

# Equality Impact Assessment

## Equality Impact Assessment (EIA)

Title of Policy/ Procedure/ or reason for restructure	STUDENT COMPLAINT PROCEDURE
Level of EIA (e.g. is it at University, College, School or Department level?)	UNIVERSITY
Name of accountable officer/ committee	CAROLE EVANS, DIRECTOR OF GOVERNANCE, STRATEGIC PLANNING AND GOVERNANCE
Name and role of lead Officer completing this EIA	MICHELLE ENSOR, GOVERNANCE OFFICER, STRATEGIC PLANNING AND GOVERNANCE
Contact Details	<a href="mailto:Governance@cardiff.ac.uk">Governance@cardiff.ac.uk</a>
Date EIA initiated	11 AUGUST 2015
Date EIA agreed by accountable officer/ committee	12 OCTOBER 2016
Signed (accountable officer/ chair of accountable committee)	Carole Evans

**This form should be used in conjunction with written guidance using the key prompts for each question.**

## **1. The purpose of the proposal or decision required**

A scoping exercise was conducted in 2009 on the current version of the Procedures for the Resolution of Students' Concerns/Issue which has informed this Equality Impact Assessment

To update the University's Procedures, advice and guidance for students to raise complaints.

In December 2014 the Office of the Independent Adjudicator (OIA) published a good practice framework: <http://oiahe.org.uk/good-practice-framework.aspx> which outlined the expectations for the handling of complaints and academic appeals by HEIs. The University has agreed to align its existing Procedures for the Resolution of Students' Concerns/Issues with the Framework and the revised Student Complaint Procedure is required to be in place by 1 September 2015.

The Student Complaint Procedure which replaces the Procedures for the Resolution of Students' Concerns/Issues is stand-alone but will be contained in the University Academic Regulations.

## **2. Evidence used/considered**

The OIA Good Practice Framework for Handling Student Complaints and Academic Appeals is a guide to handling complaints and academic appeals in higher education in England and Wales. It sets out principles and operational good practice but does not include prescriptive detail. The framework complements the principles-based Chapter B9 of the UK Quality Code.

The University's Student Complaint Procedure has been aligned to the OIA's Good Practice Framework and will provide a fair and accessible tool for all students to raise complaints with the University about:

- 1 failure by the University to meet its obligations;
- .2 concerns about the delivery of a programme (taught or research), teaching or administration, **including supervision**;
- .3 issues relating to the quality of facilities, learning resources or services provided by the University.

As part of its adjudication of a case in early 2015-2016 the OIA commented that whilst the OIA is pleased that the University has reviewed its procedure, it observes that there appear to be sub-stages of what has been described as a three stage Procedure, which the OIA considers to be unnecessarily complicated and confusing. The OIA **suggested** that the University reviews its procedures, adopting the principles set out in the OIA Good Practice Framework. As part of this consideration a number of amendments and

clarifications to the Student Complaint Procedure have been made, most of which serve to simplify and streamline the existing Procedure.

One of these changes relates to the Early Resolution Stage of the Student Complaint Procedure. The OIA have commented that it considers the Early Resolution Stage (through discussion) to be a sub-stage. Therefore, the Early Resolution (through discussion) clause (3.1) has been removed with effect from 1 September 2016. However, this should not prevent students from being able to resolve issues through discussion outside of the Procedure.

The Student Complaint Procedure provides set processes and timescales for complaint handling. Guidance for students is included in the Procedure together with references to other relevant procedures. A guidance leaflet for students is also available.

The University recognises that students have the right to complain. A student who complains will suffer no detriment as a consequence of doing so. The Student Complaint Procedure provides students with a framework to make a complaint.

The University has approximately 30,000 students. The Student Complaint Procedure may be used by all registered students and former students within 28 calendar days of their formal leaving date or within 28 calendar days of their graduation date.

The Student Complaint Procedure has three stages: **Early Resolution Stage**, **Formal Stage** and a **Review Stage**. Time limits are attached to each stage of the Procedure.

The University is committed to undertaking a full and fair investigation of serious or complex complaints.

Provided they have appropriate grounds, students can request the Formal Complaint Decision to be reviewed (Review Stage) to ensure that the decision is fair and reasonable in the light of the evidence available.

Where the issues raised affect a number of students, a group complaint may be considered under the Student Complaint Procedure.

Support and advice is available to students throughout all stages of the Student Complaint Procedure from a variety of sources including **independent** advice from Student Advice based in the Students' Union and the University's Student Support Centres. Students are encouraged to seek this support.

