample and only 18 AR’s out of a 45 sample). Given that the SU survey was longer (Appendix I) and the sabbatical summer changeover was taking place at the same time it is not too surprising that the AR response rate was better. Even so I suspect that a student survey addressed to AR’s is a rather sensitive subject with AR’s wary of responding (In fact, one AR rang me up incognito and was very guarded before sending in his response anonymously and then asked for a copy of the NPC ‘Guidelines for Complaints’ - where do you want it sent?!). SU officials were also somewhat reluctant to divulge personal details although they permitted their institution to be named in the survey. Therefore, without blowing the trumpet too much, this NPC survey on complaints is the most comprehensive and representative ever undertaken on the subject of student complaints. Back to blowing the whistle...

Question 1: Do you have a formal student complaints procedure (i.e. a procedure formally approved by the relevant bodies of the university and made available to students)?

YES - 66%
NO-34%


Responded but refused to take part:

London UCL

Comments: A table of the results is presented in Appendix 3. Such an apparently simple question proved problematic and even revealed discrepancies between the AR and SU answers from the same institution! This
problem was also encountered in another survey, which asked a similar question - ‘Do you have a formal written complaints system for individual students?’:

“It is surprising than within four institutions there is a different answer to such a fundamental factual question...there is still some confusion within some institutions as to whether there is a unified complaints system” (Thompson: 1997, 30-2)

Some respondents replied “yes” to the Question 1; namely that they did have a complaints procedure but in fact it was a procedure that was still in the ‘draft stage’, had to be ratified by the relevant committees or was undergoing revisions (e.g. Aston, Birmingham, Lancaster, Manchester, Napier, Staffordshire). Exeter’s “new formal complaints procedure is in the making” (Exeter SU). And Edinburgh is undergoing a process of consultation:

“There is an informal procedure which has been used in practice for last 10 years approximately and the University is currently in consultation with the Student Association devising a formal policy” (Edinburgh SU)

The distinction between ‘informal’ and ‘formal’ complaints procedures is vital here. It is questionable if a number of wafer-thin complaint procedures (Cranfield Durham, Greenwich, Hull, Keele, Kent, Leicester, Liverpool, Stirling) constitute formal procedures at all. Certainly, in order to pass scrutiny they will require further embellishment - a policy already adopted by Teeside and York. Bristol replied that its procedures were “being enhanced” (Bristol AR) and Reading intimated that it did have procedures in place but both provided no evidence of any existing formal procedures. What most institutions did have were ‘appeals’ procedures but this is not the same thing as ‘complaints’ procedures (e.g. Cheltenham, Dundee). Often they are dealt with differently:

“Appeals and complaints are rather different and are dealt with separately at this University although, of course, one may lead to the other” (Kent AR)

When a ‘complaints’ procedure was not enclosed (e.g. Dundee), repeated requests for a copy of the procedures proved futile (e.g. Liverpool, Napier) the answer given was deliberately vague or uncertain (e.g. Liverpool, Napier) the answer “no” was recorded for the purposes of this survey. For example: “We do have a sort of complaints procedure but it is very basic - only a couple of lines that tell you can complain. However, after much lobbying, the University is putting one together as we speak to go with our first edition of our student charter” (Birmingham SU) was interpreted as “no”. And the response: “There are various more-or-less ad hoc procedures for complaints. However, there is no formal college-wide complaints procedure” (Dublin SU), also would have recorded a negative if included in this survey. This was gathered via email which also saw responses from Potsdam University in Germany - a “no” - and Monash University in Australia - a “yes”!

The only other response gathered solely via email was from Birmingham). In other cases a “yes” answer was given but it was apparent that they had jumped the gun insofar as the complaints procedure existed only in ‘draft’ versions, which would be implemented later in the year. It was apparent that many institutions were in the preparatory (and often final) stages of formulating a complaints procedure (e.g. Aberdeen, Birmingham, Lancaster, Napier, Salford). Manchester, for example, answered “yes” but then revealed that the complaints procedure was “being implemented in September 1998”. More alarming were the often contradictory views expressed by the AR and SU representatives in the same institution (e.g. Aston, Bangor, Kent, Liverpool, Newcastle, Reading, York, Mon, Mon). How such a simple question could be misconstrued is perplexing. One respondent, who wished to remain anonymous, became so confused that they could not give a ‘yes’ or ‘no’ answer bemoaning: “I have had too much conflicting information.”

Since the 1996 HEQC Survey which found 44% of institutions without a complaints procedure (Farrington: 1996), the progress has been painfully slow. A figure of 34% is still unsatisfactory and goes against the recent (April 1998) CVCP ‘Management Guidance’ which states that: “It is extremely important that every university should have a suitable internal complaints machinery for students which is widely known and can be easily invoked.” If anything, this survey shows a positive skew and therefore accentuates the number of “yes” answers given the fact that those institutions with “no” complaints procedures are less likely to respond. Indeed, if a non-response is assumed as a ‘no’ response the figure rises to 47%. When the full survey results are in a clearer and more concrete picture will emerge. These results are therefore merely a ‘snap-shot’. Some institutions are beginning to take notice: “The College is currently reviewing the issue of student complaints in response to the CVCP document (etcetera) and will be in a better position to comment once the review is concluded” (London Imperial AR). This view was echoed by David Anderson-Evans of the CVCP who at a recent conference asked the QAA to delay their own survey into complaints. Like an obedient lap-dog the QAA duly obliged.
**How is the procedure publicised?**

**Comments:** Approximately 60 complaints procedures were accessed as a result of this survey. As an addition to some complaints procedures there are ‘Complaint Forms’ attached (e.g. Bradford, Central Lancashire, Wolverhampton). Both however are generally badly publicised. In fact another complaints survey found that:

“The majority of institutions do not publish complaint forms (71%)” (Thompson: 1997, 58)

The evidence of this survey also suggests that the publicity and transparency of overall complaints procedures is low down on the list of priorities for institutions. Places for publication varied from prominent display via a “Campus Wide Information System” (Liverpool JM), “a suggestion-box system” (Aberdeen RG), “available at all counters where they are on display” (Central Lancashire), handed out “as a separate flyer” (Leicester), a booklet (Bradford, Brighton, Central Lancashire, Glamorgan), “portfolio” (Bangor), to less visible places such as hidden away in a prospectus (Liverpool, Newcastle, Stirling) or even more sinisterly to not being available at all even when requested by the Student Union (Mon). Most complaints procedures were handed out at registration in student handbooks (Aberystwyth, Cardiff, Central England, Greenwich, Huddersfield, Leeds, Middlesex, Manchester Metropolitan, Northumbria, Plymouth, Southampton, Sussex, Thames Valley), included in Student Charters (De Montfort, Derby, Hull, Humberside, Kent, Liverpool JM, Nottingham Trent, Sheffield, Wolverhampton) or available as separate documents (Hertfordshire, London Guildhall, Open, South Bank, Swansea). Other institutions referred to but did not include the complaints procedures in the ‘Student Handbook’ distributed at registration (East Anglia), stated that copies were “freely available from all appropriate offices” (Essex), identified a central office as a point of contact for the complaints procedure (Napier, Mon) or it was not clear how the procedures were publicised (Durham, East London, Glasgow Caledonian, Keele, UMTST, Nottingham, Strathclyde, Sunderland, York).

More accessible are complaints procedures, which are “contained in Standard Course Documentation to which all students should have access” (Aberdeen RG AR). Many SU’s are “not sure how/or even if it is publicised” (Mon). This is a function of either their ignorance or the fault of the registry not informing them of procedures (e.g. Kent, Liverpool, Newcastle, Reading, York, Anon). Either way, for the student in such circumstances it is the same as having no complaints procedure. In some cases the mere act of questioning about the existence of complaints procedures prompted their wider promulgation:

“I understand that whoever you spoke to in the Students Union thought it was still in draft. This is understandable with the changeover in Union officers at that time of the year. I will send the President and Deputy President a copy so that the new offices know about it” (York AR)

The overriding impression is that most complaints procedures are “badly publicised” (Exeter SU) and “not publicised generally” (Cranfield SU). In many cases, it seemed that a deliberate policy of making it difficult to access (and therefore use) the complaints procedure was in operation: “Students are not aware of the procedure” (Sheffield Hallam SU). In other cases, although a complaints procedure existed it was tucked away in a booklet the student had been given at enrolment and had long since discarded (e.g. Newcastle, Thames Valley, Mon). More sinisterly, when questioned by another survey (Thompson: 1997), the perception of AR’s towards the publicity of complaints procedures showed a marked difference from SU’s and a divergence from the ‘truth’ (Appendix 9). In many ways a procedure that exists in principle but not in practice is worse than none at all:

“You ask in Question One if this procedure is made available to students. You will notice that I have sent you a photocopy rather than an original - this is because the leaflet has not been published recently and I cannot get my hands on any copies of it other than the one office copy I use. If I can’t get hold of copies, then I very much doubt if students can. The procedure is therefore not widely available at this point in time (though I am assured repeatedly that a new print run is imminent).” (Mon SU)
In other cases, up-dates are not made:

“Written Complaints Procedure not referred to explicitly in enclosed charter documents as it did not exist in written form when the documents were produced” (Newcastle AR).

The lack of publicity and transparency is reinforced by other survey results:

“The evidence suggests that there is still a lack of awareness within some institutions to basic factual information on what complaints systems exist, and where published information can be found. This could be attributed to human error, but the consistency of answers suggest that it is more likely to reflect a genuine confusion. This conclusion is supported by other research. Hall et al (1995) reported that students were generally unaware of procedures. The Citizen’s Charter (1993) report that only three out of five students were aware of specific complaints procedures” (Thompson: 1997, 54)

In fact, a survey of postgraduates by the Union of UEA students in 1997 found that 35% of postgraduates did not know about the existence of appeals and complaints procedures (Laing: 1998). As a counter-measure to a policy of ‘covering up’ the complaints procedure, the Student Union often provides a vital information service and distributes information on students’ rights (e.g. Coventry, Derby, Liverpool JM, Luton). It is through this Student Union avenue that it appears many complaints procedures become publicised. It also appears that a greater number of complaints procedures are being posted on the world-wide-web (Cardiff, Loughborough, Wolverhampton, Humberside). It would appear that only some institutions are taking note of CVCP ‘Management Guidance’ or the Government’s own advice on ‘How to deal with complaints’:

“My procedures introduced or adopted should be well-publicised, widely known and easy to invoke. Internal procedures and external review should be clearly distinguished in guidelines or publicity” (CVCP: 1998, 20).

“Your complaints system should be easy to access and well advertised. There is little point in having a system if no one knows what it is or how to use it. People need to know how to complain and to feel it is worthwhile. You should encourage compliments and comments from users as well as complaints. Your organisation should be looking to increase the number of dissatisfied users who complain. This will show that your users believe you take complaints seriously” (Service First: 1998, 10)

The lack of publicity can be even more significant in the sphere of appeals, especially given the view that students arguably forfeit all rights of appeal once they graduate. There is certainly evidence to suggest that appeals procedures are no better publicised than complaints procedures. Indeed in many cases appeals procedures may receive even less publicity than complaints procedures. For undergraduates this is particularly important since the time available to lodge an appeal is often only a matter of weeks. In fact, a recent survey on appeals shed light on the dark side of the appeals process (see Birtwhistle: 1998). In answer to the question; “Does your university adequately notify students of the existence of the appeals process?”, 61% of SU’s said “no” In too many cases, it is a case of ‘too little too late’. For too many students the publicity given to both appeals and complaints procedures is not enough.
When were the procedures published?

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Didn’t say:</td>
<td>28%</td>
</tr>
<tr>
<td>Next academic year:</td>
<td>23%</td>
</tr>
<tr>
<td>1998:</td>
<td>10%</td>
</tr>
<tr>
<td>1997:</td>
<td>15%</td>
</tr>
<tr>
<td>1996:</td>
<td>11%</td>
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<tr>
<td>1995:</td>
<td>5%</td>
</tr>
<tr>
<td>1994:</td>
<td>5%</td>
</tr>
<tr>
<td>Pre-1993:</td>
<td>3%</td>
</tr>
</tbody>
</table>

Revised next academic year: 23%

Comments: It appears that the ‘Management Guidance’ issued by the CVCP in April 1998 and Recommendation 60 of the Dearing Review has forced institutions into adopting and where necessary revising their complaints procedures. UMIST, Newcastle, and York are not alone in redrafting their existing complaints procedures this year. Teeside is another example of good practice with a review of the complaints process taking place on an annual basis. And this year’s review lead to a ‘radical overhaul;’ (Peter Pritchett, pers.comm). In some cases what had previously existed cannot be described as a ‘formal’ complaints procedure at all (e.g. Exeter). Many more (e.g. Aberdeen, Aston, Birmingham, Lancaster, Manchester, St. Andrews) are planning to introduce complaints procedures this year and some next year (e.g. Birkbeck, Cambridge, Warwick, Oxford). A significant proportion did not say when the complaints procedure was established. Given that the 1996 HEQC survey found 14 (some 56%) institutions with complaints procedures established by early 1996 it is tempting to assume that many more than 13% of institutions had complaints procedures in place prior to 1996. Certainly, since 1996 there has been a rapid uptake in the introduction of complaints procedures. The earliest reference to a formal complaints procedure is 1991 (South Bank). Many more complaints procedures probably date back before that but whether they could be described as ‘formal’ is questionable. The advent of a more formalised procedure for complaints is therefore a relatively recent phenomenon and can be traced back to the 1993 Citizen’s Charter (Parlour: 1996).

In fact, Liverpool JM was the first university to introduce a ‘Student Charter’ and it is no surprise that Liverpool JM is the university with the most developed complaints procedure (see Blackmore: 1998). Whether it actually works in practice is another matter entirely (see later)! Charter Marks have also provided the opportunity for universities to gain approval for, inter alia, their complaints procedures (Service First: 1998). However, only Cardiff, Humberside, Sunderland and Wolverhampton have been awarded ‘Citizen’s Charter Marks’ (Newcastle and Strathclyde have been awarded ‘Charter Marks’ but only for their library and careers’ service respectively). Based solely on this ‘Charter Mark’ criteria only Cardiff, Humberside, Sunderland and Wolverhampton are worthy of ‘excellence’ in the sphere of complaints. The fact that other institutions have not followed this lead does not augur well for the quality of their complaints procedures. Perhaps the criteria for Charter Mark status (Appendix 6) is beyond them?

Question 2: Is it your experience that student complaints (about anything) are increasing?

Yes: 75%  
No: 25%

Comments: complaints are increasing across the sector; for both undergraduates and postgraduates. Given that the 1996 HEQC survey found a 95% increase in student complaints ‘over the past 5 years’ (Farrington: 1996) it is tempting to suggest that there has been a slowdown in the increase in complaints since 1996. The introduction of complaints procedures - especially of the ‘informal’, ‘internal’ and ‘infernal’ type (see later) - may have acted to stem the formal flow of complaints. The development of ‘complaints management’ mechanisms may have meant that institutions have ‘managed’ complaints more informally and internally; thus masking the real figures. Lurking underneath the surface though are the troubled waters of tuition fees. Student appeals are also increasing in 55% of institutions (Birtwhistle: 1998). Falling standards and rising student numbers coupled with an increasing awareness of their rights will mean that such increases are not only inevitable but also inexorable. Institutions have already been issued with several “flood warnings” (Utley: 1997); they ignore them at their peril.
Question 3: To what do you attribute the increase?

Comments: It is interesting to see that most of the AR responses bemoan the fact that students are becoming more aware of their rights as ‘consumers’ and their desire to maximise their ‘value for money’ (Appendix 4). On the other hand, the standard SU response focuses not on the symptoms but on the causes of such increases in complaints; namely falling standards/dumbing down and the fact that students now have complaints procedures to employ (Mrs Thatcher even gets a mention!). This is something some AR’s openly acknowledge: “Published procedures” (Leicester AR). The role of the SU in publicising complaints procedures and in advising students how to use them is of key importance. One SU official; sums up the situation when they give the following reason for an increase in student complaints: “Better marketing of Student Advice Centre” (Nottingham Trent SU). The results of this survey back up the 1996 HEQC survey:

“There is overwhelming evidence that student complaints are increasing and that the subject matter of complaints is mainly related to the quality of academic teaching and supervision and related academic administrative matters. The principal reasons for the increase in complaints are a) a new or more highly developed sense of ‘consumer rights’ in higher education and b) difficulty in maintaining standards in a system struggling with increased numbers and reducing resources” (Farrington: 1996, 11)

In today’s consumer culture, students are revolting more than ever before/students are more revolting than ever before. At the same time, institutions are promising more and more and delivering less and less. That’s about the size of it.

Question 4: In your experience, what are the three issues about which most complaints are made?

- Supervision/Teaching: 30%
- Exam failure/Academic assessment: 19%
- Facilities (including computer, library, learning resources, and catering): 13%
- Quality of course (including exam time-tableing, placements and non-return of coursework): 8%
- Accommodation: 7%
- Rudeness of staff/Unfair treatment of students by peers: 6%
- Communication/Information: 6%
- Finance/Funding issues: 4%
- Others: 4%
- Discrimination/Harassment: 3%

Comments: It is difficult to generalise here and it is debatable whether there is any simple classification of ‘complaints’. However, ‘Supervision/Teaching’ issues predominate. This is especially true for postgraduates: “supervision of postgraduate research students - or the lack of it” (Sheffield SU) and “research supervision arrangements crops up more than some issues” (Bangor AR). This is backed up by the results of a 1997 survey of 1,000 PhD students at the University of East Anglia, which cited ‘Supervision’ as the main reason for complaint - some 61% of the sample (Appendix 8). In some cases it seems that the institution views complaints about supervision as spurious and sees the student as making a scapegoat of the supervisor: “Claims that if dissertations fail the supervisor must be to blame” (Mon AR). Dennis Farrington - Deputy Secretary of the University of Stirling - separates complaints into ‘commercial’ and ‘academic’ (Farrington: 1996). A survey by Maureen Biackmore - Proctor of Liverpool John Moores University - revealed that 43% of complaints were ‘Academic’ in nature with 16% ‘Finance’, 9% ‘Accommodation’ and 7% ‘Admissions’ related (Biackmore: 1998). If that distinction is followed in this survey, ‘Academic’ complaints account for ca. 75% compared to only ca. 25% for ‘Commercial’.

Question 5/16: Within the last five years, have any student complaints in your institution been the subject of?

<table>
<thead>
<tr>
<th>Action</th>
<th>Yes</th>
<th>No/Na</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correspondence with MP’s etc.</td>
<td>67</td>
<td>16</td>
</tr>
<tr>
<td>Representations to HEQC/QAA</td>
<td>22</td>
<td>55</td>
</tr>
<tr>
<td>Solicitors’ letters</td>
<td>70</td>
<td>7</td>
</tr>
<tr>
<td>Action before Visitor</td>
<td>22</td>
<td>20 No, 33 Na</td>
</tr>
<tr>
<td>County/Sheriff Court</td>
<td>14</td>
<td>56</td>
</tr>
</tbody>
</table>
Comments: As such, 81% and 91% of institutions have had action taken in the sphere of complaints, which has involved correspondence with MP’s and solicitors’ letters respectively. In many cases the parents of aggrieved students become involved writing to their MP’s or hiring solicitors in an attempt to boost their siblings academic performance: “MP’s write in support of constituents’ claims that their children should have achieved higher degree classes” (Mon AR). Whilst there were only 22 institutions who had witnessed action before the Visitor this represented 52% of those institutions with Visitors. Less common was action taken in the County/Sheriff Court (20%) or in the High Court/Court of Session (19%). Compared to the 1996 I-IEQC survey (Farrington: 1996), the percentage of representations to the HEQC/QAA (29%) showed a slight increase (24%). Perhaps more significantly was the high 29% figure for action before the Visitor in this survey and only 8% in the 1996 HEQC survey. ‘Other external action’ included: “race relation/equal opportunities”, “Commission for Racial Equality”, “NUS involvement”, “student parents”, “judicial review”, “European Commission”, “Counsel opinion as threat to go to court”, “CCETSW”, “FEQC”, and “Small Claims Court”.

