



Lincoln Bishop University

Document Administration

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PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

VERSION CONTROL TABLE

<u>Version Number</u>	<u>Date Authorised</u>	<u>Summary of Key Changes</u>
1.0	01 February 2019	Changes made prior to new structure
2.0	21 August 2024	Changes made in line with new structure

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

1. SCOPE AND PURPOSE

- 1.1. Lincoln Bishop University seeks to maintain high standards. The procedures below set out the steps that should be followed should a person consider that there has been a failure to maintain those standards of a kind which would make it appropriate to make a complaint. This document also sets out the steps that will be followed in order to investigate complaints and, where they are found to be justified, to identify the action that should be taken.
- 1.2. The Complaints Procedure may be followed by persons not enrolled on any part-time or full-time programme of study offered by the University, those accepted to study with the University or registered for its awards and those who have recently left the University. Students at the University should use the Student Complaints Procedure.
- 1.3. It should be noted that this procedure is available to people in relation to complaints about the University and members of its staff. A complaint relating to an employment matter by a person who is also an employee would be dealt with under our Human Resources' Grievance Policy and Procedure. Complaints against persons will be considered under the Procedures Relating to Person Disciplinary Offences.
- 1.4. Concerns about a member of staff or person relating to bullying or harassment may be considered under the University's Dignity Policy.

2. DEFINITION OF A COMPLAINT

- 2.1. A complaint is defined as an expression of dissatisfaction about the University's action or lack of action, or about the standard of service provided by or on behalf of the University.

3. RELATIONSHIP TO OTHER PROCEDURES AND CODES OF PRACTICE

- 3.1. A complaint is to be distinguished from an appeal against a decision by the University. In particular, it should be noted that the Complaints Procedure does not cover appeals against decisions made by a Board of Examiners on person progress, assessment and awards or by a Panel investigating Academic Misconduct, Extenuating Circumstances, Fitness to Study or a Disciplinary Offence. The procedures to be followed in such cases fall under the scope of the following Codes of Practice:

- 3.1.1. Code of Practice for Academic Appeals

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

- 3.1.2. Code of Practice for Academic Misconduct
 - 3.1.3. Code of Practice for Extenuating Circumstances
 - 3.1.4. Fitness to Study Procedure
 - 3.1.5. Procedures relating to a person's Disciplinary Offences
- 3.2. A complaint made by an applicant to the University falls under the Admissions Complaints Policy.

4. PRINCIPLES AND PROTOCOLS

- 4.1. In dealing with complaints, the following principles and protocols will be followed:
- 4.1.1. The University will seek to ensure that the investigation of complaints under the terms of these procedures is conducted transparently and promptly and in a way which is fair to all parties concerned.
 - 4.1.2. Every effort should be made to seek a resolution of matters which might potentially give rise to a complaint with those most directly involved before the more formal processes are invoked. It should be noted that such an informal resolution may be sought at any stage of the process after a formal complaint has been made.
 - 4.1.3. Conciliation meetings may be made available.
 - 4.1.4. Privacy and confidentiality will be maintained insofar as that is compatible with the effective investigation of a complaint. The complainant will (were possible) be informed in advance of any disclosure to a third party outside the relevant sections of the University. This may be required in order to progress the investigation of a complaint. Complainants should be aware, however, that any person named as the subject of a complaint will be (were appropriate) informed of the substance of the complaint and will be offered the right to reply.
 - 4.1.5. Anonymous complaints will not be investigated unless the University deems there to be compelling reasons to do so.
 - 4.1.6. Complaints made on behalf of a person by a third party will not be investigated without the complainant's express written consent, in accordance with the Data Protection Act (2018).
 - 4.1.7. Where the issues raised affect a number of people, those people can submit a complaint as a 'group complaint' and in such circumstances, the University can ask the group to nominate one person to act as the group representative.
 - 4.1.8. The University will pay due regard to the interests of those against whom complaints are made. If, on investigation, a complaint is

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

judged to be frivolous, vexatious or malicious, the University may terminate consideration of the complaint.

