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A study of the effectiveness of using early resolution methods to resolve student complaints in Higher Education

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1.1 Introduction

This is an exploratory study looking at how UK universities deal with student complaints and the use of early informal resolution methods in managing these.

A previous project carried out by Kingston University and the OIA in 2012- 2013 was part of an initiative of pilots schemes set up to look at how early resolution of student complaints might work in practice. Feedback from this project and other pilots informed the *OIA Good Practice Framework.* In the light of the KU/OIA pilot experience, it was concluded that there was still a long way to go to persuade a wider group of institutions to buy into early resolution in a comprehensive way where there are identified members of staff who will offer time to students to talk through their complaints or concerns. Since there was only anecdotal data about the success of early resolution projects it was deemed to be important to establish an evidential base about the use of early informal resolution methods in the sector.

1.2 Aims

The aims of this study were as follow:

- The establishment of an evidence base-line about HEIs, SUs and students' perceptions of the role of early informal resolution in resolving student complaints

- The identification of current practice in early resolution noting good practice and areas for development

- The provision of recommendations about the most effective ways that early resolution can be used to resolving student complaints and concerns

1.3 Methodology

The study was conducted over two phases.

During phase one data was gathered from a questionnaire sent to 110 UK HEIs institutions. In phase two we interviewed representatives from HEIs, and SUs to provide a broad representation of various practices across the UK. We also interviewed students in order to gain information about their experiences and perceptions of the complaints procedures they were involved in.

1.4 Key findings from the study

The interviews with HEIs and SUs showed a willingness and enthusiasm from staff to engage with the promotion of early resolution of student complaints. However, there is considerable diversity and lack of consistency across the sector in relation to the approach to early resolution of student complaints. This points to the need to develop common understandings of such terms and approaches in the sector as a basis for both developing sector-wide practice in informal resolution and undertaking cross-sector evaluations of the efficacy of these approaches.

Only 33.9% of the HEIs who responded to the survey indicated that they keep records of how and where informal resolution methods are used. Only 3 HEIs indicated that they carry out satisfaction surveys about the use of informal resolution methods when students raise concerns or complaints.

The time it takes to deal with complaints and the emotional cost of dealing with them has a considerable impact on the staff concerned. For students the emotional toll that both raising a complaint and following it through institutional procedures is concerning.

Interviews with students revealed that the main reasons that complaints were not resolved at an early stage the students' perceptions that they were not listened to or taken seriously and that there seemed to be a lack of a structured approach to managing their concerns at an early stage.

Good practice emerging from the sector indicates that the opportunity for students to express their concerns and complaints promptly to an unbiased, member of staff who has the skills to properly listen to the student, demonstrate that their complaint is taken seriously and the ability to take steps to resolve the issue raised in a timely manner is more likely to lead to effective early resolution.

1.5   Recommendations for future practice in developing an effective approach to early resolution of student complaints to reduce or remove the need for students to make formal complaints.

1. HEIs should develop more structured approaches to the early resolution of student complaints so that staff can respond appropriately to students at the time a concern or complaint is raised. This would enable students to raise their concerns informally, with the reassurance that they would be followed up in a timely way and resolved as early as possible.

2. HEIs should enable staff development opportunities for staff that have day to day contact with students to ensure that they understand the appropriate responses to make if students raise concerns or complaints.

3. If students' concerns are not able to be dealt with at source, or if they reach the formal first stage of the formal complaints process, there should be identified staff that can offer time and support to students who raise concerns and complaints. The staff offering this service should be impartial and have expertise in university processes, good communication skills and an understanding and ability to communicate to students any other resolution methods available to students. This would require consideration by HEIs of the resource implications in offering this service and appropriate recognition in relation to staff workloads.

4. In the light of the toll that making complaints takes on students, SUs should actively consider how they can play a part in supporting and encouraging students to engage with early resolution methods without compromising their independence.

5. HEIs should develop approaches to recording early informal resolution interventions and their outcomes in order to develop a picture of how these are used and to enable measurement of their effectiveness. Evaluation of the effectiveness of resolution methods should include measuring the extent to which students are satisfied with early informal methods of complaint resolution.

2. Overview of study, rationale and context (including literature review)

Recent increases in UK university students' complaints and their causes have attracted interest from the public, policy makers and within academia, beginning to produce a body of comment and analysis. Since 2010, universities have paid out in excess of £2million to aggrieved students.[1] More students are retaining legal advisors in disputes with universities, more use the QAA's complaints process, and some are even withholding fees because of the non-settlement of complaints.[2] Meanwhile, universities who settle complaints with students increasingly seek to protect against reputational injury by imposing confidentiality clauses on those to whom compensation is paid. [3]

Academic year 2012-2013 proved a critical point, when the increase in student complaints began to receive significant media notice. Upwards of 20,000 complaints were made that year against universities, amounting to a 10% rise on the previous year, according to one source based on a Freedom of Information request. [4] Complaints reaching the stage of referral to the OIA rose by a quarter.[5] Since then, as predicted by OIA Independent Adjudicator and Chief Executive Robert Behrens, there has been a levelling off[6]; the 2014 OIA Annual Report records a 'stabilizing' picture [7] of total references. Absolute numbers of referred complaints are arguably less relevant to assessing universities' performance than the relatively small number (5%) found 'justified', although this figure does not include referrals found partly justified (10%) or those settled, ineligible or withdrawn.

The rise in student complaints accompanies the introduction and subsequent rise in the amount of loan-funded tuition fees, entry into the sector of competition from some private universities and rising overall numbers of students. An increase in referrals, perhaps accompanied by an absolute if not disproportionate increase in those found justified, might be expected at the end of academic year 2015 as the cohort of students paying yearly loan-funded tuition fees of £9k a year reaches expected graduation. [8] Over two million students (including post graduates) now study at UK universities.

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[1] M. Prynne, 'Student complaints to universities rise to 20,000' *Telegraph* (London, 3 June 2014)

[2] J. Grove, 'Student complaints about assessment grow as fee levels rise' *Times Higher Education* (London, 23 January 2014).

[3] Ibid.

[4] A. Fran, 'University complaints by students top 20,000' (BBC News File on Four, 3 January 2014) http://www.bbc.co.uk/news/education-27640303> accessed 12 January 2016

[5] OIA Annual Report 2013

[6] Ibid. Note 4.

[7] OIA Annual Report 2014

[8] Ibid. Note 1.

Notwithstanding current national debate on the impact on immigration and the relative benefits of foreign students who come to the UK to study, that number appears set of grow in the short to medium term.

Tracking the increases in student complaints that reach the stage of referral to the OIA against the introduction and rise of tuition fees (beginning in 1998, with notable increases in 2004 and 2011) accords with the now frequent observation that an increase in UK university students' complaints is *caused* by a consumerist culture which tuition fees may heighten. However this perception conceals a complexity that continues to warrant exploration. Such exploration by media, policy makers and academic scholarship produces a number of themes. The ways in which this generation of students' expectations of the experience of university is influenced by a generally more consumerist culture facilitated by technology and access to information is a common focus. [9] How economic conditions, including competition for employment lead to an observable 'instrumentalist' attitude of students, particularly postgraduates' expectations of professional employment [10], is also the subject of investigation. [11] Lastly, the regulatory and legislative agenda of successive UK governments to give students the power to hold universities to account [12] and foreign universities' experiences of and responses to increased student complaints are a frequent context in which the causes of increased UK student complaints are analysed.[13]

Academics, especially, protest that students are learners and citizens of a community, not consumers. [14] Svensson and Wood (2007)[15], for instance, argue that the use of marketing metaphors in the context of the relationship between universities and

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[9] K. M. Elliott, & M. A. Healy, 'Key factors influencing student satisfaction related to recruitment and retention' [2001] Journal of Marketing for Higher Education 10(4), 1-11; G. Jones, 'I wish to register a complaint': the growing complaints culture in higher education' [2006]. Perspectives: Policy and Practice in Higher Education, *10*(3), 69-73.

[10] E. A. Bates, & L. K. Kaye, 'I'd be expecting caviar in lectures: the impact of the new fee regime on undergraduate students' expectations of Higher Education' [2013] Higher Education, 67(5), 655-673.

[11] Ibid. Note 2.

[12] Competition Markets Authority (2015) An effective regulatory framework for higher education: policy paper MA42, 23 March 2015

[13] G. R. Evans, 'Master Classes in dispute resolution?' [2011] Perspectives: Policy and Practice in Higher Education, 15:2, 40-44; J Leidenfrost, 'Ombudsmen in Higher Education: Helping the Single Student, Contributing to the Universities' Institutional Changes' [2013] Creative Education, 4, 8-10; B. Olliffe & A. Stuhmcke, 'A National University Grievance Handler? Transporting the UK Office of the Independent Adjudicator for Higher Education (OIA) to Australia' [2014] Journal of Higher Education Policy and Management, 29(2), 203-215.

[14] Ibid. Note 1.

[15] G. Svensson & G. Wood, 'Are university students really customers? When illusion may lead to delusion for all!' [2007] In: International Journal of Educational Management' [2007] 21:1 , 17-28

students, is inappropriate and 'delusional', because, though superficially apt, they are inadequate to describe the provision of an opportunity rather than a mere service; 'co-production' of knowledge and understanding requires an investment in the form of effort on the part of the student. Similarly, Woodall, Hiller and Resnick [16], examining the increasingly marketized environment of HE, point out that although students increasingly demonstrate customer-like behaviour, demanding more 'value' from providers, 'value' is a 'slippery concept and has proven problematic both in terms of its conceptualization and measurement.'

Yet, it is difficult to frame an analysis of and response to the rise in student complaints against universities otherwise that by adopting a consumerist vocabulary, both because the demonstration by students of 'customer-like behaviour' is so apparent [17] and because greater financial contribution by students and their parents correlates with higher expectations regarding the services and facilities that HEIs provide is support of students' studies [18] The momentum of regulatory reform fundamentally shifted to a consumerist-marketization approach following the Conservative-Liberal Democrat government's 2011 White Paper ('Putting students at the heart of the system') which explicitly positioned students as consumers. This is so even though a major higher education bill did not follow, because the central features of reform, such as student finance, were already in place by the time of the White Paper[19] Likewise, greater access to KIS data and emphasis on NSS results were already set to become features of a new landscape designed to rebalance power between universities and students towards students, [20] leading then Minister for HE David Willets to celebrate the 2012-2013 spike in students complaints against universities as a positive demonstration both of students' greater awareness of what they should expect and their ability to demand a higher quality performance from HEI providers. [21]

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[16] T. Woodall, A. Hiller & S. Resnick, 'Making sense of higher education: students as consumers and the value of the university experience' [2014] Studies in Higher Education 39(1), 48-67.

