



Hull York Medical School

Code of Practice on Investigation and Determination of Student Complaints

Approval Process:	
Committee	Outcome/Date of approval
HYMS Management Board (if applicable)	N/A
HYMS Board of Studies	24 September 2015
HYMS Joint Senate Committee	4 November 2015
To be implemented from:	1 December 2015
Annual Review	2016-17
Responsibility to update:	Head of Quality and Standards

To obtain this document in an alternative format or if you have any queries regarding any aspect of this Code, please contact (governance@hyms.ac.uk)

Definition of terms

The following terms will apply throughout this Code of Practice:

Academic Appeal	means a request for a review of a decision of an academic body charged with decisions on student progression, assessment and awards
Chair of HJSC	means the Chair of the HYMS Joint Senate Committee or their nominated deputy
Complaint	A complaint is defined as the expression of a specific concern about the provision of a course or a programme of study, or a related academic service and is subject to consideration under this Code of Practice. ¹
Day	means a calendar day
Programme	means any academic activity, and/or clinical placement or experience undertaken by a student for the purpose of achieving the award of credits, a certificate, diploma or degree, or for the purpose of achieving progression within training and meeting requirements for registration as a Doctor with the General Medical Council, as prescribed in the relevant regulations.
Supporter	means a friend, fellow student, Student Union representative or member of HYMS staff who may assist the student with their complaint. Legal representation is not permitted although advice may be sought from a Defence Union or any other relevant third party.

¹ For the purposes of consistency across all HYMS provision, the definition of terms are shared and presented as approved.

Abbreviations

BOS	HYMS Board of Studies
HYMS	Hull York Medical School
HJSC	HYMS Joint Senate Committee
NHS	National Health Service

Further Guidance

Students are strongly encouraged to consider the detail of this Code carefully.

It is also advisable to refer to the Good Practice Framework for Handling Complaints and Academic Appeals published by the Office of Independent Adjudicators on 12 December 2014:

Weblink: <http://www.oiahe.org.uk/good-practice-framework.aspx>

and the HYMS Code of Practice on Academic and Fitness to Practise Appeals:

Weblink: <http://www.hyms.ac.uk/about-us/regulations-policies-and-codes-of-practice/codes-of-practice>

Students are reminded of the Conditions of Training Document signed at the beginning of each academic year:

Weblink: <http://www.hyms.ac.uk/about-us/regulations-policies-and-codes-of-practice/codes-of-practice>

Students may seek support and advice on all aspects of this Code of Practice from the HYMS Student Support Office or the Student Unions.

HYMS : student.support@hyms.ac.uk

Hull : studenthelp@hull.ac.uk : <https://www.hullstudent.com/>

York: student-support@york.ac.uk : <http://www.yusu.org/>

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1. Scope of the Code

- 1.1 This Code applies to all HYMS students studying for awards offered jointly by the University of Hull and the University of York. It also applies to Postgraduate Students and Foundation Doctors who are undertaking the first year of their Foundation Programme.
- 1.2 This Code of Practice provides students with a transparent and accessible process by which they may raise concerns and complaints.
- 1.3 The process is designed to ensure that all concerns and complaints are handled as fairly, consistently and quickly as possible. All meetings at each stage of the process are recorded in writing.
- 1.4 In accordance with the HYMS Policy on Harassment, a student will not be put at any risk of disadvantage, discrimination or victimisation as a result of lodging a complaint in accordance with this Code of Practice.
- 1.5 Applicants to HYMS programmes may write detailing their complaint to the HYMS Admissions Tutor who will consider the complaint, and who will then respond appropriately. The complaints process will not offer any additional access to feedback from an admissions decision than would be available to the applicant otherwise. The exercise of academic judgement about whether a place was or should have been offered is not a matter that can be addressed through this procedure.
- 1.6 Where the issues raised affect a number of students, those students can submit a complaint as a “group complaint”. In practice these complaints will be dealt with in the same way as an individual appeal and as laid out in this Code. They will follow the same process as outlined in the flow diagram in Appendix One. Any complaint submitted on behalf of a group must clearly stipulate how the group was established and how the student representative has been determined and confirmed. Depending on the size of the group, all students or a number of representatives will be permitted to attend any subsequent meetings.
- 1.7 A complaint which is deemed vexatious or malicious may be rejected subject to the Complainant being informed in writing of the reasons why the complaint is considered to be vexatious or malicious.

