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## STUDENT COMPLAINTS PROCEDURE

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## **STUDENT COMPLAINTS PROCEDURE**

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### **INTRODUCTION**

#### **Purpose of the Student Complaints Procedure**

Leeds Beckett University aims to provide educational and support services of the highest quality to its students. Our university acknowledges that at times its students may be dissatisfied with aspects of its provision. It recognises the right of students to raise complaints without any disadvantage; and undertakes to deal with them in a thorough, transparent and impartial manner. This procedure sets out how complaints can be raised, and how they will be addressed.

#### **Overview of the process**

Students are advised to seek immediate resolution of their complaints at the Early Resolution Stage. If this does not provide the required or expected outcome, or the matter is so serious that it cannot be addressed in this way, then a formal complaint may be made using the Formal Stage. If the outcome of this is not satisfactory, a complainant may seek further consideration at the Appeal Stage.

#### **Roles in the process**

The following have key roles in the process:

- Secretary and Registrar – has ultimate responsibility for the Student Complaints Procedure. Management of the procedure is delegated to a senior officer authorised by the Secretary and Registrar.
- Complaints Manager – a member of staff from the Governance and Legal Services team, the Complaints Manager is the main point of contact and coordinates the process, provides advice and liaises with complainants, Investigating Officers and Appeal Officers. The Complaints Manager also issues outcomes to complainants.
- Investigating Officer – a senior member of University staff with no prior involvement in the matters complained of who will investigate complaints at the Formal Stage.
- Appeal Officer – a senior member of staff from outside the School or Service Area complained about who will consider an Appeal Stage complaint to determine whether the outcome at the Formal Stage was reasonable.
- Complainant – the individual making the complaint.
- Respondent – an individual who is the subject of a complaint.
- Office of the Independent Adjudicator for Higher Education (OIA) - an independent body that reviews complaints when they have exhausted the University's processes.

#### **Principles**

Our university will:

- be respectful and courteous at all times;
- treat complaints with the seriousness they deserve;
- deal with complaints promptly and in accordance with this procedure;
- ensure that complainants will not be disadvantaged as a result of making a complaint in good faith;
- handle complaints in confidence and only disclose information to witnesses and/or other parties to a complaint as necessary to investigate and resolve the complaint properly;
- answer all aspects of a complaint and ensure that the response is clear;
- make reasonable adjustments to this complaints process and procedure for individual complainants in accordance with its duties under the Equality Act 2010.

Complainants are expected to:

- remain respectful and courteous at all times throughout the process - whilst we recognise that complainants may be anxious or upset, aggressive, threatening or offensive behaviour may result in action being taken under the Student Code of Discipline;
- provide a full explanation of their complaint in a timely fashion;
- inform the university of any disability which may necessitate reasonable adjustments to be made to the complaints process or procedure in accordance with the provisions of the Equality Act 2010.

## **SECTION ONE - Scope of the Procedure**

### **1.1 Complaints**

A complaint refers to an act or omission on the part of the university that is considered to be unsatisfactory or deficient by a student or group of students. Examples of deficiencies are given below. The key element in using this procedure is that the complainant is seeking a remedy or (more rarely) recompense. This is distinct from where a student considers that something might be improved, in which case the channels identified below under “Feedback and Suggestions” should be used.

Examples of matters which might be raised through this procedure are:

- Perceived deficiencies in academic provision (e.g. scheduling of classes; amended submission dates; submission procedures for assessed work; provision of feedback)
- Perceived deficiencies in the standard of academic provision (e.g. quality of lectures; quantity of supervision; inconsistent advice)
- Perceived mismatch between the programme of study as advertised, and that actually delivered (e.g. professional-body accreditation)
- Perceived deficiencies in service provision (e.g. standard of teaching rooms or laboratories; availability of required reading; quality of university catering)
- Allegations of personal detriment or harm (e.g. harassment, bullying, or victimisation). Allegations of violence may be raised through this procedure, although it is preferable to refer these directly to the Police if they are serious
- Complaints about placements. Students who wish to raise a concern about their experience on placement should bring the matter to the attention of their placement tutor or course leader in the first instance for consideration at the Early Resolution Stage of the process. If the student remains dissatisfied with the outcome, or the matter is considered to be too serious for this stage to be effective, they should submit a formal complaint. Complaints about matters that fall within the jurisdiction of the placement organisation will require consultation with that organisation, which may extend the timescale for completion of the complaint investigation.