[17] Ibid.

[18] G. Jones, 'I wish to register a complaint': the growing complaints culture in higher education' [2006] Perspectives: Policy and Practice in Higher Education, *10*(3), 69-73; G. Jones, 'Managing student expectations: The impact of top-up tuition fees' [2010] Perspectives, 14(2), 44-48; M. Van Hoorebeek, G. Mark, C. Gale & S. Walker, 'The Role of Mediation within University Protocols concerning Student Complaints and Appeals' [2011] Multicultural Education & Technology Journal 5(3), 209-220; H. Cooper-Hind & J. Taylor, 'Student Complaints: an accurate measure of student dissatisfaction?'' [2012] Higher Education Review, 44(3), 54-80

[19] Higher Education Policy Institute (2014) Unfinished Business?: higher education legislation. Report 65, February 2014

[20] Ibid. Note 1.

[21] L. I. Ruiz, 'Willetts welcomes increase in student complaints - FoI request by BBC suggests 10 per cent spike in complaints to universities', *Times Higher Education* (London, 3 June 2014)

The future sufficiency of the response of, 'the higher education service-providing sector' to increased student complaints will depend upon both a willingness to address the expectations of student-consumers about their relationship to higher education institutions (and to academic staff in particular) and a willingness of institutions – and even academics - to explore the content of students' disappointed feelings. This report presents an analysis of different relevant stakeholders' perceptions about the accessibility and effectiveness of universities' internal complaints procedures, seeks to understand why students feel unclear, unheard and mistreated and examines the possibility of addressing students' complaints early, using methods that take account of the emotional impact of complaining on the complainant.

The right of a student to expect to be able to redress a grievance against their university, whether about the provision or quality of information, of a service or about the application of assessment procedures, is fundamental to the relationship between students and universities. [22]As recognized by the OIA's Good Practice Framework, which from academic year 2015-16 informs the OIA's work, accessibility is key to effective redress. Accessibility encompasses openness, navigability and flexibility, clearness of information and availability of representation in some situations. Many institutions have put much effort into making information about their internal procedures clear. They have re-written their procedures, using clear English, supplying frequently asked questions and tried to balance comprehensiveness with simplicity. They have consulted with Student Unions. They have explained avenues of redress at the recruitment stage rather than *ex post facto,* and have, in multiple ways, set out to adopt a 'student-centred' approach. Such efforts would naturally seem to bring benefits, and probably do, but it is important to acknowledge that there are various types of unavoidable complexity in some complaint situations. (The OIA Good Practice Framework contains some salient examples of this.) Moreover, the student will always be much less familiar with the university's arrangements than staff who regularly handle complaints and appeals. Thus, accessibility in relation to clarity about procedures is probably insufficient by itself to prevent students feeling confused.

Formality and complexity of universities procedures are also impediments to effectiveness, but, most importantly, the timeliness of an institution's response to a student complaint or appeal is essential; grievances can drag-on, seem to grow more complicated; attitudes can become hardened, polarized and more adversarial over time. [23] A delay in response can leave students feeling dismissed and convinced that staff

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[22] N. Harris, 'Resolution of student complaints in higher education institutions', [2007] Legal Studies 27(4), 566-603.
[23] Ibid. Note 13.

have 'closed ranks', leading them to conclude that only an independent 'adjudication' is likely to bring a fair and satisfactory result. The student complainant usually acts alone and is almost by definition upset and anxious, while staff (whether academic or administrative) whose actions are called into question can feel attacked or under a cloud in relation to their competence and status.

Different perceptions about clarity, complexity and fairness, of students, on the one hand, and staff (including, where they are relevant to a complaint, academic staff), on the other, need to be taken into account in identifying a more effective method of handling students' complaints that can mitigate or avoid this damaging and dysfunctional cycle.

Our project set out to investigate whether earlier and less formal responses to students' complaints can address students' perceived confusion and fears whilst protecting staff from feeling attacked and undermined. Core features of the different response we propose are (1) early, direct and face-to-face intervention by one or only a few members of staff who have both knowledge of the function of the university in relation to which the complaint arises and authority to respond; and (2) the substitution of informal mediation-based conversation for formal process. Our view is that staff who are situated close to the area of conflict are likely to be more able to understand the context of the complaint and therefore more able to identify a workable solution. While most universities' existing procedures, contain language that proposes 'mediation' as an avenue for approaching student complaints, mediation is rarely actually used. By 'mediation-based conversation' we mean, not a full mediation process, but the use by trained 'front-line' staff of techniques borrowed from mediation, such as respectful and responsive listening, acknowledgement of the emotional impact of complaining upon the complainant, and open (sometimes confidential) discussion with all those implicated in a student's complaint of what they feel is at stake and possible ways to address the students' disappointment or dissatisfaction without departing from university norms or procedures in a way that would undermine consistency and fairness to all students.

3.   Methodology

3.1   Phase 1 – Institutional Survey

In order to gain an initial overview of approaches taken by universities to resolve student concerns or complaints informally at an early stage before they reach formal complaints processes, 110 HEIs were sent an information sheet about the research study and a link to an online survey which they were invited to complete. Respondents were invited to answer questions relating to their use of informal complaint resolution

methods and the evaluation of these methods. 56 HEIs responded to the survey of the 110 HEIs invited to participate (50.90%). Respondents were also asked to indicate if they would be prepared to participate in the following phase of the study involving interviews with institutional representatives and students whose complaints had been dealt with through these processes.

3.2 Phase 2 – Interviews with HEIs, Student Unions and Students

Twelve staff representatives of eleven UK HEIs were interviewed for the project. Nine of these institutions were based in England; one in Wales and one in Scotland. Of these institutions three are older universities (one ancient, one redbrick and one plate glass), the rest are post 1992 institutions. The staff representatives from these institutions were chosen because of their knowledge and experience in managing complaints at their institution. They had either selected themselves following completion of an online survey to all the institutions or been contacted by the researchers asking them if they would wish to participate.

Eleven SU representatives were interviewed for the project. Ten of these were linked to the participating HEIs. Nine SU staff were contacted by the researchers to invite them to participate, following participation by their linked institution. Two were approached by an SU colleague from another institution, inviting them to contact us if they wished to participate. Of the eleven SU staff, ten were case workers or case work managers and one was an elected executive officer.

To recruit student volunteers, SU staff were asked to contact students who had completed a complaint against their institution. Ten SUs agreed to contact students but one did not feel that it was appropriate for them to do so; the linked HEI representative also did not agree to contact students. Students were told that if they wished to participate they could contact the researchers directly; eight students made contact expressing an interest in participating in the research and seven students were interviewed. Although the aim was to have 12 students, linked to 12 participating institutions the seven students were linked to two institutions.

HEI staff and Student Union representative interviews

Interviewees were asked about three main areas:

1. The complaints process, both staff and student union involvement in this.
2. Complaints made and their outcomes.
3. Informal resolution methods used at the institution.

Student interviews

Interviewees were asked about three main areas:

1. The complaints process and their experience of this.
2. The outcome of the complaint and whether it was resolved.
3. Whether the student had any experience of informal resolution methods used during the process of making the complaint.

4.   Findings of the Institutional Survey

In the survey, respondents were first asked if, in addition to the formal student complaint process, their institution offers students informal methods of resolving their concerns or complaints at an early stage. Of the 53 HEIs who answered this question, 94.34% (50) indicated that they do offer informal methods of complaint resolution, indicating that awareness of this approach now appears to be generally well established in the majority of HEIs.

Respondents were then asked to detail the range of responses used to attempt to resolve student complaints informally. This question included both closed questions (1 and 2 in the table below) and an "other comments" section. "Other Comments" were coded and aggregated where possible. Findings are shown in in Table 1 below

Table 1 Range of Responses taken by HEIs to resolve student complaints informally

Approach taken	Number of HEIs indicating that they use approach
1. A one to one meeting with the person that the complaint is about	23
2. A facilitated meeting with the person that the complaint is about/ mediation	26
3. A simple email response or telephone call may suffice in some cases	4
4. Students are encouraged to try to resolve their concerns informally/locally in the first instance by raising the matter directly with the appropriate member of staff best able to deal with it as soon as possible	4
5. A meeting with a trained student conciliator or an experienced member of staff/ using the university conciliation service	3
Total number of responses: 43 HEIs	

Some respondents indicated that decisions about the approach to be taken depended on the nature of the complaint. It was noted that complaints may be about both people and processes. A filtering process appears to be used in a number of institutions where the initial complaint investigator, gathers available evidence and forms a view of the nature of the complaint and the approach to be taken in response. One respondent described this as "a triage system". In this institution all complaints submitted through the HEI's

complaints process at informal stage are "triaged" by the Information and Guidance staff and if possible early resolution found.

Some HEIs indicated that they convene an initial meeting between the student and the complaints investigator or a designated other person (such as a tutor) to establish the full details of the complaint. In general open-ended responses indicated that informal resolution involved engaging the student in dialogue (whether using verbal or written forms of communication) with the staff who are closest to the problem and who may be able best able to resolve it.

Two HEIs highlighted that they advise the student to make contact with the student union/student support services to assist them with informal complaint resolution. Comments on these methods, in a "further comments" section of this question, included remarks that meetings with the Students' Union Advisory Service/Personal Tutor may succeed in resolving a student's concerns.

One respondent stated that they are considering introducing trained conciliators at the informal stage who will be shared between Student Services (for students) and Human Resources (staff). A respondent from a Scottish university informed that "all Scottish universities use the Scottish Public Services Ombudsman model of complaint handling. This informal process is known as Frontline Resolution and is at point of complaint and can take any form i.e. face to face, phone, e mail etc."

Respondents were then asked to detail what other methods of informal resolution are available at their institution. 33 HEIs responded to this question. Results are shown in Table 2 below.