2. What is Excluded from this Code

- 2.1 This Code of Practice relates in detail only to complaints concerning programme provision within HYMS, including complaints made concerning clinical placements. Complaints relating to other service provision by the Universities of Hull or York

including the Students' Unions, should be pursued through the Complaints Procedure of the respective University:-

Hull : <http://www2.hull.ac.uk/student/studenthandbook/regulations/complaints.aspx>

York : <https://www.york.ac.uk/about/departments/support-and-admin/academic-registry/complaints/>

- 2.2 Allegations of personal harassment by staff or other students are not covered by this Code of Practice but are subject to the HYMS Policy on Harassment:

HYMS : <http://www.hyms.ac.uk/docs/default-source/codes-of-practice/code-of-practice-on-harassment.pdf?sfvrsn=6>

- 2.3 Appeals against decisions or recommendations on academic progress or Fitness to Practise Medicine are not covered by this Code of Practice but are subject to the HYMS Code of Practice on Academic and Fitness to Practise Appeals:

HYMS : <http://www.hyms.ac.uk/docs/default-source/codes-of-practice/code-of-practice-on-academic-and-fitness-to-practise-appeals.pdf?sfvrsn=8>

- 2.4 The HYMS Policy for Students on Disclosures in the Public Interest is intended to support and protect students who have raised concerns in good faith, even if subsequently after investigation, such concerns may be judged to have been ill-founded:

HYMS : <http://www.hyms.ac.uk/docs/default-source/codes-of-practice/policy-for-students-on-disclosures-in-the-public-interest.pdf?sfvrsn=6>

3. Distinction between Appeals and Complaints

- 3.1 A complaint is defined as the expression of a specific concern about the provision of a course of a programme of study, or a related academic service, and is subject to consideration in accordance with this Code of Practice.
- 3.2 In circumstances where there are grounds for both appeal and complaint, the Chair of the HJSC and the HYMS Head of Quality and Standards will jointly determine in consultation with the student the manner in which the two matters are to be handled. This will include a discussion on the potential implications for the student and the appropriate timescale. All parties will ensure that the requirements of the respective Codes of Practice are adhered to fully.

4. General Principles

- 4.1 Complaints should be made as soon as possible following occurrence of the events leading up to the complaint and normally within 28 days and in any event within one year of the occurrence that are central to the complaint.
- 4.2 HYMS will use all reasonable endeavours to comply with the time limits set out in this Code of Practice. In exceptional circumstances it may be necessary for time limits to be varied, in which case the student will be notified and a revised timeframe agreed.
- 4.3 HYMS will make reasonable adjustments to the procedure set out in this Code of Practice if required by a student's disability or for any other good reason. Where a student might have mental health difficulties, guidance will also be given about accessing suitable support services.
- 4.4 At all stages of the procedure, the student may be accompanied by a supporter, who may be a friend, fellow student, Students' Union representative or member of HYMS staff. Legal representation is not permitted at University meetings but advice and guidance may be sought throughout the process.

5. Matters Which Do Not Constitute Grounds For a Complaint ²

- 5.1 The following shall not be deemed legitimate grounds for complaint and will be rejected automatically:
 - 5.1.2 Challenge to academic judgement i.e. a student cannot submit a complaint simply because they believe that they deserve a better mark or a different degree classification.
 - 5.1.3 Lack of awareness and knowledge of the relevant HYMS/Foundation School regulatory framework.
 - 5.1.4 Lack of awareness and knowledge of the requirements for the submission of mitigating circumstances.
 - 5.1.5 Disagreement about the outcome of any consideration of mitigating circumstances submitted i.e. a student cannot submit a complaint simply because they believe their mitigating circumstances should have been accepted.

