

Guidance

Complaints and Appeals in the Context of COVID-19



Introduction

Since March 2020, when QAA published its [initial guidance on maintaining quality and standards](#) in the crisis, through to a series of [thematic guidance and supporting resources](#), our intention has been to support the sector in developing solutions to the unique demands that the COVID-19 scenario has placed on providers and the sector at large. In our current phase of activity, QAA is looking ahead to develop guidance with the sector and support providers in planning for 2020-21 and beyond. Our first publication in this third stage of guidance - [Preserving Quality and Standards Through a Time of Rapid Change: UK Higher Education in 2020-21](#) - was published on 2 June 2020.

Purpose of this paper

This paper draws together the range of reference points institutions are expected to use in managing complaints and appeals, and outlines examples of practice from the sector during the pandemic. It applies to complaints and appeals heard during 2020 but is likely to have value in future years for students progressing their studies into 2020-21 and beyond.

This guidance is not regulatory and following it will not ensure compliance with the regulatory requirements in your part of the UK, nor does it constitute advice on how to comply with guidance or legal obligations issued by organisations such as the Office of the Independent Adjudicator, the Scottish Public Services Ombudsman, the Northern Ireland Public Services Ombudsman, and the Competition and Markets Authority. These organisations are themselves responding to COVID-19 disruptions and their own advice should be consulted. Providers and students in England should refer, in the first instance, to [guidance published by the Office for Students](#) (OfS). Providers in Scotland, Wales and Northern Ireland should consult the guidance provided by their respective funding/regulatory bodies.

Reference points for providers

There are a range of existing reference points which providers are expected to meet. A number of sector bodies have provided additional information for providers and students in the COVID-19 context. This section summarises key information sources.

UK Quality Code for Higher Education:

One of the Core practices contained within the [UK Quality Code for Higher Education](#) (the Quality Code) states that providers should have 'fair and transparent procedures for handling complaints and appeals which are accessible to all students'. This is supplemented by accompanying [Advice and Guidance: Concerns, Complaints and Appeals](#) which sets out a series of guiding principles, as well as practical advice intended to inform providers' approaches.

Office of the Independent Adjudicator:

The Office of the Independent Adjudicator (OIA) is the independent student complaints body for England and Wales. It has published guidance for providers and students, including guidance specific to the COVID-19 context, to help improve policies and practices in the higher education sector. The OIA's [Good Practice Framework: handling complaints and academic appeals](#) sets out operational guidance which it would expect providers to follow where possible and reasonable. It has also published additional documents offering guidance applicable during the pandemic in the form of two briefing notes for providers - the [first in March 2020](#) and the [second in June 2020](#) - and a set of [Frequently Asked Questions](#) intended for students. Although the OIA remit covers England and Wales only, providers and students in other regulatory jurisdictions may find helpful indications of good practice in these documents.

Scottish Public Services Ombudsman:

The Scottish Public Services Ombudsman (SPSO) has published guidance applicable during the pandemic, in the form of [a guide for public service organisations in Scotland about handling complaints during COVID-19](#). This answers some common questions and provides suggestions about how institutions can manage complaints in the current circumstances. All higher education institutions and all higher education services in Scotland must still ensure that they comply with the [Model Complaints Handling Procedure](#) (MCHP) for the higher education sector.

The revised MCHP is to be implemented by higher education providers and other organisations as soon as practicable with a final implementation date of 1 April 2021. It sets out more detailed guidance and new minimum requirements in certain areas, some of which are particularly relevant to handling complaints in the current context: supporting students, taking a 'resolution' approach, understanding the issues raised and agreeing the complaint, extensions and learning from complaints.

Northern Ireland Public Services Ombudsman:

While not specific to the pandemic, the Northern Ireland Public Services Ombudsman (NIPSO) provides [information about how it deals with complaints](#) about public services in Northern Ireland.

Office for Students:

The Office for Students (OfS) has produced [information for students](#) at registered providers in England which they may follow if they are concerned about any aspect of how their university or college has responded during the pandemic. The OfS's [provider guide to coronavirus](#) offers guidance about student and consumer protection during the pandemic.

Higher Education Funding Council for Wales:

The Higher Education Funding Council for Wales has published information on the student experience and the pandemic in the form of a circular - [COVID-19 impact on higher education providers: information on consumer protection, student expectations and quality](#).

Competition and Markets Authority:

Information about how the Competition and Markets Authority has responded to the pandemic is available [on the government services and information website](#).

Department for Education:

The Department for Education has published guidance for higher education providers in the form of [actions](#).

Examples of practice from the sector

This section captures the actions taken by a sample of providers from across the UK in response to COVID-19 including their plans to learn from this year's experience to inform their future policy and practice.

Have providers adapted their complaints and appeals procedures?