Table 2 Availability of other methods of complaint resolution at HEIs

Availability of other methods of complaint resolution at HEIs	Number of HEIs using this method
A complaints surgery	4
A staff led conciliation scheme	5
A student led conciliation scheme	5
Mediation (internal)	20
Mediation (external)	7
Total Respondents to this question: 33 HEIs	

Conclusion

It is difficult to draw firm conclusions from the findings of the survey of HEIs. It would appear that HEIs are exploring a repertoire of approaches to respond to student

complaints at the informal stage but this is still at a developmental point. Only 19 of the 56 of the HEIs who responded to the survey indicated that they keep records of how and where informal resolution methods are used. Only 3 HEIs indicated that they carry out satisfaction surveys about the use of informal resolution methods when students raise concerns or complaints.

From the open-ended responses it appeared that HEIs have differing definitions and uses of the terms "conciliation", "mediation" and even "informal complaint resolution methods" meaning that, in interpreting these findings, it is difficult to be confident in the aggregations of these results, which are therefore provided as being illustrative rather than definitive. This points to the need to develop common understandings of such terms and approaches in the sector as a basis for both developing sector-wide practice in informal resolution and undertaking cross-sector evaluations of the efficacy of these approaches, including measuring the extent to which students are satisfied with informal methods of complaint resolution.

5. Findings of the interviews with Higher Education Institutions and Student Unions

5.1 Actors and Networks

In the course of the research a variety of different actors and networks were identified as being involved in the management of student complaints.

When students' complaints reached the formal processes then these were managed in a number of different ways by institutions: dedicated complaints' handlers; administrative staff in faculty offices; senior members of staff, who would have responsibility for investigating the complaints; registrars and a customer relations management system. The departments responsible for this, depending on the stage of the complaint would either be administrative staff within faculty offices, centrally based staff or Registry. Not having a dedicated complaints manager was identified as problematic by one institution.

The time and resources taken to manage complaints was, unsurprisingly seen as problematic. One registrar described the numerous roles that they performed within the process:

> "I mean I might have to go back to the students for something, I might have to get a Complaints Hearing together, if I get a Complaint Hearing it's chaired by the PVC, Teaching and Learning, he is part of the Vice-Chancellorate, I minute it so I'm the note-taker and the keep-people-happy person, and I have to write the Minutes, the notes up, and they are almost verbatim because of the very fact that they're complaints, and that takes an awful lot of time and getting staff, so to me, I think it's, it's the percentage of staff time that's lost where you've got complaints …"[24]

Another central complaints manager described the pressures that dealing with complaints placed of senior academic members of staff at their institution and the issue for time and resources:

> "Because what I'm saying is that at the moment, the way that we deal with it is I'm the central conduit if you like, so I'm making sure that procedures are adhered to, I'm keeping records of all the complaints, I'm giving advice and guidance but I don't do the actual investigations, so they get sort of farmed out if you like to, generally to senior academic members of staff but what I've said is, my problem with that is that they have to do an investigation on top of their normal day-to-day job whereas I know that at some other universities, I've done a bit of research and certainly at some universities, some body or

[24] HEI C

some people are allocated to do investigations as part of their job …..You'll have somebody who has responsibility for investigations as part of their job and as I said, I think we need to look at that because you know, they do take an awful lot of time and resource."[25]

Before complaints reach the formal process the importance of local staff and contacts was identified. One institution expressed the need for more people to be identified as being able to give advice on how to handle complaints to staff who were most likely to deal with initial concerns and complaints. This was seen as an important part of the early resolution of complaints and a way to enable the continued relationship between students and academic staff:

"If things are being handled locally, I can see that as well because you want students to be able to talk to their tutors about problems and so on and not go to some central body who's then going to contact the tutor and saying they've had a complaint about them, I think that just puts a strain on the relationship."[26]

An example of where this has worked well was in an institution where a faculty had dedicated complaints co-ordinators:

"…and I'm always sort of so thankful for co-ordinators because actually they sort of go over and beyond at times but recently, for example, one of the, the faculties have introduced posts where they're just primarily looking at complaints, appeals, mitigating circumstances so and that works really well, that works really well. "[27]

Having individual faculty contacts had also caused some problems for HEI D. It was found that some complaints had been escalated too quickly to these contacts either by staff or students and it was seen as preferable for these to be managed at the point at which these had first been raised as concerns or complaints; it was felt that if tutors took advice from the complaint contacts to help them manage complaints at an early stage then this would lead to better practice and a more structured approach. This institution would also like to see the network of faculty contacts coming together to share the ways in which they deal with complaints and examples of good practice.

One Scottish institution had developed a number of local contacts who were responsible for logging complaints as this data collection is required by the Scottish Public Services

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[25] HEI G
[26] HEI E
[27] HEI D

Ombudsman.[28] However, a record of a complaint raised would depend on whether the student who had raised the concern wanted a record to be kept of the complaint.[29]

The Student Union was viewed positively by the majority of institutions and could be seen as an important aspect of helping to manage difficult interactions with students and their parents or other external supports.

> "We have got a very good Students Union advice centre, they've got four professional advice workers and they are very good and we're always pleased if they're involved because sometimes you have parents coming with students. I can understand where they are but they have an emotional involvement. Some students will bring external people, not parents, who don't understand processes and procedures and how universities work so we find them, they are excellent, they really are very good."[30]

In addition to this, several institutions described the important role that the student union could play in helping to encourage early resolution.

5.2 Complaint process and accessibility

A key focus of the enquiry related to the complaints processes in place at the institutions. Questions centred on the perceived accessibility and clarity of the complaints procedures from the perspectives of the HEIs and SUs.

HEIs' and SUs' perceptions of the accessibility and clarity of the process

The perception of all institutions and SUs is that there is a variety of avenues for students to access the complaints process. The main ways include online student portals, course handbooks, information given during induction weeks or by the SU and Student Union Advisors and materials. In addition, one institution had developed a mobile device application for access to the regulations, including the complaint processes. Reference was also made to staff that have day to day contact with the students and their knowledge of the relevant processes.

It was generally thought by HEIs that their complaint procedures were clear. A number of institutions reported that they had been undergoing reviews of their procedures and believed that improvements have been made. Several institutions acknowledged the influence of OIA's Good Practice Framework. Some changes included updating online

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[28] See Scottish Public services Ombudsman website for more information on this: http://www.spso.org.uk/
[29] HEI A
[30] HEI H

information in a more structured way, making it free from jargon, and more user friendly by adding FAQs, and including a step by step guide.

> "In light of the publication of the OIA Good Practice Framework, we have been reviewing our complaints regulations and procedures …. we're going to be looking at how we can really make it much more accessible to students and looking at having things like frequently asked questions and looking at where we can publicise this as well, not just on the university's website, possibly on the students' union website as well."[31]

SUs on the other hand, did not always think it easy for students to access information that the HEIs provide and navigate through the institutional process on complaints. One SU suggested that is easier to navigate the SU website instead.[32]

HEIs' and SUs' views on student engagement with the complaint procedures.

A number of institutions and Student Union representatives pointed out that despite the ways in which information on complaints processes were presented; students would only become interested in finding out and accessing relevant information when they had something to complain about.

One institution posited that student' concerns could be dealt with in an uneven way, if they raised issues at an informal level.

> "To be honest I'm not sure that students really look at what our complaints process is, before they make a complaint. I think if you've got an issue and you just raise it, and then people direct you to our complaints procedure if they see it as a complaint so, you know, things kind of start up from quite small things and if they're not recognised as a complaint they don't kind of find their way into our procedures, and so I think that that's something that we actually need to work on".[33]

Contact with the SU could also be seen as a starting point for initiating formal complaints because students are often directed to them by Faculty staff if they are unhappy and are considering making a complaint. It was also pointed out that, irrespective of the clarity or accessibility of the process through published channels, students often go the SU for advice about whether and how to make a complaint as a result of hearing about their service from other students.

> "There will be small numbers of students that do come straight to [the SU] and then they are aware of the complaints process and we talk them through it but I think the chances for any

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[31] HEI H
[32] SU B
[33] HEI E

student here ever knowing what that process is, is very, very slim unless someone's helped them." [34]

One institution empathised with the student experience of making a complaint and the difficulty of engaging with the process and making a complaint at that time.

"…I think that is always going to be one of the issues that students don't need to look at it until they need it…and then when they need it, generally then they're already in quite a difficult place and so it's difficult for them to understand what the process is etcetera."[35]

It was also acknowledged that when students get upset they may not follow the correct process.

"I think students do talk to people if they've got a concern but I think if they get frustrated then rather than use the formal complaints procedure, in quite a number of cases, they will send an email to the Dean or they will write to the Vice Chancellor or the Pro-Vice Chancellor or phone them."[36]

On the other hand, as was pointed out by one SU, students may sometimes involuntarily engage with the complaint process by emailing a member of HEI staff to seek early and prompt resolution of an issue. In such instances, the fairness and effectiveness of the complaints' processes would depend on whether the person being contacted is aware of how the process should work.

"…they often find themselves in the complaints process but don't know they're in it…Being able to access it fairly relies on the person on the other end of the complaint following the procedure and if they don't the student wouldn't necessarily know unless at some point they've come in to contact with the Students' Union or someone else who's able to say to them 'Oh well actually you should have had a reply back from that by now'."[37]

There was also an admission by HEIs that there is a tension between students finding the complaints processes accessible and encouraging students to complain or making inappropriate complaints.

"We always find it a bit of a difficult one because obviously you don't want to kind of advertise too much but we do try to make sure that information is accessible to students all the time but we don't want to kind of encourage too many complaints and that's not to say

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[34] SU E
[35] HEI G
[36] HEI G
[37] SU E

that we don't want complaints but we don't want to actively encourage people to make complaints if it's not appropriate."[38]

This tension was also acknowledged by a SU[39] who opined how the Senior Management of the University may want to hear about student complaints so that they have the opportunity to address them, but Schools and Faculties may be less open to having to deal with them.

