

## Regulations Governing Complaints from Applicants

The University of Southampton is committed to ensuring that we provide for our applicants a high quality and fair admissions procedure in line with our Admissions Policy. We recognise, however, that there may be occasions when applicants will feel that they have cause for complaint. This Complaints Procedure sets out how applicants may seek to have complaints addressed. It should be recognised that the vast majority of applicant complaints can be handled fairly, amicably and to the satisfaction of all concerned without recourse to this procedure. In the first instance, applicants with a complaint should raise their concerns informally with the relevant faculty staff. If this course of action proves unsatisfactory, then the procedure set out in this document should be observed.

### 1. General Principles

- 1.1 The University will seek to ensure that all complaints are treated seriously, positively and constructively. It will also seek to ensure that complaints are dealt with promptly, with fairness and consistency, and with due regard to the University's Equal Opportunities Policy. If a complaint is found to be justified, the University will take such action or provide such remedy as may be appropriate and will do so promptly. If a complaint is not upheld, the reasons for the decision will be communicated to the Applicant.
- 1.2 Applicants will not suffer any disadvantage or recrimination as the result of making a complaint in good faith.
- 1.3 Applicants, and those against whom complaints are made, may expect complaints to be dealt with confidentially and that their privacy will be respected. However, it may be necessary to disclose information to others in order to deal with the complaint; in these circumstances, the parties concerned will be informed of such disclosure. The Applicant is referred to paragraph 5 of this complaints procedure for further information relating to the processing of data by the University.
- 1.4 Complaints may be made by individual applicants or by groups of applicants; they may not be lodged by a third party on the Applicant's behalf except in exceptional circumstances with the University's prior consent and upon receipt by the University of the Applicant's signed written authorisation for that third party to act on his/her behalf. All complaints must specify the applicant's full name, UCAS number and/or Southampton ID number, and an address for correspondence.
- 1.5 Anonymous complaints will not be dealt with under this procedure. Staff who receive an anonymous complaint will be expected to use their discretion and judgement as to how to handle such a complaint.
- 1.6 This Complaints Procedure may be invoked by any individual who has submitted a formal application for full-time or part-time study at the University of Southampton (either via UCAS or direct to the University). It applies to applicants for all levels of study. It does not apply to applicants for courses offered at an Accredited Institution, or to applicants for courses which are wholly or partially delivered by a partner FE college except where selection for the full course is the responsibility of the University of Southampton.
- 1.7 The Complaints Procedure includes a number of stages, both informal and formal, through which to seek resolution of a complaint. While applicants are expected to familiarise themselves with these procedures before raising any issues, complaints will not be rejected solely on the grounds that the Applicant has not followed the procedures in every detail. At each stage of the process the person to whom the complaint has been made shall, if it is upheld wholly or in part, apply those remedies which are within their powers. If they consider that the remedy is outside their powers, they shall refer the matter to the appropriate University authority.
- 1.8 Advice about the Complaints Procedure may be obtained from the Admissions team in Student and Academic Administration or the Recruitment and Admissions team in the relevant Faculty.

- 1.9 These procedures are available in alternative formats. Please contact the Admissions team in Student and Academic Administration in the first instance indicating the format required.

## 2. Definitions

- 2.1 Applicants' complaints are likely to take one of four forms:

### 2.1.1 Reconsideration of Admission Decisions

This would be a request for the reconsideration of a decision on an application which may be termed an 'appeal'. The Applicant's preferred outcome in such instances is likely to be a reconsideration of the application with a view to changing the original decision. Such requests may be entertained only where there are genuine grounds, with evidence, for doing so and not simply because the Applicant is unhappy with the outcome of the application or the conditions of the offer. There is no provision for appeal against the academic or professional judgement of admissions selectors.

Should an Applicant's actual performance exceed predicted performance this does not form grounds for appeal against the initial decision.

Grounds for submitting a complaint/appeal in such circumstances would relate to instances where the Applicant believes, and has evidence to support a claim, that:

- the University has not followed its stated procedures;
- there is evidence of bias or prejudice in the decision-making process;
- the Applicant has new information available which, for good cause, could not have been made available at the time of initial application.

### 2.1.2 *Concerns Relating to Provision or Process*

Complaints about the way in which an application has been handled which might relate, for example, to the services provided by the University or to the conduct of a member of staff. The Applicant's desired outcome in such instances is likely to be recognition of error with an apology and a commitment to change procedures.

### 2.1.3 *Complaints about the Fees Classification Process*

This would involve appeals against the outcomes of a fees assessment and/or complaints about the way the assessment has been handled. As above, an appeal will be considered only where the student has evidence that the decision has not been taken with due regard to the current regulations, and not simply whether the Applicant disagrees with the decision reached.