As QAA's [Advice and Guidance: Concerns, Complaints and Appeals](#) indicates, a student's view of quality involves 'a complex interaction of their expectations, the information they have received before and during the course and their experiences.' The pandemic has thrown this interaction into sharp relief as providers have sought to ensure that students continue to be provided with opportunities to achieve and demonstrate intended learning outcomes, notwithstanding changes to teaching, learning and assessment necessitated by COVID-19.

In general, providers have not changed their complaints and appeals policies or procedures as a result of COVID-19. However, some have adapted their arrangements to ensure that students are not disadvantaged by factors beyond their control, for example, an inability to produce medical evidence during the pandemic or to evidence disruption arising from additional caring responsibilities. In a small number of cases, providers have made more substantial changes, for example, by introducing bespoke and time-limited regulations or producing supplementary regulations for semester two examinations and resits in 2019-20.

Proactive responses to managing complaints and appeals include increasing the number of trained complaints investigators and providing additional template letters for investigators and complaints handlers to help manage response times. Several providers amended their extension and deferral arrangements to enable student self-certification, recognising the likelihood of students being unable to present verifiable evidence in advance of assessment board meetings. In some cases, providers supported these changes with briefing or information for assessment board members to ensure they had a clear understanding of the approach, including the discretion given to boards to help them resolve difficult cases to ensure that good decisions would be made first time. In addition, many providers made provision for assessment boards to meet by email or video conference. There are also examples of providers communicating existing, or preparing COVID-19, misconduct hearing guidance, setting out the mechanism to be applied, the participants to be involved and the responsibilities of the parties concerned.

Practice varies in relation to allowing complaints and appeals from groups of students, and there is no immediate evidence of this changing as a result of the pandemic. One provider indicated that its formal complaints and appeals process applies to individuals only, but it includes the expectation that fora such as staff/student liaison committees should provide a means to respond to informal concerns or complaints raised by groups of students.

Have adaptations to other policies and practices during the pandemic impacted on complaints and appeals?

In responding to the circumstances created by the pandemic, providers have adapted their approaches to learning, teaching and assessment. Many providers introduced 'no detriment',

no disadvantage or similar policies. More detail on these approaches, which vary between providers, is set out in the QAA supporting resource ['No Detriment' Policies: An Overview](#).

A number of providers have made changes to mitigation arrangements including: reducing the burden of proof required - particularly in relation to medical evidence which may not have been readily available as a result of restrictions on movement during the pandemic; allowing automatic mitigation for two weeks upon application; and considering students eligible for automatic mitigating circumstances if they failed an assessment taken during the pandemic, with the attempt automatically set aside and the student given the opportunity to retake the assessment as though it were a first attempt.

Providers should be mindful of the potential differential impact that the application of policies can have on individuals within student cohorts given the very different circumstances and characteristics of individual students. Providers should also consider the support that might be needed by particular groups of students, such as those with protected characteristics or experiencing digital poverty.

Students have identified that the pandemic may give rise to complaints or appeals relating to courses no longer meeting the expected learning outcomes, or no longer including an opportunity to study abroad or undertake a placement in industry. The outcome of any complaints and appeals will depend to a large extent on the alternative arrangements providers have put in place. Practice in the sector indicates that providers sought to ensure the learning outcomes were met and assessed, albeit by alternative arrangements or formats. In cases where learning outcomes could not be achieved, QAA's [Thematic Guidance: Securing Academic Standards and Supporting Student Achievement](#) indicates that providers could follow their procedures for making course amendments to enable students to progress and achieve the 'missing' learning outcomes at a later date. QAA also produced supporting resources relating to contingency planning for [placement provision](#).

As noted in the QAA guidance document - [Preserving Quality and Standards Through a Time of Rapid Change: UK Higher Education in 2020-21](#) - providers should maintain clear records of decisions made when making adjustments to their learning, teaching and assessment arrangements. This should help providers to manage risk and enable them to demonstrate how they are securing equivalence of learning outcomes and the quality of the student experience.

How are providers communicating with students, particularly in relation to complaints and appeals?

The pandemic has underlined the importance of having regular and open communications with students who should be clear about the complaints and appeals processes in place and how they might make use of them should the need arise.

Providers have enhanced their communications with students in a range of ways including the following:

- Issuing students with clear guidance on remote computer-based assessments and COVID-19 self-certification arrangements such as adjusted forms for extensions and deferrals.
- Engaging the student sabbatical officers in weekly COVID-19 learning and teaching group meetings.
- Surveying student satisfaction while studying off-campus and seeking feedback from student cohorts who have experienced alternative arrangements.
- Communicating through frequently asked questions (FAQs) on institutional websites, providing clarification on processes during the COVID-19 period, and

including information on the application of changes to supplementary regulations introduced (as well as information about preparations for students returning to campus in 2020-21).