² Please refer to the **Good Practice Framework for Handling Complaints and Academic Appeals (Office of Independent Adjudicators, Dec 2014)** Weblink: <http://www.oiahe.org.uk/good-practice-framework.aspx> which outlines specific examples of circumstances which may or may not constitute a complaint.

6. Informal Complaints Procedure

- 6.1 Where possible every attempt shall be made to offer opportunities for early and informal resolution. The submission of a complaint in accordance with this Code of Practice will not prevent the parties from reaching an informal resolution at any time prior to the final resolution.
- 6.2 Mediation and conciliation are voluntary processes which may be considered. This is an impartial, independent third party may help to resolve complaints confidentially.
- 6.3 Students who experience a problem with, and wish to make a complaint about, any matter relating to programme provision, staff or students within HYMS on a University campus should first contact the person delivering the service. If informal discussion at a first contact does not resolve the situation satisfactorily; or if satisfactory progress has not been made towards resolution within 20 days; or if the complaint involves actions of the person delivering the service, the complaint (remaining informal), should be taken, in person or in writing, to the HYMS Head of Quality and Standards (complaints@hyms.ac.uk).
- 6.4 If a complaint relates to any other matter on a University campus, students should follow the informal elements of the Complaints procedure of the relevant University.

For details see:

University of Hull:

<http://www2.hull.ac.uk/student/studenthandbook/regulations/complaints.aspx>

University of York:

<https://www.york.ac.uk/students/help/appeals/>

- 6.5 If a complaint relates to a matter on a clinical placement, the point of first contact should be the HYMS Student Liaison Manager for that NHS locality. If informal discussion at a first contact does not resolve the situation satisfactorily, or if the complaint involves actions of the nominated first contact, the complaint should be taken, in person or in writing, to the HYMS Head of Quality and Standards (complaints@hyms.ac.uk)

7. Formal Complaints Procedure

- 7.1 The formal complaints procedure should only be used where a student feels that the nature of the complaint is too serious to be dealt with informally, or where, after having already attempted to resolve the matter informally satisfactory progress has not been made towards resolution within 20 days.
- 7.2 A formal complaint should be made in writing by completion of the Formal Complaints Form (see Appendix Two). This should be completed as fully as possible and submitted to the HYMS Head of Qualities and Standards

(complaints@hyms.ac.uk) who will acknowledge receipt of the complaint within 5 days. Thereafter they will appoint an Investigating Officer from the staff of HYMS (including honorary staff) or one of its parent universities³. The Investigating Officer will act impartially and should not be the student's current tutor, mentor or supervisor.

- 7.3 The Investigating Officer will meet with the student and all relevant parties then prepare a report for consideration by a Complaints Panel of the HYMS Board of Studies. The student will be entitled to be accompanied by a supporter at this meeting who can be a friend, fellow student, Students' Union representative or member of HYMS staff.
- 7.4 The HYMS Head of Quality and Standards will convene a Complaints Panel to consider the Investigating Officer's report. The Panel shall comprise no fewer than three members and no more than five members. The Panel shall normally be Chaired by the Chair of the HYMS Board of Studies and normally include at least one medical professional registered with the GMC. No panel member shall be a current tutor, mentor or supervisor of the student bringing the complaint.
- 7.5 The Complaints Panel may ask the complainant to attend in person as part of the investigation into a complaint. In which case, they are entitled to bring with them a supporter of their choice who may be a friend, fellow student, Students' Union representative or member of HYMS staff. The supporter may speak at the discretion of the chair of the Complaints Panel.
- 7.6 If, at any time during the investigation or consideration of a formal complaint, the realistic prospect of an informal resolution becomes apparent, it will be open to the parties to suspend the formal procedures to attempt to reach consensus.
- 7.7 The Complaints Panel shall have authority delegated from the HYMS Board of Studies to reach a determination. It will deliver its determination to the Complainant in writing, with reasons, normally within 10 days of receiving the investigation report. The student will be issued with a Completion of Procedures letter. The Complaints Panel will report its findings to the HYMS Board of Studies.

