

## The internal complaints procedure for the Office for Students (OfS)

This document comprises two parts.

- Part one is the shorter explanation of our approach which is on the [OfS website](#).
- Part two includes more detail about our approach, including dealing with trivial, unreasonably persistent and vexatious complaints or complainants.

### Part one

## Complaints against the OfS

The following process is for complaints about:

- the service we provide
- our staff's behaviour
- whether we have followed the right procedures.

Our complaints procedure does not cover complaints about the merits of a decision or action by the OfS.

## How to make a complaint

- Contact us as soon as possible, normally within 90 calendar days of the event you are complaining about.
- You need to let us know:
  - what happened and when
  - how it has affected you
  - any relevant supporting evidence
  - what you would like us to do to sort things out
  - your contact details.
- You can email this information to [complaints@officeforstudents.org.uk](mailto:complaints@officeforstudents.org.uk) or write to:

Governance Team (Complaints)  
Office for Students  
Westward House  
Lime Kiln Close  
Stoke Gifford  
BRISTOL  
BS34 8SR

- We will not consider anonymous complaints unless we consider the evidence significant enough to warrant an investigation.

## What happens after you have complained

We will acknowledge your complaint within seven days. Our Governance Team will decide whether the complaint falls within the remit of our complaints procedure. If so, a member of staff who was not involved in the events leading to the complaint will review the case. The reviewer may discuss a complaint with anyone connected with it to establish any relevant facts.

We will write to you within 30 working days to let you know the outcome of this review. If we have got something wrong, we will explain what we are going to do to put it right. We will also let you know what to do if you are not satisfied with our response.

## If you are not satisfied with our response

If you are not satisfied with our response, we will ask you to write to our Head of Governance using the complaints email address asking for a second review. You should explain why you think that we have not considered the complaint properly. This should be done within 60 calendar days from the date of our written response. Our full complaints process below explains in more detail how we handle such cases.

Our complaints process follows, and is subject to, the [Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling](#).

### Part two

## Our standards for handling complaints

1. We commit to:
  - handling complaints fairly, effectively and courteously without prejudice
  - dealing with complaints promptly. Where we are not able to meet our timescales, we will let the complainant know and keep them informed of progress
  - giving full and clear reasons for our decisions
  - using the experience and knowledge we gain from dealing with complaints to improve the way the organisation operates

- acting fairly towards staff as well as complainants. This means ensuring members of staff know they have been complained about and, where appropriate, have an opportunity to respond
- feeding learning from complaints back into our systems to improve our performance.

## What kinds of complaint does this procedure deal with?

2. Complaints can be about matters such as:

- the standard of service we provide
- the behaviour of our staff
- whether we have followed the correct procedures in making a decision or taking an action.

For example, if a complainant feels that we:

- failed to follow our stated policies and practices in making a decision or taking an action
- took too long to do something
- didn't act or take a decision when we should have
- failed to consider all relevant issues in making a decision
- gave poor service.

3. People sometimes contact us to complain about things we are unable to help with, for example because they are outside of our legal remit, or because we have other procedures in place to deal with them.

Below is a list of cases where we may be **unable** to help:

- a. The complaints procedure set out here does not cover **complaints about the merits of a decision or action by the OfS**: dissatisfaction with a decision is not sufficient grounds to complain. As a public body, the OfS is entitled to make reasonable decisions within its legal powers. Where a complainant does not believe an OfS decision is reasonable or within our powers, they may contact the relevant senior officer at the OfS (or the Head of Governance) to raise the concern. (We have separate appeals processes in respect of our regulatory, funding and student number control allocation decisions which are set out in various published documents.)
- b. **We do not have a direct role in dealing with individual disputes between students and higher education providers**. However, we use the information sent to us as part of our regulatory monitoring activity and keep higher education providers under review to ensure that they comply with the ongoing conditions of registration.
- c. It is not normally appropriate for us to consider **complaints that have become the subject of legal proceedings** because of the risk of undermining those proceedings.

