

# Higher education



## **Student complaints**

Advice for higher education branches

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# Introduction

UNISON members in higher education institutions (HEIs) have long had to deal with complaints from students or their families. Sometimes the member dealing with the complaint will be the subject of the complaint; at other times the complaint will be about a colleague, or the university itself.

As support workers, UNISON's members in HE are often on the frontline – they are the first point of contact with students. They may clean students' rooms, work in the library, provide security for students' dormitories, and so on. This means that our members will often be the first and closest point of contact for a student who wishes to complain.

Students have the right to make legitimate complaints, and these complaints should be dealt with fairly and promptly. But too often, UNISON members find that complaints are delivered in an inappropriate manner – for example outside proper procedures, perhaps in an aggressive manner. And complaints tend to be directed at our members, as they are the closest staff at hand.

Students have faced paying some portion of their fees themselves for many years, but in 2012 the government allowed HEIs to charge fees of up to £9,000 a year, and most universities charge at or near the maximum amount. Some students may perceive their relationship with their institution to be one of a customer purchasing a service. In some cases this may lead to an increase in complaints from students. UNISON is opposed to tuition fees, and believes that higher education should be free. But as a trade union we must also protect our members from the day-to-day impact of those fees. A key part of this is making sure our branches and reps are fully prepared to support and represent members who have to deal with complaints or who are the subject of complaints.

# Negotiating a robust complaints procedure

Many branches will already have good agreements in place for dealing with student complaints – both within their HEIs, and/or within individual schools or faculties. This guidance is not meant to cut across such agreements; it is intended to assist branches in ensuring that they are happy with their agreement, and if not, to help them negotiate improvements.

Branches should consider whether their employer's procedures, and the negotiating framework, are geared up to deal with the likely increase in the number of complaints, and the wider variety of issues that are likely to be the subjects of complaints.

In particular, as a UNISON branch you should assess your university's procedure for dealing with student complaints, and if necessary, seek to produce a good complaints procedure between the HEI, the students' union, and all of the trade unions. It is vital that all of these sides are involved in the process.

Ask:

- Does it provide for a fair, neutral and non-judgmental investigation stage?
- Does it provide a reasonable and balanced process for dealing with complaints? In other words, would you have confidence in a fair outcome being reached through this process, and does it give due regard to the evidence and views of the student and the member of staff?
- Does it provide for full representation of members by trade union reps, at all stages, including at any grievance or disciplinary proceedings that might result?
- Does it ensure that equalities issues are taken into account, ensuring that no racist, sexist, disablist, homophobic, transphobic or ageist views are allowed to influence the decision reached?
- Does the procedure clearly distinguish between investigating and responding to a student complaint, and investigating and possibly initiating disciplinary action against a member of staff?
- Does it contain a very early point at which the university commits not to discipline the staff involved? If not, staff may be best advised not to co-operate with the investigation for fear of incriminating themselves.
- Does the procedure ensure that complaints are dealt with in a timely manner? Whether the complaint is about a staff member or a student, it will have a negative impact if the complaint drags on and is not handled promptly.
- Does it allow for the possibility that legitimate complaints may arise not through the fault of others, but due to institutional factors? A lack of resources might leave a member of staff unable to provide the high-quality service they would like to provide – for example understaffing of maintenance departments would mean repairs to students' accommodation would take longer than desired. And systems put in place by management might leave staff unable to exercise their own discretion to resolve issues before a complaint is necessary.
- A key part of any student complaints procedure should be training – so that if a member of staff has made an error, the emphasis is put on providing the training needed to ensure that this is not repeated.
- Is the procedure appropriate for support staff? Many universities have procedures that are focused very much on the relationship between students and academics, and when the procedure is applied to support staff, it doesn't always work. Make sure that the procedure takes account of the much more varied way in which students and support staff interact – including the physical environments, which are much more varied, the times of day, the fact that support workers are more likely to have English as a second language (and therefore have potential communications issues), and the fact that support staff have to deal with far more students on a daily basis, compared to academics.
- Does the procedure allow for a proper appeals procedure? If a staff member feels the complaint has not been well handled or has not been handled according to protocol, or an unfair decision was made, they should have the right to appeal.

If your employer doesn't have a procedure for dealing with student complaints, then branches should insist that one is negotiated. The points above should provide a sound basis for a new procedure.

It is also vital that you make sure the student complaints procedure has provision for staff to complain about students and their families – or that there is a separate procedure for this. It is not uncommon for UNISON members to be on the receiving end of rude or even aggressive behaviour from students (or their families) when they are making complaints. Elements of such situations may be covered by existing procedures, like the grievance procedure and health and safety procedures. But given the likely rise in student complaints, and the particular relationships staff develop with students (as opposed to their relationships with managers and colleagues), you may want to consider negotiating a specific procedure that protects staff against rude or aggressive behaviour by students or their families.

The Quality Assurance Agency for Higher Education (QAA) has produced a Code of Practice, and section 5 covers academic complaints. Branches, students' unions and employers may find this helpful in drawing up or assessing complaints procedures.

Search 'code of practice section 5' at [qaa.ac.uk](http://qaa.ac.uk).

The website of the Office of the Independent Adjudicator (OIA), an independent body set up to review student complaints, may also be of assistance. The OIA tends to look at complaints after a university's own procedures have been exhausted, but on some occasions they can be involved at an early point.