In conclusion, whilst the perception of HEIs is that their complaints process are accessible and clear, or are in the process of being improved, this is not necessarily shared by the SUs who report that students can often find it difficult to navigate the complaints processes. Views from some SUs were expressed about the lack of parity of treatment of students who raise concerns and complaints. It was felt that the approach taken by HEIs to students may often depend on who they first speak to and that member of staff's knowledge of how to deal appropriately with a concern or complaint. Another factor influencing how students become engaged in complaints processes relates to students knowledge of how they operate within their institution. Lack of guidance can cause students frustration and distress. Students may also lack awareness that they are in a complaints process and are then not sure what to expect from this. In addition, there is also an identified tension between the wish to encourage students to raise concerns in order for these to be resolved promptly and enabling them to make complaints when the process is so time consuming for staff. On the one hand it can be seen as desirable to know what student's concerns are however, local staff may be reluctant to deal with such concerns and complaints.

There appears to be a divergence between institutions believing they have clear and understandable processes and SUs perceptions of students' experience of raising concerns and making complaints. One way of addressing this would be to have a more structured approach, to deal with early concerns or complaints, available so that HEIs respond appropriately at the time a concern or complaint is raised. This would enable students to raise their concerns informally and with the reassurance that they would be followed up in a timely way and resolved as soon as possible.

5.3 Informal process and early resolution

The explicit theme of this study is to investigate the use of early and informal resolution methods and their perceived effectiveness in dealing with students' complaints. For the

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[38] HEI G
[39] SU E

purposes of this report informal resolution is considered in a very broad sense which encapsulates any effective methods that institutions and their staff use to address concerns and potential complaints, before they reach the formal institutional complaints' processes. We also examined the role of Student Unions in informal processes and considered the extent to which they were engaged in helping to resolve complaints at an early stage or in other informal ways.

5.3.1 Methods

Various informal resolution methods were identified during the course of our interviews with the HE institutions and Student Unions.

All of the institutions include an informal stage in their complaints procedures, encouraging students to resolve their concern at an early stage with the service or person that had led to the concern being raised. In two cases[40] the informal stage is prescribed as mandatory. Other institutions require students to give examples of how they have tried to resolve the issue informally when they make their formal complaint. Some institutions referred to the influence of the OIA's Good Practice Framework in shaping or reviewing their existing processes to include more focus on informal resolution methods when handling students' complaints.

The informal resolution methods in use include:

- designated members of staff that deal specifically with students' concerns
- personal tutors who can address students' concerns in the course of their tutoring relationship
- use of discretion according to the particular concern in issue
- responses to students' feedback received through the University's structures in place
- mediation
- staff trained to act as Student Conciliators in two institutions[41]
- negotiation
- conciliation and conflict coaching
- SU case workers
- campus advice centres

Some institutions described how they may seek to try to resolve a complaint as early as possible, even if it has reached the formal process. For example, this could be done by

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[40] HEIs K and J
[41] HEIs C and I

trying to meet the student's request as soon as the complaint is made or by encouraging a student and a staff member to meet in order to preserve their ongoing relationship.

One institution described this as an opportunity that should be embraced:

> "Just because we thought actually, there's potential here for this to be resolved and actually if we can handle it in the right way then we don't want to miss that opportunity and you know, rather than stepping back and saying, well we can't speak to you at all..." [42]

The importance of immediate resolution was emphasised by another institution in order to avoid using the language of complaint.

> "So the idea of the first stage is that in the new procedure, we are trying to avoid calling it a complaint at that point, we're going to call it a query or a concern or something like that and it should be a sort of a seamless transition, you're dealing with the student in a transaction and it will not get recorded as a complaint at all if you're able to resolve it within the same transaction. If at some point you need to pause it to speak to a manager or to get somebody more senior to come back to somebody, we'll then classify it as an informal complaint. "[43]

The contribution of the Student Union in helping to resolve complaints at an early stage was also recognised by an institution:

> "And there's an element of almost like mediation that goes on sometimes, the Student Union Advisors will say to students, "I think this is what they're saying" and they will try to help resolve the situation. They're not antagonistic at all, they're really good."[44]

This was also supported in interviews with a Student Association in Scotland:

> "By and large we're encouraging students to go down that frontline process and try and resolve it at a more local level first."[45]

One institution described how they have a much more structured approach to dealing with complaints in an 'informal' way.

> "So what we said, what we've put into the regulations is 'you go and see, if you've got a complaint go and see a Student Conciliator'."[46]

> "It's almost as if it's a formal complaint being resolved rather than at the informal stage so they're doing it in a much more business-like way and keeping proper records and doing

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[42] HEI D
[43] HEI F
[44] HEI H
[45] SU A
[46] HEI C

interviews and not just doing it as a paper-based exercise and just doing a much more thorough job so I think that's why not so many are being taken through to the formal stage because they're being dealt with better, early. "[47]

5.3.2 Staff and SUs perceptions of informal resolution methods

Perceived Advantages

All institutions acknowledge advantages in using informal resolution in addressing concerns raised by students. One institution in Scotland reported very positively on the benefits of their frontline resolution process, which is required for all Scottish HEIs, [48] as this encourages all staff to address issues directly with the students.

> "I think it's giving, it's listening to the student and having the student feel that they're being listened to, in a non-judgemental neutral sort of environment, and I think a lot of complaints …. are actually misunderstandings or either, in terms of, for example, a member of staff's attitude towards them, or misunderstanding of the regulations and procedures, so I think, bringing the student in and bringing the member of staff in, and having somewhere where they can talk about those issues informally, without feeling that they're being interviewed or judged in any way, I think it's a really positive thing for both parties."[49]

> "…the way things get resolved is when two individuals come together and apologise or sort a problem out or recognise how something has affected the other. Whereas without that interaction someone just lodges a complaint and then someone at a higher level investigating it without actually speaking with the student I don't believe is a very good way to resolve something."[50]

These perceptions were also supported by the views of the Student Association, who usually encourage students to use the frontline process and to try to resolve issues at a more local level.

> "…it's always a good idea for students if they can and if it's appropriate to try and resolve these things at the frontline rather than a later stage because it's quicker, it's simpler, it's sort of less I suppose involved and it's easier for the student to navigate".[51]

The main benefits identified centred on the resolution of students' concerns at an as early stage as possible as an effective way to avoid more lengthy formal complaints;

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[47] HEI C

[48] See Scottish Public Services Ombudsman website for more information on this: http://www.spso.org.uk/

[49] HEI A

[50] HEI A

[51] SU A

"It's, I think it's a genuine willingness of staff to sort things out for people. I mean nobody likes having an unhappy student, some things I know that we cannot resolve to a complainant's satisfaction, there are some things that will just never be right for an individual but the vast majority of complaints are sorted at frontline."[52]

"so just keep it on your desk in the first place before you've annoyed the student even more, so it should be easier for you to resolve it if you deal with it when it is timely and before it has become formal, so you know, I think our hope is that [staff] will see the light."[53]

One institution identified the added benefit of keeping the complaint internal and avoiding public scrutiny if the student decides to take a complaint outside the university.

"I mean, I suppose it's dealt with a minimal level of bureaucracy, it doesn't take, it's less resource intensive, less time consuming for each party, and there's less, the risk of those complaints going external is also reduced, so that the actual potential for public exposure, yeah."[54]

Concerns about the possible escalation of the complaint and the development of entrenched positions were also expressed. The importance of enabling a less confrontational meeting between university staff and students in order to avoid such situations was emphasized.

"as soon as you get to that formal part positions get entrenched whether that's the university or whether it's the student, it's then very difficult to come to compromises, so the idea of the informal stage was to just try and get two people in a room to have a chat and talk about it in a less confrontational environment, or a less confrontational forum, so the real reasons can be looked at…"[55]

One institution placed an emphasis on this as a customer service issue.

"I think we want to put so much more emphasis on the first stage of a student who is dissatisfied with any experience they've had with the university being resolved as a customer service issue not as a complaint or an appeal."[56]

As informal resolution often happens at the point when students make the initial complaint, the importance of listening to students at a local level was highlighted;

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[52] HEI A
[53] HEI F
[54] HEI B
[55] HEI J
[56] HEI F

"We'd sometimes refer that back down the process and say it's actually got more of a chance to be resolved locally, […] taking it through a formal process might not necessarily help that complaint but them to be able to discuss it with someone who's closer to the actual issue is probably more beneficial"[57]

The importance of taking a fair approach towards students was also highlighted by one institution. Active listening at an early stage helps students to feel properly heard, and staff to fully understand the student experience.

"I think they need an understanding that the issue of fairness as we discussed should be important, that you need to look beyond the bare facts of what a student is saying, look at the bigger picture as to how it's affected that student, and if you're able to put things right for a student then do so". [58]

It was also seen as fair to apologise students when mistakes have been made, instead of staff seeing this as an admission of liability.[59]

The involvement of relevant frontline staff at an early stage process was seen as an advantage by one institution, as this could lead to valuable feedback from students and allow for improvements to their service:

"I think it's good practice for staff as well because I think unless they're involved in the early stages they don't necessarily understand the trends of potential complaints and sometimes there could be things that have been identified about their School that they could improve, so it's good to get the School members involved in the early stages and maybe address weaknesses that they may have in their administration."[60]

From a resource perspective, the reduction in work load as a result of early resolution was also seen as an advantage:

"It's hard work investigating a complaint and I'm very keen to avoid investigations except where they're essential so, you know, it's hard work for the students, it's hard work for the investigators, it's hard work for me and it sort of sets things in a slightly more adversarial route I suppose going down the complaint investigation route. So it's win-win…"[61]

One Student Union commented on the benefits of the institutional Conciliation Service. It was recognised that its introduction has given students a greater voice. This, in turn,

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[57] HEI B
[58] HEI J
[59] HEI D
[60] HEI K
[61] HEI A

has led not only to the resolution of issues but also to the gathering of student feedback during the conciliation process.

> "By bringing in the Conciliation Service, the informal basis, students see it as informal, see they've got a voice basically and actually those things are acted on, they work, you know."[62]

The SU believed that, from a student perspective, one of the benefits of this particular Conciliation Service was that students could choose a conciliator from another school. It was thought that this enables more impartiality and can be reassuring for the students.

Another SU[63] described the tension between the institutions desire for early resolution and the SU's independence in representing students. Whilst they could see some benefits in advising students to resolve issues at an early stage in an informal way, they were concerned they may influence students to fulfil institutional objectives of resolving complaints at an early stage and so lose some of their independence.