- d. We will not normally consider **complaints that are already being dealt with by another organisation**, although we may respond to requests to provide information, or otherwise contribute information to assist that other organisation.
  - e. Where a **complaint has already been resolved by us or is substantially similar to another complaint**, we will take into account our previous work in responding. This may mean we will not carry out another review of the same or similar issue.
4. If we have informed a complainant that we cannot consider a complaint for one of the reasons above, they may wish to revise and resubmit it. If we are unable to consider the revised complaint, we will let the complainant know.
  5. We won't accept repeated attempts to restate, revise or reintroduce a complaint (see section 'Trivial, vexatious and unreasonably persistent complaints' below, and Annex A).

## What happens when we receive a complaint?

6. We'll acknowledge receipt of the complaint within seven working days. Staff within the Governance Team handling complaints will decide whether the complaint falls within this complaints procedure (see section above, 'What kinds of complaint does this procedure deal with?'). If it doesn't, we will write to explain why, and where appropriate will suggest other organisations that might be able to deal with it.
  - If a complaint can be considered by the procedure set out here, the Governance Team will check that there is sufficient information for us to properly consider it. They may contact the complainant to clarify any issues and/or request further information and may ask a complainant to provide more evidence and resubmit their complaint. The additional evidence in such a case must be substantial and material to merit review.
  - Where a complaint falls within our complaints procedure a member of staff within the OfS Governance team handling complaints who was not involved in the events leading to the complaint will be asked to review the case. The reviewer may discuss a complaint with anyone connected with it to establish any relevant facts.
  - We will avoid taking a rigid, process-driven, 'one-size-fits-all' approach to complaint handling and ensure the response to an individual complaint is proportionate to the circumstances. This means taking into account the seriousness of the issues raised and the effect on the complainant. Normally our response to the complainant is the means of setting out any findings and conclusions. Only where it is proportionate to do so will we produce a formal review report of the evidence.
  - Separate arrangements are in place for complaints against the chief executive, board or committee members or the chair of the OfS: complaints concerning the conduct of the chief executive or any board or committee members will be logged and passed to the chair of the OfS for action. Complaints about the chair of the OfS will be referred to the Department of Education who will determine how to proceed.
  - The Governance Team will write to the complainant within 30 working days with the outcome of the review, setting out the OfS's response and the reasons for it. If a complaint is complex, or requires extensive investigation, we may not be able to meet the 30-day

deadline. If we can't, we'll write to the complainant to explain why, and tell them when they can expect a response.

7. If our review has determined that we got things wrong, we will:
  - accept responsibility
  - explain what went wrong and why
  - take steps to put things right
  - explain what to do if the complainant is not satisfied with our response.
8. The steps we take to put things right need to be appropriate to the circumstances. They might include reviewing or changing our processes or asking for the process complained about to be re-performed in whole or in part which may or may not result in a different decision being made.
9. When our review determines that we did not do anything wrong and a complaint is not upheld, we will:
  - explain how we reached our decision
  - explain what to do if the complainant is still not satisfied.

## **When a complainant is not satisfied with our response**

10. When a complainant is not satisfied with our response, we will ask them to write to the OfS's Head of Governance using the complaints email address asking for a second stage review of their complaint and our decision. They should explain why they think that we have not considered the complaint properly. This should be done within 60 calendar days from the date of our written response. We will acknowledge the request within seven calendar days.
11. When a complainant contacts the Head of Governance requesting a second stage review, they should explain why they think we have not adequately considered their complaint. For example, did we fail to consider evidence which they think should have affected our decision? It is not sufficient to say simply that they are dissatisfied with our decision.
12. The Head of Governance will look at the request. If they don't think it warrants a second stage review, they will let the complainant know within 30 working days, giving reasons for their decision. Their decision will be final.
13. If the Head of Governance thinks that a review is justified, they will do one of the following:
  - Commission someone with no previous involvement in the complaint, to review the complaint and the OfS's response.
  - For issues that the Head of Governance judges to be exceptional, they will convene a panel of people chaired by a non-executive OfS board member to carry out a second review of the complaint. The panel will include two other non-executive individuals drawn from the board or any of the board's committees. The chair of the panel will decide its membership. Depending on the outcome of its review and the significance of the issues arising, the panel

will have the authority to make recommendations or advise the OfS chief executive or the chair on further actions and may report on its work to the board.

