

MANAGEMENT HEADER			
Department	Legal and Governance		
Author	Legal Services Manager		
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I have carried out <b>AND SUBMITTED</b> an <a href="#">Equality Impact Assessment</a> to help safeguard against discrimination and promote equality.			Yes
I have carried out <b>AND SUBMITTED</b> a <a href="#">Welsh Language Impact Assessment</a> to help protect the Welsh language and Welsh language provision within the University.			Yes

## EXTERNAL COMPLAINTS PROCEDURE

### 1. INTRODUCTION

- 1.1. Wrexham University welcomes constructive feedback on its activities, whether positive or negative, and always seeks to improve. We understand that from time-to-time people or organisations external to the University may feel that their expectations have not been met by the University, its staff or students.
- 1.2. This Procedure is intended to provide a mechanism to investigate, address and respond to external complaints effectively and efficiently and, where possible, to resolve external complaints informally. It is also to facilitate the University in learning from such occurrences when appropriate.
- 1.3. Please refer to Section 2 below in relation to the types of external complaints that are eligible for consideration under this Procedure.

### 2. SCOPE

- 2.1. This Procedure may be used by anyone external to the University that considers that they have been adversely affected or disadvantaged by the activities of the University, its staff or students. This person or organisation is referred to as the 'Complainant' within this Procedure.
- 2.2. However, the following types of complaints will not be dealt with under this Procedure:
  - (a) where the University is not involved with the matter to which the complaint refers;
  - (b) where the University is not in a position to take any action in response to the complaint;

- (c) where a complaint is made anonymously;
- (d) where a complaint is made by a third party on behalf of someone else, unless they have given their express consent for the complaint to be made on their behalf, and where this consent has been given directly to the University;
- (e) where an excessive amount of time has elapsed between the incident that gave rise to the complaint and the date on which the complaint is made;
- (f) complaints relating to matters which fall under the scope of the University's [Public Interest Disclosure \(Whistleblowing\) Policy and Procedure](#);
- (g) complaints which would be more appropriately addressed under another University policy or procedure, including but not limited to those made by:
  - (i) applicants for courses of study at the University (please refer instead to the [Applicant Complaints and Appeals Procedure](#));
  - (ii) current students of the University (or parents, guardians, relatives etc on behalf of a student where the student has consented for another party to act on their behalf) (please refer instead to the [Student Complaints Procedure](#));
  - (iii) former students of the University (or parents, guardians, relatives etc on behalf of a student where the student has consented for another party to act on their behalf) where their complaint relates to their student experience (please instead refer to the [Student Complaints Procedure](#));
  - (iv) individuals who have been candidates in employee recruitment and selection exercises (please refer instead to the Recruitment and Selection Policy); and/or
  - (v) patrons, customers, service users etc of third parties (e.g. Theatr Clwyd in relation to events held at the University's William Aston Hall or Active Child Care who are based on the University's Wrexham campus). Such complaints should instead be made directly to Theatr Clwyd.
- (h) where complaints are frivolous, vexatious or malicious (for example repeated or persistence complaints which are manifestly trivial or unfounded) or where the complaint is accompanied by abusive, defamatory, aggressive or threatening language or behaviour. In such cases, the University reserves the right to take further action (for example, legal steps) appropriate to such complaints;
- (i) where a complaint has been resolved but the Complainant is not prepared to accept the response from the University; and/or
- (j) complaints where there is a statutory or equivalent right to complain or appeal, for example, in relation to rights of access under the UK General Data Protection Regulation (UK GDPR), the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR), or the Office of the Independent Adjudicator for Higher Education (OIA).

### 3. RESPONSIBILITIES

As the executive sponsor of this Procedure, General Counsel and University Secretary will ensure its implementation and will provide an annual report to the Vice Chancellor's Executive Team on external complaints.

#### **4. PRINCIPLES**

- 4.1. In relation to processing complaints made under this Procedure, the University will:
- (a) treat all external complaints seriously and with respect and courtesy;
  - (b) consider complaints impartially and professionally within reasonable timeframes;
  - (c) make every effort to resolve complaints quickly where possible;
  - (d) give fair and full consideration of all complaints made in good faith;
  - (e) respect the privacy of individuals and obtain and disclose only the information necessary for the complaint to be processed;
  - (f) ensure that individuals are dealt with accordance with the University's values, the Equality Act 2010 and the Public Sector Equality Duty;
  - (g) learn from complaints, taking appropriate steps to improve services and to better support the wider community.
- 4.2. The University will use its best endeavours to ensure that any Complainant who complains about their treatment due to their protected characteristics is not disadvantaged by this Procedure.

#### **5. STAGE 1: INFORMAL COMPLAINTS**

- 5.1. Most complaints can be resolved quickly and simply through informal discussion and action.
- 5.2. Wherever possible and appropriate, the Complainant should contact the member of University staff most directly involved with the situation with a view to resolving the issues informally. This should be done within one month of the matter arising.
- 5.3. If the Complainant does not know who that member of staff is or does not have their contact details, an email can be sent to Legal Services via [compliance@wrexham.ac.uk](mailto:compliance@wrexham.ac.uk) or by telephone to 01978 293186.
- 5.4. The member of staff dealing with the informal complaint will attempt to take any appropriate and necessary action to resolve the issue.