Limitations

Despite the general consensus on the benefits of using informal resolution methods to address students' complaints at an early stage, institutions also acknowledged possible limitations of these methods.

A theme in relation to a limitation of early resolution methods, centred on the suitability of informal methods in certain cases; it was thought, for example, that the nature of the complaint might make it more appropriate for a complaint to be made formally.

> "We have had some of those sorts of complaints that are vexatious and they're sort of driven by other things that no amount of conciliation's going to help in a million years, no complaints procedure is going to help in a million years, and that's always going to happen."[64]

Another theme that arose was the issue of the staff involvement in informal resolution, where it was clear that they felt uncomfortable about their role in this. One institution[65] explained how it could be difficult for members of staff to deal with complaints out with the formal procedure. Colleagues were described as being "locked into procedure" and preferring just to refer students to the formal complaints' procedures.

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[62] HEI C
[63] SU E
[64] HEI C
[65] HEI D

Another institution described how one colleague had been keen for a complaint to be made formally. It was evident that the staff member felt more protected by the formal process.

"I just want it to go to a complaint, I just want, want to be able to respond to it formally."[66]

One institution talked about their wish to encourage staff that deal with students, to be more proactive in addressing the students' concerns. The view that some staff felt inclined to suggest the making of a formal complaint, when students' concerns were difficult to address, was also expressed.

"So the idea of this is to say, no, it remains your problem and your responsibility to try to turn the unhappy customer into a happy customer and there's also an element of where people who take a sort of a jobs-worth approach, you know, I've reached the limit of my authority, I acknowledge that whatever you're receiving is poor service but there's nothing I can do about it, you're going to have to write in and complain. "[67]

Equally, one SU[68] pointed out that students who approach the SU, are often keen to go straight to the formal stage, if, for instance, they do not want to talk to academic staff. The reason for this, in the SU's view, may be that students feel that academic staff are not impartial.

Another SU linked the students' trust in the institution to the effectiveness of informal resolution.

"…I think sometimes, depending on who they see, if the informal stages aren't taken seriously enough by the person that's hearing the complaint, the student can kind of feel fobbed off, you know, that didn't really answer it, they weren't really listening, they're just protecting the school."[69]

This was particularly pointed out by a SU, in an institution where the informal stage of the complaints resolution process is mandatory in the majority of complaints made. It was felt by the SU that this was not in the spirit of being informal.

"I mean it's the most formal - informal thing I've ever seen in my life if you know what I mean." [70]

One SU raised concerns about the use of informal resolution with students. These concerns focused on the possible power imbalance between institutions and students

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[66] HEI D
[67] HEI F
[68] SU J
[69] SU G
[70] SU J

and how a student may feel unable to fully express themselves without support by a third party such as the SU.

> "...it's kind of a risk to students a chance that if the Students' Union isn't involved in that process that they kind of get, you know, sort of talked into a corner perhaps..."[71]

Mediation

During the interviews a number of institutions and SUs raised the issue of mediation as a possible method of informal resolution. Overall mediation is currently incorporated in Universities' procedures in a limited way.

There was widespread acknowledgment that it was only rarely used to address students' complaints, either because mediation has not been introduced within informal (or formal) complaints processes, or because staff or students are reluctant to engage in a mediation process.

> "I think students have got ideas about mediation, as probably I, well I have as well, other staff members have and I wonder if our ideas of mediation are actually similar or they're quite different. I know, for example students, so we'll say to them, have you considered mediation? Oh no, that's not appropriate and at times they take great offence to even the question being asked, it's immediately, no, that's... Sort of how dare you, you're not taking my complaint seriously for you to consider, you know, for you to mention that. Others have been just no, I don't want to do that."[72]

Mediation's limited use in this sphere may be explained by the number of different perceptions between institutions, staff and students on what it is what it involves and how it can be used to address students' complaints.

One institution presented it as a natural part of any complaints process that involved negotiation between the institution and student.

> "I tend to think that our informal bit is a mediation process anyway, any complaints process is a medication process and a negotiation process about "I want this", "well sorry, you can't have that because of this, but okay, I'm prepared to give way on that and let you have that".[73]

This institution had not yet found a role for a more structured mediation process in dealing with student complaints.

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[71] SU E
[72] HEI D
[73] HEI J

"...we do have it within our processes but if it's appropriate then we can consider that and offer that as a method of taking things forward, and I know that's something that the OIA wants universities to do, but we've not really had a situation where we've felt that that's been the appropriate thing to do at the moment...".[74]

In situations that involved a relationship breakdown, a form of mediation was viewed to be more helpful.

According to one institution:

"I guess the places where it would particularly come into play would be in the, if I can call them relationship breakdown type of case. ... I tend to refer to them as brokered conversations or facilitated conversations I suppose so that it's clear it's not part of a mediation process as such but we are enabling people to have that conversation."[75]

One SU[76] gave an example of mediation that had worked very well in the case of a disagreement between two PhD students and a supervisor.

Another institution[77] described how difficult it could be to 'sell' the idea of mediation to students and the need to have a clearer way of doing this.

In conclusion, a wide range of different early and informal resolution methods have been found to be in place in the HEIs. Formal mediation plays a small part in the early resolution of complaints. Even when complaints have reached the formal stage there is still a will to try to resolve the complaint in a more informal way if possible. The willingness of staff to engage with this aspect of managing complaints is important.

The perceived advantages of using informal resolution include dealing with complaints in a timely manner and that this may then avoid escalation and development of entrenched positions by the parties involved. Benefits of early resolution are the reduction of workloads for dedicated complaints handlers and other members of staff who may be assigned to investigate complaints in addition to their other duties. The availability of a trained member of staff who can hear the student's complaint and help to resolve it promptly is seen as a real advantage at an early stage especially if this member of staff is perceived as being unbiased by students.

HEIs concerns about the effectiveness of the use of early, informal methods of resolution were linked to complaints that could be seen as vexatious which would not

[74] HEI J
[75] HEI A
[76] SU B
[77] HEI D

be amenable to informal processes. Additionally, it was expressed by HEIs that some staff feel uncomfortable with informal processes and so prefer the formal processes because they feel more protected by them or simply want to transfer the complaint to formal processes because it is difficult to deal with.

SUs can play an important part in helping to promote the informal resolution of complaints and may see this as a part of their role. However, tensions exist where SUs may feel that their independence is compromised if they play a part in fulfilling institutional objectives by resolving complaints at an early stage without a full exploration of the concern or complaint. The perceived limitations of the early informal methods to resolve complaints are, from the perspective of SUs that this may lead to an unfair power imbalance between the student and the HEI. There is a fear that students can be talked out of asserting their rights to complain more fully and receiving a just outcome if the SU is not there to support them and represent their interests. This would be of particular concern if the informal stages were not taken seriously enough by the HEIs. Where the informal stage is mandatory, the importance of this being taken seriously and dealt with in a structured way is a key aspect of ensuring a fair approach for students when they are required to show that they have attempted informal resolution of their complaint before they can proceed to the formal complaint procedures.

5.4 Emotional response and perceptions

During the interviews with the HEI and SU representatives a number of different views were expressed that relate to the emotional responses of staff and students during the complaints procedure. This has been useful to allow us to gain insight into the reality of the complaints' process for the actors involved.

A number of HEIs acknowledged that the students can feel intimidated during the complaints' process and recognised that this placed an onus on the institutions to try to encourage as amicable a process as possible.

> "If you've got someone coming up face to face, making a complaint, I can imagine that you'd feel quite intimidated, we want to remove that, we want it to be, again, a bit, maybe a more amicable process insofar as possible."[78]

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[78] HEI D

The challenges for students in making complaint was particularly emphasised by the SUs. They reported how students may feel intimated for a number of reasons. For example:

- Possible impact on marks and academic progress
- Young students finding it difficult to assert themselves
- Worry about upsetting staff
- Extra difficulties for students dealing with a disability

"Fear, fear is maybe too big a word but the students just tend to not progress with the complaint procedure here. It's really startling how many students come in and have a little moan but then don't go ahead with the procedure."[79]

"I just, I do like want to reiterate it's really important that students find the people to represent them on these sorts of Boards. Going into that sort of thing is really frightening for them especially if they're complaining about the institution that's going to give them a Degree or something at the end of the day, and often people don't want to complain, so I think it needs to be clear that they have the right to complain and that that wouldn't be held against them at all."[80]

One SU[81] also pointed out that students could particularly struggle during the informal stage because "they're not being listened to or getting responses they want." This is the part that was seen as the most frustrating for students.

Another institution expressed the view that staff should treat students as they would like their own families to be treated. This was in the context of an understanding that students can feel very frustrated during a complaints' process and this may be expressed in an aggressive manner.[82]

A SU[83] advocated face to face meetings between staff and students in the hope that it would pressure the institution to respond in a more compassionate way.

Equally, staff members may also find it challenging to deal with the complaints' process, in relation to both the formal and the informal stage. Institutions describe staff as feeling stressed and hurt or afraid to admit that they may have made a mistake.

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[79] SU J
[80] SU I
[81] SU H
[82] HEI C
[83] SU H

> "In fact I've got one at the moment where there's a potential complaint coming in and the member of staff who's the course leader is very, very stressed about it at the moment and that's just anticipating it coming in."[84]

> "…it's been a culture of maybe them feeling afraid to admit to having done something wrong because it's seen as a fault but in actual fact if you identify a problem and you're keen to fix it then something good has come out of it…".[85]

A number of institutions highlighted the pressures of managing the workload in relation to dealing with students' complaints.

> "I think the big problem is the time that it takes to investigate, obviously everyone's very busy and to investigate a case sufficiently you may need to speak to a number of members of staff, you've got to arrange meetings with students and they're already very overworked…"[86]

One institution described how staff may prefer to follow the formal procedures rather than initiate face to face contact with students at an earlier stage. This seems to arise through fear of potential future scrutiny, should the issue escalate, including any scrutiny by the OIA.

> "…staff felt locked into the procedure and they sort of almost afraid of not following it because they don't want, you know, through fear of scrutiny later down the line to say actually you haven't followed our procedure but you know, and also the time I think they wanted to actually… They could see that they wanted to resolve it and it was that opportunity, they didn't have the time to sort of sit and speak to the students and try and get to the bottom of the issues, which I think is quite a sad really thing to hear…"[87]

> "I need to be very careful when I do it as well sometimes because it needs to be shown as reasonable and justifiable to the OIA." [88]

The length of the complaints process is also described as being difficult for a staff member who is identified in the complaint made.