14. The review (whether by an individual or by a panel) will look at how the decision on the complaint was arrived at the first time around – for example, whether there was a failure to properly consider the evidence, or to follow the procedures correctly. As a review of how the original investigation was carried out, it will not be possible to consider new evidence or whether the decision was correct.
15. On completion of the review, the Head of Governance will write to the complainant with the outcome, saying whether our original response still stands, or providing a revised response.
16. We will be clear with complainants when we have provided the final response to a complaint. At that stage, we will provide clear and accurate information about the next stage of the complaint process, so the complainant is clear about what to do next if they remain dissatisfied.
17. Once we have written to a complainant to let them know the outcome, we will not usually enter into any further correspondence with them about the complaint. We will advise them that if they remain dissatisfied, they may complain to the Parliamentary and Health Service Ombudsman.

### **Alternative dispute resolution procedure**

18. Before the first or second review of the complaint starts, either the complainant or the OfS may invite the other party to agree to some form of alternative dispute resolution procedure. If they and the OfS both agree to participate in one, this OfS complaints procedure will be suspended until that procedure is concluded. If a satisfactory resolution is achieved through this route, the complaint will be considered closed. If not, then the complaints procedure may be restarted at the point it was suspended.

### **Where a complainant is still not satisfied at the end of the OfS process**

19. Once we have advised a complainant that they have come to the end of our complaints process, if they remain dissatisfied, we will advise them they can complain to the Parliamentary and Health Service Ombudsman. **Complaints to the Ombudsman can only be made via an MP.** Contact details for the Ombudsman are shown below:

The Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
LONDON  
SW1P 4QP

Complaints helpline: 0345 015 4033

For more information, see [www.ombudsman.org.uk/](http://www.ombudsman.org.uk/)

Find your local MP at: House of Commons

Westminster  
LONDON  
SW1A 0AA

## Confidentiality

20. We will treat complaints in confidence and in accordance with the requirements of the Data Protection Act 1998, the General Data Protection Regulation (GDPR) and any subsequent data protection legislation, and the Freedom of Information Act 2000. Where a complaint concerns OfS staff, we will in most cases need to speak with them to establish any additional relevant facts.

## Trivial, vexatious and unreasonably persistent complaints

21. We are committed to dealing with all complaints fairly, fully and in a timely manner. Very occasionally, someone may make a complaint or behave in a way that takes up a disproportionate amount of time and resources, or adversely affects our ability to carry out our business. When this happens, we may need to restrict or discontinue contact with the complainant. This is likely to mean that we will not investigate their complaint, and even if we do, we may not report on it to them. More information on how we manage these sorts of situations is at Annex A. The judgement of what constitutes a trivial, vexatious and unreasonably persistent complaint lies with the OfS.

## Anonymous complaints

22. We will not consider anonymous complaints unless we believe the issues and evidence provided to be significant enough to warrant our own investigation of what happened.

## Recording complaints and learning lessons

23. We will keep records of the complaints we receive to make sure that we are dealing with them efficiently and effectively. We will use the knowledge and experience we gain from dealing with them to improve the way we operate.

## The OfS as a data controller

24. The OfS is a data controller for the purposes of data protection legislation. We hold and process data in accordance with the principles set out in data protection legislation.

### Summary of timescales for handling complaints

#### Original complainant:

- Should write to us as soon as possible after the event they are complaining about, and normally within 90 calendar days.
- We will acknowledge receipt of the complaint within seven calendar days.
- In most cases, we will respond within 30 working days.

#### Review of the OfS's response where the original complaint wasn't resolved:

- A complainant should request a review of our response to their complaint within 60 calendar days of the date of our response.
- We will acknowledge receipt of the request within seven calendar days.

- In most cases, we will respond within 60 working days after our acknowledgement of the request, but if we need to convene a panel, our response is likely to take longer.

We will make every effort to meet these timescales. However, if we can't reply to the complainant within them – for example, if a complaint is complex – we'll let them know and keep them informed of progress.

We may consider any related complaints sequentially. If so, the 30 working day response times will not apply until any earlier complaints have been decided.



# Annex A

## Trivial, unreasonably persistent or vexatious complaints

1. This annex describes how the Office for Students (OfS) deals with trivial, unreasonably persistent and vexatious complaints or complainants.

