

SROC 2013

University of Lincoln

Student Issues and Complaints

- If there's blame is there a claim?

Obligations owed under:

- Contract
- Common Law
- Statute
- Public Law – Natural Justice

Balancing act – Students and Staff

- Student Contract
- Terms – Express and Implied
- Incorporation
- Consumer – Fair and Reasonable

- Common Law – Duty of Care
- Duty owed to Students
- To take proper care (“Professional Standard”)
- Heightened duty owed to Vulnerable Students

- Duty of Care owed to students
- Has Duty been breached?
 - Consider causation
- Has Student suffered loss/damage as a result?
 - Mitigation
 - Liability in Negligence

- Equality Act 2010
- Human Rights Act 1998
- Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012)
- Data Protection and Freedom of Information Legislation

University/Student Relationship – Natural Justice 1

- Decision making by Public Bodies
- Duty to act fairly – Equality of arms
- Procedural and Substantive Fairness

Which means....

University/Student Relationship – Natural Justice 2

- Right to a fair hearing
- Unbiased hearing
- Opportunity to prepare and put case fully
- Impartial decision-maker
- Clear:
 - Procedures
 - Communication
 - Decision making

Why do Complaints arise?

- Breach of Promises – education or associated services, facilities
- Not meeting expectations
- Grumbles-----Litigation

Effective Handling of Complaints

- Fair, clear and practical procedures, properly drafted and publicised
- Staff and Student Awareness and Compliance
- Prompt and effective investigation and responses in spirit of co-operation


Understanding the Complaint

- Nature/Detail of Complaint
- Desired Outcome
- Balance competing interests
- Dialogue and Engagement
- BUT always remember:
- Document Management (Disclosure, Data Protection, FOIA, Evidence)
- Record Keeping, Audit/Justification Trails

Psychology

http://www.dailymotion.com/video/x4nzdu_test-your-awareness-do-the-test_school

The “F” Test



FINISHED FILES ARE THE RESULT
OF YEARS OF EFFECTIVE
SCIENTIFIC STUDY COMBINED WITH
THE EXPERIENCE OF YEARS....

Putting Yourself in the Complainant's Shoes

Birketts

Clear Legal Advice



Case Studies

<http://www.youtube.com/watch?v=b8lltkyYhLo>

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