

---

**Changes to legislation:** Higher Education Act 2004, Cross Heading: Referral of qualifying complaints is up to date with all changes known to be in force on or before 12 May 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 2

#### CONDITIONS TO BE MET BY STUDENT COMPLAINTS SCHEME

##### *Referral of qualifying complaints*

- 3 (1) Condition B is that the scheme provides that every qualifying complaint made about the qualifying institutions to which it relates is capable of being referred under the scheme.
- (2) A scheme does not fail to meet condition B only because it contains some or all of the following—
- (a) provision that qualifying complaints are to be referred under the scheme within a time limit specified in, or determined in accordance with, the scheme;
  - (b) provision that, where a qualifying complaint is made about a qualifying institution which provides an internal procedure for the review of complaints, the complaint is not to be referred under the scheme until the complainant has exhausted the internal procedure;
  - (c) provision that a qualifying complaint is not to be referred under the scheme if—
    - (i) relevant proceedings have been concluded, or
    - (ii) relevant proceedings that have not been concluded have not been stayed.
- (3) In sub-paragraph (2)(c) “relevant proceedings” means proceedings relating to the subject matter of the qualifying complaint that have been brought at first instance before a court or tribunal.

---

#### **Commencement Information**

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

**Changes to legislation:**

Higher Education Act 2004, Cross Heading: Referral of qualifying complaints is up to date with all changes known to be in force on or before 12 May 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.

[View outstanding changes](#)

**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](#)