#### **6. STAGE 2: FORMAL COMPLAINTS**

- 6.1. If the Complainant:
- (a) is not able to resolve the matter informally; or
  - (b) is dissatisfied with the outcome at the informal resolution stage;

a formal complaint should be sent to the University by completing the External Complaints Form and sending it to [compliance@wrexham.ac.uk](mailto:compliance@wrexham.ac.uk). Alternatively, formal complaints may be sent to Legal Services, Wrexham University, Plas Coch, Mold Road, Wrexham, LL11 2AW. Anyone who needs to make

a complaint in an alternative format should use the contact details in paragraph 5.3 above to discuss this.

6.2. A formal complaint must be sent to the University:

- (a) within one month of the situation or incident arising to which the Complainant is referring; or
- (b) if an informal complaint has already been made, within one month of the last date on which the Complainant had engaged with the University.

6.3. Where over one month has elapsed since the incident or situation about which the Complainant is referring, consideration will be given to any circumstances which have caused a delay in the complaint being made.

6.4. Delays in a complaint being made can mean that it will be more difficult for the University to investigate the matter where recollections are required, or records may no longer exist and so no complaints can be considered beyond six months after the incident or situation being complained about.

6.5. All formal complaints will be considered initially by Legal Services to determine whether they are valid and can be dealt with under this Procedure, or if not, how they should be dealt with.

6.6. If the complaint relates to a senior staff member, or a member of staff who would otherwise be likely to have involvement in the investigation or the resolution of any complaint, staff in Legal Services will ensure that an alternative member of staff who is independent of the matter of the complaint is identified to act in the appropriate capacity.

6.7. If the complaint relates to the behaviour of a member of staff or student, the matter will usually be referred for investigation under the relevant University staff or student conduct procedure.

6.8. In all other cases, an officer will be appointed to investigate the complaint (the 'Investigating Officer'). The Investigating Officer is responsible for determining the appropriate measures to investigate the complaint and recommending any actions to bring the matter to a satisfactory conclusion.

6.9. Where the complaint is due to the Complainant's treatment due to their protected characteristics (as defined by the Equality Act 2010), consideration will be given to identify a suitably experienced Investigating Officer.

6.10. A full written response to the Complainant will be sent to the Complainant within one month. Where this timescale cannot be achieved, for example because of staff unavailability due to holidays or sickness, or because the matter is complex, the Complainant will be advised of the revised timescale.

## **7. STAGE 3: REVIEW**

7.1. If the Complainant is dissatisfied with the initial outcome under Stage 2, the Complainant may request a Review conducted by a member of the University's Senior Leadership Team, referred to as the 'Reviewer'.

7.2. Where the original complaint is due to the Complainant's treatment due to their protected characteristics (as defined by the Equality Act 2010), consideration will be given to identifying a suitably qualified Reviewer.

- 7.3. The Reviewer will be senior to the member of staff who considered the complaint initially and will either confirm the original decision at the Formal Stage or substitute this for another outcome that they believe more appropriately addresses the matter.
- 7.4. In order to initiate a Review, the Complainant must complete an External Complaints Review Request Form within two weeks of the date of the letter, email, etc. advising the Complainant of the outcome of the Formal Complaint at Stage 3 and send it by email to [compliance@wrexham.ac.uk](mailto:compliance@wrexham.ac.uk). Alternatively, a request for a Review can be made in writing to Legal Services, Wrexham University, Plas Coch, Mold Road, Wrexham, LL11 2AE. Anyone who needs to request a Review in an alternative format should use the contact details in paragraph 5.3 above to discuss this.
- 7.5. The Complainant must make clear within the request for a Review why they are not satisfied with the outcome at Stage 2 specifying the grounds for the request. The grounds include:
- (a) lack of procedural fairness (e.g. bias, perceived bias or procedural irregularity/administrative error that materially disadvantaged the Complainant);
  - (b) new evidence or evidence that was not available at the time the initial decision was made at Stage 2;
  - (c) the initial decision at Stage 2 was manifestly unreasonable (a decision that no reasonable decision-maker would make).
- 7.6. In all cases, the onus is on the Complainant to demonstrate, through evidence, that they have a valid ground to request a Review.
- 7.7. The Legal Services Manager will establish whether the Complainant has demonstrated that a Review is justified. In cases where the Legal Services Manager has been involved with the case at an earlier stage (i.e. at Stage 1 and/or Stage 2), an alternative member of Senior Leadership Team will undertake the decision at paragraph 7.6.
- 7.8. The Review will aim to be completed and a full written response provided to the Complainant within a month of receipt of the request for the Review. Where this timescale cannot be achieved, for example because of staff unavailability or due to holidays or sickness, or because the matter is complex, the Complainant will be advised of the revised timescale.
- 7.9. The decision made at the completion of Stage 3 is final and there will be no further avenue of review by the University.

## **8. MONITORING AND REVIEW**

An annual report of all external complaints, outcomes and any associated recommendations will be provided to the University's Vice Chancellor's Executive Team.

## **9. RELATED POLICIES AND DOCUMENTS**

- 9.1. The following policies and documents sit alongside this Procedure:
- (a) [Public Interest Disclosure \(Whistleblowing\) Policy and Procedure](#)
  - (b) [Student Complaints Procedure](#)
  - (c) [Applicant Complaints and Appeals Procedure](#)
  - (d) [Staff Disciplinary Procedure](#)
  - (e) [Student Disciplinary Procedure](#)