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[84] HEI G
[85] HEI K
[86] HEI C
[87] HEI D
[88] HEI D

> "….not only are the students not having to hang on and hang on and go through the protracted process, neither do the staff, and quite often are quite hurt by some of the things that are said or happened, and it's not nice for them 'cos they're thinking 'oh well, you know, this is hanging over me'.[89]

The responsibility that staff may feel towards the students can also create tension for staff when dealing with the effects of complaints on students.

> "…because we were worried about the effect it might have on that student, and it's a very fine line that you tread 'cos you don't want to be responsible for something that might happen to a student."[90]

One institution described the university as having a responsibility to set a good example to students of fair and transparent practice when dealing with complaints.

> "I just think it's important because we're a university, we're setting people up to go into the real world and, you know, to play these games and red tape and not addressing issues and not being direct with people and not being honest at the end of the day, being scared to be honest, being scared to try to help somebody in a human way I think is detrimental to the whole system."[91]

To address these concerns, the need to support staff during the complaints' processes was recognised. This support could take various forms. For example reassurances from experienced members of staff who are familiar with the procedures and who can suggest possible options to engender confidence in staff. This can help when staff may feel defensive about dealing with a complaint that concerns them. One institution[92] described how they have put in place regulations to allow staff to have their own representatives in meetings, if they wish.

In conclusion, SUs pointed out that students can feel fearful and intimidated about making a complaint. Students can also become frustrated during the informal stage of a complaints procedure if they feel that they are not being listened to and so require compassion from the institution. There was also compassion for students expressed by HEIs; staff should understand that students feel frustrated which may cause them to react in a way that can be difficult to deal with. HEI staff can also feel concerned on about the effects of the complaints process on students and their role in this process.

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[89] HEI C
[90] HEI C
[91] HEI K
[92] HEI I

The impact on staff was particularly emphasised by HEIs. Staff can be hurt by complaints and the processes linked to them, they may feel exposed by mistakes they have made and pressured by the additional workload related to dealing with complaints. The desire for complaints to be dealt with formally can also arise because staff are fearful of face to face contact with students which can then lead to potential public scrutiny as the complaint proceeds through formal processes.

The duty of HEIs to operate as role models for students indicates that their responses to managing complaints should be honest, transparent, fair and humane.

5.5 Barriers and enablers: proposals to improve practice

In the light of interviews with staff and student unions this section will focus on some of the identified barriers to the development of and the key enablers for an effective approach to early resolution.

Barriers

Identified barriers to good practice are where the response to dealing with complaints and concerns is not timely and where the issues raised by students are not taken seriously. This can be linked to situations where staff feel uncomfortable and unsupported in dealing with students concerns and complaints. In such cases, it may be seen as preferable by staff to allow the complaint to proceed on a more formal footing. This lack of confidence that some staff feel in dealing with concerns and complaints may feed into a culture of defensive practice which is not conducive to an open dialogue which allows students to be heard, any mistakes to be admitted and apologies to be made, if relevant.   In order to maintain a consistent fair approach within HEIs this would need to be addressed. The perception of bias in relation to students is something that should also be addressed.

The SU below described how they could suggest the Conciliation Service on offer from the institution, reassured that it was unbiased in its dealing with students.

> "…[Y]ou can get in touch with these people, it's impartial, you know, they can look at your complaint, they can go and talk to the people involved, you can remain, if you want to, anonymous, you know, it could be an anonymous complaint and all the rest of it and this, that and the other', and they can go off and say 'we've had this issue, blah, blah, blah, blah,

blah', and actually students hear that and it's just, you know, generally a very, you know, effective way and good way to get something resolved basically."[93]

Other barriers to effective early resolution, from students perspective is the inability of HEIs to work with the emotions that students experience when raising concerns and complaints. This would require support and training for staff.

Enablers

Factors which are likely to enable establishment of good early resolution practice are staff that are enthusiastic and willing to engage with students concerns and complaints at as early a stage as possible. A clear structured approach, where staff are supported in dealing with complaints at an early informal level is likely to be more helpful and to engender confidence both in students and SUs who can play a role in encouraging early resolution methods. As one HEI pointed out:

> "[W]e want to give people the support to be able to do that, so we've talked about, it's like, it's an informal stage, but we sort of want to formalise it a bit more, to give staff, and I suppose students, the reassurance as to what that stage is there to accomplish and what you can expect or to do or expect from it."[94]

An SU also described a possible approach where they could work together with HEIs to encourage early resolution of complaints.

> "…from our point of view it would be really good if there were just a handful of named people that we could approach and say 'look, you know, this seems fairly clear-cut, can you', somebody really who has got that authority and, you know, and has got a really good manner in the way they deal with them, meet with the student, that's when, all those things happen."[95]

The importance of training staff to manage complaints at an early stage is an important aspect of this in order to establish an approach that that is professional, direct, transparent and honest. The example of one SUs approach to training for staff to support students is a good example of a possible approach to training for SUs and HEIs to ensure that the needs of a diverse group of students are met.

> "… if we identify a training need in terms of I guess what you might call emotional support or something, we would source that training ourselves, so to give you an example we had a couple of people come in from a local autism charity to talk to us about autism and Asperger's Syndrome and that sort of thing, and know what that looks like and how that can

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[93] SU C
[94] HEI B
[95] SU H

manifest itself, so it gave staff a really good idea about how to work with students who may be autistic.."[96]

In summary an effective approach to effective early resolution is likely to be the opportunity for students to express their concerns and complaints promptly to an unbiased, member of staff who has the skills to properly listen to the student, demonstrate that their complaint is taken seriously and the ability to take steps to resolve the issue raised in a timely manner. The staff offering this service would require expertise in university processes, good communication skills and an understanding and ability to communicate to students any other resolution methods available to students. This would require consideration by HEIs of the resource implications in offering this service and appropriate recognition in relation to staff workloads.

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[96] SU A

6.   Findings of the interviews with students

Seven students were interviewed from two institutions. Key findings from these interviews are covered under the following headings: actors and networks; emotional response and perceptions and barriers and enablers to improve practice. Two case studies of an undergraduate and postgraduate student are then presented as illustration.

6.1 Actors and Networks

Students' experience of the actors and networks involved when they were involved in complaints processes actors demonstrate some of the frustrations that students can experience.

SUs played a key role when students raised concerns and complaints. In the main they were described as supportive in helping to access internal complaints procedures. For example one student described them as follows:

> "I didn't really feel like I was being terribly supported by the university, although the Student Union, the guy that I was involved with there […] was just brilliant and […] was […] completely instrumental in actually the whole process."[97]

Another student found the SU unhelpful at the informal stage, more helpful when the formal procedures were invoked and unhelpful when the student took their case to the OIA. This student also perceived the SU as being biased because some of the SU representatives were invited to teach on the complained about course where there was a lack of teaching staff. Another student[98] feared that the SU would be on the 'university's side' but found that this was not the case.

Students' experience of departmental academic staff was generally poor with some exceptions. The reasons for given for students perceptions of this were that students perceived them as un-supportive[99], uncaring[100], dishonest[101], unresponsive[102], uninformed about the complaints procedure[103] and defensive[104]. More positive experiences were recounted when students felt that they were being listened to and taken seriously. One student[105] described a feeling of gratitude towards a member of

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[97] Student 2
[98] Student 6
[99] Students 4 and 5
[100] Student 1
[101] Student 2
[102] Student 2
[103] Student 6
[104] Students 2, 4 and 5
[105] Student 2

staff who they initially found unhelpful. Another student credits a member of academic staff with helping them to concentrate on their final dissertation whilst in the middle of making a complaint.[106]

External forms of support were important to students. Students described how family could help them and other students going through similar experiences were also noted as supportive and helpful. One student[107] contacted the Citizen's Advice Bureau although they were not able to offer any support. In one case where a complaint was taken to the OIA the student felt supported although the timescales seemed long and the student was not always aware of the process being followed.

> "[H]owever I did feel like they took sufficient time to thoroughly go through our complaints, I feel that every point that they made was, you know, hit the nail on the head for me, I felt that they'd really had listened to our opinions, they really had reviewed the evidence correctly…"[108]

6.2 Emotional Response and Perceptions

Students' emotional responses demonstrate how difficult they can find the process of making complaints against universities.

Most of the students interviewed felt that they had been treated unfairly. This perception could arise because they felt that they were powerless in dealing with an HEI[109], or that they experienced the actors involved as behaving unprofessionally[110]. One student described how fearful and intimidated they felt.

> "…it was difficult, and I felt, whilst the process was going on, I, I felt like a criminal, actually, quite frankly, yeah, I felt like I was doing something wrong."

> "I felt like I was the one who was being complained about, basically, yeah, very much so."

> "I really didn't feel like it was being taken, well, I think the problem was I was quite intimidated by the supervisor because, I guess I felt quite alone in the university" [111]

Two of the students felt quite uncomfortable about making complaints, [112] one described how raising a complaint felt formal even though it was resolved informally.

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[106] Student 7
[107] Student 4
[108] Student 4
[109] Student 1
[110] Student 3
[111] Student 2

"Well, because I knew it was going to go beyond my course leader obviously I was bit in a struggle really because I didn't want to drop him in it but I had no option, you know? So I felt a bit mean, I suppose, on him. And once you've filled in a form and you know it's going to a higher level, I don't think it ever really feels informal, does it?"[113]

6.3 Barriers and enablers: proposals to improve practice

Enablers which enabled student to achieve their complaint objectives were described as being a desire to successfully complete their course, having a clear idea of wished outcome of complaint procedure, support from the student union and third party support from family or friends. Student 5 explained what would have made a difference and obviated the need for complaint

"They [university representatives] could have been more responsive but I mean it's, I guess it's the wrong word to use, but they could have been just a little bit sympathetic as well, that would have helped, you know, if they'd arranged to sort of sit down with us all and say, 'You know, look, this is what's happened, you know'…"

"Transparency and communication whenever members of staff were leaving that would have helped instead of just keeping us in the dark about everything which is what happened."[114]

For student 6 who was supported by the student union, they believed that it was important to have them present at an informal stage where there is no written record of 'informal' meetings.