Formal complaints are recorded centrally by Strategic Planning & Governance and an annual report is submitted to the University's Governance Committee and Senate.

An Equality Monitoring Report on formal student complaint requests is submitted to the University's Equality and Diversity Committee on an annual basis which details cases which have an equality (or possible equality element) to them.

Despite the number of formal complaints being reasonably low, there is a clear proportion of these cases that have an equality element to them. The following data identifies the number of cases that related to a possible equality issue/included a possible equality element to the complaint.

**a) Formal Complaint Requests Academic year 2011/12**

The University received 3 requests from students to escalate their complaints to the Formal Stage of the Procedures for the Resolution of Students' Concerns/Issues.

2 (67%) of these cases had an equality element or possible equality element. Both cases related to the protected characteristic of Disability (Note: this includes all cases that indicate that they relate to disability however, this information may not have been verified as meeting the legal definition of disability).

1 case was settled at the informal stage and 1 case was curtailed at the Informal Stage of the Procedure as it was considered that there were no grounds to escalate to the Formal Stage.

**b) OIA cases - Calendar year 2012**

The University received 25 OIA cases in the calendar year 2012.

6 (24%) of these cases had an equality element or possible equality element and were all submitted to the OIA as the students were dissatisfied with the outcomes of their academic appeals. All 6 of the cases related to the protected characteristic of Disability (Note: this includes all cases that indicate that they relate to disability however, this information may not have been verified as meeting the legal definition of disability).

All 6 cases were found to be Not Justified by the OIA.

**c) Formal Complaint Requests - Academic year 2012/13**

The University received 2 requests from students to escalate their complaints to the Formal Stage of the Procedure. Neither of these cases had an equality or possible equality element.

**d) OIA cases - Calendar year 2013**

The University received 26 OIA cases in the calendar year 2013.

7 (27%) of these cases had an equality element or possible equality element and were all submitted to the OIA as the students were dissatisfied with the outcomes of their academic appeals. All 7 cases related to the protected characteristic of Disability (Note: this includes all cases that indicate that they relate to disability however, this information may not have been verified as meeting the legal definition of disability).

5 cases were found to be Not Justified by the OIA; 1 case was 'out of time' for review by the OIA; 1 case was settled by the University as new information came to light as a result of the OIA complaint.

**e) Formal Complaint Requests - Academic year 2013/14**

The University received 9 requests from students to escalate their complaints to the Formal Stage of the Procedures for the Resolution of Students' Concerns/Issues.

2 (22%) of these cases had an equality element or possible equality element. Both cases related to the protected characteristic of Disability (Note: this includes all cases that indicate that they relate to disability however, this information may not have been verified

as meeting the legal definition of disability).

1 case was settled and 1 case was curtailed at the Informal Stage of the Procedure as it was considered that there were no grounds to escalate to the Formal Stage.

**f) OIA cases - Calendar year 2014**

The University received 38 OIA cases in the calendar year 2014.

8 (21%) of these cases had an equality element or possible equality element; 6 related to academic appeals and 2 related to complaints. 6 cases related to the protected characteristic of Disability (Note: this includes all cases that indicate that they relate to disability however, this information may not have been verified as meeting the legal definition of disability); 1 case related to Religion & Belief and 1 case related to Race.

6 cases were found to be Not Justified by the OIA and 2 cases were settled by the University.

**g) Formal Complaint Requests - Academic year 2014/15**

The University received 13 requests from students to escalate their complaints to the Formal Stage of the Procedures for the Resolution of Students' Concerns/Issues (3 separate formal complaint requests were submitted by the same student).

**4 (31%)** of these complaints had an equality element or possible equality element. All complaints related to the protected characteristic of Disability and 3 of the formal complaint requests relate to the same student.

1 complaint was referred back to the Informal Stage of the Procedure as this had not been fully completed, 2 complaints were curtailed at the Informal Stage of the Procedure as it was considered that there were no grounds to escalate to the Formal Stage and 1 complaint was not upheld.

Additional internal evidence considered:

- Reports to Equality and Diversity Committee on an annual basis identifying formal complaints that have an equality element (or perceived equality element)
- Comments received from the Student Complaint Procedure Task and Finish Group
- Comments received from the Student Procedures Steering Group

External evidence considered:

- Feedback from the OIA on Cardiff University complaints referred to the OIA
- NUS 'Race for Equality' Report 2011<sup>1</sup>
- The National Union of Students (NUS) '**Education beyond the straight and narrow**' report (2014)

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<sup>1</sup> In 2011, a report by the National Union of Students (NUS) found that one in six black students had experienced racism at their institution, and one third did not trust their university to handle complaints properly.

