

Higher Education Complaints Policy March 2024

APPROVED BY (SELT) ON (June 2024)

Applies to:	
Harrogate College	
Keighley College	
Leeds City College	
Leeds Conservatoire	X
Leeds Sixth Form College / Pudsey Sixth Form College	
Luminate Group Services	
University Centre Leeds	X

CHANGE CONTROL

Version:	4	
Approval route		
Approval committee (ELT, SELT, Board)	Date approved	Version
HoDs University Centre Leeds	June 2024	4
HoDs Leeds Conservatoire	June 2024	4
HE Academic Board University Centre Leeds	May 2024	4
HE Academic Board Leeds Conservatoire	June 2024	4
SELT	June 2024	4
Name of author:	HE Quality	
Name of responsible committee:	HE Quality	
Related policies: (list)	HE Complaints Process Complaints Process Flowchart Student Code of Conduct Student Code of Conduct and Disciplinary Policy Harassment, Violence and Sexual Misconduct Policy Student Protection Plan Disciplinary Policy and Procedure (Staff) Admissions Policy and Procedure Refunds and Compensation Policy (HE) for Higher Education students and the Short Courses Refund Policy for students on Short Courses HE Tuition Fees and Academic related charges policy	
Equality impact assessment completed	Date:	

	Assessment type ☐ Full ☐ Part ☒ Not required	
Environmental Impact Assessment Completed	Date:	
	☐ Yes ☐ No ☒ Not required	
Policy will be communicated via:	VLE	
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Contents

1. POLICY STATEMENT	5
2. POLICY AIMS/OBJECTIVES	5
DEFINITION OF COMPLAINT	5
16. DETAILS OF POLICY	9
REVIEW	11

1. POLICY STATEMENT

For the purposes of this Complaints Policy University Centre Leeds and Leeds Conservatoire will be known as the 'Provider'.

- 1.1 This policy applies to complaints made in relation to the Provider and seeks to uphold the principles of fairness, consistency, equity and equal opportunities.
- 1.2 Its purpose is to ensure that complaints are dealt with fairly, efficiently, in a timely manner and in accordance with the precepts set out in the Quality Assurance Agency UK revised Quality Code for Higher Education: Concerns, Complaints and Appeals and has been produced in accordance with the Office of the Independent Adjudicator (OIA) Good Practice Framework for Handling Complaints and Academic Appeals (December 2022).

2. POLICY AIMS/OBJECTIVES

- 2.1 It is in the context of a concern or a complaint that this policy applies. Whilst committed to monitoring and evaluating standards of education and wider services, students and stakeholders should remember that the Provider sometimes has to make difficult decisions that are in the best interests of a complex provision of wider services. This policy is a further means by which the Provider can improve its procedures and practices. An important part of the outcome of every formal complaint, whether it is upheld or not, is the action taken to prevent the recurrence of the complaint in the future.

3. DEFINITION OF COMPLAINT

- 3.1 For the purpose of this policy, a complaint is an expression of dissatisfaction by one or more complainants about the Provider's' action or lack of action, or about the standard of service provided by or on behalf of the Provider

- 3.2 Complaints **can** be made using this procedure for:

- Concerns about the information provided by the Provider
- Concerns about the delivery of a programme
- Concerns about the administration of a programme
- Concerns about the standard of, or access to, facilities or services provided the Provider
- Concerns about the conduct of a member of staff
- Concerns about the implementation of the Student Protection Plan.

- 3.3 Complaints **cannot** be made using this procedure for:

- Concerns about the decision made by an academic body regarding student assessment, progression or award, please see the Academic Appeals Policy
- Concerns about the Student Loan Company, which has its own procedures

- 3.4 Freedom of Speech

- The Provider will follow official guidance provided by the Office for Students (OfS) and other regulatory bodies when dealing with complaints and in the application of this policy and procedure.

4. WHO CAN MAKE A COMPLAINT?

4.1 Complaints can be made by:

- Registered students at the Provider
- Students who have graduated/completed their course
- Students who have withdrawn/been withdrawn from their course
- Students who have suspended their studies temporarily
- Third parties
- More details are provided later in this document

4.2 Complaints must usually be made within 3 months of the date on which the event complained about occurred, or on which the complainant could reasonably be expected to have known about the matter. The provider recognises this may not be possible in every case.

5. COMPLAINTS RELATING TO STAFF CONDUCT

5.1 Complaints relating to staff conduct can be made using this procedure. Should a complaint relating to staff conduct escalate to Stage 2 of this procedure, the complaint will be investigated under the Disciplinary Policy and Procedure (Staff).

5.2 All Stage 1 complaints and outcomes relating to staff conduct will be reported to the Organisational Development and Human Resources department (HR). HR may still decide to take further action under the Disciplinary Policy and Procedure (Staff) in the absence of escalation to Stage 2 of the Complaints Policy by the complainant. The complainant may be invited to meet with the relevant investigator under the Disciplinary Policy and Procedure (Staff) where appropriate.

