

Information on Remedies and Redress as part of the Student Complaints & Resolution Procedure

The following FAQs should be read in conjunction with the [Student Complaints & Resolution Procedure](#).

What is the University's approach to remedying a student complaint that is found to be upheld or partly upheld?

The University's approach to remedying a student complaint which has been found to be upheld, or partly upheld is to provide practical remedies where appropriate which helps to resolve the issue complained about, and where possible returns the student to a position, academic or otherwise, to where they would have been if the issue in question had not taken place.

What can a student expect on completion of the investigation into their complaint?

An investigation into a student complaint (as outlined in the [Student Complaints & Resolution Procedure](#)), will not simply determine whether the complaint is upheld or not, but, where appropriate, will seek to recommend what needs to be done to resolve the matter. Where a student's complaint is upheld, any recommendations and offer of remedy or redress should happen at the earliest opportunity. This can happen, as appropriate, at any of the Levels of Complaint investigation (following consultation with the Academic Registrar or nominee).

In what circumstances can a student expect a payment as a result of a complaint that is found to be upheld or partly upheld?

Financial remedies are only considered where there is evidence of material financial harm or where other remedies are unavailable or inadequate to compensate the student for the circumstances upheld in the complaint.

What alternatives to a payment can a student expect in the event that their complaint is found to be upheld or partly upheld?

Examples of alternatives to financial remedies in addition to an apology include (but are not limited to):

- Consideration of new personal tutor or supervisor
- Allowing a student to take an assessment, module or modules again
- Forwarding the case for reconsideration by PEC Committee or Board of Examiners (taught)
- Forwarding the case for reconsideration by Annual Review Panel or Examiners (research)
- Reviewing a School/University policy or process
- offering an alternative teaching opportunity or service

How does the University decide when to offer a financial remedy in the event that a complaint is upheld or partly upheld?

A decision on any financial remedy will be part of the outcome of the complaint, on the basis of what the University considers to be appropriate, proportionate and reasonable given the findings of the complaint investigation or review.

The University will consider the findings and evidence of the complaint investigation or review under the following criteria:

- Direct material loss
- Loss of opportunity
- Distress and inconvenience
- Comparable awards

It will also examine the actions which have or have not been taken by either the student or the University to take reasonable steps to minimise or mitigate the impact of the issues identified in the complaint, and this will factor into the final decision.

If a student's complaint is upheld or partly upheld, in what circumstances can they expect to be compensated for direct material loss, such as expenses incurred?

Generally, the University will require students to submit documentary evidence of actual losses incurred, and a decision will be made for a remedy based on whether, on the balance of probabilities, those losses were materially due to actions of the University as determined in the complaint investigation.

If a student's complaint is upheld or partly upheld, in what circumstances can they be compensated for an indirect loss or a loss of opportunity?

Students would be expected to set out clearly, with evidence, where they have suffered a loss of opportunity or indirect loss. The University's offer to students is set out in a number of documents: terms and conditions, programme specifications, programme handbooks, regulations etc. Where students feel that an issue of complaint means that the University has not delivered on that offer, they can set out in their complaint those services or obligations not delivered, and the consideration of loss will take into account the severity of the failure to provide service and the likely impact of that upon a student based on the balance of probabilities and firm evidence, where it is available.

It is very difficult to quantify how an issue may have affected a student's broader programme of study. In its consideration the University may look at evidence such as academic performance elsewhere, or how and when issues have been raised through feedback or other sources to reach a decision on the balance of probability.

In what circumstances can a student whose complaint has been upheld or partly upheld expect a refund of their tuition fees?

A full or partial refund of tuition fees would only be considered where the investigation finds serious failings in teaching or supervision which would materially impact upon a student's performance and where it is not possible to remedy the situation via other means.

An assessment of this category should examine:

- What loss of opportunity is claimed, and would there have been a material difference to this were it not for the factors upheld in the complaint?
- What elements of service did the University not deliver, how serious were these failings or omissions in the context of the area complained about and the student's overall programme of study, and what material impact can be evidenced or surmised?
- What evidenced personal impact is there?

In what circumstances can a student whose complaint has been upheld or partly upheld expect a payment for distress and inconvenience?

A decision on whether to make a payment for distress and inconvenience may be decided upon in addition to or instead of other practical or financial remedies, and would normally only be made where an upheld complaint is determined to have had a significant impact on the student, and in particular where serious failings are identified. This consideration will also take into account the student's own conduct: for example, were delays in resolving a matter partly caused by the student, or whether the student has acted unreasonably in refusing or rejecting alternative solutions proposed by the University. The decision will consider:

- The extent of the inconvenience
- The severity of any distress, and whether any supporting evidence exists to document it
- Whether the student raised these issues at the time
- The period over which the problem occurred
- Whether there have been failures or delays by the University in dealing with the issue which were within its control.
- Whether the University had taken steps to address or reduce any distress or inconvenience
- Whether the handling of the case has created additional distress or inconvenience above that inherent in any complaint or appeal.

In making any award, the guidance provided by the [Office of the Independent Adjudicator \(OIA\)](#) will be taken into consideration. The OIA operate four bands, but do not in their guidance indicate explicitly *how* an individual case is placed in those bands. Where the distress is minor, or was put right quickly, then a payment at the lower end of the scale would be appropriate. If the distress was more serious, or was not put right as quickly as it could have been, the middle of the scale should be used. The higher end of the scale will only be used where there is evidence of severe distress or inconvenience caused.

Indicative bands for OIA distress and inconvenience awards – [OIA 'Putting things Right'](#)

Moderate Level - payment generally up to £500

Substantial Level - payment generally between £500 and £2,000

Severe Level - payment generally between £2,000 and £5,000

Where can I find further advice and guidance?

The [Student Complaints & Resolution Procedure](#) is available on our website and further advice and guidance on remedies and redress can be sought from the Student Progress Service:

Student Casework Team: Casework@ncl.ac.uk

You will also find further information on the [Office of the Independent Adjudicator's website](#).