### 3. Consultation

As part of the drafting and approval process for the Student Complaint Procedure, the University established a Task & Finish Group to consider the revised Procedure. Its work was overseen by a Steering Group chaired by the Pro Vice-Chancellor for Student Experience and Academic Standards.

The Task & Finish Group and Steering Group had College, School and student representation and the revised Procedure has been subject to a University-wide consultation process.

### 4. Assess likely impact (see Appendix 1 below)

Potential Impact on the following protected characteristics has been identified as part of carrying out this Equality Impact Assessment:

	Comment on evidence and potential impact or specific requirements (e.g. reasonable adjustments for disability)
Age	No specific impact was identified for the protected characteristic of age
Disability	Evidence considered above has identified that a number of formal complaints in the last 3 years related (partly or fully) to the protected characteristic of disability/ill health. While the complaints did not relate to issues with the Student Complaints Procedure itself, the impact assessment has identified the need to ensure that the Procedure is accessible to disabled students and that all those using the Procedure are given opportunities to identify specific requirements as part of the Procedure. Schools and Professional Services will be asked to monitor complaints received under the Early Resolution stage of the Procedure which will allow us in future to monitor these types of complaints which relate to protected characteristics and to review these statistics as part of the University's Equality & Diversity Committee's annual report.
Gender reassignment & Sexual Orientation	It is recognised that some students may find it difficult to raise complaints relating to this protected characteristic due to the sensitive information involved. In order to address this, the revised Procedure includes an Early Resolution stage which allows students to raise issues confidentially and where possible for these issues to be resolved quickly. The Procedure also has clear statements in place regarding

	<p>confidentiality as well as giving students an opportunity to identify specific requirements. National data (e.g. reports published by the NUS and Stonewall) suggest that young people in education can still face harassment, bullying and discrimination on the grounds of sexual orientation and gender identity.</p>
Race	<p>A very small proportion of complaints (only 1 OIA complaint in the past 3 years) related partly or fully to the protected characteristic of race/ethnicity. Wider evidence relating to race equality (see section 2 above) identifies however, that on a UK-wide basis, Black and Minority Ethnic (BME) students may be more likely to be subject to bullying/harassment or discrimination.</p> <p>Some feedback received on the current Procedures for the Resolution of Students' Concerns/Issues identifies that some students are reticent to raise formal complaints due to reasons relating to cultural background. In order to address this, the Student Complaint Procedure includes an Early Resolution stage which allows students to raise issues confidentially and where possible for these issues to be resolved quickly. The Procedure also has clear statements in place regarding confidentiality as well as giving students an opportunity to identify specific requirements.</p>
Religion or belief	<p>A very small proportion of complaints (only 1 OIA complaint in the past 3 years) related partly or fully to the protected characteristic of religion or belief.</p> <p>Some feedback received on the current Procedures for the Resolution of Students' Concerns/issues identifies that some students are reticent to raise formal complaints due to reasons relating to religion/belief or cultural background. In order to address this, the Student Complaint Procedure includes an 'Early Resolution' stage which allows students to raise issues confidentially and where possible for these issues to be resolved quickly. The Procedure has clear statements in place regarding confidentiality as well as giving students an opportunity to identify specific requirements as part of the Procedure.</p>
Marriage and civil partnership	<p>No specific impact was identified for the protected characteristic of Marriage/Civil Partnership</p>
Sex/ Gender	<p>No specific impact was identified. However, it is noted that specific requirements relating to complaints of sexual harassment can be raised under the Formal Stage of the Procedure.</p>
Pregnancy and maternity	<p>Specific requirements relating to pregnancy/maternity can be identified as part of the Procedure e.g. Skype meetings/telephone conversations in place of meeting attendance, extensions to deadlines can be considered in the case of hospitalisation – see section 5 below.</p>