5.3 Where a complaint relates to concerns in addition to staff conduct, these concerns will be investigated and dealt with separately under the relevant procedures. This will be made clear to the complainant.

5.4 Specific details of the outcome of staff disciplinary investigations cannot always be shared with complainants. There may be outcomes, including recommended training and disciplinary sanctions that would not be appropriate to share with the complainant. Complainants will be informed that their complaint has been dealt with in accordance with procedures at the conclusion of the investigation.

6. COMPLAINTS RELATING TO STUDENT CONDUCT

6.1 Complaints relating to student conduct cannot be made using this procedure. They should instead be made using:

- [Student Code of Conduct](#) and
- [Student Code of Conduct and Disciplinary Policy 2024](#).

7. COMPLAINTS RELATING TO HARASSMENT, VIOLENCE, SEXUAL MISCONDUCT AND BULLYING

2.1 The Provider is committed to creating a learning environment free from harassment, bullying and discrimination in which all students are treated with dignity and respect. This right is

enshrined in the Student Charter and Student Code of Conduct and supported by the Providers commitment to the elimination of discrimination on the grounds of

- Age;
- Disability (physical or mental);
- Gender;
- Gender reassignment;
- Marriage and Civil Partnership
- Race (including ethnic and national origins, colour and nationality);
- Religion or belief (including lack of belief);
- Sex (including sexual harassment);
- Sexual orientation.

7.2 Harassment related to the above characteristics is unlawful under the Equality Act 2010. Protection from harassment is also provided by the Protection from Harassment Act 1997.

7.3 Harassment and bullying can take a variety of different forms, ranging from repeatedly ignoring someone or subjecting them to unwanted attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Behaviour that may appear trivial as a single incident may constitute harassment or bullying when repeated, or in the context of a staff/student relationship.

- **Examples of harassment:**

- Violence or threat of violence;
- Unwanted physical contact, sexual advances or innuendo;
- Verbal abuse, including threats, derogatory name calling, insults, ridicule or belittling of an individual;
- Using humour to put another person or group of people down, for example, telling jokes that are sexist, racist or about an individual's sexual orientation;
- Spreading malicious lies or making insulting comments;
- Display or circulation of abusive or offensive materials, for example by email or any form of social media;
- Sending offensive text messages;
- Exclusion from normal conversation in the study environment, or from social events;
- Intrusion by pestering, spying or stalking;
- Coercion, such as pressure to subscribe to a particular political or religious belief.

- **Examples of bullying:**

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding;
- Preventing an individual progressing by intentionally blocking opportunities, unjustifiably restricting choice of study options or access to tuition or facilities;
- Unreasonable allocation of work and responsibilities or setting unreasonable goals or targets;
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private.

7.4 It is important to note that behaviour may be harassment even if that was **not the intention**.

7.5 It should be noted that the nature of one-to-one lessons can lead to them feeling more personal than other types of lessons, for both the staff member and the student.

7.6 Formal allegations of harassment or bullying by staff members should be made via the Staff Complaints Policy.

7.7 Formal allegations of harassment, violence, sexual misconduct or bullying by students should be made via:

- [Harassment, Violence and Sexual Misconduct Policy](#) and
- [Student Code of Conduct and Disciplinary Policy](#).

7.8 No complainant will be disadvantaged or discriminated against as a result of making a complaint allegation of such disadvantage or discrimination are grounds for complaint.

8. COMPLAINTS RELATING TO THE ADMISSIONS PROCESS

A request to review a selection decision should be made via the General Appeals Policy.

8.1 Complaints about an application for admission cannot be escalated beyond Stage 3 of this procedure unless the complainant is a former higher education student of the Provider who is applying for re-admission, and the complaint is directly connected to their time as a student.

9. ACADEMIC APPEALS

9.1 Academic Appeals do not fall within the scope of this procedure. Academic Appeals should be pursued through the **Academic Appeals Policy and Procedure**

10. SAFEGUARDING

10.1 Safeguarding does not fall within the scope of this procedure. Safeguarding issues should be pursued through the **Safeguarding Policy and Procedure**.

11. GROUP COMPLAINTS

11.1 If an issue has affected a group of individuals, the group may submit a complaint as a 'group complaint'. It is expected that the group will nominate one individual to act as a group representative. It is the responsibility of the representative to liaise with the other complainants. Unless stated otherwise, a group complaint will be handled in the same way as a complaint brought by an individual.

12. COMPLAINTS BY PARENTS OR CARERS

12.1 A parent or carer may make a complaint on behalf of an individual. provided the individual has given written confirmation that they consent to a complaint. or where the student in question is deemed unable to make a complaint due to either health concerns or "not legally in right mind/not alive".

