

**Changes to legislation:** Higher Education Act 2004, SCHEDULE 3 is up to date with all changes known to be in force on or before 14 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

Section 14

#### DUTIES OF DESIGNATED OPERATOR OF STUDENT COMPLAINTS SCHEME

##### *Introduction*

- 1 This Schedule sets out the duties referred to in section 14 and the period during which those duties must be complied with.

##### **Commencement Information**

- I1** Sch. 3 para. 1 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2  
**I2** Sch. 3 para. 1 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

##### *Provision of scheme*

- 2 The designated operator must provide a scheme for the review of qualifying complaints which meets all of the conditions set out in Schedule 2.

##### **Commencement Information**

- I3** Sch. 3 para. 2 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2  
**I4** Sch. 3 para. 2 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

##### *Publication of scheme*

- 3 The designated operator must publish the latest version of the scheme in such manner as it thinks fit.

##### **Commencement Information**

- I5** Sch. 3 para. 3 in force for E. at 1.11.2004 by S.I. 2004/2781, art. 2  
**I6** Sch. 3 para. 3 in force for W. at 1.12.2004 by S.I. 2004/3144, Sch. Pt. 1

##### *Changes to scheme*

- 4 The designated operator must not make any change to a provision of the scheme to which a condition set out in Schedule 2 relates unless the operator has first—
- consulted interested parties about the proposed change, and
  - notified the Secretary of State or the Assembly (as the case requires) of the proposed change.

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**Commencement Information**

- I7** Sch. 3 para. 4 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**  
**I8** Sch. 3 para. 4 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

*Compliance with scheme*

- 5 The designated operator must comply with any requirements that the scheme imposes on it.

**Commencement Information**

- I9** Sch. 3 para. 5 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**  
**I10** Sch. 3 para. 5 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

*Annual report*

- 6 (1) The designated operator must—
- (a) produce an annual report on the scheme and its operation, and
  - (b) publish the report in such manner as it thinks fit.
- (2) The report must include information about—
- (a) complaints referred under the scheme,
  - (b) the decisions and recommendations made by reviewers,
  - (c) the extent to which recommendations made by reviewers have been followed, and
  - (d) the way in which the operator has used the fees (if any) paid in connection with the scheme.

**Commencement Information**

- I11** Sch. 3 para. 6 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**  
**I12** Sch. 3 para. 6 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

*Review*

- 7 (1) This paragraph applies if the Secretary of State or the Assembly requests the designated body to—
- (a) conduct a review of the scheme or its operation (or any aspect of either of those matters), and
  - (b) report the results of the review to the Secretary of State or Assembly.
- (2) The designated body must comply with the request within such time as may be specified by the Secretary of State or the Assembly.
- (3) In conducting the review, the designated body must comply with any particular requirements imposed by the Secretary of State or the Assembly.

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**Commencement Information**

- I13** Sch. 3 para. 7 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**  
**I14** Sch. 3 para. 7 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

*Supply of information*

- 8 The designated operator must provide the Secretary of State or the Assembly with such information about itself, and the scheme and its operation, as the Secretary of State or the Assembly may reasonably require for the purposes of his or the Assembly's functions under Part 2 of this Act.

**Commencement Information**

- I15** Sch. 3 para. 8 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**  
**I16** Sch. 3 para. 8 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

*Period during which the designated operator must comply with duties*

- 9 (1) The duties set out in this Schedule apply from the relevant date and cease to apply only if the designation is terminated.
- (2) The "relevant date" means—
- (a) in relation to the duties set out in paragraphs 3, 4, 5 and 8, the date on which notice of designation is received in accordance with section 13(4)(a), and
  - (b) in relation to the duties set out in the other paragraphs, the effective date of the designation.

**Commencement Information**

- I17** Sch. 3 para. 9 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**  
**I18** Sch. 3 para. 9 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

*Duties to publish information: further provision*

- 10 Where by virtue of this Schedule the designated operator is under a duty to publish information, it must, in choosing the manner in which the information is to be published, have regard to the object of making that information available to interested parties.

**Commencement Information**

- I19** Sch. 3 para. 10 in force for E. at 1.11.2004 by S.I. 2004/2781, **art. 2**  
**I20** Sch. 3 para. 10 in force for W. at 1.12.2004 by S.I. 2004/3144, **Sch. Pt. 1**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(1) s. 11 renumbered as s. 11(1) by [2022 asc 1 s. 128\(2\)\(a\)](#)
- s. 11(1)(a) words substituted by [2022 asc 1 Sch. 4 para. 16\(2\)](#)
- s. 11(2)-(5) inserted by [2022 asc 1 s. 128\(2\)\(b\)](#)
- s. 12(2A) inserted by [2022 asc 1 s. 128\(3\)\(a\)](#)
- Sch. 2 para. 3(2)(d) inserted by [2023 c. 16 Sch. para. 19](#)