<p>Welsh Language</p>	<p>The Student Complaint Procedure, supporting guidance for students and associated forms are available in Welsh.</p> <p>Cardiff University's Welsh Language Scheme<sup>2</sup> was approved by the Welsh Language Commissioner in 2014.</p> <p>The aim of the revised Scheme is to actively promote the principle that the Welsh language will be treated no less favourably than the English language when dealing with the public in Wales. <b>The public includes University staff and current students</b> along with prospective students and the public in general in Wales. The Scheme relates to both the University's administrative and academic functions.</p> <p>The University welcomes correspondence in Welsh and undertakes that all correspondence received by the University in Welsh receive a signed reply in Welsh or a pre-printed reply in Welsh. Corresponding in Welsh will not lead to delay in the University's response to enquiries. When the University writes a letter to an individual who has expressed a preference to receive letters in Welsh, or to an organisation which is known to work mainly in Welsh or which prefers to receive letters in Welsh, the letter is written in Welsh. If the University is writing to an individual following a face-to-face meeting or telephone conversation in Welsh, the letter will be written in Welsh.</p> <p>When initiating correspondence, the University will correspond in the preferred language of the recipient (Welsh or English), if that preference is known. If it is not known whether Welsh or English is the preferred language of the recipient, correspondence will be initiated bilingually.</p> <p>Students are asked on registration at the University to state whether they prefer to receive their personal correspondence in Welsh or English or bilingually. Correspondence with students thereafter will be in their preferred language.</p> <p>If students request the complaint process to be conducted through the medium of Welsh, the University will do this provided it is reasonable and practicable to do so.</p>
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## 5. What actions will be taken to address any adverse impacts?

The Equality impact assessment does not identify any potential adverse impact relating to the implementation of this Procedure, however it is recognised that individuals/group with the following protected characteristics may be more likely to use the Procedure in order to raise issues relating to their protected characteristic:

<sup>2</sup> Cardiff University Welsh Language Scheme: <http://www.cardiff.ac.uk/public-information/corporate-information/welsh-language-scheme>

- Race/ethnicity
- Religion & Belief
- Disability
- Gender reassignment
- Sexual Orientation

In developing the revised Procedure, it has been important to ensure that the specific requirements of these groups have been taken into account to make the Procedure accessible for use.

The Procedure explains that all complaints will be managed in a confidential and sensitive way. Information gathered as part of the complaint process will only be shared with other parties on a need to know basis.

If a student is unable to make a complaint themselves e.g. due to a health condition, they may be represented by a third party.

It is also recognised that some groups that share protected characteristics, in particular the groups identified above may be more likely to experience harassment or discrimination. Links to Dignity at Work and Study and Equal Opportunities policies reinforce the University's commitment to eliminating discrimination and promoting equality and provide a procedure for making formal complaints of discrimination & harassment.

It is acknowledged that some students due to a disability or other reasons (e.g. international students who are abroad at the time, students with dependants) may not wish to/be able to attend a face-to-face investigation meeting. Adjustments may be made to the Procedure to make it accessible e.g. Skype meetings/telephone conversations can be offered as an alternative.

The Student Complaint Procedure and supporting guidance will be available in English and Welsh and available in other formats (e.g. Braille, large print, tape, disk and on coloured paper) on request. The Procedure and guidance will also be downloadable from the University's website.

Should anyone require other disability-related reasonable adjustments to be carried out to the Procedure in order to make it accessible or have any other specific requirements relating to a protected characteristic, this can be raised via the person handling the complaint or the Student Complaints team.

In addition further actions around monitoring complaints will be implemented as part of the Student Complaint Procedure, including implementing equality monitoring for the Early Resolution stage and improved processes for monitoring protected characteristics of those making complaints. This will be aided by the introduction of an electronic case management system for student complaints in 2017-18.

Provisions for appropriate support for cultural and language requirements will be accommodated where appropriate and practicable

## 6. Monitoring arrangements

It is anticipated that an electronic case management system for student complaints will be introduced in 2017-18. This will provide the University with the facility to provide monitoring statistics for complaints throughout all stages of the Student Complaint Procedure.

## 7. Action planning

- A statement will be included on the Complaint Form to inform students that personal data captured as part of the complaint process may be included in complaint monitoring statistics (this will include a 'prefer not to say' option for all data)
- Ensure that there is a fair proportion of male and female Investigating Officers
- Provide investigation training to all Investigating Officers
- Provide equality training to all Investigating Officers
- Implement the electronic case management system
- Publish Equality Impact Assessment on University's website

## 8. Publish the EIA

The EIA will be available on the staff Intranet and a copy will be available to students on request.

### **Further advice and support is available from:**

Catrin Morgan, Equality and Diversity Manager (GOVRN)  
morganca5@cardiff.ac.uk 029 20870230

For a fuller explanation of the legislation behind the process see the University's website and also the Equality and Human Rights Commission's guidance, Making Fair Financial Decisions.