Number of complaints: The actual number of complaints for each institution is anyone’s guess. Here’s a selection of the responses:

Aberdeen RG: “None aware of”
Bangor: “Still only relatively few: 3 or 4 per year go beyond the departmental stage”
Birkbeck: 6
Brighton: “very few cases”
Bristol: 12-18
Cardiff: 4
Central England: ca 10
Central Lancashire: 5
Coventry: 207 (200 Tenancy/Licensing agreements)
East Anglia: 12
East London: 16
Edinburgh: 9
Essex: 2
Exeter: “Probably less than 10”
Hertfordshire: “one to Visitor”
Hull: 0
Keele: “Only 1”
Kent: ca: 4
Leicester: 3
Liverpool: “the numbers are quite small”
Liverpool John Moores (AR): 129
Liverpool John Moores (SU): “31 students progressed complaint formally; 19 upheld”
London QMW: “Confidential”
Loughborough: “not available”
Luton: 14 (13 upheld)
Manchester: “numbers not available”
Manchester Met: “a handful each year”
UMIST: 4
Middlesex: “Statistical information is not currently available but will be from next year”.
Nottingham: “extremely low”
Nottingham Trent: “None - to the best of my knowledge”
Northumbria: “I cannot give details as we do not keep central information on complaints.”
Oxford: 0 “in living memory”
Plymouth: “Literally one or two”
Salford: “not centrally collated”
Southampton: “one or two”
Strathclyde: 2-3
Sussex: 1
Warwick: ca: 6
York: 7
Mon: “3 cases with the Visitor”
As most complaints are informal or do not exist at all due to the lack of a complaints procedure the complaints that are actually recorded and logged is merely “the tip of the iceberg” (Berman: 1998). According to one business consultant, “most institutions have a hidden pool of complaints and it is increasing” (Berman: 1998). As one AR commented on the number of complaints: “These are the ones that appear centrally - it is not possible to comment upon those which arise and are dealt with locally.” The 1996 HEQC survey encountered similar problems:

“Most institutions had difficulty in providing reliable data, since complaints tend to be dealt with locally and no central record was kept other than those few case which reached chief executive or other senior management levels; even then it was not common to keep any statistics” (Farrington: 1996, 3)

As did another survey of complaints in Scotland:

“What is the average quantity of complaints that an institution would deal with in a year? - The majority of institutions stated that they did not know. One stated it was unquantifiable, while another stated that no average was available and it would be meaningless to attempt one. All other institutions reported minimal amounts. Responses ranged from; ‘fewer than 20’, ‘12’, ‘10’, ‘handful’, ‘5’, ‘single figures’, ‘very few’ and one institution reported ‘40-50 informal complaints’.” (Thompson: 1997, 50-51)

The existence of a high number of complaints is not necessarily an indication of ‘poor’ performance (e.g. Liverpool JM). Perversely and paradoxically, in some cases, the existence of no complaints at all may in fact indicate severe shortcomings in the system (e.g. Mon). No institution is perfect. In the costly business of complaints there is no perfect example of complaints management (unless that is of course you are a Vice Chancellor who can point to the lack of complaints as an assessment of ‘quality’). As a business consultant warned recently at a conference on ‘Complaints Management in Higher Education’:

“Most institutions have a hidden pool of complaints - an iceberg of complaints - and it is increasing” (Berman: 1998).

Is there a disaster of Titanic proportions looming up on the horizon?

**Question 6/17: Is a regular report on complaints made to one of the main bodies of the institution?**

**YES:** 37%

**NO:** 63%

Where answered ‘yes’ it was “annually” more often than not to the Senate/Board of Governors/ Academic Board (Appendix 3). A selection of responses is given below:

“I don’t know” (Aston SU)

“Quality Assurance Committee - annually” (Bangor AR)

“Not yet applicable but seems like a good idea” (Edinburgh AR)

“Promised but not yet delivered” (East Anglia SU)

“No - termly report to the Vice-Chancellor” (Essex AR)

“Specific cases are reported where of an academic nature” (Exeter AR)

“To the Graduate Board - after they occur” (Leeds AR)

“After each case” (Loughborough AR)

“No - but it is intended to do so from next year - to Academic Board” (Middlesex AR)

“Reporting of complaints will be from 1998/9 to the Academic Board” (Napier AR)
“Summary sent to all senior management” (Newcastle AR)

“Currently no report on complaints is made but may be introduced as part of new procedure” (Nottingham AR)

“No - not as far as I know” (Nottingham Trent SU)

“Not as yet; but may be in future” (Northumbria AR)

“Don’t know” (Plymouth SU)

“M Annual Report on student complaints dealt with formerly is made in the Student Affairs Committee of the Board of Governors and the joint Consultative Committee of Trades Unions and University Management” (Sheffield Hallam AR)

“Not yet but we will probably introduce a procedure shortly” (Strathclyde AR)

“Each year the Academic Appeals Committee acts as a means through which departments make changes in their academic decisions on student assessment. From time to time, when academic departments prove unwilling to accept recommendations from the Appeals Committee, the Academic Appeals Committee holds hearings, the outcomes of which are reported to Senate. The Academic Appeals Committee is a useful means of ensuring fairness and justice are available to students” (Mon AR)

Comments: In much the same way as the 1996 HEQC survey:

“I was surprised at the number of institutions which do not currently brief their senior management or main bodies on the number of complaints, the areas in which they are arising and the steps taken to deal with them. The possibility of reporting had clearly not occurred to a few institutions and it may be that asking the question has stimulated some action” (Farrington: 1996, 6)

Given that the figure for the reporting of complaints is still only 37% it is apparent that institutions need extra stimulation! The University of Derby is an example to all:

“The Senior Manager responsible for the relevant academic or service area and the Dean of Quality Assurance shall document the complaints received and the outcome of investigations in their respective annual reports as part of a process of service improvement”

The recording of complaints is an essential part of any business management strategy:

“A good complaints management information system should be open and easily accessible, so that information about potential problems can be captured, hopefully before the problems become too severe. In other words, complaints management is partially an information capture problem” (Berman: 1998, 1)

Question 5 (SU): Are your institutional procedures, whether informal or formal, coping with the type of complaints received?

YES: * (Warwick), * (Manchester Metropolitan), * (South Bank), * (Stirling), * (Sheffield Hallam), * (Glasgow Caledonian), * (Plymouth), * (Central Lancashire), * (Central England), * (Edinburgh)

30%

NO: * (Staffs), * (Kent), * (London Imperial), * (Lancaster), * (East Anglia), * (Coventry), * (Luton), * (Liverpool), * (Liverpool JM), * (Cranfield), * (Southampton), * (Napier), * (Birmingham), * (Exeter), * (Nottingham Trent), * (Sheffield), * (Thames Valley), * (Birkbeck), * (Anglia), * (Mon), * (Mon), * (Mon), * (Mon)

70%

Comments: 70% reported that their complaints procedures were ‘not coping’. Only 30% thought they were ‘coping’. This corresponds favourably with a recent survey, which found 50% of SU’s regarded their
university’s appeals procedures as “unfair” (Birtwhistle: 1998). However, it contrasts markedly with the 88% of AR’s who thought their systems were ‘coping’ in the 1996 HEQC survey. At that time:

“Most institutions thought their procedures were coping, although some were concerned about what would happen if the numbers of complaints accelerated and others would like to introduce more formalism in their procedures. A number appended comments such as ‘so far’ and ‘for now’ and adverted to the increasing time spent on dealing with such issues when resources were decreasing” (Farrington: 1996, 8)

This question was not posed to AR’s for fear of a pour response rate (Appendix 1). Even for SU’s it was a ‘hot’ topic and many were unwilling to be named or for their institution to be identified for want of recrimination or reprisal. In one case it was suggested that if such results were made public their job would be on the line (Mon, pers.comm). Others cited the fact that they did not want to jeopardise good working relationships with their opposite number in the Registry (Mon, pers.comm). Another perceived this survey as a useful mechanism through which to exert pressure on their own institution:

“Napier seems more keen on promoting notions of consumer service rather than affording its students rights as members of its academic community” (Douglas McLellan: Napier SU)

It would be an interesting exercise to compare the AR and SU views at the same institution. A follow-up exercise will hopefully do just that. More research is needed to be able to provide a more in-depth insight. This is especially true as this question is based upon the response of only one individual (sometimes two) and the overall interpretation is inherently subjective. Nevertheless, the general sentiment appears to suggest that in far too many cases the complaints procedures currently in place are simply not coping. This could be an indication of unreasonable expectations on behalf of the student or of something more seriously wrong with the services provided by the institution. Nor is it a direct corollary that an absence of a formal complaints procedure is automatically a bad thing. In fact, Warwick and Edinburgh indicate that their informal complaints procedures are ‘coping’. But both are not leaving anything to chance and are in the process of formulating formal procedures. In truth, to comply with the Dearing Recommendations they are playing by TINA’s rules - There Is No Alternative.

**Question 6 (SU): How are they not coping?**

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>a) complaints are not being resolved at the point of initial complaint:</td>
<td>50%</td>
</tr>
<tr>
<td>b) complaints are not being resolved at even the next stage(s) within the institution:</td>
<td>43%</td>
</tr>
<tr>
<td>c) complaints are increasingly being taken up externally:</td>
<td>10%</td>
</tr>
<tr>
<td>d) serious complaints cannot be dealt with sufficiently speedily:</td>
<td>47%</td>
</tr>
<tr>
<td>e) complaints procedures eau be invoked too readily for trivial complaints:</td>
<td>3%</td>
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</tbody>
</table>

**Comments:** “There seems to be confusion within the University (on some occasions) over which is the appropriate procedure to invoke and whose responsibility it is to respond” (Sheffield SU), “No one party is willing to take responsibility for or deal with complaints” (London Imperial SU); “Unwillingness of university to ‘investigate’ fully - student also fearful of possible consequences” (Lancaster SU); “University do not adhere to published guidelines” (Luton SU), “There isn’t any” (Mon SU), “Complaints procedures are so non-existent that students tend to wait until it is too late and then are discriminated against for not having gone through the correct procedure!” (Birkbeck SU).

On a more general level, the above results show that 50% of complaints are not being resolved at the point of initial complaint, 43% of complaints are not being resolved at even the next stage within the institution and 47% of complaints cannot be dealt with sufficiently speedily. Despite this students - only 10% - are reluctant to take up complaints externally (see ‘Conclusions 3b’ for a discussion concerning the ‘internalisation’ of complaints). There appears to be no problems with trivial complaints thus allaying institutional fears that vexatious and spurious complaints can swamp the complaints process.

**Question 7 (SU): Have you ever advised a student to use your institution’ Complaints Procedure?**

**Comments:** “Very few upheld” (Kent SU); “Most occasions I recommend usage. About half of those use it. About two-thirds get what they think they consider to be a ‘good result’. Although I think they often get screwed but don’t realise it” (Lancaster SU); “(1-10w students have you advised?) 10 approx - 8 pursued
From the figures - 62% of SU officers who responded said that they had advised a student in relation to a complaint - it appears that if the student ‘walks through the right door’ in the SU and is given ‘good’ advice a complaint can be initiated. On the positive side some complaints are upheld: “I have advised on two occasions - both upheld” (Glasgow Caledonian). Given the limited resources of SU’s and the rapid turn-over of staff it is easy to lose track of complaints: “(I have advised students on) about 30 occasions. I don’t know how many went on to invoke the procedure - in some cases I helped the student with drafting the letter and so I know that complaints were submitted. In other cases, it was 1eR to the student to submit the complaint, so I don’t know what happened. Similarly I don’t know how many were upheld” (Sheffield SU). “1997/98 Academic Year: Students advised on complaints procedure: 73, students progressed complaint formally: 31, number of complaints ‘upheld’: 19”, “Approximately 15 times, about 5 followed through as far as I know. I know about 3 complaints upheld” (Plymouth SU), “Approximately 15-20 per year” (Central Lancashire SU), “Personally, I have only advised students to follow this route when informal procedures have completely crumbled - this has happened on less than 10 occasions” (Thames Valley SU), “Approximately 100 times in the last year. I suspect that very few actually invoke the procedure - I would guess at 10%. Approximately 5 were upheld” (Central England SU). As one leading commentator points out:

“Question 7 raises what is for me one of the most worrying aspects of this whole business: namely the possibility that many of those using what complaints systems exist are not getting what they regard as satisfactory results. . .The danger the sector faces is that unsatisfied complaints may idea to a climate of frustrated expectations, which will further the spiral of complaint.” (Simeon Underwood, pers.comm)

**Question 8 (SU): Do you consider your institutions Complaints Procedure to be effective?**

YES: 19%

“Generally yes. It is in the form of a written procedure. The first stage attempts to resolve the matter informally. I see this as a strength. All stages involve the use of a timetable of deadlines. Many (students) are probably unaware of its existence.” (South Bank SU), “Yes - I feel the procedure is dealt with efficiently and as a last resort. Students are advised clearly on their rights and the different steps of the procedure are outlined” (Glasgow Caledonian SU), “Yes - students have a procedure to follow. If they do so it appears that they will usually be given a fair hearing” (Plymouth SU), “Yes - in most cases but sometimes difficult for students to access as have to start at Stage 1 every time which isn’t always appropriate” (Central Lancashire SU), “Overall, yes. Most staff seem to know how it works and deal with complaints according to the time limits. Most complaints seem to be investigated and taken seriously” (Central England SU).

NO: 81%

“No - unable to tell what grounds are legitimate or what outcome should be expected. Often takes too long to be of use” (Birkbeck SU)

“No - because problems are resource based, no solutions” (Cranfield SU)

“The procedure is straight-forward but the lack of an independent perspective calls into question its existence - ‘why bother’. (Students are) cynical about its efficacy” (East Anglia SU)

“No - not wide enough nor easily accessible” (Exeter SU)

“It is treated with suspicion” (Kent SU)

“It is too ‘closed’ i.e. not transparent - leads to suspicion which can often be misplaced, but decreases confidence in the procedure. (Students) are sceptical - suspect institution will close ranks” (Lancaster SU)
“Generally, the actual written procedure is a good working document. However, in practice it has been operated in a cumbersome way, which ‘drags’ complaints on for far too long. Recently this has improved and promises to become more effective” (Liverpool JM SU)

“No - continually the institution does not adhere to its own published regulations” (Luton SU)

“No - Partially effective. Need for external arbitration” (Manchester Met SU)

“No - Not enough detail. No time limits for the University to reply/come to a decision” (Nottingham Trent SU)

“We tend to see those students who are most dissatisfied and who are usually unhappy with the response that they receive to their complaint” (Sheffield SU)

“No, students unaware of procedure and often don’t want to ‘rock the boat’ by invoking it or see it as a waste of time” (Sheffield Hallam SU)

“No, students unaware of procedure and often don’t want to ‘rock the boat’ by invoking it or see it as a waste of time” (Sheffield Hallam SU)

“Unfortunately the procedure is only effective when a student is aware of it. When a student choose to follow the procedure they are dealt with professionally, however, I would prefer to see deadlines included so that students are kept informed at all stages.” (Thames Valley SU)

**Comments:** The overwhelming view - 81% - is that the complaints procedures currently in operation in institutions are ineffective. Interestingly, some responded “yes” to Question 5 but “no” to Question 8. It appears that most institutions are only just coping or not coping at all. All the evidence points to a crisis in complaints management with far too many complaints procedures operating ineffectively from the point of view of SU’s (and students). Another survey of Scottish institutions found that 42% of SU Presidents viewed the management of complaints as ‘negative’, reported that 43% perceived that the institution ‘did not encourage complaints’ and 57% viewed the complaints procedure as ‘not well publicised’. On the other hand, the ‘Management’ respondents viewed it very differently with figures 28%, 29% and 21% respectively for the same questions (Thompson: 1997). From the perspective of the institution itself, many may feel that their complaints procedures are operating effectively so long as they stem the tide of complaints. That is not only bad management but it also runs counter expensive legal advice:

“Practical, preventative or remedial action: Look at procedures - to avoid legal challenge, procedures must be fair in the way they apply to students and in the way in which they operate. A student may seek to challenge a procedure, which denies him or her, for example, the right to put his or her side of the story, as being contrary to natural justice. It is, therefore, important to examine procedures initially to ensure that they are fair...Effective complaints procedure - every HEI should have a complaints procedure in place. If the procedure is operated effectively, it may be possible to prevent at least some of the complaints brought by students reaching the court” (Arrowsmith and Hart: 1998, 92-3)

By stubbornly refusing to replace ineffective complaints procedures, institutions are laying themselves open to further legal challenges from students and to accusations that they are acting irresponsibly in failing to implement the Dearing Recommendations on complaints. They are also ignoring their own advice, which states that:

“Disputes which are not settled by a quick and effective mechanism are more likely to lead to bitterness and acrimony” (CVCP: 1998, 7)

The present policy of complaints management therefore represents the antithesis of the precautionary principle. Prevention is surely better than cure? In theory the QAA have the power to inspect and to subsequently reprimand ineffective institutions:

“The QAA is likely to develop protocols for receiving and handling complaints from students and third parties and for following these matters up with universities. The Agency will not only be interested in drawing the attention of universities to those complaints it has received, but also in identifying the effectiveness with which they are able to handle complaints within their internal procedures...The QAA will embark soon on drafting a code of practice with respect to student complaints procedures. This will articulate a number of precepts against which universities will be expected to demonstrate the effectiveness of their arrangements” (CVCP: 1998, 25)
Whether the QAA will have any real bark or bite in practice is another matter entirely. It will be reluctant to bite the hand that feeds it and will not have much room to do anything other than obey its master’s voice. So whilst the QAA makes all the right noises that it is putting complaints “at the top of the agenda” (THES, August 21st 1998), the manner in which it currently cowers cowardly in the corner suggests it will be more lap-dog than watchdog (Appendix 2). Instead, the CVCP, under the misguided guise of ‘institutional autonomy’, have been given a long leash indeed. ‘Precepts’ are all well and good in principle but in practice are seldom followed by unprincipled institutions. Permissiveness is a recipe for disaster.

**Question 9 (SU): How do you characterise the general opinion of the students concerning the efficacy and transparency of the complaints process?**

“Ignorant of how to complain and utterly confused” (Birkbeck SU)

“Most students seem to be sceptical about using an official complaints procedure and prefer to complain informally or do nothing.” (Central England SU)

“Most students not aware of procedure. Many who use it find it very bureaucratic.” (Central Lancashire SU)

“Low!” (Exeter SU)

“Students at first generally find it difficult to understand. However once the process has been induced then it is made more clear due to the high level of assistance.” (Glasgow Caledonian)

“Once students have access to the procedure, tend to express a clear understanding. Often want to go over it several times but this is more about misunderstanding possible sanctions. Students express frustration at how long it takes.” (Liverpool JM SU)

“Not impressed at all. Not happy. Feel vulnerable and completely unprotected.” (Nottingham Trent SU)

“Many would say that it isn’t any use but without having looked into the procedures let alone using them and without seeking advice” (Plymouth SU)

“Many students are unaware of the process; it is published in the student handbook which is often left on the shelf after the first term - or worse still chucked away” (Thames Valley SU)

**Comments:** The general impression is that students’ perceptions of university complaints procedures is poor. Such a negative view appears to be compounded once the complaints procedure has been initiated. More data is urgently needed and the forthcoming results of the NUS survey should prove illuminating (contact Jim Gardner for details). In fact a survey of PhD students in 1997 by the Union of UEA Students found that 35% did not know that ‘Appeals’ or ‘Complaints’ Procedures existed (Laing: 1998). Moreover, out of 18% who had wanted to complain (with 61% citing ‘Supervision’ as the principal reason) only 18% of those actually did so. More alarming was the fact that out of those who did lodge a formal complaint 100% were not ‘satisfied’ (Appendix 8). These trends are backed up by another survey, which found that only 21% of SU Presidents thought that students ‘did not actively use the complaints system’ (Thompson: 1997). In other words, there were factors inhibiting students from going through the complaints process. Such a negative perception is a reflection on the complaints process itself. Even if the perception is a wrong one it is bad management that creates an environment in which negative vibes generate. These surveys seem to back up the results of a MORI survey on ‘Users Perceptions’ in the area of complaints. It found and subsequently recommended:

“Widespread disillusionment - making a complaint seen as futile. Widespread dissatisfaction - with final outcome, speed of response and bow complaint was handled. (We recommend) Speed up complaints processing, keep people informed, apologise more readily, give more and better explanations, train staff better and consult complainants” (Beckingham: 1998)

Even if the benefit of the doubt is given to institutions (i.e. that the expectations of students are unrealistic and that student standards are declining), there are lessons to be learnt in the way complaints are handled by front line staff and how students are treated in the complaints process:
“What we really need to tackle are the anachronistic notions that students are children to be talked down to, and that they must just put up and shut up” (C.C Floyd - THES Letters page, 25th September 1998)

Equally, the advice from expert legal representatives must not be ignored:

“In some cases, sympathetic treatment of the complaint, a clear explanation of the HEI’s position and a discussion of what, if anything, may be done to prevent a recurrence of the situation about which the complaint has been made, may succeed in satisfying the complainant. This is in much the same way as complaints within the National Health Service can often effectively be dealt with if handled speedily and openly, but tend to fester and become intractable if the complainant feels that ranks are being closed against him or her” (Arrowsmith and Hart: 1998, 93)

Such a malaise of intransigence, arrogance and indolence is also endemic when institutions are dealing with external rather than internal complaints:

During research for the HEQC, I came across one case which had been two years in train, and resulted in a one-sentence letter rejecting the student’s petition, signed by the Clerk to the Privy Council, and giving no reasons” (Farrington: 1998b, 9)

**Question 10 (SU): Does your Complaints Procedure involve a person independent to the University?**

**YES: 8%**

“Complaints are referred to an arbitrator. The Vice-Chancellor makes this decision and consults with the Union President on who this should be. Have never known a case to go to the arbitrator.” (Central England SU)

“SUSA President sits on Academic Appeals Committee” (Stirling SU)

**Y/N: 4%**

“Sort of! A Student Ombudsperson - this person is a staff member but acts as an independent in complaints cases.” (Thames Valley SU)

**NO: 88%**

Comments: Once again an extremely high percentage - 88% - view the complaints procedures as lacking an independent or external element. Even where an ‘independent’ person was identified it was still a member of the institution albeit a student representative. The results are not comprehensive and some institutions do have an independent element in their internal complaints procedures. For example, Central England and Glamorgan nominate an ‘Arbitrator’. Just as external complaints procedures are increasingly being put under pressure to be scrutinised by an independent body, internal complaints procedures should also be afforded the same independent treatment (sec CVCP: 1998). As the Nolan Committee on Standards in Public Life recommends:

“Students in higher education institutions should be able to appeal to an independent body, and this right should be reflected in the Higher Education Charters. The higher education funding councils, institutions, and representative bodies should consult on a system of independent review of disputes” (Nolan: 1996, 83)

**Question 11 (SU): Does your Complaints Procedure include deadlines for both student complainant and the institution?**

**YES: 47%**

**NO: 53%**

Comments: Various replies said “yes” for the institution but “no” for the student. The second part of the question concerning the adherence to the deadlines revealed aspects of ‘bad’ practice (sec ‘Conclusions 4c’ for more details):
“In my experience, complaints usually receive a holding reply within the time limit, but not necessarily a substantive reply” (Sheffield SU). “Deadlines are sufficient. 99% of cases do not follow deadlines.” (Luton SU). It appears that whilst deadlines are identified in complaints procedures - hence ‘good practice’ following the ‘timely’ nature of the Dearing Recommendation 60 - it does not always follow that the institution adheres to them in practice; “Deadlines are appropriate but the institution does not tend to adhere to them in the final stages, particularly” (Liverpool JM SU). On the other hand some institutions do follow good practice: “Deadlines are appropriate and are generally adhered to” (Central England SU); “Deadlines are adhered to – Yes” (Glasgow Caledonian SU)

On some occasions there are reasons to warrant extra time in both lodging a complaint and during the complaints process. For example, at Liverpool JM: “an ‘unwritten rule’ of reasonable time operates for the student e.g.. Complaining about an incident which happened 2 years ago would require exceptional reason for delay, obviously”. But other institutions explicitly impose deadlines beyond which a complaint is deemed invalid: “It must be realised that the longer complaints are left lying on file, the more difficult an investigation will be, and request after the twelve-month deadline will be regarded as ‘out of time’.” (Newcastle University ‘Student Complaints Procedure’). At St. Andrews University, once a student graduates they forfeit all rights of appeal and complaint. During the complaints process the student is sometimes given the benefit of the doubt: “If students are outside limits (of the deadlines) with good reason they are given leeway” (Plymouth SU). Time is vital. As the author of the 1996 HEQC survey on student complaints comments:

“Opinion appears to be that a failure to keep students informed about the progress of complaints is far worse than failing to respond fully in a relatively short time-scale. If students know that their complaint is being dealt with, they are far less likely to escalate the complaint to a higher level or become so disenchanted that matters deteriorate into confrontation” (Farrington: 1996, 8)

**Question 7/19: Is there a separate Complaints Procedure dealing exclusively with postgraduates (i.e. included in a Code of Practice for Postgraduate Research, a Guide to Supervisory Practice or a Handbook of Graduate Studies)?**

YES: 23%
NO: 77%

**Comments:** Often separate ‘appeals’ procedures for postgraduates did exist (e.g. Dundee, Manchester) but not separate complaints procedures. Most replies were of the order: “All complaints handled by a common route and procedure” (Mon AR). ‘Complaints’ Procedures were generally not referred to specifically. Some institutions appeared to be drafting separate complaints procedures: “Yes, but still in draft form - not yet available” (Liverpool JM SU). When there were separate complaints procedures for postgraduates - for example at Greenwich (half a page) - complaints about “alleged inadequacy of supervision and/or research facilities and arrangements” were generally referred to the supervisor in the first instance (sec ‘Conclusions 7’). As the Aston “Complaints by Research Students” states:

“Research students who are dissatisfied with their conditions of work or the quality of their supervision should wherever possible discuss the difficulties with their Internal Supervisor.”

This situation has significant repercussions for postgraduates who wish to complain about ‘supervision’. Postgraduates have distinct characteristics, which a general complaints procedure may not fully take into account; supervision being the principal one (sec ‘Conclusions 8’ for further discussion). Some institutions do address this though: “No - but advice on dealing with unsatisfactory supervision is given in the advice for M Phil/DPhil students, and it forms a ground of appeal which is not in the undergraduate appeals information” (York AR).

**Question 8/20: Are there any issues relating to complaints of particular relevance to postgraduates?**

YES: 51%
* “issues relating to supervision are particularly relevant to postgraduate research students” (Cambridge AR), * “complaints about supervision of theses (research pg’s) and dissertations (taught pg’s).” (Hull AR), * “supervision is always a key issue. As is their contractual position within an institution.” (Mon SU), * “Intellectual property” (Mon SU), * “quality of supervision” (Manchester Met SU), * “PG students much more focused on ‘consumer’ angle - question the VFM they receive from uni.” (Lancaster SU), * “Lack of clarity over institutional responsibility to postgraduates i.e. code of practice that has no regulatory status” (East Anglia SU), * “Problems with an adviser can be tricky, especially if adviser cannot be replaced by another member of university staff because area of research is specialised” (Bristol AR), * “cancellation of classes, evening facilities” (Middlesex AR), * “Although we don’t have any evidence, we feel/expect complaints about supervision to increase” (Manchester AR), * “Poor supervision, breakdown in the student-supervisor relationship” (Aston SU), * “complaints rising, especially over supervision” (Exeter SU), * “There seem to be more at undergraduate level” (UMIST AR), * “Complaints by postgraduates re: lack of facilities over summer vacation” (Hertfordshire AR), * “PG’s on the whole expect a more prompt service and are more apt to complain if they do not receive this. Probably because paying own fees in many cases. For this reason, complaints are expected to rise for UG’s” (Mon), * “Mature students population very high and thus more certain of rights and what will stand for. Not afraid to rock the boat; more complaints basically about facilities and tutor support/supervision” (Glasgow Caledonian SU), * “We get a lot of complaints relating to postgraduate supervision” (Sheffield SU), * “research student complaints - the vast majority of which tend to be resolved informally - tend to be about quality of facilities and of supervision” (Sheffield Hallam AR), * “Postgraduate complaints tend to be far more complex and time-consuming than undergraduates” (Liverpool JM SU), * “Postgraduate complaints may be increasing relative to undergraduate complaints as a consequence of the greater numbers of self-financing students, although this may change again with the introduction of tuition fees contributions for undergraduates” (York AR), * “Complaints about supervision are increasing” (Central Lancashire AR), * “There are far fewer complaints from postgraduates” (Essex AR), * “In terms of research students, problems over supervision have increased marginally though the actual complaints procedure has not been implemented” (Aberdeen RG AR), * “Poor supervision” (Exeter AR), * “There are more postgraduate complaints raised but many are reluctant to proceed as they feel vulnerable” (Edinburgh SU), “To date complaints have been mainly from undergraduates. . . The postgraduate complaints have to date been single issues brought forward by an entire class!” (Napier AR)

NO: 49%

“Not apparent” (Central Lancashire AR)

“Do not have this information” (Leeds AR)

“No obvious ones” (Liverpool AR)

“Don’t know” (Plymouth SU)

Comments: Some felt that there were no ‘special’ concerns associated with postgraduate complaints whereas others identified a series of specific issues with which postgraduates’ complaints touched upon. ‘Supervision’ was identified as a key issue in complaints. Anecdotal evidence suggests that postgraduate complaints are increasing even more than undergraduate complaints:

“inadequate systems of admission, supervision, progress monitoring, administration and assessment are increasingly and expensively being challenged by student appeals” (Wakeford: 1996)

These survey results highlight the diversity in the perception of postgraduate study and the diversity of postgraduates themselves. Treating postgraduates as a homogenous body is inviting trouble.

**Question 9/21: Would you like a free sample copy of the forthcoming NPC Guidelines on Complaints?**

YES: 99%

NO: 1%

Comments: It would be nice to hypothesise that the 99% positive requests is symptomatic of the high quality of the NPC Guidelines series (see back page) rather than the policy and information vacuum in terms of
complaints procedures. Sadly, it is much more likely that the lack of guidance, despite the recent CVCP ‘Management Guidance’, and information on postgraduate issues is responsible (Aberystwyth doesn’t need any guidance apparently!). Alternatively, for some, the offer of a ‘free’ booklet on complaints (to keep company their great big files of complaints?) may be irresistible!
Conclusions

1) There is a wide diversity and an alarming disparity in relation to both the quantity and quality of complaints procedures and provision across the university sector.

It must be stressed that ‘quantity’ does not necessarily indicate ‘quality’. For example, Stirling’s complaints procedure at only a few lines may be better than Napier’s (Draft) which at over 14 pages may be too convoluted and complicated. Some sort of happy medium between the two is probably best. Clarity and simplicity must be balanced with catholicity and actuality. Institutions have dealt with this tension in very different ways with complaints procedures at both ends of the spectrum and anywhere and everywhere along the complaints continuum. As the Welfare Advisor at Brighton University writes:

“Got a complaint about your university or need to appeal against your results decision? Prepare for another serious learning curve because there’s no standard way to complain or proceed, each institution has its own systems and how formally these are laid down varies. Some have clearly defined systems, others don’t” (Atkinson: 1997)

a) Quantity

Some complaints procedures are only a few lines in a prospectus (e.g. Exeter, Newcastle, Stirling), half a page (Cranfield, Greenwich, Keele), one page (Aberdeen RG, De Montfort, Durham, Huddersfield, Hull, Leicester, Liverpool, Southampton), one and a half (East Anglia, Luton), 2 pages (Anglia, Humberside, Luton, Nottingham, Sheffield, Strathclyde, Sussex, Wolverhampton, Anon), 3 pages (Aberdeen, Aberystwyth, Essex, Loughborough, Manchester Metropolitan, Middlesex, Open, Thames Valley), 4 pages (Aston, Central England, Coventry, Glasgow Caledonian, Manchester, UMIST, Nottingham Trent), 5 pages (Central Lancashire, Derby, Liverpool JM, Plymouth, Sheffield Hallam), 6 pages (Brighton, Cardiff, East London, Leeds, London Guildhall, Sunderland, Swansea), 7 pages (Hertfordshire, York), 9 pages (South Bank), 10 pages (Bradford), and 12 pages (Northumbria). Napier’s proposed procedure is over 14 pages long and is most daunting. Suffice to say that the breadth and depth of complaints procedures varies between institutions. The above figures give a rough impression of the diversity in complaints provision (N.B: I have sent all the complaints procedures I have - ca: 60 - to HEFCE, QAA and NUS but if you would like comparative copies then feel free to contact me: d.staniford@uea.ac.uk).

A brief analysis of ‘appeals procedures’ (not enough were enclosed to give a full picture) suggests that almost all institutions not only possess one but also that they are more developed than complaints procedures. For example, at East Anglia the ‘Academic Appeals Procedure’ stretches to over 20 pages whereas the ‘Academic Complaints Procedure’ is little more than one page. Other studies, including a survey by the Union of UEA Students in 1993, have revealed “a diversity of approach” (Birtwhistle: 1998) in terms of appeals. Complaints procedures however are generally less transparent. This is the sum of Exeter’s informal postgraduate complaints procedure:

“If students feel that their work is not proceeding satisfactorily for reasons outside their control, they should lose no time in bringing this to the attention of their supervisor; if this course of action is not open, then the Head of Department, the Dean of the Faculty or the Academic Secretary (in that order of priority) should be consulted. Appropriate enquiry will ensue”

And Cranfield’s procedures for “Comments and Complaints by Students” is still not formal enough one would suggest:

“All students have the right to comment on all matters related to their membership of the University. Comments on programmes of study are particularly welcome and carefully considered, particularly during the periodic reviews carried out as part of the University’s quality assurance procedures. Schools make local arrangements for students to express their views, but if students wish to register comments formally they should write to the Registrar. If a student feels that his/her studies are not proceeding satisfactorily for reasons outside his/her control, he/she should discuss the matter in the first instance with the member of staff directly concerned. Failing this, he/she should approach the Head of School or Dean of Faculty concerned. If the problem is not resolved, the student should formally report his/her concern to the Registrar so that the matter may be placed on record. It is stressed that problems relating to academic progress must be raised at the time
they occur, so that they can be investigated and appropriate action taken. University examiners will not normally be in a position to take account of problems which were not notified by the student at the time that they occurred.”

Stirling’s complaints procedure is more formal but no less flimsy:

“Naturally we hope that you do not have any cause to complain about the standard of service offered to you by any of the services listed in this handbook. If you have any questions, you should not hesitate to approach your Adviser of Studies, the relevant departmental of Faculty Office or the appropriate administration or academic service enquiry point. Formal appeals against decisions or University bodies are not treated as complaints, and, as explained earlier, if you wish to appeal you require to follow the procedures outlined in the information available from the Academic Registrar’s Office. If, after following the procedure, you feel that your problem has not been dealt with properly or that you have been treated discourteously, you should take up the matter in writing with the Head of Department or of the administrative service concerned. If you are still not satisfied that your complaint has been disposed of you should write to the Deputy Secretary setting out the grounds of your complaint. Your letter will be acknowledged as quickly as possible and your complaint will be given a reference number. Dr Farrington will seek information from the department or administrative service concerned and will send you a formal response on behalf of the University, normally within four weeks.”

And Liverpool’s is only a slight improvement in terms of length but it is debatable whether it constitutes a ‘formal’ complaints procedure at all. I am of the opinion that it does not - judge for yourself:

“If you have a complaint about any aspect of the University you should always begin by trying to resolve it at the local level by talking to the individual or individuals concerned. The majority of problems should be able to be overcome in this way. However, from time to time you may need to pursue an issue more formally. In such a case you should write to, or arrange a meeting with, the head of the area involved (e.g. the head of the academic department, the Warden of a hall, the Head of an administrative department). If you do not know who is responsible for a particular area or how to contact him or her, your Faculty Office or Guild of Students will help you. In the unlikely event that your problem remains unresolved after discussing it with the head of the area involved, you should write formally to the Registrar. You may also wish to seek the advice of the President of the Guild of Students. Please remember that people you approach need time to obtain information and advice about your problem and that to press for an immediate answer may not be in your best interest. For the same reasons it is likely to complicate and prolong the process if you try and bypass the initial informal and formal stages. At each stage you should, however, be given a clear idea of when an answer should be available and be kept informed of any unforeseen delays.”

Certainly, these three procedures would not stand any chance of adhering to Dearing Recommendations on complaints or the ‘Charter Mark’ criteria (Appendix 6). As an addition to some complaints procedures there are ‘Complaint Forms’ attached (e.g. Bradford, Central Lancashire, Wolverhampton). Others have helpful explanatory guides and procedural rules, often attached as appendices (Bradford, Brighton, Cardiff, Leeds, Liverpool JM, Plymouth, South Bank). Appeals procedures also feature an attached form (e.g. East Anglia). The 1996 HEQC survey states:

“This has both advantages and disadvantages. One advantage is that it forces potential complainants to put their case in writing, which can be a disincentive to making outrageous claims. Another is that it provides a sound basis on which a complaint can be investigated and probably enables the matter to be disposed of more quickly. The principal disadvantage seems to be that it encourages an atmosphere in which complaining is seen as a norm” (Farrington: 1996, 7)

b) Quality

The diversity in complaints provision is matched by the variable quality of complaints procedures. Such an assessment is more subjective but there are a number of criteria on which to base ‘excellence’ (Appendix 6). A more in-depth analysis will be provided in the following sections. Suffice to say here that some universities have adopted a proactive approach to complaints management whilst others have resorted to a reactionary approach. For example, the University of East London has a ‘Complaints Liaison Officer’ whilst several do not even have a complaints procedure. UMIST has established a ‘Working Party on Student Discipline and Complaints Procedures’. This compares favourably with Exeter where “Ad hoc procedure used - the Accommodation and Internal Complaints Procedure have been ‘stretched to other things.” Central Lancashire distributes a separate booklet on complaints giving “clear friendly advice” whereas another new university will not even give a copy of the complaints procedure to the SU. Northumbria University even
has a pastoral mechanism in which “five senior members of the Research Degrees Committee are nominated to act as counsellors in cases of complaints which cannot be resolved immediately”.

2) **The variable quality of complaints procedures makes university study interesting!**

“UK higher education has several brands. Making them uniform would be bland and boring. It is hardly surprising that the Quality Assurance Agency is floundering in the post-Dearing quality agenda” (Mike Thorne - Vice Principal of Napier University: THES, 7th August 1998)

There is indubitably and diversity in the nature of complaints procedures. The “imbalance and lack of uniformity in complaints procedures concerned the Deering and Nolan Committees” (Kingston: 1998) but since then the ‘institutional autonomy’ card has trumped any real external scrutiny. Consequently, there is a veritable kaleidoscope of complaints procedures. Such diversity is a dangerous dogma and must be resisted. As the NUS pointed out in their ‘Response to the CVCP Working Group’ on complaints:

“We feel the overall approach, effectively allowing institutions to choose their preferred system, is misconceived. NUS feels strongly that one of the problems at present is the lack of consistency between institutions. This can lead to unequal treatment between complainants at different institutions, and cause confusion. We feel that any new system should be universal in its application - i.e. it should be available to all students in higher education” (NUS: 1997a, 1)

The rhetoric of ‘good’ procedures, glossy guidelines and customised codes of practice hide a reality which is often no good at all, plain bad and can sometimes turn ugly. The harsh truth is that universities, especially the older ones, still do not know ‘how to deal with complaints’ (Service First: 1998). According to the Citizens Charter advice on ‘complaints handling’:

“A good system is: accessible, confidential, simple, effective, speedy, informative, fair and monitored” (Citizens Charter: 1995a).

So much for the theory, how do institutions measure up in practice? It is not easy to pigeon-hole complaints procedures according to overall ‘quality’ - that’s the job waiting for the Quality Assurance Agency:

“The debate regarding quality has opened up Pandora’s box in terms of the infinite number of areas that are linked to quality” (Birtwhistle: 1998, 48)

A tentative attempt is made here. In so doing some institutions may feel that they’ve been portrayed unfairly but it appears that a Jeckyll and Hyde situation exists (quite literally in the case of Liverpool JM which appears in both ‘good’ and ‘bad’ categories!). There is therefore a public and a private face. Every attempt has been made to present all the evidence available (hence the enclosed comments in Appendix 5). Most of the evidence that has been received, especially from the SU respondents, is negative in nature. Inevitably this has shaped the comments and subsequent conclusions.

a) **The Good**

Many institutions have embraced the concept of complaints procedures as central to good governance and best management practice. Some institutions (e.g. Aberdeen RG, Central Lancashire, Hertfordshire, Liverpool JM) have gained good ‘PR’ out of developing their own complaints procedures. Others appear to have spent more time developing other peoples complaints procedures rather than their own (e.g. Stirling). Whether those institutions necessarily all now possess ‘good’ complaints procedures depends upon which side of the complaints fence you stand. The ‘head in the sand’ attitude to complaints is certainly being replaced by a more enlightened and proactive one. Drilled by the Dearing imperative institutions have no other options. The more progressive, largely newer, universities are a guiding light too myopic, generally ‘old school’ universities. For example, Central England has an advice phone line and explicitly states that its aim is “learning from our mistakes”. One complaints procedure allows scope for the ‘University Ombudsman’, where the complaint is “well-founded”, to give the student: “a full explanation, an apology” or for “the matter to be put right, where that is possible and, where appropriate, recompense of an appropriate nature and extent” (Anon ‘Complaints Procedures’). Cardiff Institute even points complainants to the ‘Counselling Service’ who “will all happily give guidance both on what steps to take informally and upon whether the issue should be pursued at formal levels”. Other examples of ‘good’ practice are as follows:
“In the interests of both the University and its students, the procedure is thorough yet simple and comprehensible” (Cardiff ‘Student Complaints Procedure’)

“UWIC will ensure that you are not either at the time or subsequently subjected to any form of victimisation or discrimination as a result of your action” (Cardiff Institute ‘Individual Complaints Procedures for Students’)

“This booklet explains how and to whom to complain. It gives clear friendly advice on steps to take if you are not satisfied with the way in which the University has handled the situation” (Central Lancashire ‘Complaints Procedure’)

“The Procedure is designed so that when a complaint is upheld, the student secures improvement in the service or redress, so far as is reasonably practical. The University will be responsible for ensuring that the complaints procedure operates without fear of recrimination or retribution against the complainant” (Derby ‘Complaints Procedure’)

“No student will be disadvantaged by having raised a complaint but the University expects students will not engage in frivolous or vexatious complaints…Complaints provide an important source of feedback but suggestions as to how the University might enhance its effectiveness and/or improve its services are also welcomed. Students are encouraged to send suggestions via e-mail to the Proctor…Reports on suggestions together with subsequent action taken will be published each semester in University publications…and the Campus Wide Information System (CWIS)” (Liverpool JM ‘Student Complaints Procedures’).

“UMIST recognises that students may have legitimate reasons for complaining about their course, the facilities or services provided or other students or staff” (UMIST’s ‘Student Complaints Procedure’)

“The complaints procedure is outlined below. It is to be distinguished from the examination appeals procedure” (Northumbria ‘Complaints Procedure’)

“If students are outside limits (of the deadlines) with good reason they are given leeway” (Plymouth SU).

“Please note the difference between appeals and complaints” (Stirling ‘Complaints Procedure’).