- 4.1.9. No person raising a complaint under this procedure, regardless of the outcome, will be treated less favourably than if they had not brought the complaint.
- 4.1.10. Complaints must be pursued in a timely way. The University may refuse to investigate a complaint if the Informal Stage has not been initiated within two calendar months of the incident which is the subject of the complaint.
- 4.1.11. All complaints will be considered on their merits and in accordance with the University's values, ethos and relevant policies, e.g. the Diversity and Equality Policy.

5. COMPLAINTS PROCEDURE

- 5.1. The procedure for dealing with complaints is divided into three key stages. The first is the early resolution, in which an attempt is made to resolve the matter with the member of staff or academic programme or service department of the university with whom the issue has arisen with. The second is the Formal stage which involves an investigation by an authorised senior member of staff. Finally, the third is an internal Review stage, this allows us to look over all the process and assess if anything could or should have been done differently.
- 5.2. A concern may be raised prior to a complaint, this will not result in an investigation but will revive a review and possible actions may be taken because of this.

6. REPRESENTATION AND ATTENDANCE AT MEETINGS AND HEARINGS

- 6.1. Though this is not an expectation, the person making the complaint (the complainant) is entitled to be accompanied by one other person, such as a peer, family member or friend – but not a legal representative – at a meeting or hearing from the Formal Stage onwards (see paragraph 7.5 regarding the Informal Stage). If a complainant does decide to be accompanied, then they must make the Case Officer or Servicing Officer, depending on the stage of the procedure, aware as soon as possible in advance of the meeting.
- 6.2. The person accompanying may advise the complainant but is not permitted to speak on their behalf. The complainant may however declare in writing that they wish for a third party to represent them throughout their complaint. This representative must agree to act in this capacity. In such

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

circumstances the Case Officer/Servicing Officer will liaise with the third party throughout the investigation.

- 6.3. If for a good reason the complainant is unable to attend a meeting or hearing under the procedure, then the complainant may make a request to the University that their representative attends on their behalf. In such cases, the hearing will only be required to consider representations submitted by the representative and not any written or oral representations made by the complainant before, during or after the meeting.
- 6.4. The complainant must provide the name of any person accompanying them to the University and must always inform the University immediately of a request to be represented in lieu of their own attendance, as far as possible 2 working days in advance. Failure to inform the University may lead to the meeting being postponed.
- 6.5. Unless the complainant has provided written permission for a representative to act on their behalf, resulting in the direction of communications by the University to the representative and not the complainant, it is the complainant's responsibility to relay relevant information and communications from the University under this Procedure to any other third party.

7. EARLY RESOLUTION

- 7.1. The Early Resolution Stage seeks to resolve straightforward concerns swiftly and effectively at the point at which a complaint is made, or as close to that point as possible, at School or Departmental level. It is expected that the majority of complaints can be resolved through informal means or at the point of a concern being raised.
- 7.2. Where it is clear that a concern will need to be considered at the Formal Stage, rather than the Informal Stage, the complainant should be directed promptly to the Formal Stage of the Complaints Procedure using the form provided.
- 7.3. The complaint should be raised to regulatorycompliance@lincolnbishop.ac.uk, or the Safeguarding, Contention and Projects Officer.
- 7.4. Concerns raised at this stage may be handled by a face-to-face discussion with the complainant or by asking an appropriate member of staff to deal with the matter.

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

- 7.5. The main aim of the Informal Stage is to resolve complaints in a friendly and informal manner. Therefore, it is generally not expected that a complainant will be accompanied in any meetings with staff.
- 7.6. If a complaint addresses several areas of the institution, this can be passed on to the Governance & Compliance Office for initial investigation.
- 7.7. The Informal Stage will normally be concluded in writing to the complainant. The complainant will be informed of their right to appeal and a time limit for doing so under the Formal Stage if they remain dissatisfied.
- 7.8. The Informal Stage will normally be completed within one calendar month. If, because of the nature of the investigations required, this timescale needs to be extended, then consideration should be given to progressing the complaint to the Formal Stage for more thorough consideration. If the delay occurs because of staff not being available, then consideration should be given to another member of staff handling the issue. If this is not an option, then the staff member conducting the Informal Stage should advise the complainant of the reason for the delay and the revised timescales.