### 2.1.4 *Complaints about the awarding of a University Scholarship*

Such complaints will most likely involve an applicant wishing to make a complaint on the grounds that they were not awarded a scholarship which they believe they were entitled to, that the value of the award was less than that which they believe they were entitled to, or that the applicant is dissatisfied with the manner in which the awarding of the scholarship was handled.

- 2.2 The procedures below apply in all cases except where this is clearly stated.

## 3. The Process

### *Stage 1 : Informal Complaint*

- 3.1 The majority of complaints can be resolved satisfactorily on an informal basis. If possible, the Applicant should first raise their complaint, either orally or in writing, with the relevant Programme Admissions Tutor or Admissions Team Leader stating the remedy they are seeking. The complaint must normally be made within two months of the actions (or lack of actions) which prompted the complaint. The member of staff receiving the informal complaint shall respond normally within ten working days of the complaint being made and shall retain a note of the substance of the complaint and any action taken. If it proves impossible to respond fully within ten working days, the Applicant shall be informed of the timescale for the receipt of a full response.
- 3.2 If it appears that a case may raise particular cultural or other sensitivities, the member of staff may also seek advice from other colleagues able to advise on these issues as they see fit, including colleagues external to the University.
- 3.3 If the complaint takes the shape of an appeal against non-selection, the programme admissions tutor/admissions team leader must satisfy themselves that the application was considered fairly and that the decision did comply with the relevant Faculty selection policy and admissions criteria. Provided that they are satisfied that this is the case, a standard response explaining the Faculty selection policy which has been applied is acceptable at this stage. The response should also draw the Applicant's attention to the complaints procedure in case they wish to pursue the matter further.
- 3.4 Similarly, in the case of complaints relating to an initial fees classification, if the Admissions Team Leader (or their nominee if they have themselves been involved in the initial fee classification) is satisfied that the relevant UK legislation relating to the determination of fee classifications has been properly and accurately applied (and which can be viewed online at [www.ukcisa.org.uk](http://www.ukcisa.org.uk)), a standard response explaining these regulations is acceptable at this stage.
- 3.5 For all other complaints, if a complaint is rejected the relevant member of staff must provide written reasons.
- 3.6 If a complaint is of a general rather than a specific nature, it may be more appropriately addressed to the Admissions Manager in the first instance.

#### *Stage 2 : Written Complaint*

- 3.7 If the Applicant is dissatisfied with the response they receive at Stage 1 of this process they should submit, within ten working days of receiving the response, a written complaint to the Admissions Manager. The written complaint should set out briefly: the nature of the complaint; the informal steps already taken; details of the Stage 1 response received; and a statement as to why the Applicant remains dissatisfied and the remedy they are seeking.
- 3.8 The individual designated in paragraph 3.7 shall acknowledge receipt of a complaint in writing within five working days. The designated individual shall investigate the complaint and shall submit a written response to the Applicant, normally within 15 working days of receipt of the complaint. If it should prove impossible to respond fully within 15 working days, the Applicant shall be informed in writing of the timescale for receipt of a full response.
- 3.9 If the complaint takes the form of an appeal against non-selection, the designated individual will arrange for the application to be considered against the Faculty's normal selection criteria by a second selector.
- 3.10 If it appears that a case may raise particular cultural or other sensitivities, the relevant staff may also seek advice from other colleagues able to advise on these issues as he/she sees fit, including colleagues external to the University.

#### *Stage 3 : Final Written Complaint*

- 3.11 If an applicant is not satisfied with the outcome of Stage 2 they may proceed to Stage 3 by writing to the Head of University Admissions (or for University Scholarship complaints to the Director of Student Recruitment and International Relations) enclosing copies of the

correspondence exchanged during the earlier stages of the procedure within 10 working days of the date of the Stage 2 response but only if the applicant can demonstrate:

- 3.11.1 that they have new information which was for good reason not available at Stage 2 and this information is essential to the complaint, or
  - 3.11.2 that the University failed to follow its procedures at Stage 2 and this has significantly disadvantaged them.
- 3.12 For complaints relating to fees classification decisions which satisfy at least one of the criteria set out in paragraph 3.11, the Head of University Admissions will review the decision made against the relevant UK legislation relating to the determination of fee classifications (which can be viewed online at [www.ukcisa.org.uk](http://www.ukcisa.org.uk)) and that it has been properly and accurately applied. The decision of the Head of University Admissions following completion of this review shall be considered as final.
- 3.13 For complaints relating to non-selection which satisfy at least one of the criteria set out in paragraph 3.11, the Head of University Admissions shall acknowledge in writing receipt of a formal complaint within five working days. Subject to him/her being satisfied that the Applicant has taken all reasonable steps to resolve the matter informally using the procedures in paragraphs 3.1 to 3.6 above, the Head of University Admissions shall appoint a person or persons within the University, having no material interest in the complaint, to carry out an investigation. The investigator may seek to resolve the issue on the basis of documentation after having sought further information from the members of staff involved in the earlier investigation of the complaint and from the applicant or may, at the investigator's discretion, call a meeting at which the applicant and any other persons involved may submit their respective cases.
- 3.14 The Applicant and the person who is the subject of the complaint may each be accompanied at any such meeting by a friend or colleague who may speak on their behalf if appropriate. In conducting such meetings, arrangements will be made where necessary to accommodate the requirements of applicants with special communication or other needs. This would not, however, include covering travel costs to attend such a meeting. If unavoidable circumstances prevent any party from attending such a meeting, then the parties may agree that the meeting may be postponed. The voluntary absence of one of the parties shall not prevent the meeting from proceeding. As applicants may well be resident at some distance from the University, it is expected that such meetings will only be called in exceptional circumstances.
- 3.15 After investigation of the complaint, the investigator shall decide whether the complaint is justified or not and shall submit a report in writing to the Head of University Admissions containing such recommendations as may be appropriate. The Head of University Admissions shall determine what action, if any, shall be taken and shall communicate this in writing to the Applicant and all other relevant parties, normally within 30 working days of the date of acknowledging receipt of the formal complaint. **Applicants are requested not to contact the University until this period has expired.**
- 3.16 The decision of the Head of University Admissions following completion of this process will be considered as final.
- 3.17 For complaints relating to University Scholarships which satisfy at least one of the criteria set out in paragraph 3.11, the Director of Student Recruitment and International Relations will acknowledge in writing receipt of a formal complaint within five working days. Subject to him/her being satisfied that the Applicant has taken all reasonable steps to resolve the matter informally using the procedures set out above in Stages 1 and 2, the Director shall appoint a person or persons within the University, having no material interest in the complaint, to carry out an investigation. The investigator may seek to resolve the issue on the basis of documentation after having sought further information from the members of staff involved in the earlier investigation of the complaint and from the applicant or may, at the investigator's discretion, call a meeting at which the applicant and any other persons involved may submit their respective cases.

- 3.18 The Scholarship Applicant and the person who is the subject of the complaint may each be accompanied at any such meeting by a friend or colleague who may speak on their behalf if appropriate. In conducting such meetings, arrangements will be made where necessary to accommodate the requirements of applicants with special communication or other needs. This would not, however, include covering travel costs to attend such a meeting. If unavoidable circumstances prevent any party from attending such a meeting, then the parties may agree that the meeting may be postponed. The voluntary absence of one of the parties shall not prevent the meeting from proceeding. As applicants may well be resident at some distance from the University, it is expected that such meetings will only be called in exceptional circumstances.
- 3.19 After investigation of the complaint, the investigator shall decide whether the complaint is justified or not and shall submit a report in writing to the Director of Student Recruitment and International Relations containing such recommendations as may be appropriate. The Director shall determine what action, if any, shall be taken and shall communicate this in writing to the Applicant and all other relevant parties, normally within 30 working days of the date of acknowledging receipt of the formal complaint. **Applicants are requested not to contact the University until this period has expired.**
- 3.20 In all cases, the outcome of the Stage 3 investigation, once concluded, will be considered as final.

## 4. Monitoring of Complaints

- 4.1 The Recruitment and Admissions Subcommittee will monitor, on an annual basis, the number and nature of all complaints received under the processes outlined above and will consider any necessary changes to policies, systems or procedures suggested by the nature and pattern of the complaints received.

## 5. Processing of Information

- 5.1 By submitting a signed letter of complaint (or authorising a third party to do so on their behalf) an Applicant is agreeing that the University may process all the information that it contains, together with any supporting documentation, for all purposes relating to that complaint. The information may be disclosed to those members of the University who have a need to see it for the purpose of considering and seeking a resolution of the complaint. The data will be processed in accordance with the provisions of the General Data Protection Regulation (GDPR), and it will be stored as part of the University's record of that Applicant's application.

## 6. Providing Information to Applicants about these Procedures

- 6.1 The University will ensure that, upon receipt of an application, this Regulation and complaints process is brought to the attention of applicants and that applicants have the right to raise a complaint.

### Further Information

Further information about, or clarification of, these procedures is available from Admissions Team, Student and Academic Administration, University of Southampton, Southampton SO17 1BJ, email: [admissions@soton.ac.uk](mailto:admissions@soton.ac.uk).

*Updated by the Academic Standards and Quality Committee in June 2018 and approved by Senate in July 2018*