“The receipt of complaints, and the responses to them, are monitored by the University’s senior management team who are then able to identify any recurrent problems and ensure that a consistent and, wherever possible, positive approach to, and resolution of, complaints is maintained” (Wolverhampton ‘Student Complaints Procedures’)

“The University of Wolverhampton is committed to the provision of high quality services and acknowledges that, to ensure continued success within a framework of total quality management, instances of dissatisfaction need, wherever possible, to be reported and addressed” (Wolverhampton ‘Formal Complaints Procedure’)

“The University welcomes comments and suggestions from students about services it provides. Students wishing to make a suggestion or comment about University services, either academic or non-academic, can do so informally at the point of delivery, or by contacting the relevant person. Occasionally however, students may wish to make a complaint about the services they receive. This document sets out the procedures for making a complaint to the University….No student will be disadvantaged by having raised a complaint, but the University expects that students will not make frivolous, vexatious or malicious complaints…Appendix 1: ‘Persons from who help might be sought’ - help and advice may be sought from anyone; listed below are those contacts with a specific role to assist students” (York ‘Procedure for Dealing with Comments, Suggestions and Complaints from Students’)

“Students’ careers in the University will not be prejudiced by their having submitted a complaint” (Anon ‘Complaints Procedures’)

It appears that ‘good practice’ involves not just having a well-publicised complaints procedure but also having a consistent, transparent and fast method of dealing with complaints received. A good system therefore avoids bureaucratic buck-passing or as one author calls it - ‘bouncing’:

“There is the problem of ‘bouncing’ where no-one will take responsibility for dealing with a complaint, which leads to the obvious solution that all institutions ought to have at least a back-stop complaints officer” (Farrington: 1996, 8)
There are obviously a number of criteria and interacting factors determining whether a complaints procedure is ‘good’ or not. The following list of ‘good’ institutions is therefore more indicative than definitive. It is also dominated by the ‘new’ universities who appear to have embraced a transparent complaints culture rather more quickly than their antique rivals:


Certainly more research is needed to arrive at any definitive conclusions:

“Further research could be fruitfully developed in investigating in more depth, the attitudes and perceptions of a wider cross spectrum of both management and students. It would be interesting to investigate if the older traditional universities were more autocratic and less user-friendly in their individual complaints systems than the newer ones, or whether there was little difference between them. This methodology was only a first step in opening up this area to further research” (Thompson: 1997, 62)

b) The Bad

There is an alarming deficit in the implementation of ‘good’ practice. As one anonymous SU representative says: “The complaints procedure looks ok on paper but the reality is very different”. And as the 1996 survey for the HEQC points out:

“The principal difficulty arises when the procedures….do not in fact exist, or they are not adequately communicated to students” (Farrington: 1996)

Sometimes, ‘good’ and ‘bad’ practice and two-sides of the same coin (e.g. Liverpool JM). You pay your money and take your chances. Various examples of ‘bad’ practice are as follows:

“The procedure is straight-forward but the lack of an independent perspective calls into question its existence - ‘why bother’. (Students are) cynical about its efficacy” (East Anglia SU)

“It is treated with suspicion” (Kent SU)

“(How are the Complaints Procedures not coping?) Unwillingness of university to ‘investigate’ fully - student also fearful of possible consequences. Most occasions I recommend usage. About half of those use it. About two-thirds get what they think they consider being a ‘good result’. Although I think they often get screwed but don’t realise it. (The complaints system) is too ‘closed’ i.e. not transparent - leads to suspicion which can often be misplaced, but decreases confidence in the procedure” (Lancaster SU)
“Please remember that people you approach need time to obtain information and advice about your problem and that to press for an immediate answer may not be in your best interest” (Liverpool ‘Complaints Procedure’)

“Written Complaints Procedure not referred to explicitly in enclosed charter documents as it did not exist in written form when the documents were produced” (Newcastle AR).

“We do have appeals procedures, however we will have a complaints procedure next year although I haven’t seen it yet” (Stiffs SU Education Adviser)

“No general complaints procedure. There are a number of formal appeals procedures for use in particular circumstances…Most complaints handled informally, dealt with on a case by case basis…Most complaints are resolved at point of initial complaint. If not, SU loses involvement - so difficult to monitor…. (There is) no transparency: most students do not know what avenues of complaint/appeal are open to them” (Warwick SU)

“Basically, I have very little faith in the complaints procedure, though on paper it does look reasonable” (Anon SU)

Coupled with the evidence available in Questions 5 and 7 it is possible to identify areas of ‘bad’ practice. The following is not an exhaustive list and does not include all institutions without formal complaints procedures. Such categorisations are not fixed and in many cases a ‘bad’ situation may be in the process of turning into a ‘good’ one (e.g. Lancaster, Newcastle). At the same time there may be areas in which ‘good’ practice is already in place for certain aspects of the complaints process. For example, Leicester appears to publicise its complaints procedure very well but what it has does not amount to very much. Greenwich has a separate postgraduate complaints procedure but spoils the overall picture by tucking it away in a small section of a dry document. As ever, there are aspects of good and bad practice but the overriding impression in these cases is not good:


Some institutions fall somewhere between ‘good’ and ‘bad’ practice (e.g. Edinburgh, Hull, London QMW, Northumbria, Teesside, Warwick). In other cases, ‘bad’ practice can sometimes degenerate into something much worse:

**c) The Ugly**

Some institutions seem to have even more problems than those with ‘bad’ complaints procedures. Some are so ugly that it is perhaps not a good idea to dwell too much on them; even less to name and shame them. Sufficient to say that the institution is not painted in a pretty light in such cases. Nor are these cases as isolated as many would like to think:

“There’s some really ‘ugly’ stories out there I’m afraid…the problem comes when students are too intimidated to invoke the procedure. What do you do if are a Final Year PhD student and your supervisor is increasing your teaching workload and dropping hints that unless you do the teaching and submit within three years a bad reference will be forthcoming? If the student concerned invoked a complaints procedure, how would they ever hope to get a good reference? Anon University has its ugly patches to” (Anon, pers.comm).

“Our complaints procedure is a mish-mash. I have been here six years and I’m not sure what they are. Our appeals procedure seems to work but it shouldn’t get that far. We really need a robust complaints procedure at the formal and informal levels which is visible and understood by students and staff” (Anon SU)

“APU are considering revising the rules to be less Byzantine but not this year it seems! Perhaps after the HEFCE investigation!” (Anglia SU)

“Complaints procedures are so non-existent that students tend to wait until it is too late and then are discriminated against for not having gone through the correct procedure!” (Birkbeck SU)
“No time scale. Not a defined procedure with clearly informed steps. Does not define students’ responsibilities in terms of evidence and university’s responsibilities in terms of supplying evidence” (Cranfield SU)

“The University do not adhere to published guidelines. Deadlines are sufficient. 99% of cases do not follow deadlines. Continually the institution does not adhere to its own published regulations” (Luton SU)

“Napier’s complaints procedure has been in a continual ‘review’ state since its conception in 1994. The institution always seems to be responding to ‘new developments’ and has yet to formally adopt a procedure. It is a bit like equal opportunity statements: ‘Napier is striving towards developing a complaints procedure’.” (Douglas McLellan: Napier SU)

“There seems to be confusion within the University (on some occasions) over which is the appropriate procedure to invoke and whose responsibility it is to respond” (Sheffield SU)

“Unfortunately the procedure is only effective when a student is aware of it. When a student does choose to follow the procedure they are dealt with professionally, however, I would prefer to see deadlines included so that students are kept informed at all stages” (Thames Valley SU)

“The formal procedure has only been used three times (since 1995), i.e. university statistics will show that only three formal complaints have been made in the past three years (we have nearly 15,000 students registered here). You ask in question one if this procedure is made available to students. You will notice that I have sent you a photocopy rather than an original - this is because the leaflet has not been published recently and I cannot get my hands on any copies of it other than the one office copy I use. If I can’t get hold of copies, then I very much doubt if students can. The procedure is therefore not widely available at this point in time (though I am assured repeatedly that a new print run is imminent)” (Anon SU)

“Ever since the complaints procedure was adopted in 1996 there have been ‘teething’ problems. In the worst cases the University has been reluctant to follow its own published procedures and has made up its own rules as it goes along. What is the student meant to do when the university does not even comply with its own guidelines?” (Anon)
3) **Complaints procedures in practice are?**

**a) Informal**

The relationship between ‘informal’ and ‘formal’ complaints is an uneasy one. Even in definitive terms it is often difficult to distinguish between the two. In most cases it is clear-cut but in some instances the distinction is far from clear (e.g. Cranfield, Liverpool, Stirling). Informality in complaints is not necessarily bad practice or good practice and to view it such simplistic terms would fail to appreciate the diversity and complexity of complaints procedures. It is perhaps useful to illustrate the relationship between informal and formal complaints by a case-study. The University of Leeds ‘Complaints Procedure for Students’ identifies various levels:

- **Level 0 - Absorption**
- **Level 1 - Notification**
- **Level 2 - Local Discussion**
- **Level 3 - Lodge Formal Complaint Locally**
- **Level 4 - Raise Complaint at an institutional level**
- **Level 5 - The University Complaints Panel**
- **Level 6 - Appeal to the Visitor**

Level 0 “covers situations where students may have grounds for complaint, but choose not to bring them to the attention of the University authorities either locally or centrally”. Levels 1 and 2 correspond the informal complaints, Levels 3, 4 and 5 to formal internal complaints and Level 6 to external complaints. By the same token, complaints procedures that do not provided scope for anything beyond Level 2 or do not specifically outline formal arrangements for Level 3 and beyond cannot be viewed as anything other than informal complaints procedures.

In practice this means that a ‘grievances’ often never actually become formal ‘complaints’. Informal mechanisms and ‘soft’ systems of dispute resolution conspire to ‘resolve’ the situation in a positive manner before the matter gets out of hand. Whether this is positive or negative for the student involved is another matter. Institutions actively encourage ‘the informal resolution of complaints’. Liverpool JM University has been ‘successful’, for example, in keeping complaints only informal: In 1997-98 out of 129 complaints only 2 went to a ‘formal hearing’. Often that is ‘good’ practice:

> “Students are encouraged to engage in dialogue with the persons perceived to be the source of the problem or, if that is too intimidating, to talk with someone who may be able to facilitate a resolution of the problem at an informal stage” (Thames Valley University ‘Student Complaints Procedures’).

In other cases it is far from ‘good’ practice:

> “One of the reasons for the small number of formal complaints is the lack of availability of the official Student Complaint Forms. In order to get one of these forms, students have to go through a ‘gatekeeper’, who holds all the forms. Although the procedure explicitly states that official complaints forms are also available in the Students’ Union and School Offices, this is not true, and we have been refused copies of these; neither does any School Office hold them. This is significant because a complaint is not regarded as a complaint unless it is on an official complaint form. Students whom I have advised to instigate the formal complaints procedure frequently return to me having been dissuaded from lodging a complaint or having been told that this would be inappropriate.” (Anon SU)

> “I suspect that most people would find the complaints process difficult and confusing, particularly because it is so informal.” (Anon SU).

Nevertheless most complaints procedures do emphasise the informal route:
“In the first instance, a student should attempt to resolve any difference informally with the supervisor” (Greenwich Complaints Procedures)

“A student should only use the formal complaints procedure if he/she considers that the complaint is too serious to be dealt with informally or is dissatisfied with the results of informal discussions.” (Liverpool John Moores www page)

“Our procedures are designed to sort problems out before they become the subject of formal complaint.” (Manchester Met AR)

“Students are encouraged first of all to raise complaints informally with their Director of Graduate Studies…In many cases it will be possible to resolve the issues amicably at this level. The formal procedures should normally only be used either where the complaint is so serious as to make it inappropriate to deal with an informal level or where informal action at the departmental level has failed to resolve the issue to the satisfaction of the student.” (Open University ‘Complaints Procedures’)

“We have not historically logged the number of complaints and the numbers at present is very low - perhaps because we do not have a formal procedure?…We receive remarkably few complaints. I hope this is a reflection of the high standard of our courses and professionalism of our staff rather than the absence of an official complaints procedures. No doubt we shall find the answer to this once the formal procedure is introduced.” (Warwick AR)

“As a general principle, the University anticipates that complaints will normally be dealt with informally in the first instance.” (University of York ‘Procedure for Dealing with Comments, Suggestions and Complaints from Students’)

Students too can prefer to adopt an informal position in dealing with complaints:

“Most students seem to be sceptical about using an official complaints procedure and prefer to complain informally or do nothing.” (Central England SU)

In fact, a survey of Scottish institutions found that 93% of students “preferred to complain informally by word of mouth without having recourse to the individual complaints system” and “students are encouraged to use informal word of mouth systems before they resort to formal written procedures” (Thompson: 1997). Informality can be ‘good’ practice and there are Universities, which seem to be coping (e.g. Warwick and Edinburgh) even though there are no complaints procedures in place. But informality in complaints procedures breeds inconsistency, complacency and encourages a lack of transparency. There is a caveat from a leading analyst (whose institution happens to have no formal complaints procedures!):

“Generally, I am nervous that you may be implicitly contending that it is a Bad Thing for institutions to try and resolves complaints informally without using the formal procedures. Those procedures are often, as pointed out elsewhere in this paper, Byzantine and can be a cause of unnecessary worry and distraction to the student. If the institution acknowledges the substance of the complaint and does something about it without invoking the proceduralism of written statements, committee meetings etc. (and keeps a record of it as a complaint), surely there is something to be said for this?” (Simeon Underwood, pers.comm)

Certainly, the overarching sentiment that informality in complaints procedures is not necessary bad practice is not necessarily wrong. But substituting formal complaints procedures with informal structures is unacceptable. And the philosophy that “in almost all case informal discussion can resolve problems” (Brighton Student Complaints Procedure) is a dangerous dogma. Moreover, if an informal complaint is made and recorded it is extremely difficult for it not to inevitably become formalised. The best way is to avoid all complaints in the first place. In the first instance, informal means are the best mechanism to attempt to do that. In the final analysis however more and universities are waking up to the fact that informal complaints procedures do not work in practice:

“One of the tasks identified by the Graduate School Office and included in the Strategic Plan as an objective for 1995-6 is the development of an academic complaints procedure to deal with grievances raised by students in respect of their programme of study and its associated academic facilities. There have, in fact, been several recent cases of such complaints by postgraduates which have been dealt with by the School and Graduate School Office through ad hoc processes: all concerned would have welcomed the framework of a formal procedure” (East Anglia ‘Academic Complaints Procedure)
b) Internal

Universities and those governing them have encouraged the internalisation of complaints procedures. As the recent CVCP ‘Management Guidance’ states that: “It is extremely important that every university should have a suitable internal complaints machinery for students” (CVCP: 1998). In the case of South Bank, for example, a nine page Complaints Procedure has been in existence since 1991, but most students “are probably unaware of its existence” (South Bank SU). Universities can ‘keep a lid’ on complaints by not publicising complaints procedures. Sometimes no complaints procedure at all is better than one which exists but in reality is not worth the paper it’s supposed to be printed on for lack of publicity. As a business consultant comments, current systems of complaints “discourage formal complaint; not necessarily with malice but the effect is to suppress complaints” (Berman: 1998). The following comments illustrate the internal nature of the complaints process:

“Still only a relatively small number - 3 or 4 per year - go beyond the departmental stage” (Bangor AR)

“Those involved in this informal approach will ensure that as far as possible and reasonable confidentiality of the discussion is preserved, in the interests of all parties concerned.” (University of Derby ‘Complaints Procedure’)

“I cannot give details as we do not keep central information on complaints; our complaints procedure requires that complaints be raised (and more often than not not resolved) with the ‘service provider’. ” (Northumbria AR)

“Always forwarded to the Vice-Chancellor. One case should’ve (gone to the Visitor) but the Vice-Chancellor intervened.” (Luton SU)

“The best place for resolution of student’s complaints or grievances is the department in which the student is registered…Until and unless the search for a remedy at the ‘local’ level has been exhausted, it should not be possible to take the matter forward.” (Anon AR)

The reasons for the internalisation of complaints are obvious; academic reputations are at stake:

“Academic institutions are notorious for their internal disputes…In recent years all sorts of abuses of power have come to light in universities - bullying, corruption, nepotism, cheating, gagging clauses, etc.” (Griffith: 1998)

No wonder departments and institutions do not wish to loosen the grip on their own complaints procedures and thus lose control over the complaints process itself.

c) Infernal

By internalising and making complaints informal there is a danger that complaints are left to fester in a climate of apathy and denial. Complaints that could have been corrected if recorded and solved if widely known about (“a problem shared is a problem halved”) may escalate unnecessarily. A ‘closed’ management structure which is undemocratic and despotic drives recklessly in disputes. This is the “unexploded bomb” effect whereby “complaints are explicitly or implicitly suppressed” (Berman: 1998). It is a situation more common in our age-old institutions and is equally pertinent to staff disputes (Baty: 1998b, Murray: 1997). As one revolting member of staff states:

“The power structures which are emerging need to be looked at hard. One vice chancellor tells me that something would have gone badly wrong before he ever got to hear about a dispute…Very often an individual becomes crushed in a machine in which managers have caught their own sleeves. It is the administrators who flick the switches, but they may not be inclined to pull the victims out…I spoke to someone in one vice chancellor’s office recently who said in despair: ‘We have this humungous folder. I don’t know where it is though’. Such an administration drives recklessly in disputes. There can be a huge gulf between this week’s version of what the procedures say and what actually happens” (Evans: 1996)
In these hellish situations the student can often feel they are attending the ‘University of Armageddon’ (www.missentencencentre.co.uk). It is just too hot to handle. In such a hostile climate it is not surprising that ‘fear’ becomes a factor inhibiting student complaints (Appendix 8). There is little quantitative evidence of this ‘fear-factor’ but a recent survey did find that in 43% of cases “fear of adverse consequences inhibits the utilisation of individual complaints systems” (Thompson: 1997). The author concludes:

“The evidence of this question suggests that this area of fear within complaints systems would be a worthwhile area for further qualitative research”

The Citizen’s Charter Complaints Task Force states that:

“People may not complain if they fear the service will somehow discriminate against them in the future” (Citizen’s Charter: 1995)

Sometimes the student is cast as the villain. When the ‘blame culture’ is pervasive amongst the student body the institution always bears the brunt of responsibility. Some students are never satisfied. In these cases it would not matter if the complaints procedure was ‘perfect’ - they would pursue vexatious and spurious cases no matter what. As Dr Maureen Blackmore - Proctor of Liverpool John Moores University - comments: “People who to litigation want their day in court anyhow” (Blackmore: 1998). More often than not, however, it is the institution, which creates the stifling climate in complaints:

“Complaints procedures are so non-existent that students tend to wait until it is too late and then are discriminated against for not having gone through the correct procedure!” (Birkbeck SU)

“At present our complaints procedure is very vague but there is a draft for a procedure being presented to Senate, which is more defined…No time scale. Not a defined procedure with clearly informed steps. Does not define students’ responsibilities in terms of evidence and university’s responsibilities in terms of supplying evidence.” (Cranfield SU)

“(How are the Complaints Procedures not coping?) Unwillingness of university to ‘investigate’ fully - student also fearful of possible consequences. Most occasions I recommend usage. About half of those use it. About two-thirds get what they think they consider to be a ‘good result’. Although I think they often get screwed but don’t realise it.” (Lancaster SU).

“Complex.” (Stirling SU)

“The University do not adhere to published guidelines. Deadlines are sufficient. 99% of cases do not follow deadlines. Continually the institution does not adhere to its own published regulations.” (Luton SU)

“In my experience, complaints usually receive a holding reply within the time limit, but not necessarily a substantive reply” (Sheffield SU)
“There seems to be confusion within the University (on some occasions) over which is the appropriate procedure to invoke and whose responsibility it is to respond” (Sheffield SU)

“(Do you consider your institution’s Complaints Procedure to be effective?) No, students unaware of procedure and often don’t want to ‘rock the boat’ by invoking it or see it as a waste of time. They believe that because it is a University procedure then staff are in a position to abuse it and not take the complaint seriously. The process is highly opaque!” (Sheffield Hallam SU)

“I would say that the number of students complaining has increased, especially in the area of teaching quality in general and dissertation/final year project supervision in particular. Because these cross over into the realm of academic performance they are explicitly excluded from the complaints procedure, and are more often pursued via either the student representation system, or as individual extenuating circumstances when it comes to the time of Assessment Boards.” (Anon SU)

“One of the reasons for the small number of formal complaints is the lack of availability of the official Student Complaint Forms. In order to get one of these forms, students have to go through a ‘gatekeeper’ in the shape of the Charter Office, who hold all the forms. Although the procedure explicitly states that official complaints forms are also available in the Students’ Union and School Offices, this is not true, and we have been refused copies of these; neither does any School Office hold them. This is significant because a complaint is not regarded as a complaint unless it is on an official complaint form. Students whom I have advised to instigate the formal complaints procedure frequently return to me following their visit to the Charter Office having been dissuaded from lodging a complaint or having been told that this would be inappropriate.” (Anon SU)

4) In terms of implementing Dearing Recommendation 60, Universities are ill-prepared – there is an alarming implementation deficit.


“We recommend to institutions that, over the next two years, they review….their arrangements for handling complaints from students, to ensure that: they reflect the principles of natural justice; they are transparent and timely; they include procedures for reconciliation and arbitration; they include an independent, external element; and they are managed by a senior member of staff.”