8. FORMAL INVESTIGATION

- 8.1. Where this initial attempt at resolution fails or where the matter is judged to be sufficiently serious and complex, the complainant should write to the Executive Dean: Teaching, Learning & Student Success within 21 days, using the form provided (see Appendix 1) to outline the grounds for their complaint and refer to any supporting evidence. It should give an account of attempts at resolution made under the informal procedures and explain why the outcome has been judged unsatisfactory. Complainants are invited to indicate what form of redress they are seeking, without prejudice to any final remedy which may be determined. The complaint will usually be acknowledged within five working days of receipt of the form and the complainant will be informed that their complaint has been assigned to an investigator from the University Leadership Group or from amongst managers of similar levels (Case Officer) who will look into the matters raised and report directly back to the complainant.
- 8.2. Complaints against a member of the Senior Executive will be considered by the Vice-Chancellor and complaints against the Vice-Chancellor by a member of the University Council.

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

- 8.3. The Case Officer will consider the most appropriate way of dealing with the complaint. Normally, one of the following approaches may be adopted, depending on the nature of the complaint:
- 8.3.1. directing the complainant to attempt a resolution informally where that has not already taken place. The complaint may be dismissed if the complainant refuses to do so without providing good reason;
 - 8.3.2. dismissing the case out of hand if it appears vexatious or malicious;
 - 8.3.3. directing the matter to be pursued under another set of procedures where that is appropriate;
 - 8.3.4. attempting to resolve the issue by correspondence between the parties or negotiation between the complainant and Head of School or Service Department Manager;
 - 8.3.5. offering a Conciliation meeting; or
 - 8.3.6. further investigation of the grounds of the complaint.
- 8.4. If both parties agree to attempt Conciliation, the complainant and the member of staff from the School or Department concerned will be invited to attend a meeting with the Conciliator. Due to the informal and private nature of these meetings, neither party should be accompanied at the meeting. This form of resolution should be agreed by both parties and is conducted by an impartial trained Conciliator provided by the University, completely separate from the section concerned. Should the complainant wish to attempt conciliation then the timescales for handling the complaint at the Formal Stage would be put on hold and would be agreed in writing prior to the conciliation meeting.
- 8.5. Certain remedies such as financial redress do not fall within the scope of remedies which may be offered through Conciliation. If Conciliation is agreed by both parties, the Conciliator will ask both parties to sign a very brief report/agreement which includes a confidentiality statement. The report is confidential, and if an agreement is signed and then breached by either party then this may be considered under the Formal Stage of the complaints procedures by the Case Officer, subject to the express agreement of both parties. Ordinarily, detailed notes of Conciliated meetings will not be produced or signed and discussions are private. The Conciliator may make their own brief notes, if the issues are particularly complicated, to support the process. The Conciliator may also suggest the use of a co-Conciliator to assist them; this would be agreed by both parties. Following the Conciliated meeting(s), the Conciliator will contact the Case Officer and the Executive Dean: Teaching, Learning & Student Success within 5 working days to report whether or not Conciliation has been successful. The Case Officer will then write to the complainant within five

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

working days of notification to confirm the next steps. If Conciliation was successful, the complainant will be informed that if they change their mind and wish to continue with the formal complaint, they should write to the Case Officer within 21 working days of receipt of the letter to request the reopening of the investigation. The complainant may request formal investigation at any point; however, if the agreement is breached, they should contact the Conciliator but should do so within 10 working days of realising the breach. If Conciliation was unsuccessful, the Case Officer should continue with the investigation at the Formal Stage from the point at which Conciliation was initially agreed.