### **1.2 Excluded Matters**

The procedure does not apply to the following:

- Academic Appeals. Appeals against the decision of a Board of Examiners or School Academic Committee are considered through Section 2.8 of the university academic regulations.

- Findings of Unfair Practice. The process has its own review and appeal stage.
- Admissions. Complaints regarding the admissions processes and decisions are subject to a separate complaints procedure.
- The Students' Union, which has its own complaints procedure
- Complaints against other students may be lodged through this process, but, if appropriate, will be progressed through the Student Code of Discipline. Similarly, complaints against members of staff will, if appropriate, be progressed through the Staff Disciplinary Procedure.
- Complaints from students at partner institutions which will, as appropriate, be referred back to the partner for consideration under its procedures.

### **1.3 Feedback and Suggestions**

We welcome feedback and suggestions from students, and find it highly valuable to help us make ongoing improvements in our provision.

- Suggestions about the academic content or delivery of a course can be made directly to the course or level leader. They can also be raised through the student representation system.
- Comments and suggestions about a service should be made in writing to the head of the service in question.

### **1.4 Who can complain?**

#### **1.4.1 Complaints which can be accepted**

Complaints can be accepted from:

- Current registered students, or groups of students
- Students recently registered with the university (see para. 1.5.4 below)

Where complaints are made by groups of students, all students must sign the complaint. It is often useful in such circumstances to nominate one or two students to progress the complaint on behalf of the group.

#### **1.4.2 Complaints which cannot be accepted**

Complaints will not be accepted:

- From parents or other third parties (unless expressly authorized to act on behalf of the complainant);
- Where the complaint is made anonymously.

### **1.5 Timescales for raising complaints**

Complaints should be raised as soon as practicable. The earlier matters are raised, the easier resolution tends to be. There is considerable flexibility for submissions to the Early Resolution Stage. Under the Formal Process timescales are strictly defined and consideration of the matter may be refused if they are not adhered to.

#### **1.5.1 Early Resolution Stage**

Complaints should be raised within 10 working days of the last act or omission. However, it is recognised that the nature of such complaints can vary widely, and they can be accepted up to one calendar month after the last act or omission.

#### **1.5.2 Formal Stage**

Students wishing to invoke the formal procedure are required to lodge their complaint within 10 working days of the end of the Early Resolution Stage or within 10 working days of the act or omission complained of, or its latest incidence, if the Formal Stage is invoked directly.

### 1.5.3 Appeal Stage.

Students requesting consideration at the Appeal Stage are required to submit their request within 10 working days of receiving the outcome from the Formal Stage.

### 1.5.4 Former students

Former students may complain within a reasonable timescale. Normally this will be within 2 calendar months of their leaving the university. Any complaint submitted beyond this period will be allowed only at the discretion of the Secretary and Registrar or nominee.

## **SECTION TWO - The Complaints Procedure**

### **2.1 Early Resolution Stage**

#### 2.1.1 Objective

The objective of this stage of the procedure is to try to produce an acceptable resolution in a timely manner, and avoid the issue escalating or festering. Most complaints are resolved at this stage.

#### 2.1.2 Timescales for raising issues

Early notification of a complaint with the relevant person is normally the best way to achieve a speedy resolution of the problem. Students should raise a complaint with the member of staff most directly concerned with the matter, or the person who can best resolve it. For the best chance of resolution, it is expected that this will be done within 10 working days of the act or omission, but complaints may be raised within one calendar month. Notification can be either orally or in writing. Normally a discussion will then take place between the parties (though this may not be practicable for distance-learners, in which case other appropriate means will be found). It is hoped that the matter can be resolved at this point.

#### 2.1.3 Recording

Schools and service areas will maintain a log of all complaints considered at the Early Resolution Stage.

#### 2.1.4 Outcomes and their timing

Prompt action on the part of university staff is expected. While no precise timescales are prescribed, the expectation is that consideration of the complaint will be concluded within two weeks of its being raised. If no progress is apparently being made by the end of this period, or the suggested resolution is considered unsatisfactory, the student or group of students are entitled to progress the matter through the Formal Stage.

### **2.2 Overview of Formal Stage, Appeal Stage, and External Review**

Where a complaint has not been resolved through discussion with the person concerned, or where the matter is considered too serious for this stage to be effective, a student should use the formal procedure.

The formal procedure means that the complaint must be put in writing. It will be investigated at a senior level in the school or service area, and a written outcome will be given to the complainant.