In much the same way the latest CVCP ‘Management Guidance’ (April 1998) appears to have gone unheeded:

“It is extremely important that every university should have a suitable internal complaints machinery for students which is widely known and can be easily invoked…There should be a clear, simple procedure widely publicised and brought to the attention of every student” (CVCP: 1998, 24)

The advice from the legal is simple:

“Universities really must make sure they have a good framework of procedures and stick to them” (Nicola Hart - Martineau Johnson - quoted in THES: 26th June 1998)

It is not as if institutions were not warned by the HEQC in 1996:

“To enable an academic institution to be responsive and to have the capacity to change and enhance practice, it should devise a transparent, widely known and understood policy on grievances and complaints” (HEQC: 1996, 46)

Students themselves do not appear to be asking too much:

“Student expectations: the right to information, the right of appeal, the right of representation, the right to justice” (Findell: 1998)

But even where Complaints Procedures exist they are not widely publicised, they lack transparency, do not have an external element, do not include specific deadlines and do not accord with the principles of natural justice. Universities are being allowed to ride roughshod over the rights of students. Informal and internal complaint procedures are generally inept, inadequate, impotent. For postgraduates, the situation is even worse.
Academic appeals procedures exist but again are not widely publicised or utilised. As complaints regarding supervision - the ‘number one’ reason for complaint - cannot be dealt with in an academic appeals procedure the degrees of freedom and freedom of speech for postgraduates is even less than undergraduates. Such is the hellish logic of the ‘infernal’ complaints procedure.

Institutions appear not to following the advice of even their own highly paid legal advisers either:

“This Follow procedures: Once procedures, policies and codes have been put in place by the HEI, those responsible for operating them must follow them, or risk legal challenge. Therefore, procedures need to be clear, unambiguous and workable in practice. If experience shows problems in any of these areas, the procedures should be reviewed and rewritten as a preventative exercise. This is unlikely to be enough on its own. Those implementing the procedures must understand what they mean and how they work” (Arrowsmith and Hart: 1998, 92)

a) Complaints procedures lack independence

Both internally and externally the complaints process is far from independent. The existence of an independent person in the complaints process is rare:

“Complaints are referred to an arbitrator. The Vice-Chancellor makes this decision and consults with the Union President on who this should be. Have never known a case to go to the arbitrator.” (Central England SU)

The university where “the University Ombudsman is not a member of staff of the University, but is an outsider and is appointed by Council” (Anon AR) is good practice but not general practice. The latest CVCP ‘Management Guidance’ sits on the fence on the whole issue of independence:

“One issue for consideration is whether these principles (for student complaints) should incorporate, for all or some cases, an independent element provided by external or lay members of governing bodies. Some universities may prefer that the internal procedure should end at principle 6” (CVCP: 1998, 24)

When the CVCP does identify an independent element it proposes that “a complaints committee be established” and suggests that “membership of the committee might include a senior member of the academic staff and possibly a student”. However, such guidance would carry more force if it was obligatory rather than voluntary. The CVCP have therefore given institutions a carte blanche to do as they please. Such a laissez-faire policy not only invites inconsistency but it also sends out the wrong impression to institutions i.e. the principle of ‘independence’ is an optional extra and a luxury rather than standard good practice. It also goes against the letter if not the spirit of the Nolan Report:

“It is no longer sufficient for public bodies to take good decisions; they must be seen to do so, and be prepared to let an independent person or body review their activities if necessary” (Nolan Committee: 1996, Para. 102)

Such a policy also goes against Government policy:

“This Department would encourage universities to introduce independent complaints procedures in line with the Dearing recommendation” (DfEE spokesman, pers.comm)

Unfortunately, the only ‘independence’ that institutions appear to acknowledge is their own:

“As you are aware, higher education institutions are autonomous, independent bodies responsible for their own internal affairs, including the consideration of complaints from students” (DfEE spokesman, pers.comm)

In these circumstances it is not surprising that institutions act above and beyond the law. The NUS has campaigned for greater independence in complaints procedures:

“As far as external avenues of dispute are concerned, NUS remains convinced of the need for a full-time properly resourced ombudsman. Part of this need stems from NUS’ serious concerns about the existing Visitor system. These include the fact that students are frequently unaware of their right to complain to the Visitor; the fact that students do not have recourse to the courts and cannot obtain state legal aid to take their case to the Visitor; and lastly the fact that there is a clear lack of natural justice inherent in certain visitatorial processes. In one case, for example, which was drawn to NUS’ attention, the Visitor seems to have simply
carried out an informal inquiry comprising interviews with members of the institution. The content of these interviews was not divulged to the petitioner (the student) who was issued with an extremely brief decision without any real explanation or elaboration” (NUS: 1997b, 4)

Far too many internal complaints procedures mirror this malaise. Indeed, the distinction between internal and external complaints procedures is often a blurred one. As the NUS point out:

“The Visitor, where one exists, tends not to be perceived as fully independent of the institution” (NUS: 1997a, 1)

What is required is a greater degree of independence and a greater sense of natural justice. The NUS, for one, see an independent ombudsperson as providing that independence. Coupled with an internal complaints process that embraces independence (e.g. in the form of Complaints Committees with student members) this is surely a more progressive way forward:

“An ombudsperson would bring consistency into the system; s/he would quickly build up expertise in the higher education field so that fewer complaints would need to reach the stage of legal action. NUS feels strongly that any system of external dispute resolution should not exclude ultimate recourse to the courts. We are aware of the increasing volume of litigation between students and institutions and do not feel this is in anyone’s interest. If a properly resourced ombudsperson system existed most disputes could be resolved at the ombudsperson stage and the volume of litigation would be significantly reduced” (NUS: 1997b, 4)

b) Complaints procedures lack transparency

In terms of the publicity surrounding the existence of complaints procedures and the actual complaints process itself, the overriding impression is that there is a lack of transparency across the higher education sector. A study of Scottish institutions (Hall et al: 1995) reported that many students were unaware if their institution had a complaints procedure. Another Scottish survey (Thompson: 1997) hinted at ‘the truth’ in suggesting that from the institution’s point of view it was fine as long as ‘the management’ knew about the complaints procedure; students were not important (see Appendix 9). In fact, in a survey by the Union of UEA Students it was found that 35% of postgraduates were unaware of the existence of an appeals or complaints procedure (Laing: 1998). The evidence from SU’s in this survey generally backs this assertion up as does a great deal of anecdotal evidence. Until more research is directed at actual students rather than abstract subject areas it will be difficult to gauge the transparency of the complaints process. The QAA has already mooted undertaking research along these lines (Mike Laugharne, pers.comm). Certainly the latest NUS survey on complaints and appeals delves deeper than even before and the results should prove illuminating. The following disingenuous comment betrays the fear that institutions have of transparency in complaints procedures:

“When you create a clearer means of complaint procedure you necessarily increase dramatically the number of complaints, and that costs money” (Professor George Warner - co-author of Higher Education and the Law - quoted in THES, 10th April 1998)

It is no wonder that transparency is more rhetoric than reality:

“Complaints procedures are so non-existent that students tend to wait until it is too late and then are discriminated against for not having gone through the correct procedure!” (Birkbeck SU)

“At present our complaints procedure is very vague but there is a draft for a procedure being presented to Senate, which is more defined” (Cranfield SU)

“The University do not adhere to published guidelines” (Luton SU)

“(Do you consider your institution’s Complaints Procedure to be effective?) No, students unaware of procedure and often don’t want to ‘rock the boat’ by invoking it or see it as a waste of time. They believe that because it is a University procedure then staff are in a position to abuse it and not take the complaint seriously. The process is highly opaque!” (Sheffield Hallam SU)

“Although they’re not the most fascinating documents (if they actually exist), complaints procedures are something that worry me.” (Anon SU)

“Ever since the complaints procedure was adopted in 1996 there have been ‘teething’ problems. In the worst cases the University has been reluctant to follow its own published procedures and has made up its own rules...
as it goes along. What is the student meant to do when the university does not even comply with its own guidelines?” (Anon SU)

“The formal procedure has only been used three times (since 1995), i.e. university statistics will show that only three formal complaints have been made in the past three years (we have nearly 15,000 students registered here). You ask in question one if this procedure is made available to students. You will notice that I have sent you a photocopy rather than an original - this is because the leaflet has not been published recently and I cannot get my hands on any copies of it other than the one office copy I use. If I can’t get hold of copies, then I very much doubt if students can. The procedure is therefore not widely available at this point in time (though I am assured repeatedly that a new print run is imminent)...I would say that the number of students complaining has increased, especially in the area of teaching quality in general and dissertation/final year project supervision in particular. Because these cross over into the realm of academic performance they are explicitly excluded from the complaints procedure, and are more often pursued via either the student representation system, or as individual extenuating circumstances when it comes to the time of Assessment Boards.” (Anon SU)

“Our complaints procedure is a mish-mash. I have been here six years and I’m not sure what they are. Our appeals procedure seems to work but it shouldn’t get that far. We really need a robust complaints procedure at the formal and informal levels which is visible and understood by students and staff” (Anon SU)

Some institutions have transparent complaints procedures; so long as the student is able to find it in the first place:

“Unfortunately the procedure is only effective when a student is aware of it. When a student does choose to follow the procedure they are dealt with professionally, however, I would prefer to see deadlines included so that students are kept informed at all stages. Many students are unaware of the process; it is published in the student handbook, which is often left on the shelf after the first term - or worse still chucked away. However, I feel the procedure is transparent and fairly user-friendly - we also have an ombudsperson if the worst comes to the worst” (Thames Valley SU).

For external complaints the picture is more opaque:

“There are no written procedures for the visitorial system. I don’t think the visitorial system is understood by the judiciary let alone lay members of the public” (Dennis Farrington quoted in The Guardian: 17th March, 1998)

But transparency need not be a dirty word. Clarity in complaints procedures is vitally important. Indeed, it can be a positive management strategy. Complaints can be seen in two ways:

“As a time consuming and money draining hassle or they can be perceived as a form of direct feedback, a channel of communication with students, providing free market research and linking into a continual strategy of quality improvement” (Thompson: 1997, 2)

Adopting a positive and transparent perspective can benefit both the providers and consumers of higher education.

c) Complaints procedures are not timely

One of the main reasons cited for the lack of efficacy and quality of complaints procedures is the length of time taken to deal with complaints. For example, in this survey 47% institutions could not cope with handling complaints “sufficiently speedily”. In another survey, 50% of SU respondents who viewed their appeals procedures as “unfair” cited “time-scales involved in the process” as the reason (Birtwhistle: 1998). For students, especially undergraduates, the time taken to deal with complaints is of paramount importance and can be the difference between a ‘successful’ and ‘failed’ outcome:

“Students should be aware that they are more likely to get a satisfactory result if the issue is acted upon quickly” (Atkinson: 1998)

It is obvious that whilst most complaints procedures aspire to reach “a timeous resolution” (Aberdeen RG) not all achieve such lofty ambitions. Not all identify specific time-scales (thus fudging the issue completely). When identified they are typically of the order of 10-15 working days between formal stages (e.g. Anglia).
Whether they are always followed is another matter (e.g. East Anglia). There appears to be a number of ‘get-out’ clauses built-in to some procedures:

“Time limits must be adhered to, but may be waived by the Head of Department in exceptional circumstances… after such further consultation as is considered appropriate” (Bradford ‘Complaints Procedure’)

This is not necessarily a bad thing so long as the student has control over the process:

“The stated purpose of the Procedure (to achieve resolution of complaints quickly and fairly and if possible within ten working days of the date on which the complaint is first made), shall not prevent the Head of Department/Head of Division continuing to deal with complaint for any longer period if the student who has complained is content for him or her to do so” (Cardiff ‘Student Complaints Procedure’)

However, in too many instances the time taken to deal with complaints is unacceptable:

“Often takes too long to be of use” (Birkbeck SU)

“Generally, the actual written procedure is a good working document. However, in practice it has been operated in a cumbersome way which ‘drags’ complaints on for far too long…Students express frustration at how long it takes…Deadline are appropriate but institution does not tend to adhere to them in the final stages, particularly.” (Liverpool JM SU)

“Deadlines are sufficient. 99% of cases do not follow deadlines” (Luton SU)

“(Are complaints procedures effective?) No - Not enough detail. No time limits for the University to reply/come to a decision” (Nottingham Trent SU)

“It must be realised that the longer complaints are left lying on file, the more difficult an investigation will be, and request after the twelve-month deadline will be regarded as ‘out of time’” (Newcastle University ‘Student Complaints Procedure’).

“An investigation will not take longer than one academic semester” (De Montfort Complaints Procedure)

And although many time limits are identified there is sometimes an in-built ‘get out clause’ to the complaints procedures. For example, at East Anglia the phrase “if practicable” is inserted after “within 15 working days”. From the evidence it is obvious that the latest guidance from the CVCP concerning “rapid resolution of complaints” (CVCP: 1998) has gone largely unheeded.
In the case of external complaints there is again little consistency in the time taken to deal with complaints. There are horror-stories of cases dragging on years (Kingston: 1998). Certainly, it seems that in non-visitorial institutions complaints are dealt with more quickly through civil law. As one expert points out:

“The matter will be much more speedily disposed of before the court than before the Visitor” (Farrington: 1998b, 4)

**d) Complaints procedures lack natural justice**

Students on the whole are disadvantaged by the complaints process, both internally and externally. Complaints and appeals procedures are loaded firmly in favour of institutions. Universities play the roles of judge and jury, poacher and gamekeeper. The entire complaints process smacks of secrecy and conspires to preserve the status quo. In many cases it represents some perversely Kafka creation (Underwood: 1998). Yet whilst external complaints procedures are perceived as ‘totally at odds with modern ways of doing business as we enter the 21st century’ (Farrington: 1998c) the perception of internal complaints procedures has remained; many still see internal complaints procedures as operating effectively. The reality, however, is very different and closer to the external situation than many would admit in public. In this survey, even SU’s bemoaned the fact that they were seriously disadvantaged in the complaints process (e.g. in terms of information and documentary access) and hence their advice to students was compromised. This hypothesis is backed up by the results of a survey on student appeals in which 50% of SU respondents viewed their regulations as “unfair”:

“Most objections centred around the time-scales involved in the process, and also lack of access to files relevant to the case”  (Birtwhistle: 1998, 52)

The NUS also echoed these concerns in their response to the Dearing Report on the Future of Higher Education:

“NUS strongly welcomes Dearing’s recommendation that internal complaints procedures reflect natural justice principles. NUS believes that some institutional processes, including certain academic appeal and disciplinary procedures, fall well short of natural justice principles. NUS would suggest a code of practice as one important way forward. This would detail what was expected of institutional procedures in relation to natural justice”  (NUS: 1997b, 4)

Certainly there is an absence of natural justice in instances where the institution does not possess an internal complaints procedure. Even where a complaints procedure exists, circumstances may conspire to place the student at an unfair disadvantage; be it in terms of access to information, legal representation or the advance publication of complaints procedures. As one academic admits:

“The structure of universities does not easily lend itself to the resolution of disputes. The upholding of a complaint or the dismissal of a charge almost invariably carries with it express or implied criticism of senior academics or senior officials and so is difficult to establish before a tribunal composed largely of such persons”  (Griffith: 1998)

It can be argued that the existence of a ‘significant imbalance’ and the absence of ‘clear and intelligible language’ between the student and the institution contract constitutes a breach of the principles of ‘fairness’ and natural justice:

“The university must always bear in mind the apparent disparity in bargaining power that exists between the students and the university and the fact that it is operating on a standard set of terms and conditions and that these must therefore meet the requirements of fairness (Unfair Contract Terms Act 1977 and Unfair Terms in Consumer Contracts Regulations 1994)”  (Birtwhistle: 1998, 43)

“No dispute resolution procedure can operate effectively if the matters in dispute cannot readily be identified…Many are not written in the ‘clear and intelligible language’ which the Unfair Terms Regulations require…The Unfair Terms Regulations contain an indicative and illustrative list of terms which may be regarded as unfair…Among these terms will be one which requires the institution to offer reasonably professional standards of teaching, supervision and support. It is the area of judgement as to what constitutes ‘reasonably professional standards’ which is the most difficult. A student who fails a course or fails to obtain a degree assessed by dissertation or thesis can subsequently allege that at least part of the reason for failure was lack of adequate teaching, learning support, availability or relevant resources, or supervision. Such complaints
fall outside the recommended grounds for appeal available for postgraduate research students in both pre-1992 and post-1992 institutions” (Farrington: 1998b, 4)

“Any arbitration clause in a student/institution contract would have limited validity, given that such a contract is highly likely to be regarded as a consumer contract under the Unfair Terms in Consumer Contract Regulations 1994 and the provisions on the consumer contracts within the Arbitration Act 1996” (NUS: 1997b, 5)

This is true for appeals as well as complaints. For example, a celebrated case in 1996 at Stirling University prompted NUS Scotland to comment:

“We do not believe the present procedure constitutes an appeals procedure…It does not conform to natural justice in not allowing the appellant to appear in person before the Appeals Board” (Quoted in Palfreyman and Warner: 1998, 73)

This is also the case concerning complaints procedures. When students are allowed to attend hearings they are often at short notice, no minutes are taken (e.g. East Anglia), they take place in hostile surroundings (e.g. an anonymous Welsh institution) or in a ‘Kangaroo court’ where the student appears on jumped up charges. Even the right to legal representation is denied in some cases (Anon, pers.comm). In other cases, however, ‘good’ practice is in evidence:

“Students have the right to be represented or accompanied at all stages of the procedure by a ‘friend’, which can be broadly interpreted to include a representative of the Students Union, a colleague or a parent. In exceptional circumstances there may be legal representation at Stage 3 and/or Stage 4. The student making the complaint will be allowed reasonable time to seek advice for any meeting which forms part of the process…It will be helpful for key parties involved in the procedure to keep copies of correspondence relevant to complaints as well as other pertinent notes” (University of Wales Institute, Cardiff ‘Individual Complaints Procedure for Students’)

Moreover, when dealing with ‘external’ as opposed to ‘internal’ avenues of appeal for student complaints the position is potentially worse, especially when considering the vagaries and vassalage of the Visitatorial arrangement. Once again, the student is forced to play the understudy role of underdog and is denied access to legal representation. In this infernal situation:

“Students were not entitled to legal aid while universities usually had access to professional legal advice” (THES: 31st October 1997)

A lecturer in law goes even further in criticising the ‘anachronistic’ visitor system over ‘the unequal treatment received by students at traditional universities’:

“While this situation persists, the binary divide will continue. Students are entitled to equality of treatment. It really is anomalous than within the same jurisdiction such different systems operate” (Tim Birtwhistle - quoted in Utley: 1998a)

Cases before the Visitor can only be “successful on certain accepted grounds: illegality, irrationality or procedural impropriety” (Farrington: 1998b). In exceptional cases a challenge could be mounted on the grounds that a given decision is ‘manifestly absurd, irrational or perverse’. However, as an expert comments:

“It has been suggested that in order to satisfy the courts on this ground ‘you have to establish that the decision-makers were on the verge of being carried off by the men in white coats’.” (Farrington: 1998b, 4)

Judging by the behaviour of some supervisors this route may prove profitable in the future! Such an unbalanced position arguably represents a breach of the principles of natural justice and an erosion of students’ rights. More seriously it also represents the misuse of the public purse and a flagrant abuse of power:

“It is unacceptable that universities spend hundreds of thousands of pounds of public money on legal fees to fight student and staff disputes without proper accountability, the Campaign for Academic Freedom and Academic Standards has told the National Audit Office” (THES: 3rd July 1998)

For example, both Liverpool University and Liverpool JM have spent over £50,000 on legal fees in recent cases (Anon, pers.comm). Anglia, Aston, Bangor, Bath, Birmingham, Bradford, Cambridge, Cardiff, Cranfield,
East Anglia, Exeter, Glamorgan, Manchester, Open, Oxford, St. Andrews, Southampton, Stirling, Strathclyde, Thames Valley and Westminster have also had to fork out their fair share of legal fees in high profile (and less publicised) cases involving students. Furthermore, it is worrying that most Visitorial institutions do not even specifically refer to that route of complaint. Those institutions which make a point of providing that information (Bradford, Essex, Hertfordshire, Kent, Leeds, York) are in the minority. Non-Visitorial institutions do not have that problem but even here some institutions do identify external sources of appeal. For example, Central England and Glamorgan nominate an ‘Arbitrator’. And:

“Breaking new ground the University of Teeside has appointed a person with a role not dissimilar to that of a Visitor. The precise legal position of this post is certainly not that of Visitor, but is rather an additional layer in the process but filled by a ‘independent person’.” (Birtwhistle: 1998, 45)

At the same time there is concern that due to the “significant imbalance” between the contracting parties - the student and the University - that such a relationship is in breach of the Unfair Terms of Consumer Contract Regulations. Many complaints procedures are heavy-handed in their treatment of students. How far this goes to being “unjust” depends on which side of the fence you’re sitting. The ‘fear-factor’ (Blackmore: 1998) can put off students from lodging complaints. For example, the following procedure from East London does not actually invite complaints from students and it can be argued that it is bad practice:

“Malicious of frivolous accusations will be viewed as a serious matter by the University and could lead to disciplinary action, or legal proceedings.”

