

If the complaint is found to be substantiated in whole or part, the Investigating Officer will identify a course of action. This may include one or more of the following:

- a written apology;
- requiring the school or service to take steps to remedy any disadvantage suffered by the complainant;
- re-imbusement or waiver of fees or part of fees;
- financial compensation - this is an exceptional remedy, and the figure will not normally exceed £1,000.

If the Investigating Officer considers that any other action or remedy would be appropriate, they should first discuss this with the Secretary and Registrar or nominee.

2.4.8 Conclusion of the Formal Stage

The Investigating Officer will send the written outcome to the Complaints Manager. The Complaints Manager will send this to both complainant and respondent(s). The Complaints Manager will inform the complainant of the Appeal Stage of the procedure. This concludes the Formal Stage of the procedure.

2.5 Request for consideration at Appeal Stage

2.5.1 Appeal Stage

If a complainant (or group of complainants) is not satisfied with the outcome at the Formal Stage, he or she is entitled to request further consideration at the Appeal Stage. The Appeal Stage is not a re-hearing of the original complaint, and will not automatically be given. If they have not done so before, students seeking consideration at the Appeal Stage are advised to contact the Students' Union Advice Service for independent advice and support.

2.5.2 Submission seeking Appeal Stage

A student seeking consideration at the Appeal Stage should submit a request for this in writing, using the form provided by the university. This is available online at <http://www.leedsbeckett.ac.uk/complaints>. The request must be submitted within 10 working days of the date of the outcome letter at the Formal Stage.

2.5.3 Grounds for Appeal Stage

Appeals against outcomes at the Formal Stage may be sought on the following grounds only:

- (i) that there were procedural irregularities in the conduct of the Formal Stage which resulted in disadvantage to the complainant
- (ii) that, on the facts available at the Formal Stage, the decision and outcome were not reasonable.

Complainants are expected to explain how their Appeal Stage request meets one or both of the grounds.

2.5.4 Refusal of Appeal Stage

Requests for consideration at the Appeal Stage should be sent to the Complaints Manager. The Complaints Manager has the right to refuse the Appeal Stage where:

- (i) no *prima facie* case has been made out in respect of the grounds identified above; and/or

- (ii) the request for the Appeal Stage was submitted late.

The Complaints Manager will consider whether an Appeal Stage should be given. Where the Appeal Stage is refused, the Complaints Manager will write to the complainant setting out the reasons for the decision. The Complaints Manager will also issue the complainant with a Completion of Procedures letter. This concludes the process within the university.

2.6 Consideration at Appeal Stage

2.6.1 Appeal Officer

Where the Appeal Stage is agreed, the Complaints Manager will arrange for the matter to be considered by an Appeal Officer, who will be a member of staff of appropriate seniority in a different school or service area from that complained about, and will notify the student of this within 5 working days of receipt of the Appeal Stage form.

2.6.2 Form of Consideration

The form which consideration at Appeal Stage will take is at the discretion of the Appeal Officer. It will normally involve discussion with the complainant and discussion with any persons required to respond to the complaint (respondents), and/or any other relevant person. These discussions will normally be undertaken separately, and may be conducted by telephone. Both complainant and respondent(s) will be given at least 2 working days' notice of a face-to-face meeting with the Appeal Officer. Both may be accompanied or represented at this meeting, providing that this complies with the provisions of Section 3.2.

2.6.3 Exclusion of New Material or Complaints

The Appeal Stage will consider documentation already submitted and the outcome of the Formal Stage. New material will not normally be accepted at the Appeal Stage, however, at the discretion of the Appeal Officer the complaint may be referred back to the Formal Stage to enable such evidence to be considered. New complaints may not be included at the Appeal Stage.

2.6.4 Written Outcome

At the conclusion of the Appeal Stage, the Appeal Officer will provide a written outcome setting out the scope of the Appeal Stage and the reasons for the decision reached. The timescale for this will depend on the complexity of the matter in question. A complainant can normally expect to receive an outcome within 30 working days of submitting their request for the Appeal Stage. If this is exceeded, the Appeal Officer should notify the Complaints Manager of the reasons for the delay, and identify an expected completion date. The Complaints Manager will communicate these to the complainant.

2.6.5 Action on Upheld Appeals

If the appeal is upheld in part or whole the Appeal Officer will identify a course of action. This may include any of those available at the Formal Stage. If the Appeal Officer considers that any other action or remedy would be appropriate, this should first be discussed with the Secretary and Registrar or nominee.