### Introduction

2. We do not view a complaint or a complainant as being vexatious or unreasonably persistent simply because he or she pursues a complaint in a forceful or determined manner. While we accept that complaints are usually made to us in good faith, our legal and other responsibilities as a public body may mean we are unable to investigate a complaint on grounds that it is unreasonable or not significant (i.e., it is relatively trivial). Complainants who make unreasonable, frequent or trivial complaints to the OfS and its staff may be regarded as vexatious or unreasonably persistent, in which case we will not investigate their complaint. The OfS may take the history and context of the complaint or the complainant into account in making its judgements under this section of its complaints procedure.

### What are trivial, vexatious or unreasonably persistent complainants?

3. While we cannot define every set of circumstances that would result in the OfS reasonably assessing an individual complaint as trivial or not relevant to us, we consider that such complaints include:
  - a. Matters that we judge as being clearly minor and/or immaterial in terms of their consequences, financial or other effect (including the public interest).
  - b. Matters that we judge are outside our legal responsibilities or where the case to link them to our legal responsibilities is particularly weak.
  - c. Matters that are so general and/or wide ranging in nature that it is not practical to deal with them through a complaints process.
  - d. Matters we assess as being futile, perhaps because they deal with something that has already been addressed.
  - e. Matters we assess as being frivolous, because they lack any serious purpose. This can include a 'fishing expedition' designed to elicit information from us in order to pursue a grievance.
  - f. A matter that has insufficient evidence to substantiate the assertions made by the complainant.
4. The OfS defines a **complaint** as vexatious or an unreasonably persistent complaint if it is, in the OfS's reasonable opinion:
  - a. Unfounded, unreasonable or trivial and is made with the intention of wasting the OfS's time and resources, or would have this effect, preventing the OfS from carrying out its business, or harassing the OfS and its staff, or is otherwise made in bad faith.

- b. Likely to cause a disproportionate or unjustified level of work, disruption, irritation or distress in seeking to deal with it, whether or not benefits may accrue from pursuing the complaint.
  - c. Where the complaint is indicative of a personal attack or personal grudge against a member of OfS staff or office holder, including where unfounded or unsubstantiated accusations are made against the OfS or its staff or office holders.
  - d. Of a 'scattergun' nature, such that it is not focused on a single or small number of connected issues, which would allow the OfS to pursue it.
5. The OfS defines a **complainant** as vexatious or unreasonably persistent if the person:
- a. Has been advised of the terms of the complaints procedure as outlined in this document but repeatedly and, in the OfS's reasonable opinion, fails to follow that procedure.
  - b. Refuses to accept a decision which has been reached in accordance with this complaints procedure or reasonably reached in line with the OfS's legal powers.
  - c. Is intransigent in taking an unreasonable and entrenched position, showing little willingness to engage with the OfS.
  - d. Is using the complaints procedure to express their anger at the OfS, or to annoy or harass the OfS by seeking explanations in respect of issues that the OfS has already explained.
  - e. Repeatedly contacts the OfS in relation to a complaint which has been dealt with fully in terms of this complaints procedure.
  - f. Repeatedly complains about the same or closely related issues or makes frequent or regular complaints about similar or different issues.
  - g. Repeatedly seeks to raise issues or present information in relation to an existing complaint which, in the OfS's reasonable opinion, are not relevant to the complaint.
  - h. Behaves in an abusive, aggressive or threatening way towards any member of the OfS's staff, including during any phone calls or in any written correspondence and is unwilling to alter their behaviour when reasonably asked to do so.

### **How we manage trivial, vexatious and unreasonably persistent complaints**

- 6. Vexatious and unreasonably persistent complainants are uncommon, but when they occur they can take up a disproportionate amount of time and resources. If the complainant's behaviour adversely affects our ability to carry out our business, we may well restrict or discontinue contact with the complainant. By restricting contact, we mean we may discontinue contact in some ways but not others, such as ending contact by phone or in person, letter or email or any combination of these. We will try to maintain at least one form of written contact until the complaint has been resolved or we decide to end contact.
- 7. If we have already carried out an investigation into a complaint and the OfS complaints procedure has been carried out fully, we reserve the right to refuse to enter into any further correspondence or discussion about the matter with the complainant.