Perhaps it is a good thing to discourage vexatious and spurious complaints but it certainly contrasts with the ‘good practice’ followed by Coventry:

“The University has stated that all complaints will be handled in confidence and without fear of recrimination.”

c) Complaints procedures lack mechanisms for reconciliation

Humberside defines “redress” as, inter alia, “an assurance that the same thing will not happen again” but also acknowledge that a student can expect “in exceptional circumstances, financial compensation where service failure has clearly led to a financial loss, distress or considerable inconvenience”. Cardiff, for example, is an exception in formally identifying “remedies” which include “a compensatory award”. Even more unusual, that concept of compensation has been successfully tested by students when an entire MSc course were awarded their course fees back by the University (McLaren: 1997). With such a ‘money-back guarantee’, Cardiff is certainly the Marks and Spencers of universities! Whether it is customer relations policy that other institutions will follow is not clear.

Luton specifically rules out such a proposition:

“Complainants should be aware that, normally, the options for redress which can be offered by staff are apology, explanation, assurance that ‘something’ will never happen again and action to put a matter right. It is not within the power of staff of a higher education institution to award monetary compensation” (Luton ‘Student Complaints Procedure’)

East Anglia builds in a ‘get out clause’ in stressing that:

“An effective remedy, if (the complaint) is upheld, (will be) within the bounds of what is reasonable and practicable for the University to provide” (East Anglia ‘Academic Complaints Procedure’)
in the foundation by the misapplication of [the laws of foundation]. A student member would therefore be able to claim compensation and probably other forms of redress.” (Farrington: 1998b, 4-8)

“On the question of damages, the courts are reluctant to extend the rights of private citizens to claim damages for breach of statutory duty whereas a clear route to compensation could established through an action for breach of contract” (Farrington: 1998b, 5-6)

In practice, there have been no known cases of a Visitor awarding compensation or upholding the principles of reconciliation although the civil courts may have awarded financial recompense in private settlements. Certainly, some universities (e.g. Cardiff, East Anglia, Open) have offered private out-of-court settlements in terms of course-fee refunds or waiving course fees for an additional term of study.

5) Student Unions can provide a career-saving service for students and are important sources of advice

Student Unions are increasingly finding themselves thrust into a position of giving ‘expert’ advice to ‘wronged’ students. As a first port of call it is therefore vitally important that those dealing with complaints are adequately informed and well-resourced. Many SU’s publish their own booklets. For example, Coventry University SU has published: “A Rough Guide to Your Rights in the University” which, inter alia, provides information on “How to Make Complaints”. It emphasises that:

“You should always seek advice from the SU Advice Centre if: action is taken against you by the university, you want to take action or make a complaint against the university, you want to appeal against exam results or course work marks, you want to discuss your rights... You have the right to complain. How to make a formal complaint: seek advice from the SU Advice Centre, SUAC will help you put this complaint in writing, SUAC will guide you through the formal complaints procedure. Complaints made by students should be dealt with by the University seriously and impartially. There are formal hearing because action may be taken against staff or students. You have the right to be personally represented in a complaints hearing. There is a stage in the complaints procedure, which allows you to take the matter up with the Vice Chancellor if you are not satisfied with how your complaint has been handled. The University has stated that all complaints will be handled in confidence and without fear of recrimination. In 1996, the University instituted a policy which states that student representatives have the right to represent the interests of students without fear of recrimination”

Liverpool JM Students’ Union also provides valuable advice in a leaflet called “Complaints, Discipline and Appeals Guide”. It outline “your rights”, “your responsibilities” and tells you “how to complain”. As Harvey Atkinson - Welfare Adviser at Brighton University - says:

“Students should always seek advice from their union. Many will have an elected officer who will know the complaints procedure and, if necessary, represent the student. As the complaints procedure may involve the student having to approach senior members of the institution, the support and advice of union staff or officers can be invaluable” (Atkinson: 1997).

Often the advice obtained in a SU is excellent and provides vital assistance to the student who, on their own, could get ‘lost’ in the complexities of the complaints procedure:

“Students at first generally find it difficult to understand. However once the process has been induced then it is made more clear due to the high level of assistance.” (Glasgow Caledonian).

And it appears that when that advice is given a complaint invariably results:

“All whom we advised used the procedure” (Coventry SU).

Many SU’s have the following view concerning the reasons for an increase in student complaints:

“Better marketing of Student Advice Centre” (Nottingham Trent SU).

On the negative side, Student Union officials, especially SU sabbaticals, can get lost in the complexities of the procedures. National guidance is therefore vitally important (e.g. NUS: 1994, NPC: 1996). Given the limited resources of SU’s and the rapid turn-over of staff it is easy to lose track of complaints:

“(I have advised students on) about 30 occasions. I don’t know how many went on to invoke the procedure - in some cases I helped the student with drafting the letter and so I know that complaints were submitted. In
other cases, it was left to the student to submit the complaint, so I don’t know what happened. Similarly I don’t know how many were upheld” (Sheffield SU).

A lack of communication between SU’s and AR’s can undermine the extent and degree of student support. There is an abject need for more transparency in the complaints process. Both the AR’s and SU’s have a role to play (this will be further investigated in a follow-up exercise). The role of the SU officer - often the first port of call for a potential complainant - is therefore vital. Advice is available (Appendix 7):

“All Student Unions should have copies of the university’s rules and regulations relating to the student complaints procedures. Academic and welfare officers should also have an understanding of how various departmental complaints systems work as well” (NUS: 1994, 14)

The role of Student Unions is also of direct significance to the implementation of complaints procedures. As one Welfare Adviser concludes:

“With the Government proposing to introduce tuition fees, a direct consequence may be that SU’s have more power. As direct representatives of the fee-paying student body, the SU’s are in a position to lobby their institutions to provide simple, clear and standardised procedures for academic appeals and complaints. Inevitably this may lead to a more interactive approach” (Atkinson: 1997)

Such is the reasoning behind the latest survey on appeals and complaints by the National Union of Students. As the NUS survey states in its introductory material sent out on 18th August:

“With Dearing’s recommendations, the DIFFE’s position on this matter, the CVCP’s report and the introduction of tuition fees, complaints and appeals have moved to the top of the agenda for higher education institutions (HEI’s). Many HEI’s will thus be reviewing their procedures during the coming academic year. Student Union officers will have an opportunity to influence this process, ensuring that the new procedures meet Dearing’s recommendations and are fairer for students. We are conducting these two surveys as a first step in our efforts to assist you in this process. The information we collect from the surveys will help us in the production of new Good Practice Guides on complaints and academic appeals which will be published in early December. Furthermore, the information will be invaluable when we lobby at a local and national level for the improvement of HEI’s procedures. We are also organising an event on appeals and complaints, sharing best practice, explaining how current systems operate, introducing our proposals for model procedures, and launching our good practice guides. The event is scheduled to take place on 3 December” (Jim Gardner - Vice President Education)

6) For postgraduates especially, the distinction between and the operation of ‘ Appeals’ and ‘ Complaints’ Procedures is of fundamental importance.

The lack of both complaints procedures and the knowledge that appeals and complaints are fundamentally different means that postgraduate complaints, particularly about supervision, go unmade. The ‘special needs’ of postgraduates are best illustrated in the distinction between ‘complaints’ and ‘appeals’ and the subsequent implications for complaints concerning supervision. As the 1996 survey for the HEQC concludes:

“The greatest problem lies in separating appeals, particularly at the postgraduate level. There appears to be numerous examples of cases in which students who have failed the oral examination for PhD or been recommended for the award of a lesser qualification have subsequently raised complaints about the nature and /or quality of supervision. The second (1987) Report of the CVCP Academic Standards Group suggested that given the existence of procedures for complaint and redress during the study period (which should normally be dealt with as and when they arise) alleged inadequacy of supervisory and other arrangements during the period of study should not constitute grounds for appeal” (Farrington: 1996)

“The Reynolds guidelines (1986) specifically excludes poor supervision as a ground for appeal, except in exceptional cases, saying that it should have been brought up at the time. Many students do not want to complain unless their degree is threatened. Make sure they understand the possible consequences of stating quiet” (NPC: 1995, 8)

The consequences of the failure of both students and institutions to grasp the implications of this are significant; both in terms of postgraduate complaints and in terms of ‘natural justice’. As a leading legal expert cuts to the chase:
“The principal difficulty arises when the procedures assumed by the Academic Standards Group do not in fact exist, or if they do they are not adequately communicated to students” (Farrington: 1998, 2)

Blocking the rights, whether implicitly or explicitly, accidentally or deliberately, of postgraduates to complain about ‘Supervision’ is in direct conflict with the principles of ‘natural justice’ so espoused by Dearing Recommendation 60. The present hellish situation is nothing less than infernal:

“A postgraduate must lodge a complaint about supervision in the first instance directly to his supervisor and then to the head of department, who hired, appointed and trained him. The complaint must be lodged before the student fails and more often then not before they realise the inadequacy of the quality and quantity of supervision. If they delay until after the viva voce the appeals procedure allows no scope for complaints concerning supervision. It is as simple and as difficult as that. Such is the logic of the ‘infernal complaints procedure’.” (NPC Newsletter: April 1998 - http://www.npc.org.uk/)

The NPC has been campaigning on this issue for many years. It will continue to do so. Until the current situation changes, postgraduates will continue to suffer from unfair and unsatisfactory treatment in relation to complaints. The distinction between ‘appeals’ and ‘complaints’ is therefore vitally important and something which even some AR’s failed to grasp. Indeed, many AR’s answered “yes” to Question 1 when it should have been “no”. Dr Maureen Blackmore - Proctor of Liverpool John Moores - points to “the confusion surrounding the Academic Appeals Procedure” (Blackmore: 1998). Complaints can sometimes turn into appeals but the two are separate; the latter dealing almost exclusively with cases of ‘academic assessment’. For a more official definition:

“Complaints and grievance cover broader issues than appeals which focus on a defined aspect of the assessment process” (HEQC: 1996, 46)

This confusion is not helped by the lack of complaints procedures and the lack of publicity of existing complaints procedures. It is a distinction, which universities almost universally fail to acknowledge in the literature. Stirling University and Northumbria University are the exceptions rather than the rule when they advise students: “Please note the difference between appeals and complaints” and “The complaints procedure is outlined below. It is to be distinguished from the examination appeals procedure.” Cardiff Institute also provides this vital information:

“The Appeals Procedure caters for representations against academic decisions and is complementary to the Student Complaints Procedure which deals with complaints and grievances against UWIC and/or its staff which are not based on academic decisions”

Another anonymous institution attempts to unravel the ‘appeals’ and ‘complaints’ confusion:

“It is envisaged that some complaints might fall somewhere between a general complaints procedure and the area covered by the Academic Appeals Committee of Senate. It is suggested that no complaint or grievance should be taken up through more than one of these mechanisms either simultaneously or seriatim. In other words it should not be possible for students to ‘ride two horse’ at the same time nor, should a complaint not be upheld by one of the committees, to take it up again via another complaints or appeals procedure save the Visitor whose jurisdiction may not be excluded.” (Anon AR)

In so doing it probably serves only to confuse the picture even more! So whereas complaints for students can be merely ‘infernal’ for postgraduates, the situation is sometimes even worse. Academic appeals procedures exist but again are not widely publicised or utilised. As complaints regarding supervision - the ‘number one’ reason for complaint - cannot be dealt within an academic appeals procedure the degrees of freedom and freedom of speech for postgraduates is even less than undergraduates. As one SU officer explains:

“I would say that the number of students complaining has increased, especially in the area of teaching quality in general and dissertation/final year project supervision in particular. Because these cross over into the realm of academic performance they are explicitly excluded from the complaints procedure, and are more often pursued via either the student representation system, or as individual extenuating circumstances when it comes to the time of Assessment Boards.” (Anon SU)
7) **Supervision is the biggest reason for complaints, especially for postgraduates, but most complaints procedures state that the supervisor must be the first port of call for a complaint.**

In this survey the most common reason for complaint cited by respondents was ‘Supervision/Teaching’ at 30%. For postgraduates, ‘Supervision’ is the number one reason for complaints. This result is backed up the 1996 HEQC report (Farrington: 1996) and has subsequently been emphasised:

> “On the academic side, the area in which the largest number of institutions and the largest number of direct complainants to HEQC identified problems was that of quality of teaching and supervision, with most institutions listing this category mentioning supervision of research students as a particular problem area” (Farrington: 1998b, 2)

The author makes a frank admission:

> “The underlying problem was (and remains), not surprisingly, the pressure on resources, with more teaching being expected of more staff, more personal research effort demanded for the 1996 RAE (a continuing pressure in 1998) and therefore in some institutions a tendency for the research postgraduate to receive rather less than direct supervision than may have been the case in the past. Institutions will have to be aware that this is a potential area for increased complaints leading ultimately to litigation and consider how best to use resources effectively and/or set up adequate staff development arrangements so that supervisors are made aware of their responsibilities. It may be that one way forward is to switch responsibility for compliance with procedures from individual academic staff to departmental, Faculty or other devolved administration” (ibid)

It seems that the supervision of research students in those institutions hell-bent on chasing the RAE receives short shrift. This is the logic of the infernal complaints procedure. In fact a survey of over 1,000 PhD students in 1997 by the Union of UEA Students found that 61% of postgraduates cited ‘Supervision’ as the principal reason for complaint. The fact that only 18% of those actually did so hints at the fear, unfairness and feckless nature of complaints procedures in relation to postgraduates (Appendix 8). Moreover 35% of postgraduate respondents did not even know that the complaints procedure existed (Laing: 1998). As one respondent points out:

> “Initial contact should be the member of staff concerned - often not a step students want to take and so they dismiss using the procedure as a whole.” (Cranfield SU)

This survey found only 23% of institutions had special provision for postgraduates for their complaints procedures. Where there are separate complaints procedures for postgraduates, complaints about ‘alleged inadequacy of supervision and/or research facilities and arrangements’ were generally referred to the supervisor in the first instance:
“In the event of the student being dissatisfied with the level of support being provided by the Supervisor in the first instance they should address their concerns to the Supervisor” (Greenwich ‘Complaints Procedure for Postgraduates’)

“Research students who are dissatisfied with their conditions of work or the quality of their supervision should wherever possible discuss the difficulties with their Internal Supervisor” (Aston ‘Complaints Procedure for Research Students’)

In most cases a second option is given - more often than not the Head of Department (who appointed the supervisor and has responsibility for their training) but complaints procedures can often make this is less than obvious. An example of a good practice is Cardiff’s ‘Student Complaints Procedure’, which explicitly states:

“There may be circumstances which will cause a student to be reluctant to do this (complain to their supervisor/personal tutor) if, for instance, the complaint is against the Personal Tutor or if the complaint is such that the student concerned would prefer it to be dealt with by someone who has no previous personal contact with the student in question. In those circumstances there is no requirement that the student must disclose the situation with his or her Personal Tutor. Instead such student has the right to raise the issue with the appropriate Head of Department/Head of Division.”

And in the Nottingham Trent ‘Complaints Procedure’ the supervisor is bypassed completely with the student making a complaint: “in the first instance to his/her Director of Studies”. This situation has significant repercussions for postgraduates who wish to complain about ‘supervision’. Postgraduates have distinct characteristics, which a general complaints procedure may not fully take into account; supervision being the principal one. As a result, postgraduates often desist in making complaints at all. As the Advice Services Manager at the University of Kent points out:

“Quite often it appears that postgraduates desist from making formal complaints during their course. This is to avoid confrontation with the limited number of academics that research students have to work with” (Gerry Glyde, pers.comm)

Sadly, the available evidence suggests that complaints about supervision look set to increase:

“Although we don’t have any evidence, we feel/expect complaints about supervision to increase” (Manchester AR)

“We get a lot of complaints relating to postgraduate supervision” (Sheffield SU)

As one lecturer confesses:

“One conclusion is inescapable: supervisors are failing to train students properly and we are not doing our job properly” (Plevin: 1996, 46)

It appears that whilst informal complaints about supervision are increasing the step towards implementing a formal complaint is resisted (by both the student and the institution?):

“In terms of research students, problems over supervision have increased marginally, though the actual complaints procedure has not been implemented” (Aberdeen RG AR)

As a practical preventative measure, Codes of Practice and ‘Guides to Supervisory Practice’ are extremely useful and can outline the responsibilities of both the supervisory staff and the student (e.g. Cardiff, Hull). This is certainly ‘good’ practice, especially when complaints procedures included in the document. However, the institution can often shy away from being too specific. For example, at the University of East Anglia, the ‘Guide to Supervisory Practice’ (renamed the ‘Guide to Good Supervisory Practice in 1997!’) refers to ‘difficulties’, ‘problems’ and ‘grievances’ rather than ‘complaints’. Whilst it points the student to the existence of the ‘Academic Appeals Procedure’ in the University Calendar, the ‘Academic Complaints Procedure’ is not mentioned nor referred to specifically.
Universities are ill-equipped and ill-informed about the 'special needs' of postgraduates

In many ways postgraduates warrant special treatment in the realm of complaints, especially concerning the intimate and important relationship between research students and their supervisors. In too many cases the particular attributes of postgraduates are forgotten (see Gillon: 1997, Hinde: 1998). Nor is it merely a social science, natural science or a physical science problem - postgraduate problems occur across the sector (A N Other: 1996, Doyle and McGregor: 1996, McComb: 1997, Anon: 1998, Hodges: 1998). Other postgraduate complaints go unnoticed, unrecorded and uncontrolled. A common denominator though is the thorny issue of supervision. ‘Supervision’ (see Plevin: 1996, Delamont et al: 1997) is cited by postgraduates (Appendix 8) as the primary factor influencing their decision to complain but ‘supervision’ cannot be cited as a reason for appeal (NPC: 1996, Farrington: 1998b, Underwood: 1998). The absence of complaints procedures or the absence of easily invoked and widely known complaints procedures means that postgraduates are dealt with in an unfair and underhand fashion. Some postgraduates, frustrated at the restrictions placed upon their freedom of speech and degrees of freedom, have been forced to blow the whistle in no uncertain terms:

“Postgraduate students in the United Kingdom are shackled to a feudal system. The supervisor has total responsibility and control over research training. Regardless of contribution, the supervisor has the right to claim one’s work for him or herself, as is manifest in any patents and publications resulting from the student’s efforts. How many professors with a DSc can claim that it is due to their efforts alone rather than to the exploitation of student vassalage? I am awaiting the results of the umpteenth round of the grievance procedure at an English university (initiated in December 1995). My complaints range from financial duplicity to the deliberate withholding of materials, equipment and data required to complete a PhD. My problems have arisen through conflict with a supervisor, which is not uncommon. The problems could be more easily dealt with if research students were registered directly with the research institute and not with a particular individual, whereupon the term ‘supervisor’ becomes merely titular. And it would be less tempting to any mercenary supervisors if all the ‘intellectual property’ used and developed by the student was the property of the student and the institution alone” (McComb: 1997)

“The ‘feudal’ master-servant relationship existing between a PhD supervisor and his or her student has another facet seldom broached by academics. That is bullying. Employment legislation prohibits bullying at work, but because PhD’s are not salaried or contracted, they are not legally ‘employees’ and so are vulnerable to capricious supervisors. I regret to say that the conduct of my supervisor was tantamount to bullying. Corroborative complaints by peers and by me proved futile, culminating in my supervisor misappropriating corresponding authorship after editorial review of our manuscript. Although nebulous commitments to PhD supervision published in guidelines are welcome, they are merely cosmetic unless enforced impartially against the occasional aberrant supervisor. Experience has left me disaffected with my university, which is ostensibly content to allow a rogue supervisor to usurp authorship and confidence by allowing vulnerable PhD’s to be bullied...If UK institutions insist on maintaining the status quo, the courts may now intervene and universities will increasingly become embroiled in unwelcome litigation. Denying the existence of bullying could become costly. Universities competing for funding and kudos can ill-afford to risk harbouring known aggressors, thus condoning their conduct and bringing departments into disrepute” (Anon: 1998)

In this survey 49% of respondents – both AR and SU - didn’t see any special considerations for postgraduates. Separate complaints procedures for postgraduates exist in only a minority of cases - only 23% in this survey. Where they do exist (e.g. Greenwich) they are typically short and fail to take into account the diversity of postgraduate provision. Postgraduates are very particular:

“The fundamental problem is that departments often have the entrenched attitude that the postgraduate is ‘lucky to be there’ and so is really in no position to complain about lack of resources…Some institutions will continue to take the ‘you’re lucky to be here’ attitude to their postgraduates” (Doyle and McGregor-Riley: 1996, 118-9)

Many academics privately agree:

“I think it is important at this stage to keep pressing on with issues of complaints about the treatment of postgraduates” (Professor Lee Harvey, pers.comm)

“In 1996 I concluded that most institutions would welcome the development of general good practice guidelines within which they could fit, or adapt to fit, their existing informal and formal procedures…I produced some guidelines in the UCOSDA briefing note Handling Student Complaints. There is particular
difficulty in the area of postgraduate appeals and complaints and I think that there would be merit in commissioning further work with the aim of producing explicit recommendations in this field, building on the Reynolds and CNAA procedures. This proposal was before the HEQC before it was succeeded by QAA and nothing has been heard of it” (Farrington: 1998b, 2-3)

While the QAA sits twiddling its thumbs and pushing pens, postgraduates will not be holding their breath. It’s about time someone took the head of steam off this pressure-cooker situation. If not, the whole thing’s going to blow.