2.6.6 Conclusion of the Student Complaints Procedure

The Appeal Officer will send the written outcome to the Complaints Manager. The Complaints Manager will send this to both complainant and respondent(s). The Complaints Manager will also issue the complainant with

a Completion of Procedures letter. This concludes the Student Complaints Procedure within the university.

2.7 External Review

2.7.1 Reference to the Office of the Independent Adjudicator for Higher Education

A student who is dissatisfied with the outcome of the Student Complaints Procedure, or a decision not to allow the Formal or Appeal Stage, may seek to have this considered by the Office of the Independent Adjudicator for Higher Education (OIA). This is done through the Completion of a Scheme Application Form, which may be obtained from the Complaints Manager, or the OIA at www.oiahe.org.uk. The Scheme Application Form must include a copy of the Completion of Procedures letter, and must be sent to the OIA within 12 months of the date of this letter¹.

2.7.2 Completion of Procedures letters

The Complaints Manager will issue Completion of Procedures letters only at the following points:

- (i) the Formal Stage has been refused
- (ii) the Appeal Stage has been refused
- (iii) the Appeal Stage has been completed.

SECTION THREE - Other Provisions

3.1 Advice

3.1.1 Students' Union

It is recommended that students considering lodging a complaint contact the Students' Union Advice Service for independent advice and support. They may do this for complaints at the Early Resolution Stage, and are strongly advised to do so if the complaint is at the Formal Stage.

3.1.2 Student Hubs

The Student Hubs can provide impartial advice about the operation of the Student Complaints Procedure. Individual case-work advice is not provided by the Student Hubs.

3.2 Right to Accompaniment/Representation

3.2.1 Students

A complainant is entitled to be accompanied or represented at all stages of this Complaints Procedure. The Students' Union may provide a representative or advisor. Students may also be accompanied by a fellow student, friend, or family member.

3.2.2 Staff

Employees against whom complaints are made may seek advice from a recognised trade union. They have the right to be represented/accompanied at all stages of this Complaints Procedure by a lay or full-time officer of a recognised trade union or a work colleague, friend or family member.

3.2.3 Professional Representation

Where a student or employee proposes to use and pay a professional advocate or legal adviser for representation, the prior approval of the

¹ In relation to Completion of Procedures Letters received after 9 July 2015

Secretary and Registrar must be obtained. The university will not pay for such representation. Where representation by a paid advocate or legal adviser is permitted, the university may instruct lawyers to act on its behalf in the matter. Representation here includes attendance and advocacy at meetings or hearings; support in preparing the case; and communicating with the university.

3.3 Mediation

3.3.1 What is Mediation?

Mediation may be of assistance in resolving complaints, especially where these involve inter-personal relations. Mediation is a structured process in which an experienced and impartial third party (the mediator) helps parties to reach a mutually acceptable resolution.

3.3.2 Mediation and the Student Complaints Process

Mediation is voluntary and can only proceed if both (or all) parties are willing to engage with it. It may be suggested by the university at any stage in the Complaints Procedure; and may be requested by the student or students lodging the complaint at any stage in the Complaints procedure.

Information on the university's mediation service is available online at <https://www.leedsbeckett.ac.uk/studenthub/mediation-service.htm>.

3.4 Protection against Reprisal or Unfavourable Treatment

Any student bringing a complaint in good faith must not be subjected to any form of reprisal or other unfavourable treatment. If a student considers that such retaliatory action has been taken, including in the assessment process, he or she should inform the Secretary and Registrar of the concerns as soon as possible. He or she may also wish to contact the Students' Union Advice Service for independent advice and support.

3.5 Reports and Documentation

3.5.1 Reports in the University

Anonymised schedules of complaints will be reported to the Corporate Management Team, Board of Governors and Academic Board for monitoring purposes.

3.5.2 Disclosure of Documentation

Any notes made during the Formal or Appeal Stages are exclusively for the benefit of the Investigating Officer or the Appeal Officer, and are not disclosable to either complainant or respondent(s). If they are used for the purpose of minuting a meeting, the minutes will be provided to the complainant and respondent(s).

3.6 Approval and Review

In accordance with the university's Articles of Government, the Complaints Procedure was approved by Academic Board on 06 July 2016 after consultation with the Students' Union and is effective from 01 August 2016. It will be reviewed within three years of the effective date.

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