- 8.6. If the Case Officer chooses to investigate the complaint further, the Head of Human Resources must be advised where it appears to the Case Officer that the complaint is of a kind which, if substantiated, might lead to disciplinary action against a member of staff. The Case Officer will gather evidence, but it is expected that the complainant will provide all evidence that it is reasonable for them to have gathered and provide. This may include medical evidence, such as letters confirming attendance or treatment at a GP or hospital or counselling service, reports by professionals such as psychologists or disability advisers, police crime numbers in the case of reported incidents, financial information such as evidence of loss of income (where relevant to the complaint) including bank statements, or receipts or statements of witnesses to incidents where it is safe and helpful to provide these. Such evidence will be managed in a confidential and sensitive manner. Should there be a requirement for such information to be shared with another member of staff elsewhere within the institution, the complainant will be informed of this requirement and invited to give their consent.
- 8.7. The Case Officer may wish to meet with the complainant in order to gain a deeper understanding of the case. Though this is not expected, the complainant is entitled to be accompanied by one other person, under the provisions within Section 6. If a complainant wishes to be accompanied then they must make the Case Officer aware as soon as possible in advance of the meeting – this should be no less than two days in advance.
- 8.8. Minutes of the meeting will be taken either by the Case Officer or a third party. If the Case Officer has arranged for a third party to take notes, the complainant will be informed ahead of the meeting of the minute taker's presence. A third party minute taker will not be permitted to speak at the meeting unless this is to gain clarity for the purpose of the notes. Following

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

the meeting, the record of discussions will be sent to the complainant to agree them as an accurate record or suggest amendments.

- 8.9. If the investigator is able to resolve the issue with the complainant, then they will write confirming the resolution and informing the complainant that the complaint is now closed. The complainant will be informed that they will have one calendar month to change their mind and progress to the Review Stage and of the process for doing so under the Review Stage of the Complaints Procedure.
- 8.10. If on further investigation, the investigator decides that the complaint is without substance, the Case Officer will write to the complainant informing them that the complaint has been dismissed. The complainant will be informed of their right to appeal under the Review Stage of the Complaints Procedure and the time limit for doing so. If it is concluded that the complaint is trivial, vexatious or malicious, they may recommend that disciplinary action should be taken against the complainant.
- 8.11. In other cases, the Case Officer will write a report to the complainant notifying them that the complaint has been upheld in whole or in part. The Case Officer will inform the complainant of the remedy and timescales for this which have been agreed by the School or service Department and where appropriate, member of the Senior Executive, and also indicates whether this includes an apology. The complainant will be informed of their right to request a review and time limit for doing so under the Review Stage if they remain dissatisfied. If the complainant does not take the complaint to the Review Stage within the given time scale then the University will close the case.
- 8.12. The Formal Stage will normally be completed within one calendar month. If, because of the nature of the investigations required, this timescale needs to be extended; the Case Officer will inform the Executive Dean: Teaching, Learning & Student Success and advise the complainant of the reason for the delay and the revised timescales.

9. REVIEW STAGE

- 9.1. Where the complaint has been dismissed and the complainant is dissatisfied with this outcome or where the complainant considers that the action taken in response to a complaint which has been upheld to be insufficient, then they may be entitled to appeal to the Chief Financial Officer in writing, by requesting a review of the decision, within one calendar month of the notification of the outcome of the Formal Stage. The

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

complainant must explain the grounds for their appeal and where necessary, provide evidence. A request submitted outside the appeal deadline may be considered at the discretion of the Chief Financial Officer. If the Chief Financial Officer is unable to take on the case for any reason, they may appoint a nominee, who is usually a member of the University Leadership Group.

- 9.2. The grounds for which a complainant may appeal against a decision at the Formal Stage are:
 - 9.2.1. There was a procedural irregularity in the conduct of the complaint procedures;
 - 9.2.2. Clear reasons why the complaint was rejected at the Formal Stage have not been effectively communicated to the complainant;
 - 9.2.3. New evidence is now available which was not available upon reasonable enquiry or application at the time of the investigation during the Formal Stage; and/or
 - 9.2.4. The decision reached was of such nature that it was one which no reasonable person could have reached on the available evidence.
- 9.3. The Review Stage will not normally consider issues afresh or involve further investigation. A complaint must have been considered at the Formal Stage before it can be escalated to the Review Stage.
- 9.4. The Chief Financial Officer may dismiss an appeal in writing to the complainant within 5 working days if they consider the appeal to be outside the scope outlined in paragraph 9.2. In such cases, a Completion of Procedures Letter will be issued by the Contention Office.
- 9.5. If the Chief Financial Officer considers the appeal to be well founded, they will allocate a request for review to a senior member of the University, normally a member of the University Leadership Group who has had no previous involvement with the case. The Chief Financial Officer will normally respond to the complainant within 5 working days, detailing the process for the Review Stage and confirming the identity and contact details of the member of the University Leadership Group who will be conducting the Review.
- 9.6. The University Leadership Group member will review the information provided by both the complainant and the Case Officer from the Formal Stage and if they find that there may be a case for Review, will conduct any necessary further investigation. If needed and where this is proportionate,