8. Dissatisfaction with Outcome

- 8.1 Where a Complainant remains dissatisfied with the outcome of their complaint, they shall inform their registered University:-

University of Hull Guidance:

<http://www2.hull.ac.uk/student/studenthandbook/regulations/complaints.aspx>

University of York Guidance:

³ All investigating officers are issued with 'HYMS Guidance Notes for Investigators' on how to effectively conduct appropriately rigorous enquiry and are supported throughout the process by the HYMS Governance Co-ordinator, with support from fellow investigators and the HYMS Head of Quality and Standards as required.

<https://www.york.ac.uk/students/help/appeals/>

- 8.2 Both Universities of Hull and York offer their students the right to take their complaint to the University Complaints Investigating Officer and so all students covered by this HYMS code are afforded this same right.
- 8.3 If a complaint is not resolved satisfactorily by the relevant University the student will have the right to take their complaint to the Office of Independent Adjudicators (OIA).

9. Privacy, Confidentiality and Data Protection

- 9.1 Any complaint raised by a student will be treated with the highest level of confidentiality that can be maintained. HYMS, the Universities of Hull and York, and any other relevant bodies will only disclose confidential information relating to a complaint to members of staff who are directly involved in the administration and consideration of a complaint and as necessary to allow an open and fair investigation and for the outcome of the investigation to be reported appropriately. This is in order both to protect the privacy of the student and to protect members of staff from unsubstantiated public allegations.
- 9.2 Depending on the nature of the complaint, the information gathered may include third party data, opinion and information which was provided in confidence. This information needs to be handled consistently and fairly and in accordance with common data protection principles, making it clear to all parties that the sharing of this information is agreed for the purposes of reaching an informed and fair decision.
- 9.3 Complaints involving the actions of individual staff or other students brought forward under this Code of Practice may, if requested, be considered confidential in the first instance. However, as natural justice requires that where a complaint is of a personal nature against an individual, it is likely that the Complainant's identity will require to be revealed at some stage in all but the most exceptional cases in order for there to be a fair investigation.
- 9.4 HYMS will endeavour to inform an individual Complainant of the extent to which their identity is likely to be revealed at each stage of the procedure.