9) If there is no central collection and collation of complaints then complaints do not exist

Consequently, complaints remain unrecorded or unpublicised. For example, the University of Salford has no formal Complaints Procedure (although it is “currently being devised”) and complaints are “not centrally collated”. Warwick is “currently working on introducing a formal procedure for implementation by 1999/00 at the very latest”. At the moment Warwick, like many institutions, is sweeping complaints under the carpet:

“We have not historically logged the number of complaints and the numbers at present is very low - perhaps because we do not have a formal procedure?…We receive remarkably few complaints. I hope this is a reflection of the high standard of our courses and professionalism of our staff rather than the absence of an official complaints procedures. No doubt we shall find the answer to this once the formal procedure is introduced.” (Warwick AR)

The number of recorded complaints are just ‘the tip of the iceberg’ (Berman: 1998). Even when complaints are recorded they are more often than not internalised within separate Departments and are thus go unrecorded at a University level: “I cannot give details as we do not keep central information on complaints; our complaints procedure requires that complaints be raised (and more often than not resolved) with the ‘service provider’.” (Northumbria AR); “it is difficult (to say if complaints are increasing) as they are not necessarily monitored centrally - many complaints are dealt with locally” (Nottingham AR). Until complaints are collected at source within departments and recorded centrally, the picture of complaints will remain clouded. The fact that 62% of institutions in this survey do not record complaints at a central level is extremely worrying and a function of the internalisation of complaints procedures (Appendix 3). It is plain bad practice:

“In an unmanaged system this complaints information is simply floating around in separate pools, without any attempt to collate or understand the information. In the worst case scenario, it can lead to ‘secret problems’ that could be easily resolved if only those with the authority and will to resolves them knew about them” (Berman: 1998, 1)

“It would be in the interests of all those currently handling serious complaints to produce appropriate documentary evidence to show Chief Executives and senior bodies the true nature of the workload being undertaken in coping with the increasing volume of complaints experienced in most institutions. Almost of necessity this requires a system of recording complaints and their outcomes in a systematic way. Merely inserting a copy of a letter into a student file will not do: a modern readily accessible but secure computerised recording and feedback system is required” (Farrington: 1998b, 3)

Perhaps Martin Berman and Dennis Farrington should set up in business together flogging computerised systems for use in complaints management?
Napier University may want to think about buying such a cost-saving system:

“Our Report will cover all complaints lodged formally (either via the procedure or just in writing) to the university. It will not include a trawl of the number of complaints lodged at a local departmental level and dealt with at that level” (Napier AR)

10) The controversy surrounding complaints impedes data collection

In too many cases there is still a reluctance to release information. Perhaps this is understandable but it is not desirable. As another researcher who has recently published survey results of appeals comments:

“The facts regarding data are…there is no standard format for data gathering…and those that hold data are very reluctant to release it” (Tim Birtwhistle, pers.comm)

In addition, due to concerns with confidentiality and fear of reprisal a significant number of universities wished their responses to remain anonymous. However, only one institution formally declined to take part: “It has been decided that we do not wish to take part in the survey on this occasion.” (London UCL AR). Obviously, the lack of response by other institutions may have indicated the same sentiment. Nevertheless, the response rate of this survey in impressive. Compared to the other university-wide surveys this is the largest and most representative ever conducted, with 81 institutions responding: ranging from the smaller institutions like Cheltenham and Birkbeck to medium sized concrete universities like East Anglia and to the larger redbrick universities like Birmingham; from former Polytechnics like Liverpool JM to the Russell group of universities such as Warwick; from Scottish universities such as Edinburgh and Aberdeen to Welsh institutions like Cardiff and Glamorgan. At the same time, those institutions which did reply not always provided all the information requested and some of the questions received scant treatment. Many SU respondents were not in a position to provide the answers as they did not have access to all the information requested. This problem was encountered in another survey on appeals:

“A total of 72% of the Student Unions said they would not release data under any circumstances; 11% said they would release data but then did not send any” (Birtwhistle: 1998, 52)

Similarly in this survey, information was promised by AR’s and SU’s but failed to materialise (e.g. Bangor, Humberside, Oxford, QMC Edinburgh, Leeds Metropolitan, Liverpool JM, Reading, St. Andrews, Sunderland, Teeside, Anon). In other cases, AR’s had access to but chose to deny access to the information requested on the grounds of ‘confidentiality’ (e.g. London QMW, Loughborough, Manchester, Middlesex, Northumbria, Salford). The position adopted by Stirling University is typical:

“The university has a policy of not discussing individual student cases, which it regards as personal and confidential” (Andrew Miller - Principal - quoted in THES: 31st May 1996)

Consequently, the quality as well as the quantity of the data received was affected. This was especially true in relation to the number of complaints (Question 5/16). The problem of data acquisition, especially viewed in the context of the controversial nature of complaints, is difficult to overcome:

“The type of data apparently kept is variable, there is no standard format and thus the data indicates certain aspects but because of the vast variation in procedures, recording etc. a limited survey of this nature does not reveal much from any analysis of the figures supplied. It does reveal attitudinal aspects” (Birtwhistle: 1998, 52)

This survey overcomes some of these problems by its greater and more representative sample size but only a 100% response rate to all the questions can paint a complete picture. For the time being, all we have is a tantalising picture of complaints in crisis. Whether this is ‘ugly’ picture is the real truth depends upon the cooperation of all those institutions - AR and SU respondents - included in this survey. All are invited to complete the questionnaire survey if they have not already done so (Appendix 1).

11) Codes of Practice, Charters and Charter Marks have the potential to introduce if not enforce complaints in practice

All institutions should be required to subscribe to a Code of Practice (Darwen: 1996, HEQC: 1996). And one way to introduce complaints procedures is via Codes of Practice. At the local scale, the NPC ‘Guidelines for Codes of Practice for Postgraduate Research’ (1992) can be used on a departmental level to bolster and
strengthen existing structures. Complaints procedures can be publicised to a wider audience and the contractual status between institution and student further enhanced. Codes of Practice can thus operate in conjunction with complaints procedures so long as the two are integrated into a coherent and accountable policy framework. Codes have also been identified by the NUS as a suitable vehicle with which to drive home the principles of natural justice into complaints procedures (NUS: 1997). Complaints are becoming more frequent and newsworthy (Appendix 2). For both students and institutions, it is better to avoid them in the first place. Closing the loophole by introducing Codes of Practice with more explicit reference to complaints procedures is an obvious mechanism. Ideally, complaints and Codes of Practice should be integrated into one document; a document which can be used as a frame of reference for both student advice and conflict resolution. Codes can also set thresholds for minimum standards of supervision, research training, progress monitoring and research facilities. Most codes spell out the responsibilities for both students and their supervisors. These have much in common with the ‘learner agreements’ championed by the NUS. Adopting a legalistic perspective, this document can be viewed as a contract between the student and the supervisor, the student customer and the providing institution. Hopefully, the QAA’s ‘Code of Practice for Postgraduate Research’ will help plug the information and implementation gap. Certainly, an enforceable and accountable Code that goes beyond permissive guidelines is urgently needed. Clearly there is a need for both postgraduate complaints and appeals procedures:

“In addition to appeals procedures, institutions should have formal complaints procedures for hearing complaints arising during the course, and appeals procedures for non-degree examinations and recommendations for termination or alteration of course of study. NPC recommendations for such procedures are covered in our Guidelines on Codes of Practice for Postgraduate Research. If the roles and responsibilities of student and supervisor are clearly understood from the outset of the research programme then the need for these procedures will be kept to a minimum” (NPC: 1996, 4)

So much for the rhetoric! ‘Guidelines’ and voluntary ‘Codes of Practice’ are all well and good in theory but in practice their permissiveness and lack of enforceability betray inadequacies and an abject lack of accountability. As one SU points to the:

“Lack of clarity over institutional responsibility to postgraduates i.e. code of practice that has no regulatory status” (East Anglia SU).

In practice, only a minority of institutions have implemented Codes of Practice. Where they have it is alarming that they do not necessarily include complaints procedures (e.g. Salford). In other cases, Codes of Practice have encountered institutional resistance, which has delayed their introduction (e.g. East Anglia). On the other hand, Student Charters, where they exist, do refer to and include complaints procedures (e.g. De Montfort, Derby, Hull, Humberside, Kent, Liverpool JM, Nottingham Trent, Sheffield, Wolverhampton). This is another mechanism through which to introduce and publicise complaints procedures. As another report into students complaints concluded:

“This paper suggests that institutions should reconsider the need for a Student Charter if they do not already have one. Liverpool John Moores University and Wolverhampton University are recommended as examples of good practice. The Charters should outline the skeleton format of the complaints procedure and refer the reader to where they can find the detailed procedure. This would make institutions more accountable and encourage improvements in holistic quality. It would help to remove student confusion and ignorance of procedures, systems and jargon and make it clear of the institutional expectations of students. In general it would facilitate the user-friendliness of the institution” (Thompson: 1997, 55-6)

Despite the lack of uptake of Codes of Practice and Student Charters, the QAA’s forthcoming Postgraduate Code of Practice and Complaints initiative (as charged under Dearing Recommendation 26) augur well for the future implementation of both Codes of Practice and complaints in practice; provided such guidelines and precepts carry sufficient persuasion and are subsequently embraced by institutions. The whole process is inextricably linked:

“Above all, there needs to be a clarification of the rights of postgraduates. These must include…the right to a minimum level of resources and the right of reasonable access to a supervisor. Some method of complaint and guidance relating to these rights should also be made available within and outside of the institution. By ensuring that an adequate complaints procedure is established, in the form of this secondary review system or otherwise, Heads of Departments could go some way to alleviate many difficulties” (Doyle and McGregor-Riley: 1996, 120)
In doing so, Codes of Practice, provided both institutions both keep to their side of the contract, can work to prevent complaints occurring in the first place. As John Randall concludes:

“The best way forward…is for institutions to get complaints handling right first time” (THES, 18th September 1998)

The fact that only a handful of institutions have been awarded 'Charter Marks' is indubitably symptomatic of the lack of quality of current complaints procedures. At present, the standards of complaints procedures within higher education institutions simply does not come up to scratch. Nor are the criteria any more exacting for universities than for other organisations (Appendix 6). The problem is that universities are not used to playing on a level playing field; instead making up their own rules and regulations as they go along. As we enter the 21st Century such an antiquated attitude is no longer acceptable. Medieval practices and Byzantine rules are out of kilter with a society, which now demands quality, accountability and transparency. Universities have been painfully slow in responding to changing times. It is about time they did. The introduction of Codes of Practice, Charters and Charter Marks would be a good starting point.

This report has merely scratched the surface. In doing so it has laid bare a rotten wound. Instead of licking their wounds (or leaving them to fester in the dark), institutions should start by openly addressing the causes and not just the symptoms of complaints. Whether students can be that patient is another matter. Both parties need to realise that remediation is in their interests. Finding that remedy may prove elusive. There will be no panacea.

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Appendix 1 “Complaints” Survey, June 1998

(To be answered be the Education Adviser/Advice Worker or the person in the SU with the most experience in dealing with “complaints” about your institution and university provision)

Question 1: Do you have a formal student complaints procedure (i.e. a procedure formally approved by the relevant bodies of the university and made available to students)?

YES/NO *

If YES, attach a copy and tick here (also include a copy of the institutions Academic Appeals Procedure if relevant) Please also indicate how the procedure is publicised and when it was published.

If NO, how are complaints handled in your institution?

Question 2: Is it your experience (please indicate “experience” eg: 3 years in post/one year sabbatical) that formal student complaints (about anything) are increasing?

YES/NO *

If NO please proceed to question 4

Question 3: To what do you attribute the increase?

Question 4: In your experience, what are the three issues about which most complaints are made?

a)

b)

c)

Question 5: Are your institutional procedures, whether formal or informal, coping with the number and type of complaints received (i.e. are they enabling complaints to be dealt with satisfactorily, and within a reasonable time period)?

YES/NO*

If NO move onto Question 6, if YES move onto Question 7

Question 6: How are they not coping? For example (please tick each example which applies):

b) complaints are not being resolved even at the next stage(s) within the institution

c) complaints are increasingly being taken up externally

d) serious complaints cannot be dealt with sufficiently speedily

e) complaints procedures can be invoked too readily for relatively trivial complaints

f) others (please specify)

Question 7: Have you ever advised a student to use your institution’s Complaints Procedure (please move onto Question 13 if your institution has no formal Complaints Procedure)?

YES/NO*

If YES, on approximately how many occasions? How many of those students then went on to invoke the Complaints Procedure? How many complaints were ‘upheld’? (Please provide as much case evidence and detail as possible)

If NO, move onto question 10

Question 8: Do you consider your institution’s Complaints Procedure to be effective (please explain your answer briefly)?
Question 9: How would you characterise the general opinion of the students concerning the efficacy and transparency of the complaints process?

Question 10: Does our Complaints Procedure involve a person independent to the University?

YES/NO*

If YES, who is this person and how are they identified?

Question 11: Does your Complaints Procedure include deadlines for both the student complainant and the institution?

If YES, in your experience are these deadlines appropriate and are they generally adhered to?

Question 12: Is the Complaints Procedure applicable to all students (e.g. franchised, postgraduate, affiliated institutes. PGCE and medical/health students)?

YES/NO*

Question 13: Have you ever taken recourse to the Visitorial System in relation to a complaint?

YES/NO*

If YES, on how many occasions, how long did the procedure last and what was the outcome of the petition to the Visitor (please enclose as much information as possible; if confidential please indicate)?

Question 14: Who is your institution’s ‘Visitor’ (e.g: Her Majesty The Queen)?

Question 15: In the history of your institution how many cases (involving students only) have resulted in petitions to the Visitor (please attach details if available - you may need to ask someone)?

Question 16: Within the last five years (to your knowledge - again you may have to seek assistance), have any student complaints in your institution been the subject of:

a) correspondence with MP’s/Councillors etc
b) representations to the HEQC (now QAAHE)
c) solicitors’ letters
d) action before the Visitor
e) County/Sherrif Court action
f) High Court/Court of Session action
g) other external action (please specify)

YES/NO*

If YES to any of these questions, it would be helpful if in each case you could indicate roughly the number of complaints involved and give brief details of one or two examples of the complaints failing in that category (please attach a separate sheet if necessary)

Question 17: Is a regular report on complaints made to one of the main bodies of the institution (e.g. to the Senate/Academic Board)?

YES/NO*

If YES, to which body and how often

Question 18: Does the Union of Students have a policy or a Code of Practice relating to student complaints in general?

YES/NO*

If YES, please enclose
Question 19: Is there a separate Complaints Procedure dealing exclusively with postgraduates (i.e. included in a Code of Practice for Postgraduate Research, a Guide to Supervisor Practice or a Handbook of Graduate Studies)?

YES/NO*

If YES, please enclose details

Question 20: Are there any issues relating to complaints of particular relevance to postgraduates? (e.g. postgraduate complaints are increasing relative to undergraduate complaints)

Question 21: Would you like a free sample copy of the forthcoming NPC “Guidelines on Complaints”?

Thank you for your responses. Your co-operation is much appreciated. Please give your name, designation, etc below:

NAME:
INSTITUTIONAL ADDRESS

Email:
Phone:
JOB TITLE:

Fax:
Appendix 2 Press Coverage
Listen to the whistling in the dark

The system of complaints belongs in the Dark Ages, rather apt considering students are kept in the dark and must wait ages.

DON STAMPING

In too many cases, institutions are acting irresponsibly in not having easily reolved or widely publicised complaints procedures. Students are left whistling in the dark. It is hard for us to fitter in a climate of anger and denial, complaints from students, especially for the very few who can only speak. Students are not demanding more; institutions are promising more and delivering less. That is the problem. The Quality Assurance Agency says it has complaints of "the type of the subject" (THES, August 28) while claiming to have been "an army in the corner of a university, watching the world with a watch and a bit of a stick". It sadly has neither the power nor the political imperative to be driving their own agendas. Instead the Committee of Vice-Chancellors and Principals, under the misguided guise of "institutional autonomy", has given institutions carte blanche to do as they please. Such a laissez-faire attitude means that first-class students are treated like second-class clients. For example, students, unlike staff, do not even have a code of practice for whistleblowers. Their degrees of freedom are thus severely restricted. The deliberately hazy distinction between "appeals" and "complaints" has serious implications for postgraduates. Lodging a complaint is analogous to jumping off a cliff. As such, any additional safety net, be it the QAA or an equivalent, must be welcomed. Prevention is surely better than cure but unnecessary institutions have not been quick to respond to changing times. Clerginging inappropriately in a medieval system of complaint such as the visitor is symptomatic of their response. It behoves the Dark Ages, rather apt considering students are kept in the dark and must wait ages. No wonder institutions are painstakingly shrewd to encourage a transparent complaints culture.

Don Stanford
Postgraduate National Postgraduate Committee

Self-regulation facilitates friendliness, networking, bullying and whistleblowing. For students to be secure it is necessary to have a clear framework that enables them to be heard.

C. C. Floyd

Peculiar business

The option of compulsory arbitration in student complaints is not universally welcomed. There are serious objections to yet another litigious procedure.

Dennis Farrington

As the author of the 1996 Higher Education Quality Council report into student complaints procedures, I am confident that the overwhelming majority of institutions now have procedures for resolving issues of all kinds. I doubt very much whether any reasonable institution has any intention of keeping "students in the dark about complaining" (THES, September 11).

It is unfair to say that institutions are "wishing" to devise new procedures in response to the Committee of Vice-Chancellors and Principals guidelines, which are concerned principally with independent review of appeals and complaints, is the element of the process external to the institutions. It is probably correct to say that the option that receives most support in the guidelines is not universally welcomed. There are serious objections to the use of yet another litigious procedure, and a head of a team building up for the adoption of more user-friendly alternatives.

What we really need to tackle is the notion that student problems are best resolved by a senior judge sitting in essentially the same role as the Visitor to the Royal Peculiar in the current case at Westminster Abbey.

While this formerly ecclesiastical postion may have been suited to disciplining the young men attending medieval Oxbridge colleges, it is totally at odds with modern ways of doing business as enter the 21st century.

Dennis Farrington

Dunblane, Perthshire

The Quality Assurance Agency does not have and does not seek a role in adjudicating on individual student complaints ("Student gripe gets head for QAA", THES, August 28).

It is for institutions to put in place fair, open and robust systems to handle complaints. Decisions reached through such procedures may be subject to scrutiny by a Visitor (where such a post exists) or through a judicial review.

A decision of an ombudsman could not cure the jurisdiction of the courts or of a Visitor. The additional procedural step such a body would involve could prolong, rather than resolve disputes.

The best way forward, as the government recognised in its response to Dearing, is for institutions to get complaints handling right first time.