Barriers in resolution of complaints were described as being unsure how to deal with a large institution, when very young (18) and perceptions of unsupportive environment at university[115]. Lack of awareness of complaints processes was problematic[116] and poor initial responses to concerns raised were evident in all cases. The experience of poor responses was linked to both, timeliness in response to complaints, and staff attitude towards students where they felt they were not taken seriously and listened to. Two students would have preferred a more personal response with phone

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[112] Students 2 and 6
[113] Student 6
[114] Student 5
[115] Student 1
[116] Student 3

conversations instead of email responses.[117] Two students described how intimidated they felt by staff and felt that complaining would impact on their future careers. [118]

6.4 Case Studies

Student A

Reasons for complaint and the student's experience of the complaint process

The student was enrolled in a research degree that required access to practical work facilities. This had been guaranteed by the first supervisor. A third of the way through the degree the student enquired about the promoted connections to start the next phase of research as the required access had not been made available. It became clear that the first supervisor was unable to resolve this. The student reported that progressively, the situation became worse as the first supervisor started to treat the student inappropriately, including the use of patronising language and intrusion into their private life. Other actors were identified as being unresponsive. When the student contacted the second supervisor, in an attempt to resolve the situation, they were initially very unsupportive; the student was advised that if the provision did not meet their expectation, they could leave the programme of study. However, the student credits the second supervisor with actions leading to a satisfactory outcome (the student was able to continue with the programme, was allocated a new supervisor and was compensated for the lack of provision) but only after the student experienced ill-health and had to leave the university for a period of time.

This student explained how they were reluctant to pursue a formal complaint, and sought different ways to try to resolve the situation. It is clear that the student would have benefited from an early and informal resolution of these concerns.

> "Initially I actually tried to resolve the problem without actually going down the complaints procedure because I didn't really want to go through that route because it is, it's not very pleasant actually, it really wasn't very nice, but the university, at that time, were not being very helpful or supportive, and it really was only until I wrote a complaint that I really felt they actually stood up and they sat up and listened really, which I felt was a real shame because I didn't want to have to go through that, I really tried everything I possibly could to actually avoid making a complaint."

Unable to get a satisfactory response, the student began the complaint process on two main grounds:

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[117] Students 3 and 5
[118] Students 2 and 5

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1. Unavailability of expected access to agreed work facilities
2. Inappropriate, abusive behaviour by the first supervisor

The student described the complaint process as easily accessible via a course leaflet that referred to it. However, although the student describes the eventual outcome as satisfactory, the experience of the process has been extremely difficult and distressing.

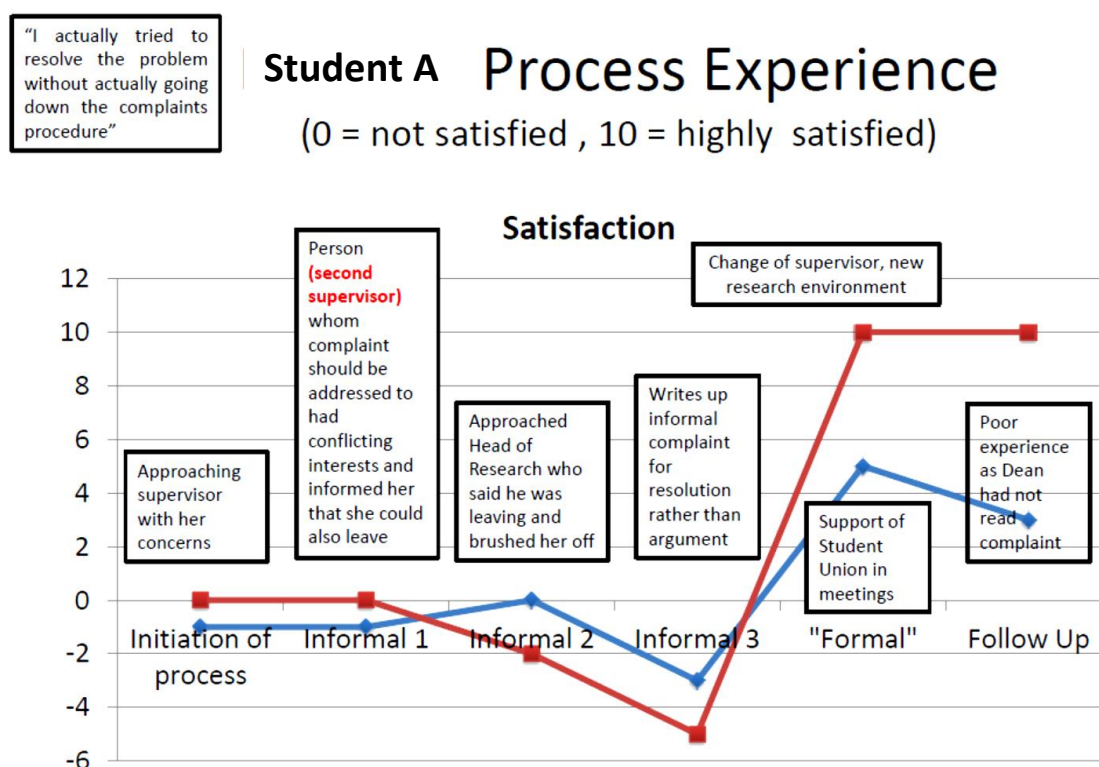The figure below illustrates the levels of satisfaction of the student's experience during the complaints process.

"I actually tried to resolve the problem without actually going down the complaints procedure"

Student A Process Experience
(0 = not satisfied , 10 = highly satisfied)

Satisfaction

Person **(second supervisor)** whom complaint should be addressed to had conflicting interests and informed her that she could also leave

Change of supervisor, new research environment

Approaching supervisor with her concerns

Approached Head of Research who said he was leaving and brushed her off

Writes up informal complaint for resolution rather than argument

Poor experience as Dean had not read complaint

Support of Student Union in meetings

Initiation of process | Informal 1 | Informal 2 | Informal 3 | "Formal" | Follow Up

Figure 1: Levels of satisfaction with experiences throughout the complaint process (estimated scale). Levels of satisfaction with a key actor (the student's first supervisor).

Actors and networks

A number of different interactions with actors were recounted by the student.

-The first supervisor: during the interview it became clear that the first supervisor had abused the power imbalance between teacher and student by refusing the student

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access to promised facilities and showing inappropriate behaviour, even after removal from the supervisory role.

> "[M]y supervisor was being very dishonest with both me and the university about his access to facilities, and he kept on telling both me and the university that he had access to placements, which he didn't have. And I think he wanted to have, and he was trying to get these things working, but he wasn't getting anywhere with them and I, when I started to actually make a bit of a noise about it, this was a year into my studies, I actually started to talk to him and said, 'I'm very, very worried now, I'm, you know.' He started to be very unpleasant to me about it, and that, that was what actually initiated me…"

-The second supervisor: The student describes their response as being progressively more helpful during the course of the process. Ultimately, the student describes a feeling of gratitude to this actor for their support in resolving the issue.

-Student Union: The student felt much supported by the SU representative throughout the whole process and described them as professional:

> "That's true actually, I mean I don't think I'd identified that at the time but it wasn't until I got somebody else, I felt like I'd got somebody else shouting for me that they started really to notice actually, I think maybe that did make them feel there was something serious going on because I'd actually taken the step of going to the Student Union. But yeah, definitely, when it was just me saying it, it wasn't, it was, it was actually dismissed as a cultural issue, well it's just a cultural issue, and I was thinking, 'I don't think it is actually, I don't…'"

-Family: the role of family support was highlighted by the student, particularly at the time when the student had to stay away from university due to ill-health.

> "[M]y dad did everything actually because I was just, I was a nervous wreck, I was an absolute nervous wreck, it's really strange to think of myself being like that. Because I'm not, I'm a really confident, you know…"

-Head of Research: The student made clear that this actor was unresponsive when approached.

> "Yeah, he just brushed me off basically and said, 'I'm leaving soon' so it was like, oh great, OK."

-Dean of the Faculty: the student found the response of this actor, extremely frustrating, during a follow-up meeting, intended to review the complaint and its outcome.

> "And it was a meeting about my complaint and this was, I think, this wasn't long after I came back, and she clearly hadn't read the complaint because she asked me a load of questions

and I remember at one point saying to her, "These are all in my complaint." And I remember looking at the student advocate and just going, "What on earth?" and I just felt, you've got the audacity to sit in a room with a student who has actually gone to the extent of writing a complaint and not even reading it, how dare…."

The figure below illustrates the roles the different actors played in the course of the complaint process (the scale has been estimated by the research team in accordance to what the interviewees said).
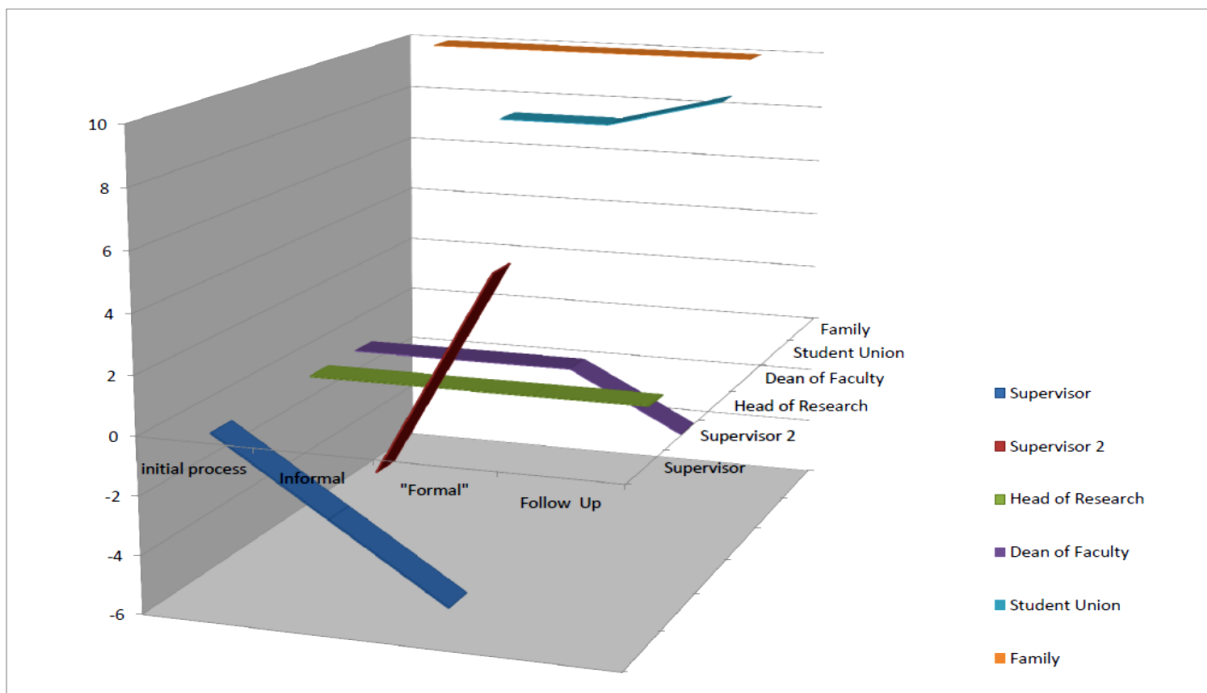

Figure 2: Experience with involved actors (estimated scale)

Impact of process on student

Overall, the experience of the student during the period of complaint has been described as difficult, disappointing, and intimidating. This was in the main attributed to the behaviour of the first supervisor. Fear of not wanting to start all over or missing out on job opportunities due to the delay also added to the student's stress levels.