10. Recording and Monitoring of Complaints

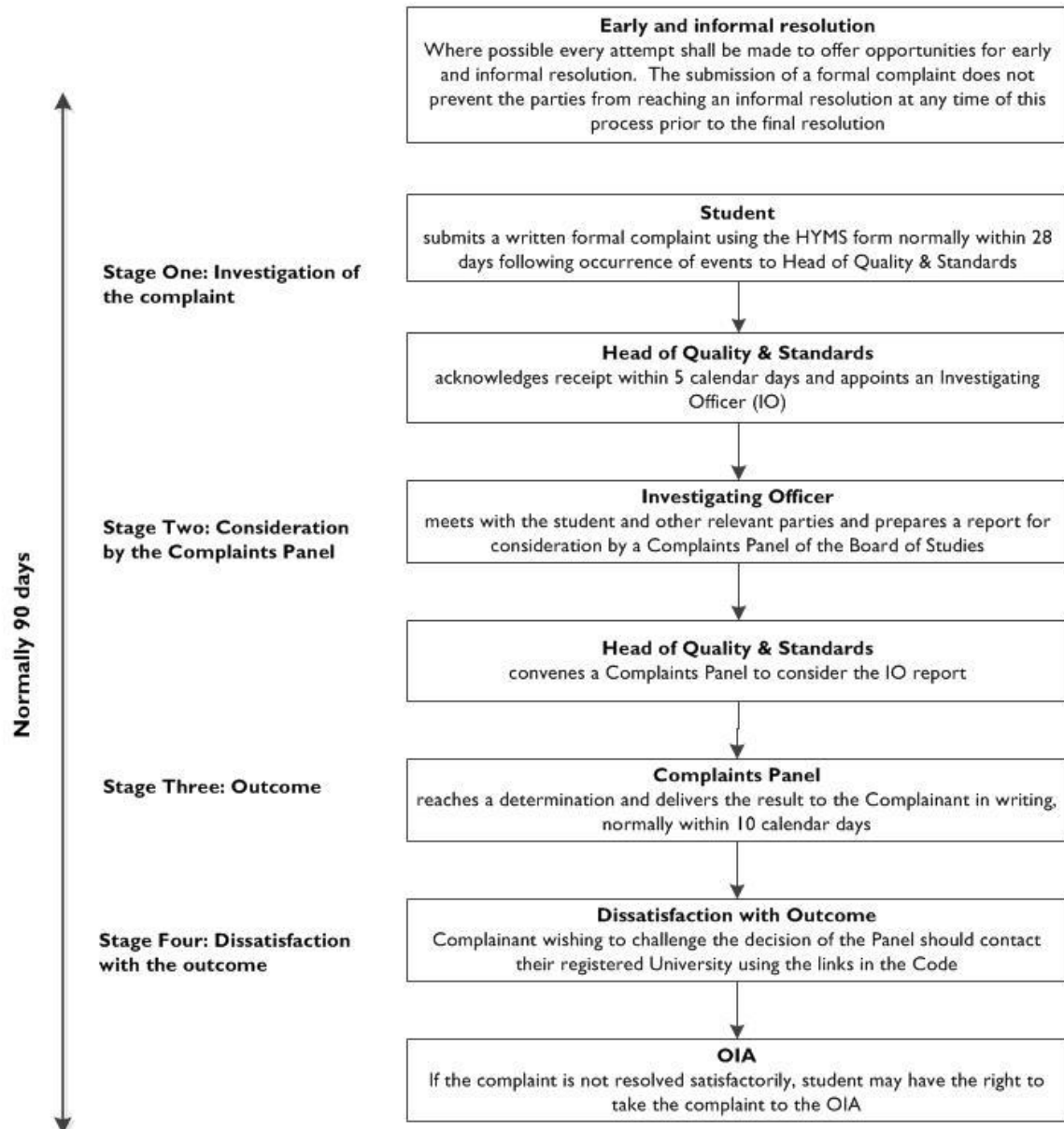
- 10.1 To assist in the process of auditing the quality of its services and responsiveness to student comments, suggestions and complaints, HYMS will monitor complaints and these will be reviewed annually by the HYMS Board of Studies. HYMS undertakes to respect the confidentiality of Complainants in this exercise.
- 10.2 The HYMS Head of Quality and Standards will be responsible for keeping a record of the following information in relation to the complaints received.

- the reason for the complaint
- the outcome of the complaint
- the time taken for the process

HYMS Board of Studies will receive an anonymised annual report on complaints. The annual review of the complaints process should ensure that the process remains effective and consistent with current guidance

Appendix One - Formal Complaints Process Flowchart

This Appendix is part of the HYMS Code of Practice on Investigation and Determination of Student Complaints. It outlines the process in four stages. All stages will normally be completed within 90 days. Informal resolution can be achieved at any stage of the process.



Appendix Two – Electronic Version Available with Code on the HYMS Website



Hull York Medical School

Formal Complaints Form

This form is to be used by all students who wish to submit a Formal Complaint to the HYMS Head of Quality and Standards under the Code of Practice on Investigation and Determination of Complaints.

It is assumed that in making a formal complaint the student will have first taken their complaint through the informal stage if appropriate.

All students are strongly encouraged to seek help in submitting this complaint form, and should do so from either the Students Union in Hull and York and/or also the HYMS Student Support Office.