12.2 Only information relating to the complaint will be shared with the parent or carer and any other information about the individual will remain confidential.

13. ANONYMOUS COMPLAINTS

13.1 While complainants have the right to make a complaint anonymously, anonymous complaints may make it more difficult to investigate a complaint fully and communicate the outcome. The Provider would encourage formal complaints where possible.

14. VEXATIOUS OR MALICIOUS COMPLAINTS

14.1 The Provider is under no obligation to consider any vexatious or malicious complaints. Examples of vexatious or malicious complaints include:

- Complaints which are obsessive, harassing, or repetitive
- Insistence on pursuing unreasonable complaints and/or unrealistic, unreasonable outcomes
- Insistence on pursuing reasonable complaints but in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose or value.

14.2 The member of staff investigating the complaint at Stage 1 of the Complaints Policy will be responsible for determining whether a complaint is vexatious or malicious. Complainants will be informed in writing **within 20 working days** of the complaint having been received. Complainants will have the opportunity to appeal this decision by writing to the Quality team **within 10 working days** of this decision being communicated.

15. REFUNDS AND COMPENSATION

15.1 Refunds and compensation will not always be the most appropriate response to complaints, and it is unlikely that most issues will be resolved in this way. A complainant may request a refund or compensation as the desired outcome of their complaint if they feel this is an appropriate remedy.

15.2 Decisions on refunds and compensation for students will be made in accordance with the Refunds and Compensation Policy (HE) for Higher Education students and the Short Courses Refund Policy for students on Short Courses.

15.3 Tuition fee refunds for Higher Education students that relate to early withdrawals, suspensions or transfers to other providers for reasons unrelated to the implementation of the Provider's Student Protection Plan, will be handled in accordance with the HE Tuition Fees and Academic related charges policy.

16. DETAILS OF POLICY

Policy	Higher Education Complaints Policy	Quality Code Ref
Complaints	This policy deals with situations relating to concerns and complaints raised by the following groups: • Prospective students; • Current students; • Recent students;	Expectations for Quality Core Practice Guiding Principles

	• Parents; • Employers (in such cases where students' employers are funding their education); • Employers (in such cases where students are engaging in work-related learning); • Other stakeholders. This policy does not cover: • Academic Appeals • General Appeals Each of the above are covered by separate Policies and associated Procedures. Complaints could include: • Failure by the Provider to meet obligations including those outlined in course/module handbooks or the student charter; • Misleading or incorrect information in prospectuses or promotional material and other information provided by the Provider • Concerns about the delivery of a programme, teaching or administration; • Poor quality of facilities, learning resources or services provided directly by the Provider • Complaints involving other organisations providing a service on behalf of the Provider (Adapted from the OIA Good Practice Framework 2022) The Provider operates a staged Complaints Process through which it aims to resolve concerns as quickly as possible. All concerns or complaints should be handled by staff in an open, professional and courteous manner. Please see the Complaints Procedure for full details.	3
Impartiality	No person shall be permitted to take part in the decision-making process regarding a complaint where they have an interest through being a member of the same academic department in which the complainant is registered. Any person who may be involved in the making of a decision regarding a complaint shall be required to declare an interest where they have any other material connection with the complainant and shall thereby be disqualified from being involved in the making of the	Expectations for Quality Core Practice Guiding Principles 6, 7

	decision.	
Complaints Process	The process to be followed in the case of a complaint is fully outlined in the HE Complaints Process Information relating to this process is included in the Student Handbook which is available via the VLE HE Complaints Process	Expectations for Quality Core Practice Guiding Principles All
Members of Students Union	To provide Student Services / Union with updates of policy and process changes	
Independent Review	If a student disagrees with the outcome of a complaint and has exhausted this system, they are entitled to access the Office of the Independent Adjudicator (OIA): https://www.oiahe.org.uk/ Students on OU Validated programmes can complain to the OU once internal procedures are exhausted.	
Staff Development and Training	All staff associated with the handling of complaints appeals will be given appropriate training and development to meet the requirements of the Quality Assurance Agency Quality Code and OIA Good Practice Framework for Handling Complaints and Academic Appeals.	
Equality and Diversity Statement	This policy will be implemented in accordance with the Equality, Diversity and Inclusion Policy and with consideration of public information guidelines set out by awarding bodies and where appropriate, the QAA Quality Code and OIA Good Practice Framework for Handling Complaints and Academic Appeals.	Expectations for Quality Core Practice Guiding Principles 2
Review and Evaluation	A report of all Complaints will be included in the Annual Review. The Complaints Process will be reviewed on an annual basis to ensure that it is current, fit for purpose and accessible to students.	Expectations for Quality Common Practice Guiding Principles 1

REVIEW

Owner: HE Registry

Introduced:

Last review: March 2024

Next Review: March 2025

The Provider reserves the right to review the policy at any time.

Change Summary		
Version	Date	Summary of Changes