The student found the response of most actors inadequate. The main provision of support came from family and the Student Union. The student also described how a deep-felt interest in the subject of study provided motivation.

Student B

Reasons for complaint and the student's experience of the complaint process

The student based a decision to choose a particular course of study on the level of vocational elements offered on the programme. Early on in the course, it became apparent that there was a lack of course provision: there was limited teaching because academic staff had left and the promised vocational placements were not available. The student, with two other students from the cohort, made representations to the department about their concerns during a program committee meeting. This was followed by an informal meeting between the head of department and other staff members.

> The informal "claims were rejected and we were given a written statement essentially saying that the view of the student was subjective and perhaps we hadn't engaged in the course fully and perhaps that we hadn't been listening and attending enough and therefore our view was that because we weren't, you know, we were essentially not good enough students, so this obviously was a really unsatisfactory answer and not acceptable."

Following this the student made a formal complaint. The complaint was two-fold: unmet expectations and the quality of teaching.

- The vocational aspect to the course was lacking; students had no opportunity to gain the promised practical experience.
- The course was staffed inadequately, leading to delays and a drop in the quality of teaching

The student found it difficult to access the necessary forms to make the complaint and their experience of making the complaint was that it was not taken seriously at either the first stage and or during the request for a review which took over six months. The response from the review stage was, in essence, the same response that had been received when the informal complaint was first made.

As a result of the student's dissatisfaction with this response a decision to involve the OIA was taken.

"Yeah, but what we'd had noticed, they hadn't actually addressed any of the evidence that was given to them, they'd taken our word on face value and called it an opinion and subjective but they hadn't actually reviewed the evidence thoroughly so yeah. […] Yeah, so on the basis of disregard to the material evidence I'd taken them to the OIA on that."

The OIA decided that the complaint was justified and recommended that compensation be paid and letter of apology be written. They also suggested that external mediation could be used but this was not followed by the university.
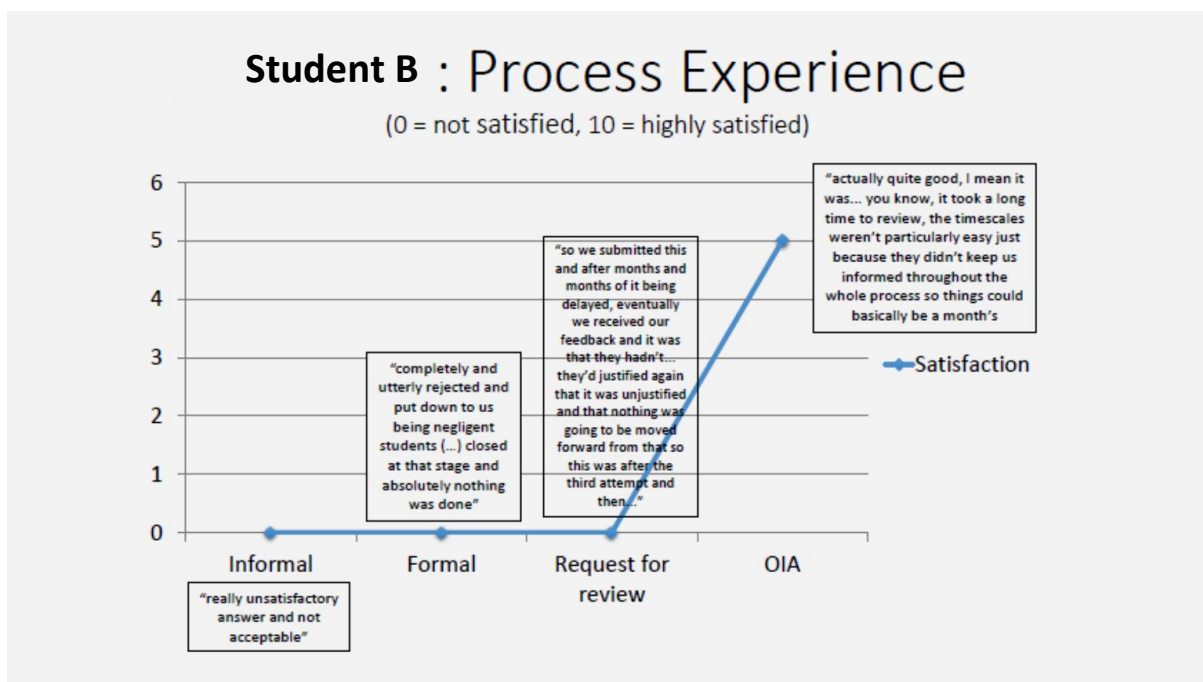
Impact of process on student

The student found the internal University complaint process stressful, personal and unprofessional.

"Essentially just because we believed what they were doing was completely and utterly absolutely wrong, I think a lot of it stemmed from attending that meeting where we realised it got slightly more personal now than it was professional and having known that we'd paid all of that money and hadn't, you know, we were believed that we were definitely in the right when it came to this, you know, there was no real consideration of giving up at this point I don't think."

Even after the case was found as justified by the OIA, the student perceived the university's response as inadequate. The student felt that the university sent a half-hearted letter of apology and the compensation awarded is something that the student would have wished to be subject of negotiations in mediation.
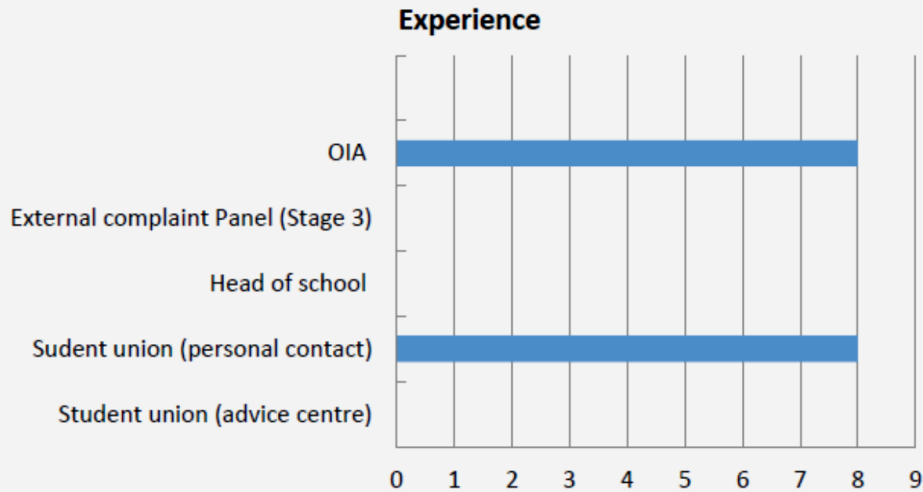
Actors and networks

- The student experienced a number of academic staff as being unsupportive. This included the head of the department, course director and lecturers. In addition, attending meetings with the student representatives (programme committee meeting), and with other students (while making an informal complaint) and being involved in making a formal complaint was difficult. The main difficulty is that the student experienced a lack of acceptance that there was anything wrong with the course.

- The student found the student union representatives unsupportive at the informal stage of the complaint process but more supportive during the formal stage. However, the student lost trust in the student union at the point where the decision to involve the OIA was taken. The student also perceived the SU as being biased because some of the SU representatives were invited to teach on the course where there was a lack of teaching staff.

- There was one personal contact with a neighbour who was a member of the student union whose support was perceived as very helpful.

- Fellow students, especially one student who also made a complaint to the OIA level were regarded by the student as very supportive and encouraging the involvement of the OIA.

- The Citizen Advice Bureau was approached but was not able to offer any support

- The student felt supported by the OIA although the timescales seemed long and the student was not always aware of the process being followed.

  "It was actually quite good, I mean it was… you know, it took a long time to review, the timescales weren't particularly easy just because they didn't keep us informed throughout the whole process so things could basically be a month's turnaround on responses…"

Student B : Experience with involved actors

(0 = extremely poor, 10 = excellent)

Experience

Actor	Value
OIA	8
External complaint Panel (Stage 3)	
Head of school	
Sudent union (personal contact)	8
Student union (advice centre)	

Emotional response and perceptions

The student felt extremely stressed out as she had to write her thesis parallel to writing up the complaint form. At some point she talks about being driven crazy (see below).
The student's experience of departmental staff was perceived as personal and unprofessional (see Actors and Networks). There was also a feeling that there was a lack proper representation from the SU because of a potential conflict of interest in their role as advisors and as teachers on the complained about course.

Barriers and enablers: proposals to improve practice

Enablers:

- Personal contacts and support

  "I suppose just having a third party involved so that I had somebody to talk to who could tell me to just relax and tell me to take some time, focus on other things, instead of letting it drive me crazy."

- Other students' complaints

Barriers:

- Institution's unwillingness to take complaints seriously at all levels.
- Process of resolution, including the experience of not feeling listened to and the length of time taken during the process.

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