Name of Complainant

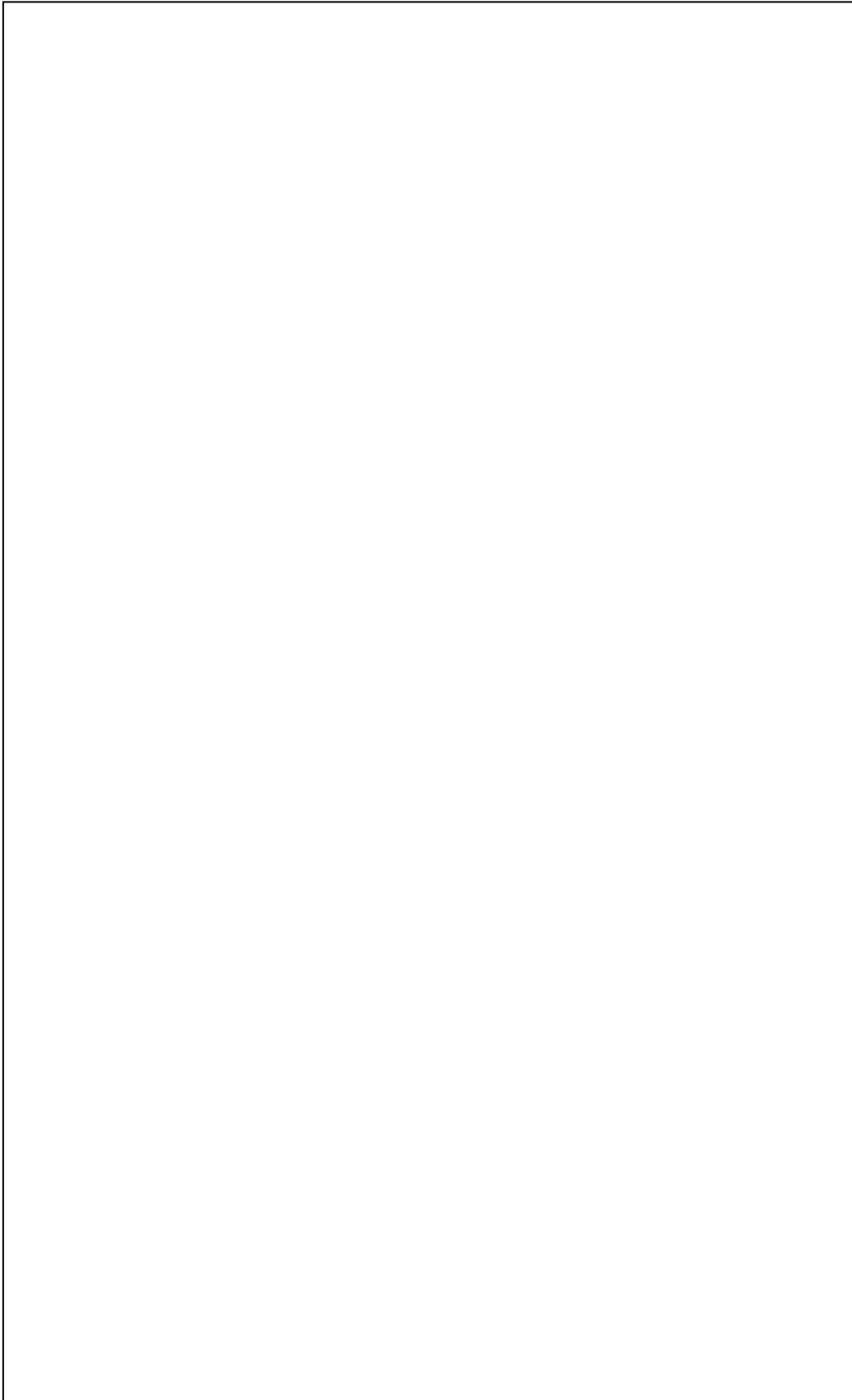
UCAS Number

Year of Study

Email Address for
correspondence

Date of Complaint
Submission

I. Description of your complaint – Please provide details of the cause of your complaint
– what are your concerns



2. The history of your complaint at the informal stage – please provide the following:-

- A description of the steps you have taken to resolve this matter informally.
- Details and names of the people with whom you have raised this complaint informally
- The outcome of the complaint at an informal stage
- Reasons why you feel that your complaint remains unresolved.

3. Additional documents – please list any additional documents you are submitting in support of your complaint

4. Please tell us what action you seek, and why you believe this action is appropriate

Please send your complaint to the HYMS Head of Quality and Standards at complaints@hyms.ac.uk