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**Changes to legislation:** Higher Education Act 2004, Paragraph 3 is up to date with all changes known to be in force on or before 20 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

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## 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.

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#### **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

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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](#)