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

the University Leadership Group member may overturn a decision at the Formal Stage or suggest alternate remedies.

- 9.7. Though it is highly unusual to consider the case afresh, the University Leadership Group member may convene a Review Panel in the rare circumstances that a case is so complex, or the issues are so contentious that further investigation is necessary to reach a fair and transparent conclusion.
- 9.8. In such circumstances, the University Leadership Group member will appoint a Servicing Officer, usually from the Contention Office, and communicate this decision to the complainant in writing. The Panel will be chaired by the member of the Senior Executive/ University Executive Group conducting the review and will include two other senior members of staff from academic Schools or Service Departments unrelated to the complaint.
- 9.9. The Servicing Officer will notify the complainant in writing of the identities of the members of the Review Panel and the date and venue of the meeting. The complainant will also be asked to provide a brief synopsis of their case and any further evidence/witness statements (including names and contact details for verification) if necessary. If the complainant wishes to attend and be accompanied as provided for within Section 6 of this procedure, they should inform the Servicing Officer of the person accompanying and provide all other information requested 10 working days in advance of the Panel hearing. The attendance of the complainant and requirement for a synopsis and for any further evidence are at the discretion of the investigating member.
- 9.10. The School or Department involved in the investigation may be represented by up to two members at the discretion of the investigating member. If the original complaint related to the actions of an individual member of staff, rather than the academic School or service Department, that individual has the right to be informed of the substance of the complaint and of their right to attend and be represented (at the discretion of the investigating member).
- 9.11. The Panel will have access to all previous documentation in connection with the complaint. In addition, both parties' A4 synopsis of their case and any additional witness statements using the agreed forms will be made available to all parties at least 5 working days before the hearing. The Panel may wish to question witnesses in person at the meeting.

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

9.12. The order of proceedings shall normally be as follows:

- 9.12.1. Introduction of those present
- 9.12.2. Outline of the purpose of the review hearing
- 9.12.3. Reference to information provided by complainant and section (School/Department)
- 9.12.4. Reference to synopsis summarising the main points of their case by complainant and School or Department
- 9.12.5. Presentation of not more than 15 minutes by complainant or representative
- 9.12.6. Opportunity to question complainant and witnesses by Panel and School/Department
- 9.12.7. School or Department presentation of not more than 15 minutes
- 9.12.8. Opportunity to question School or Department representative and witnesses by Panel and complainant
- 9.12.9. Complainant's or representative's summing up (maximum 5 minutes)
- 9.12.10. School or Department's summing up (maximum 5 minutes).

9.13. No new evidence may be introduced in the summing up. The Panel may refuse to hear evidence that it deems irrelevant. It has the power to adjourn the hearing to another date and to summon additional witnesses if it thinks it would be appropriate to do so in order to pursue its investigation. If the complainant who has been invited to attend the meeting chooses not to attend, a decision will be made on the evidence available to the Panel.

9.14. The Panel will reach a decision in private. If the Panel decides that the appeal should be upheld, it may make any recommendations which it sees fit to the School or Service Department. It may reject the appeal if it finds that it was unfounded or that the School or Department had responded appropriately at an earlier stage. If the members of the Panel cannot agree, the verdict will be that of a simple majority of its members. The brief conclusion and verdict from the panel will be communicated in writing by the Chair to the complainant and to the School or Department within 2 working days. Following the hearing, the Servicing Officer will write a short report of the hearing, which will be approved by members of the Panel. The report will set out the grounds for the complaint, provide a brief summary of the evidence received, and record the decision of the Panel with any recommendations. The report will be prepared within 5 working days of the meeting.



PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

- 9.15. Following the Review Panel, the Chair will consider the feasibility and proportionality of any recommendations of the Panel and where necessary, seek approval from the Senior Executive.
- 9.16. The complainant will be sent a copy of the report of the Review Panel detailing the final decision and any remedy which will be taken if appropriate; this normally takes place within 10 working days.
- 9.17. A copy of this correspondence will also be sent to the member of the University Executive Group responsible for the section (School or Department) concerned.
- 9.18. In normal circumstances, the complainant will be issued with a letter/report detailing the final decision. Where a complaint is upheld or partially upheld, information will be provided on how and when the University will implement any remedies where appropriate and whether this includes an apology.
- 9.19. The Review Stage should normally be completed within 21 working days, though in the rare circumstance that a Review Panel is convened, it is expected that this will exceed the normal timings. Where there are clear and justifiable reasons for extending the timescales at the Review Stage then the complainant should be notified in writing of the reason for the delay and the revised timescale for bringing the review to a conclusion.

10. SUPPLEMENTARY PROVISIONS

10.1. Recording

- 10.1.1. The audio or video recording of meetings or hearings under the procedure is normally prohibited, although this clause may be revisited in an individual case subject to such a reasonable adjustment as may be agreed by the University under the Equality Act 2010.



PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

10.2. Remedy

- 10.2.1. Where a complaint is upheld or partially upheld following a formal investigation, the Case Officer will take steps to ensure that their recommendations are implemented.
- 10.2.2. Where an appeal is upheld or partially upheld, the complainant conducting the review will take steps to ensure that the recommendations of the Review Panel are implemented.
- 10.2.3. Upon receipt of evidence of expenditure, the University will meet reasonable and proportionate incidental expenses necessarily incurred by a complainant in bringing a successful complaint.

10.3. Monitoring of Procedures

- 10.3.1. The effectiveness of these procedures will be kept under regular review by the University Executive Group.



PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

11. APPENDIX 1 – REQUEST FOR FORMAL INVESTIGATION

Name:	
Address:	
Telephone Number:	
Email Address:	
Acceptable Methods of Contact:	
Preferred Method of Contact:	
Have you attempted a resolution to your complaint?	Choose an item.
Member of Staff with whom you have tried to resolve your complaint:	

Outline of Complaint:

Attempted Resolution:

If resolution was offered, why was it unsatisfactory?

Desired Outcome of Formal Investigation:

Additional Information:

The information supplied on this form will be handled in accordance with the University's Privacy Policy and Data Protection Policy. It may be shared with staff members mentioned and investigating officers as required. Should the complaint go to appeal, it may be shared with those involved in hearing the appeal.



**PROCESSING COMPLAINTS BY
MEMBERS OF THE PUBLIC POLICY & PROCEDURE**

Declaration

I declare that the information given in this form is true, and that I am willing to answer further questions relating to it if necessary.

Signature:	
Date:	

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

12. APPENDIX 2 – REQUEST FOR REVIEW

Name:	
Address:	
Telephone Number:	
Email Address:	
Acceptable Methods of Contact:	
Preferred Method of Contact:	
Have you attempted a resolution to your complaint?	Choose an item.
Member of Staff with whom you have tried to resolve your complaint:	
Grounds for Review:	☐ Procedural Irregularity ☐ Bias or Prejudice ☐ New Evidence ☐ Unreasonable Decision

PROCESSING COMPLAINTS BY MEMBERS OF THE PUBLIC POLICY & PROCEDURE

Outline of Complaint:

Attempted Resolution:

If resolution was offered, why was it unsatisfactory?

Desired Outcome of Review:

Any Additional Information:

The information supplied on this form will be handled in accordance with the University's Privacy Policy and Data Protection Policy. It may be shared with staff members mentioned and investigating officers as required. Should the complaint go to appeal, it may be shared with those involved in hearing the appeal.

Declaration

I declare that the information given in this form is true, and that I am willing to answer further questions relating to it if necessary.

Signature:	
Date:	