John Randall
Chief executive, the Quality Assurance Agency for Higher Education
### Appendix 3 Table of Survey Results

<table>
<thead>
<tr>
<th>Entry Code</th>
<th>University/Institution</th>
<th>Do you have a complaints Procedure?</th>
<th>Are complaints increasing?</th>
<th>Are complaints reported?</th>
<th>Is there a separate PG complaints procedure?</th>
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<td>NO</td>
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**KEY**

AR: Academic Registry official  
SU: Student Union official

* = answered after the deadline of 11.7.98
Appendix 4 Reasons for increase in complaints

“A greater awareness of rights and more litigiousness” (Aberdeen AR)

“A awareness of rights. Our attitude to our students as ‘customers’. Increasing responsibility for own funding.”
(Aberdeen RG AR)

“Increasing awareness of student rights, particularly in the context of increasing financial commitment on their part. Increasing tendency to blame others for their own shortcomings - ‘it must always be someone else’s fault’.” (Aberystwyth AR)

“People are becoming more litigious - students follow this trend.” (Aston SU)

“Promotion of ‘Charters’ and the growth of consumerism in HE” (Bangor AR)

“Greater awareness of availability of procedures and that it is ok to complain” (Bradford AR)

“Greater litigiousness in society” (Bristol AR)

“Increased tendency on the part of some students to view their relationship with the University, their Department and their Supervisor as a contractual one. Increased pressure on staff and students. Increased numbers.” (Cambridge AR)

“Changes in the student population - with more and more students attending university not everyone can pass.”
(Central England)

“Better knowledge of rights” (Central Lancashire AR)

“Students taking a more ‘consumer-type’ approach to their studies” (Central Lancashire SU)

“Consumer culture within university education generally.” (Cheltenham AR)

“Growth in litigiousness coupled with an unwillingness of candidates to take responsibility for their own inadequacies.” (Dundee AR)

“Greater student awareness of rights” (Durham AR)

“A awareness of the procedure. Students’ increased awareness of their rights.” (East Anglia SU)

“Increased pressure on both staff and students which means that expectations and delivery don’t always match and an increase in confidence in certain sectors of the student populations in a complaints system.”
(Edinburgh SU)

“As financial burden grows, a student is more likely to pursue any complaint to ensure value for money”
(Essex AR)

“Increased awareness of the rights of students coupled with increased financial commitments and career pressures” (Exeter AR)

“Greater awareness of ability to complain” (Exeter SU)

“A greater awareness of student rights as laid down in student charter.” (Glamorgan AR)

“Mature students population very high and thus more certain of rights and what will stand for. Not afraid to rock the boat” (Glasgow Caledonian SU)

“Greater awareness of rights and the ‘encouragement’ within society now to complain.” (Hertfordshire AR)

“Greater transparency” (Hull AR)
“General ‘complaints’ culture in society” (Hull AR)

“Increase in information provided to students about rights, expectations etc.; greater demands on resources, making it more difficult for staff to meet students expectations.” (Keele AR)

“Increased consciousness about the lack of adequate teaching/facilities in relation to tuition fees and deferred earnings” (Kent, SU)

“University resource cuts and RAE increase student dissatisfaction.” (Lancaster SU)

“A number of factors” (Leeds AR)

“Published procedures” (Leicester AR)

“Increase in student numbers and particularly increase in different types of students, particularly postgraduate distance learning students.” (Leicester AR)

“Students more aware of their rights. Work of student relations becoming accepted and valued.” (Liverpool JM AR)

“Students clearly have less contact time with tutors - erosion of personal tutoring system means problems are not normally addressed at a stage when remedial action can be taken.” (Liverpool JM SU)

“Increased financial commitment by students towards their studies - ‘value for money’. And inevitably, publicity by those with an interest - the legal profession, interest groups etc.” (London Queen Mary and Westfield AR)

“Greater student contribution to cost of their education; greater emphasis generally on consumers’ rights; increased student numbers” (Loughborough AR)

“More awareness of appeals systems. Poor/inadequate customer service.” (Luton SU)

“General trend in society to complain (arising from Charter initiative); greater awareness of rights; students are expected to be more assertive and questioning; students are more aware of ‘value for money’ - they have to make more of a financial commitment to their studies.” (Manchester AR)

“Mrs. Thatcher” (Manchester SU)

“More students = more complaints!” (Manchester Met AR)

“Press reports that students are more litigious (i.e. mimesis).” (UMIST AR)

“Growth of a ‘complaints culture’ in society in general.” (Middlesex AR)

“Mismatch between prospectus/course handbook ‘promise’ and what is delivered on the ground…Constant cancellation of classes, late arrival for classes, reduced number of hours or input…Procedural irregularities - e.g. progression regulations not applied correctly; academic appeal procedure not adhered to etc.” (Napier AR)

“More awareness of ‘rights’, students as consumers, involvement of parents, payment of fees, external pressure for codes of practice and publicity of these.” (Napier SU)

“A consciousness in the marketized system of higher education, of the importance of gaining value for money; the student has ceased to be the passive recipient of education as a service; now she/he ‘buys’ the ‘product’ and believes in a right to a high standard.” (Northumbria AR)

“Better marketing of Student Advice Centre” (Nottingham Trent SU)

“Charterism and consumerism.” (Oxford AR)

“Quality as issue” (Plymouth AR)
“Enhanced student awareness of rights and regulations, largely arising from issue of Student Handbook and design of designated form for dealing with appeals, displayed and freely available within Schools and Departments.” (Sheffield Hallam AR)

“Increased propensity to complain and challenge professional judgement. I think this is often a positive development.” (Southampton AR)

“Students are more aware of their rights and more confident about complaining. As more of them ‘pay’ for their education, they demand higher standards of service.” (Staffs AR)

“Less contact hours (with students)” (Staffs SU)

“Higher expectations - both of service from the University - and in their own personal performance. The fact that they are told that they can complain.” (Wolverhampton AR)


“Increase in the number of mature and part-time students who are aware of their rights” (Anon, AR)

“Increased openness of University information/procedures” (Anon, AR)

“Increased awareness of rights” (Anon AR)

“A ‘charter mentality’ - a social tendency for avoidance of personal responsibility. A belief that failure cannot be the fault of the student but must arise from a failure by the university to teach properly - even if the student does not work or attend lectures.” (Anon AR)
Appendix 5 Compendium of Responses

A) STUDENT UNIONS:

“APU are considering revising the rules to be less Byzantine but not this year it seems! Perhaps after the HEFCE investigation!” (Anglia SU)

“Complaints procedures are so non-existent that students tend to wait until it is too late and then are discriminated against for not having gone through the correct procedure!” (Birkbeck SU)

“At present our complaints procedure is very vague but there is a draft for a procedure being presented to Senate, which is more defined” (Cranfield SU)

“Some (students are) pleased (with the complaints process) but they are already very confident/assertive.” (Coventry SU)

“(To what do you attribute the increase in complaints?) Awareness of the procedure. Students’ increased awareness of their rights… Students are infrequently satisfied with the outcomes. The procedure is straightforward but the lack of an independent perspective calls into question its existence into question - ‘why bother’. (Students are) cynical about its efficacy.” (East Anglia SU)

“There is an informal procedure which has been used in practice for last 10 years approximately and the University is currently in consultation with the Student Association devising a formal policy” (Edinburgh SU)

“Ad hoc procedure used - the Accommodation and Internal Complaints Procedure have been ‘stretched to other things’.” (Exeter SU)

“Mature students population very high and thus more certain of rights and what will stand for. Not afraid to rock the boat” (Glasgow Caledonian SU)

“The postgraduate office reports that complaints are straining resources of staff and time….The University has de-centralised responsibility for a lot of matters to departments. It is thus perceived that the point at which a person complains is too close to the reason for complaint. (The Complaints Procedure) is treated with suspicion.” (Kent SU)

“(How are the Complaints Procedures not coping?) Unwillingness of university to ‘investigate’ fully - student also fearful of possible consequences. Most occasions I recommend usage. About half of those use it. About two-thirds get what they think they consider to be a ‘good result’. Although I think they often get screwed but don’t realise it. (The complaints system) is too ‘closed’ i.e. not transparent - leads to suspicion which can often be misplaced, but decreases confidence in the procedure.” (Lancaster SU)

“Generally, the actual written procedure is a good working document. However, in practice it has been operated in a cumbersome way which ‘drags’ complaints on for far too long. Recently this has improved and promises to become more effective.” (Liverpool JM SU)

“(How are complaints handled in your institution?) BADLY! At present no one is willing to take full responsibility for a system. However, a complaints procedure is to be drawn up….no one party is willing to take responsibility for or deal with complaints” (London Imperial SU)

“University do not adhere to published guidelines” (Luton SU)

“Napier’s complaints procedure has been in a continual ‘review’ state since its conception in 1994. The institution always seems to be responding to ‘new developments’ and has yet to formally adopt a procedure. It is a bit like equal opportunity statements: ‘Napier is striving towards developing a complaints procedure’.” (Douglas McLellan: Napier SU)

“Napier seems more keen on promoting notions of consumer service rather than affording its students rights as members of its academic community” (Douglas McLellan: Napier SU)
“(To what do you attribute the increase in complaints) Better marketing of Student Advice Centre”  
(Nottingham Trent SU)

“There seems to be confusion within the University (on some occasions) over which is the appropriate procedure to invoke and whose responsibility it is to respond”  
(Sheffield SU)

“In my experience, complaints usually receive a holding reply within the time limit, but not necessarily a substantive reply”  
(Sheffield SU)

“(Do you consider your institution’s Complaints Procedure to be effective?) No, students unaware of procedure and often don’t want to ‘rock the boat’ by invoking it or see it as a waste of time. They believe that because it is a University procedure then staff are in a position to abuse it and not take the complaint seriously. The process is highly opaque!”  
(Sheffield Hallam SU)

“(Is the Complaints Procedure effective?) Generally yes. It is in the form of a written procedure. The first stage attempts to resolve the matter informally. I see this as a strength. All stages involve the use of a timetable of deadlines. Many (students) are probably unaware of its existence.”  
(South Bank SU)

“We do have appeals procedures, however we will have a complaints procedure next year although I haven’t seen it yet.”  
(Staffs SU)

“Complex.”  
(Stirling SU)

“Unfortunately the procedure is only effective when a student is aware of it. When a student does choose to follow the procedure they are dealt with professionally, however, I would prefer to see deadlines included so that students are kept informed at all stages. Many students are unaware of the process; it is published in the student handbook which is often left on the shelf after the first term - or worse still chucked away. However, I feel the procedure is transparent and fairly user-friendly - we also have an ombudsperson if the worst comes to the worst”  
(Thames Valley SU).

“No general complaints procedure. There are a number of formal appeals procedures for use in particular circumstances…Most complaints handled informally, dealt with on a case by case basis…Most complaints are resolved at point of initial complaint. If not, SU loses involvement - so difficult to monitor…. (There is) no transparency: most students do not know what avenues of complaint/appeal are open to them.”  
(Warwick SU)

“Complaints are not dealt with in a consistent fashion. How effectively a complaint is dealt with often depends upon which department it is within and the quality/trust of informal links and participants willingness to negotiate. Where there is some resistance to positive talks, complaints can progress up the ladder when they could, and should, have been resolved at lower levels…Lack of guidance/training for staff regarding the handling of complaints is a key issue. It would help if the University had semi-formal procedures below the level of its formal procedure as this would provided some guidance and consistency…I suspect that most people would find the complaints process difficult and confusing, particularly because it is so informal.”  
(Anon SU)

“Ever since the complaints procedure was adopted in 1996 there have been ‘teething’ problems. In the worst cases the University has been reluctant to follow its own published procedures and has made up its own rules as it goes along. What is the student meant to do when the university does not even comply with its own guidelines?”  
(Anon SU)

“The formal procedure has only been used three times (since 1995), i.e. university statistics will show that only three formal complaints have been made in the past three years (we have nearly 15,000 students registered here). You ask in question one if this procedure is made available to students. You will notice that I have sent you a photocopy rather than an original - this is because the leaflet has not been published recently and I cannot get my hands on any copies of it other than the one office copy I use. If I can’t get hold of copies, then I very much doubt if students can. The procedure is therefore not widely available at this point in time (though I am assured repeatedly that a new print run is imminent)...I would say that the number of students complaining has increased, especially in the area of teaching quality in general and dissertation/final year project supervision in particular. Because these cross over into the realm of academic performance they are explicitly excluded from the complaints procedure, and are more often pursued via either the student representation system, or as individual extenuating circumstances when it comes to the time of Assessment Boards.”  
(Anon SU)
“Our complaints procedure is a mish-mash. I have been here six years and I’m not sure what they are. Our appeals procedure seems to work but it shouldn’t get that far. We really need a robust complaints procedure at the formal and informal levels which is visible and understood by students and staff.” (Anon SU)

“One of the reasons for the small number of formal complaints is the lack of availability of the official Student Complaint Forms. In order to get one of these forms, students have to go through a ‘gatekeeper’ who hold all the forms. Although the procedure explicitly states that official complaints forms are also available in the Students’ Union and School Offices, this is not true, and we have been refused copies of these; neither does any School Office hold them. This is significant because a complaint is not regarded as a complaint unless it is on an official complaint form.” (Anon SU)

“ Basically, I have very little faith in the complaints procedure, though on paper it does look reasonable (if a little long-winded).” (Anon SU)

“Although they’re not the most fascinating documents (if they actually exist), complaints procedures are something that worry me.” (Anon SU)

“The complaints procedure looks ok on paper but the reality is very different” (Anon SU)

B) ACADEMIC REGISTRARS:

“Letters to MP’s are usually authored by parents with a selective/partial view of the issues involved. Almost all cases to courts of law/solicitors have involved (confidential) mental health cases.” (Aberdeen AR)

“Whilst there is no formal University-wide procedure in relation to ‘on-course’ complaints, all Faculties and Departments make provision for sources of support, advice and (informal) arbitration for students who voice concerns. These take a variety of forms - Faculty Ombudsman, Directors of Graduate Studies, Directors of Ph.D. programmes, Faculty advisers, ‘second’ Supervisors, etc. Details are made available in Faculty and Departmental literature. In the event that difficulties cannot be resolved at local level, there is provision for further review through, firstly, the Degree Committee of the Faculty with which the student is registered and, as necessary, the Board of Graduate Studies, the University body with overall responsibility for Graduate Students. Graduate Students may also seek support of their Colleges, through their Graduate Tutor.” (Cambridge AR)

“(Why are complaints increasing?) Growth in litigiousness coupled with an unwillingness of candidates to take responsibility for their own inadequacies.” (Dundee AR)

“Under preparation as regards complaints, long-established as regards appeals. (In answer to: ‘Is a regular report on complaints made to one of the main bodies of the institution? Not yet applicable but seems like a good idea.” (Edinburgh AR)

“(Are there any issue relating to complaints of particular relevance to postgraduates?) Complaints about supervision of theses (research PG’s) and dissertations (taught PG’s). Increase in appeals on basis of procedural irregularities; these may arise where faulty information/advice has been given. Difficult to separate academic appeal from complaint.” (Hull AR)

“Hull has recently put some effort into Charters, Code of Practice and Complaints Procedures” (Hull AR)

“(To what do you attribute the increase in complaints) - Published procedures” (Leicester AR)

“The number of formal complaints is very small (about 1 a year) and it is difficult to determine a pattern of issues raised. This may be because ‘complaints’ are kept distinct from ‘appeals’...A small number of students have attempted to use all their means to further their attempt to improve their results. More students are using solicitors in an attempt to give weight to their appeals...The University is not influenced by students’ use of solicitors.” (London Guildhall AR)

“Although we don’t have any evidence, we feel/expect complaints about supervision to increase” (Manchester AR)
“It is difficult to distinguish complaints from appeals. Our procedures are designed to sort problems out before they become the subject of formal complaint” (Manchester Met AR)

“I cannot give details as we do not keep central information on complaints; our complaints procedure requires that complaints be raised (and more often than not resolved) with the ‘service provider’.” (Northumbria AR)

“Stirling has had a formal procedure for three years and it works well. It is set out in full in the Student Handbook which has been issued each year at registration to all students (including pg). It is up to me to try and resolve issues which lie at the overlap between appeals and complaints and I believe I do so successfully. I know of no difficulty raised locally by the Students’ Association or anyone else. Individual departmental procedures seem generally ok although some of them are a bit long-winded and need to be crystallised. There is no sense in which students are kept in the dark however” (Stirling AR)

“We are currently considering the introduction of a formal procedure. At present some academic departments have their own procedures. Complaints lodged at University level will usually be investigated by a relevant senior officer. We have not historically logged the number of complaints and the numbers at present is very low - perhaps because we do not have a formal procedure?…We receive remarkably few complaints. I hope this is a reflection of the high standard of our courses and professionalism of our staff rather than the absence of an official complaints procedures. No doubt we shall find the answer to this once the formal procedure is introduced.” (Warwick AR)

“Each year the Academic Appeals Committee acts as a means through which departments make changes in their academic decisions on student assessment. From time to time, when academic departments prove unwilling to accept recommendations from the Appeals Committee, the Academic Appeals Committee holds hearings, the outcomes of which are reported to Senate. The Academic Appeals Committee is a useful means of ensuring fairness and justice are available to students.” (Anon AR)
5. Putting things right

“If things go wrong, an apology, a full explanation and a swift and effective remedy. Well publicised and easy to use complaints procedures with independent reviews wherever possible.”

In this section you should show how easy it is for your users to tell you about any problems they have had with your service, how you deal with such problems and improve your service as a result. If your organisation is part of a larger one and you have a corporate complaints procedure, you should consider whether it needs be adapted to your particular service.

You will need to show the judges the following.

- That you have published a procedure for dealing with complaints, and that your users know about this procedure and how to use it.
- That you keep records of the number and types of complaints you have received, including informal complaints and how quickly you have dealt with them. (It is not necessarily a good thing to have very few complaints. It may mean that your users do not know how to complain or are not confident that they can achieve anything by complaining.)
- That you record and analyse complaints and use them to improve your services. Give examples of improvements.
- That you have asked your users what they think of your complaints procedures, and that users are happy with the procedures.

What information you should include

- Details of your complaints procedures.
- Any written procedures for staff who handle complaints. These procedures should stress the importance of solving users’ problems and not just following the rules. Are your staff, especially those who deal direct with users, able to put things right? What options are they given for dealing with complaints?
- How easy it is to find out about the complaints procedures. Do you give users the name and phone number of someone to contact if they have a complaint?
- How easy your complaints procedures are to use. Can users complain in writing, in person and on the phone? Do you tell your users how long it will take to look into their complaint? Do you guarantee that you will deal with the problem fully and solve it wherever possible.
- Whether your procedures include time limits for looking into complaints. Whether you meet these deadlines.
- How you aim to solve problems rather than just trying to clear staff of blame.
- How you continuously review your complaints procedure. Do you ask people who complain if they are happy with your complaints procedure?
- How you record both formal and informal complaints (or indeed general comments or compliments) about the services you provide.
- How you use complaints to improve services. How are your staff involved in complaints review procedures?
- How you publish details of complaints, and any improvements made in response to them.
- Any independent review system in your complaints procedure. Do your customers know about this? What powers does it have? Is it seen as fair? Do you use the information from independent reviews to improve your services?

You may find it helpful to read the Citizen’s Charter Complaints Task Force’s “Good Practice Guide”. You can get a free copy by calling our publications line on 0345 22 32 42.
Appendix 2

Coming to Grips with the Complaints Procedure

All student unions should have a copy of the university's rules and regulations relating to the student complaints procedures. Academic and welfare officers should also have an understanding of how various departmental complaint systems work as well.

You should know:

* What are the time limits for complaints?
* Who can complain against inadequate services (all or just some students)?
* What are the grounds of complaint against inadequate services provided by your institution and their employees at the university, department, course and individual level?
* How, where, when and to whom should complaints be made?
* What form should the complaint take (written/verbal)?
* Does the procedure guarantee a full investigation of a complaint?
* Does it specify target times within which they will:
  - acknowledge the complaint
  - provide a full response, or
  - give an interim reply, explaining when they will provide a full response?
* Who has overall responsibility (i.e. who monitors and reviews the system)?
* To what extent is the complaints procedure, or any stage in that procedure, "independent" (e.g. is there an independent complaints officer or "ombudsman")?
* What are the various steps of the procedure?
* Are there separate procedures for dealing with different complaints (such as accommodation or catering complaints)? Are these explained clearly?
* Who takes action at each stage?
* What are the remedies available to the student (i.e. types of action for consideration and guidance on compensation)?
* Do appeal procedures exist, if the student feels that their complaint has been dealt with inadequately?
* Can the student be disciplined for supposed irresponsible or illegitimate accusations?
* Do the procedures invite students and officers to make suggestions as well as complaints? Does it suggest how to do so?
* Does it say that if customers are dissatisfied with the university's complaints procedure, there are any external or independent avenues for taking the complaint further?
* If so, does it explain how to make such a complaint? Does it give an address and contact to write to?
* Is there any information about how to get independent advice on, or assistance with, their complaint (e.g. from the student union or student services etc.)?

The information presented below is an extract from a survey carried out in 1997 and analysed in 1998 published in (Laing, 1998).

Question 11 Have you ever wanted to complain over a matter that significantly affected your academic performance? If yes, please describe the nature of this matter and its effect on your academic personal experience

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>11</td>
<td>38</td>
<td>172</td>
<td>3</td>
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Reasons:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervision</td>
<td>23</td>
</tr>
<tr>
<td>Facilities</td>
<td>11</td>
</tr>
<tr>
<td>Personal</td>
<td>5</td>
</tr>
<tr>
<td>Work related</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
</tr>
</tbody>
</table>

Question 12 Have you ever made a formal complaint? If yes, to whom was it addressed? Were you satisfied with the response you received?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>7</td>
<td>26</td>
<td>5</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Reason</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
</tr>
<tr>
<td>No</td>
<td>4</td>
</tr>
<tr>
<td>Awaiting response</td>
<td>1</td>
</tr>
<tr>
<td>No response received</td>
<td>1</td>
</tr>
<tr>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

This suggests that there are a number of problems with the academic complaint procedure. Once it has been fully in place for a year, the system as relevant to research PGs should be reviewed, with student input. Indeed, it is worrying that there were no satisfactory responses given to those who complained. Only one respondent stated that, although they were unhappy with the outcome, they understood the reasons.
Appendix 9 Survey of Scottish Institutions (Thompson: 1997)

<table>
<thead>
<tr>
<th>Answer</th>
<th>Student President</th>
<th>Management</th>
<th>% Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Agree</td>
<td>28.6</td>
<td>14.3</td>
<td>14.3</td>
</tr>
<tr>
<td>Agree</td>
<td>28.6</td>
<td>7.1</td>
<td>21.5</td>
</tr>
<tr>
<td>Uncertain</td>
<td>14.3</td>
<td>7.1</td>
<td>7.2</td>
</tr>
<tr>
<td>Disagree</td>
<td>21.4</td>
<td>50.0</td>
<td>28.6</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>7.1</td>
<td>21.4</td>
<td>14.3</td>
</tr>
</tbody>
</table>

There is a substantial difference in perception between management and Student Presidents in regard to whether the complaints procedure is well publicised, as can be seen from the surface area between the two lines in chart 3.10 (“Well Publicised”). The chart shows that the greatest area of consensus was at the uncertain mark with only a 7.2% difference in perception. At one end of the scale 57.2% of student presidents either strongly agreed or agreed, compared to 21.4% of management. At the other end of the scale 71.4% of management either disagreed or strongly disagreed, compared to 28.5% of Student Presidents.

Chart 3.10