- Producing FAQs for students that are tailored by programme teams in addition to institutional communications.
- Preparing short videos which have been shared by the students' association and the university to add variety in the form of media used for communicating key messages.
- Issuing regular student communications and bulletins such as regular emails about progress towards 'no detriment' (or equivalent) policies including details about complaints.
- Working with schools/departments to ensure that information provided through different communication channels, such as handbooks and the virtual learning environment, is consistent and timely.
- Briefing personal tutors (or academic mentors) to send personalised emails to students at regular intervals, which is regarded as more effective than emailing whole cohorts.
- Making use of the students' union/guild/association website and the virtual learning environment alongside the institutional website as the main platforms to communicate with students on key changes including those relating to 'no detriment' (or equivalent) policies.
- Preparing partner briefings to ensure that students at partner providers are aware of, and understand, the 'no detriment' approaches adopted.
- Using instant messaging services at partner centres to communicate with students as well as having a partner centre coordinator located overseas to provide a point of contact for students.
- Telephoning students to ask about their preferred method of communication and support.
- Providing a 24-hour IT helpdesk for online examinations.

Students often prefer a clear repository for information, accompanied by measures such as helpdesks or personalised communication from a designated tutor, rather than bulk emails. In addition, we heard a suggestion for providers to distribute 'welcome packs' to all students for each year of study which should be sent to home addresses or residences. The packs should include key information about study arrangements including the complaints and appeals processes.

Involving student representatives, such as student sabbatical officers, can be a valuable way of testing the user-friendliness of the processes. For some providers, student representatives themselves have a role in providing information and support for students who are considering making a complaint or lodging an appeal. In at least one university, students were engaged to help create the content of supporting material for the wider student body. Where students are fulfilling a supporting role, it is even more important that they have the information and support they need to advise their peers. Good practice from the sector includes working with the students' union advice service to ensure the advisers are aware of the changes to regulations and the policy decisions in place through the affected period. Advisers are able to seek clarification from university staff in order to provide appropriate and up-to-date advice to students.

Linked to engaging students in discussions on any changes to complaints and appeals processes, providers are taking care to highlight any changes to the timescales involved in resolving complaints and appeals, recognising this may be longer than usual due to the pandemic and its associated impacts.

Is there particular learning emerging from complaints and appeals practice this year?

As QAA's [Advice and Guidance: Concerns, Complaints and Appeals](#) indicates, learning from the experience of implementing complaints and appeals processes should serve to improve the student experience.

Institutional learning from this year's experience will be particularly important with the application of 'no detriment' (and related) policies which may continue to affect students continuing with their studies and/or may create precedents for future years.

Practice from the sector includes:

- establishing an institutional emergency regulations' working group to review the trend analysis of data, including the number of complaints and appeals, with the aim of informing future practice
- conducting a 'lessons learned' review at provider level to inform any process improvements or enhancements to be made in light of COVID-19
- undertaking early resolution training to ensure alignment with OIA good practice
- remitting an internal committee to consider future revisions to complaints and appeals procedures and practices based on learning from COVID-19, followed by delivering updated training to staff
- considering the outcomes from complaints and appeals as part of annual course review processes to determine whether any structural or procedural changes are required to improve complaints and appeals processes.

Practice will continue to evolve and QAA will seek to keep sharing approaches to benefit students studying across the sector.

Sources of further information

[COVID-19: Initial Guidance for Higher Education Providers on Standards and Quality](#) - Quality Assurance Agency

[Preserving Quality and Standards Through a Time of Rapid Change: UK Higher Education in 2020-21](#) - Quality Assurance Agency

[UK Quality Code for Higher Education](#) - Quality Assurance Agency

[Advice and Guidance: Concerns, Complaints and Appeals](#) - Quality Assurance Agency

[Good Practice Framework: handling complaints and academic appeals](#) - Office of the Independent Adjudicator

[Our approach to the coronavirus situation](#) - Office of the Independent Adjudicator

[OIA briefing note 2: Our approach to complaints arising from the effects of coronavirus \(COVID-19\)](#) - Office of the Independent Adjudicator

[Coronavirus - FAQ For Students](#) - Office of the Independent Adjudicator

[Guide for public service organisations: Complaints handling advice during COVID-19](#) - Scottish Public Services Ombudsman

[Model Complaints Handling Procedure](#) - Scottish Public Services Ombudsman

[COVID-19 dedicated webpage including FAQs](#) - Scottish Funding Council

[How will NIPSO deal with my complaint?](#) - Northern Ireland Public Services Ombudsman

[COVID-19 impact on higher education providers: information on consumer protection, student expectations and quality](#) - Higher Education Funding Council for Wales

[Student guide to coronavirus](#) - Office for Students

[Provider guide to coronavirus](#) - Office for Students

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