Go to [oiahe.org.uk](http://oiahe.org.uk).

## Training

Branches should also ensure that their HEIs provide training: for all staff on how to refer complainants to the appropriate procedures; and for staff who do respond to complaints as part of their formal role, on the limitations in responding – for example, being aware of data protection or confidentiality issues when responding to parents.

## Monitoring

There should also be a robust monitoring process in place, to oversee the operation of complaints procedures and to protect UNISON members against unfair treatment, disciplinary or suspension. UNISON branches should be involved in negotiating the monitoring process, and there should be a role for trade unions in the monitoring itself.

## Working with the students' union

Branches are also encouraged to work with your university's students' union about student complaints.

It is in students' unions' interest to ensure good relations between staff and students, and it may be that you can produce a joint statement with the students' union, giving students guidance on university complaints procedures, and reminding them to make legitimate complaints in an appropriate manner.

Moreover, you may find that there are patterns with students' complaints, in terms of the types or sources of complaints. The cause will rarely be an individual error; it is more likely that there is a wider problem, which students and staff may be able to campaign on together. Maintaining good communications with SUs is essential so as to avoid a 'blame culture' and produce positive solutions to general problems.

# Recruiting and organising

There may also be the opportunity to recruit and organise around the issue of student complaints. If you are supporting members who are the subject of complaints, find out if this is a general issue in their work area, and go and talk to staff. Try to persuade non-members that they would be better off joining UNISON, working together to help improve the way complaints are dealt with. And try to identify active and vocal members who might become union reps.

Demonstrating our successes is an important part of recruiting new members. Assisting individuals who are the subjects of complaints, or negotiating better and fairer procedures, will improve your chances of recruiting new members and reps to UNISON.

## Dealing with individual cases

To a large extent, the principles for representing and supporting members who are the subject of a complaint are the same as the principles for any other kind of individual representation. But here are some key pointers, which may be of assistance.

### Health and well-being

Establish at an early stage whether the complaint is, or could become, a cause of declining well-being for the member of staff. Do they feel that they have been bullied or harassed by the student who made the complaint, or indeed by a manager who is dealing with the complaint? Either way, the university has a duty of care, and you should be mindful of this when representing the member. Similarly, is the situation causing stress for your member? The university should have proper procedures in place for dealing with all of these types of issues, and they should be followed. For more advice on dealing with bullying and harassment, see the UNISON guidance *For more advice on dealing with bullying and harassment, see the UNISON guidance Harassment at work* (<http://www.unison.org.uk/file/B6082.pdf>). For more advice on dealing with stress, see the UNISON guidance *Stress at work* (<http://www.unison.org.uk/acrobat/18596.pdf>). The website of the Health and Safety Executive ([hse.gov.uk](http://www.hse.gov.uk)) is another valuable source of information and advice.

### Equalities

Assess whether there are equalities issues involved in the complaint. Ask the member whether they feel that any sort of discrimination has played a part in the way the complaint has been made, or in the way management has handled it.

### Collectivise the issue

Find out whether this is a collective issue. Ask the member who is the subject of the complaint whether colleagues of theirs have also been complained about. It may be that there is an issue about the team or department the member works in – perhaps there is a problem with systems or management in that team or department, which makes it more likely that things will go wrong and complaints will be made.

If it is a collective issue, try to bring together the members affected (and also non-members who may be affected – and get them to join UNISON). It may be that the member or members wish to make a counter-complaint – for example about management in the team, or about the student who made the complaint. Such actions will be far easier if the members act together, giving each other confidence and preventing management from picking off staff who are perceived to be trouble-makers – and who could be made scapegoats for complaints.

# Advice for members: handling complaints

It is possible that an initial complaint will be made informally, face-to-face, by a student. They are likely to see a member of staff as an appropriate person to complain to in the first instance, rather than putting anything in writing. In this situation, your members may find the following advice useful:

- Behave as you normally would when talking to students – be polite, be professional.
- Don't take responsibility for passing the complaint on to the relevant person (unless it is formally part of your job to do so). Your employer should have a procedure that students should be directed to. Advise the student to make their complaint in writing, through the correct channels.
- Don't enter into debate with the student. Encourage the student to contact their students' union or their student advisor for advice on the correct channels to go through.

Once the conversation is over, you should:

- Check the university's Academic Regulations, which deal with student complaints, and also any other policy or procedure that governs dealing with student complaints.
- If you feel it necessary, make a written note of the conversation – when and where it took place, and what was said and by whom. Get the student to check and sign them for accuracy.

If the complaint was about you, you should speak to your UNISON rep as soon as possible.

If you have any concerns about the manner in which the complaint was made, you should speak to your UNISON rep as soon as possible.

If an investigation does take place into a student complaint, made through the proper procedures, then members are advised to co-operate fully with that investigation. A failure to co-operate may be taken as an implication of 'guilt', when actually the member of staff is innocent.

The above advice should be passed on to members who are faced with a complaint. However the aim should be to work alongside students' unions to ensure that the HEI has a robust system for dealing with complaints, as detailed in this guidance, so that problems can as far as possible be avoided.

If you're not a member join  
UNISON online at  
**[unison.org.uk/join](http://unison.org.uk/join) or  
call 0845 355 0845**

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