Where no attempt has been made at early resolution, the complainant must explain why. The Complaints Manager (see below) may refer the matter for first consideration at the Early Resolution Stage.

If the outcome of the formal stage is not acceptable to the complainant, further consideration may be possible at the Appeal Stage. An appeal will be considered at a senior level outside the school or service area, and a written outcome will be given to the complainant.

This concludes consideration of the matter within the University. If the complainant is dissatisfied, he or she may refer the matter to the Office of the Independent Adjudicator for Higher Education, an external independent body.

## **2.3 Submission at Formal Stage**

### **2.3.1 Submission of Complaint**

A student wishing a complaint to be considered at the Formal Stage should submit the matter in writing. A form is provided for this purpose by the University and is available online at <http://www.leedsbeckett.ac.uk/complaints>. Before submitting a formal complaint, students are advised to contact the Students' Union Advice Service for independent advice and support.

[Note, the form will ask for personal details, identification of the complaint, any evidence or information, suggested remedy, summary of the early resolution stage and why it failed or the outcome was unsatisfactory, optional consent to share data with Students' Union Advice Service]

### **2.3.2 Receipt and Acknowledgement**

The complaint must be submitted to the Complaints Manager in the Secretary and Registrar's Office. This must be done within 10 working days of the outcome or failure of the early resolution stage, or within 10 working days of the act or omission complained of, or its latest incidence. The Complaints Manager will acknowledge receipt of the complaint, and inform the complainant how the matter will be taken forward, within 5 working days of receipt.

### **2.3.3 Reference to Early Resolution Stage**

If the early resolution stage has not been undertaken, and the Complaints Manager considers that it should have been entered into, the complaint will be referred to this stage. Complaints which are not the subject of this procedure will be returned to the complainant with notification of the procedure which should be followed.

### **2.3.4 Refusal of the Formal Stage**

A complaint submitted outside this timescale should include an explanation of why it is late or why an adjustment to the time scales is justified. It is at the discretion of the Complaints Manager whether late-submitted complaints will be accepted. Complaints submitted with no supporting evidence, and/or deemed to be malicious, vexatious or frivolous may be rejected at the discretion of the Complaints Manager and/or the Secretary and Registrar. Where the Formal 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 (which is required before a complaint can be lodged with the Office of

the Independent Adjudicator for Higher Education – see section 2.7 below). This concludes the process within the University.

## **2.4 Consideration at Formal Stage**

### **2.4.1 Investigating Officer**

The Complaints Manager will arrange for the matter to be considered by an Investigating Officer, who will be a member of staff of appropriate seniority, normally from the school or service area in question.

### **2.4.2 Form of Investigation**

The form the investigation will take is at the discretion of the Investigating 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. The investigation may also involve the consideration of documentary evidence. Any documentary evidence supplied by either the complainant or the respondent(s) will normally be provided to both parties, unless the Investigating Officer considers that a good case for confidentiality has been made by either side.

### **2.4.3 Face-to-face meetings**

Both complainant and respondent(s) will be given at least 2 working days' notice of a meeting with the Investigating Officer. Both may be accompanied or represented at this meeting, providing that this complies with the provisions of Section 3.2.

### **2.4.4 Student or Staff Disciplinary Procedures**

If during the course of the investigation the Investigating Officer considers it appropriate, the matter may be referred for consideration under the Student Code of Discipline or the Staff Disciplinary Procedure. In such a case, the complaint procedure is normally suspended until the outcome of the disciplinary proceedings, since these may affect the outcome and/or remedy of the complaint. The complainant will be notified of this in writing.

### **2.4.5 Malicious or Vexatious Complaints**

If during the course of the investigation the Investigating Officer considers that the complaint is vexatious or malicious, the student making the complaint may be referred to the Secretary and Registrar for consideration under the Student Code of Discipline. In such a case, the complaints procedure is suspended until the outcome of disciplinary proceedings is known. The complainant and respondent(s) will be notified of this in writing.

### **2.4.6 Written Outcome**

At the conclusion of the investigation, the Investigating Officer will provide a written outcome setting out the scope of the investigation and the reasons for the decision. The timescale for this will depend on the complexity of the matter in question. A complainant can normally expect to receive the outcome within 30 working days of submitting the complaint. If this is exceeded, the Investigating 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.

### **2.4.7 Action on Substantiated Complaints**



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](http://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 letter<sup>1</sup>.

### **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

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<sup>1</sup> 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.

End