

Students Complaints

POLICY

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ORYX UNIVERSAL COLLEGE |

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Summary: General Principles and Information

- 1.1. OUC is committed to providing an environment that is conducive to study and provides academic and support services to facilitate the achievement of a student's target award. However, we recognise that from time to time students may wish to raise issues regarding the academic, administrative, support or other services provided
- 1.2. OUC operates a 2 Stage Student Complaints Procedure: Stage 1 – Local Resolution, Stage 2 – Formal Complaint.
- 1.3. OUC is committed to managing student complaints in a way that:
 - Is timely and efficient, to facilitate a speedy resolution
 - Is fair and transparent to all parties
 - Promotes informal conciliation such as mediation, where appropriate
 - Promotes feedback and best practice to support Service teams and Faculties to enhance the student experience
- 1.4. The complaints procedure operates on the principles of natural justice:
 - There are two sides to every dispute
 - All parties are given the opportunity to provide evidence to substantiate their version of the issue / incident
 - Full disclosure of any allegations or evidence will be made to those parties involved in the complaint
 - All parties involved in a complaint have the right to be accompanied by a friend or Students' Union / Trades Union representative at each stage of the procedure. (see also Appendix 1)
- 1.5. Students are expected to have met their obligations and responsibilities as members of OUC with regard to:
 - Meeting their academic commitments.
 - Acting in accordance with regulations.
 - Behaving with consideration for other students and staff.
- 1.6. All complaints are taken seriously and students are not penalised for making a genuine complaint.
- 1.7. OUC expects that students will not submit false statements, falsified evidence or frivolous or vexatious complaints. Examples of such complaints include:

- Complaints which contain false allegations or falsified evidence.
 - Complaints which are obsessive, harassing, or repetitive
 - Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes.
 - Insistence on pursuing complaints in an unreasonable manner.
 - Complaints which are designed to cause disruption or annoyance.
 - Demands for redress which lack any serious purpose or value.
- 1.8. OUC reserves the right to end consideration of a complaint if it is deemed frivolous or vexatious. Students who do submit such complaints may be subject to Student Disciplinary proceedings.
- 1.9. All information provided regarding a complaint will remain confidential for use within the complaints process and is subject to the requirements of the General Data Protection Regulations. Only those staff directly involved with the complaint will be given access to confidential information. In exceptional circumstances it may be necessary for OUC to provide information to a third party with or without a student's consent. Examples of such exceptional circumstances are detailed in the Student Governance Confidentiality Statement available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>
- 1.10. Where more than one individual is named in a complaint, normally, those individuals will be party only to the matter(s) of complaint and outcome(s) that are directly specific to them.
- 1.11. Where the outcome of a Student Complaint investigation includes recommendations for consideration under Student Disciplinary procedures or Staff Management processes, the outcome of these processes will not normally be disclosed to the complainant.

Details:

2. Who can complain?

- 2.1. This complaints procedure is open to all registered or former registered students of OUC undertaking an LJMU validated programme of study.
- 2.2. Anonymous complaints will not normally be accepted; complaints that are not made openly cannot be investigated in keeping with the principles of natural justice outlined in section 1.3. Exceptions to this may be made where the complaint raises serious issues of concern for the health and safety of students, staff and the general public.
- 2.3. Third party complaints are not accepted, unless the third party is acting as the complainant student's representative and the student has authorised such representation in writing.

3. What is a Complaint?

- 4.1 OUC recognises that from time to time students may wish to raise issues regarding the academic, administrative, support or other services provided by the University.
- 4.2 Examples of complaints include:

- Failure by OUC to meet its obligations as specified in the programme/module handbook.
 - Misleading or incorrect information in documentation provided by OUC Concerns about the delivery of a programme, associated teaching or administration.
 - The quality of facilities, learning resources or other services provided directly by OUC, the behaviour of a member of staff.
 - The behaviour of another student.
- 4.3 Some issues may be more appropriately considered under alternative processes rather than the Student Complaints Procedure. For example, the following issues are not considered under the LJMU/OUC Student Complaints Procedure:
- Dissatisfaction with a **decision made by an academic body** (i.e. the Board of Examiners) regarding student progression, academic assessment and awards. These issues are considered under the Academic Appeals Procedure <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/appeals-and-complaints>
 - Dissatisfaction about the outcome of an **academic misconduct process**. These issues are considered under the Academic Misconduct Appeals Procedure <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/appeals-and-complaints>
- 4.4 Although OUC encourages students to try to resolve any issues locally in the first instance, we recognise that where the complaint relates to a member of staff, this may not always be possible. In such circumstances, the student can submit a formal complaint under Stage 2 of the procedure.

5 Time Limits

- 5.1 There are strict time limits for submitting Student Complaints and progressing to each stage of the process. This is to ensure that matters can be investigated when the circumstances are still fresh in people's minds and evidence is available to support a timely and appropriate resolution. The submission deadlines for each stage of the process are specified below.
- 5.2 Discretion for late submissions will be given **only** where there are **exceptional reasons** supported by relevant evidence.
- 5.3 OUC reserves the right not to progress complaints that are submitted outside of the specified time limits.
- 5.4 OUC and LJMU endeavours to complete the processing of a formal complaint and any associated review (Stage 2 and Stage 3) **within 90 calendar days**. This timeframe requires students to meet any University deadlines for the submission of material.
- 5.5 If, for good reason, such as the availability of essential witnesses, OUC needs to extend the timeframe, the student will be notified and kept regularly informed of the progress of the complaint.

6 Stage 1 – Local Resolution

- 6.1 In order to resolve concerns as quickly as possible, students are expected to try and resolve complaints locally with the relevant Faculty, School, Student Administration Centre or Department, in the first instance.
- 6.2 All Stage 1 complaints should be made **within 30 calendar days of the event complained about**. OUC staff (see 6.2) can be contacted in writing or by email and should respond in writing to the complainant **within 30 calendar days**. Where this is not possible for valid reasons, the staff member should advise the student of the anticipated timescale.
- 6.2.1 At OUC all complaints must be lodged using the online complaints form which can be accessed through the link provided in the student portal.
 - 6.2.2 When submitted, every complaint will be logged as a case in the student account in the student information system and
 - 6.2.3 assigned to the OUC student complaints handling officer (assigned by OUC) will review it.
 - 6.2.4 student complaints handling officer, may reassign the case to the appropriate department and/or staff members to address it,
 - 6.2.5 and the same officer will keep track of resolution and updates to ensure that the complaints are handled and resolved within the reasonable timeframes.
- 6.3 Students should keep a record of any action they take to resolve the complaint and keep copies of all relevant correspondence.
- 6.4 Stage 1 Student Complaint responses may include the following:
- Providing information, advice and explanations
 - Suggesting solutions
 - Apologies and resolution
 - Referral to other appropriate support services
 - Referral to the Formal Student Complaints procedure (Stage 2) or other student related procedures.
- 6.5 If it is not possible to resolve the complaint locally at Stage 1 or if the student is dissatisfied with the outcome of their Stage 1 complaint and believes that the matter has not been properly addressed, then students can submit a formal complaint under Stage 2 of the Student Complaints procedures. (see 7 below)
- 6.6 OUC also recognises that there can be exceptional circumstances where it may not be appropriate to raise the matters locally (for example if the complaint involves complex, multiple issues or where the complaint relates to the conduct of staff or other students). In such cases students should submit a formal complaint under Stage 2 of the Procedures, within 3 calendar months **of the date of the event or when the issue of complaint occurred**.

7 Stage 2 – Formal Complaint

- 7.1 Where the complaint has not been resolved or satisfactorily dealt with locally or where it is not appropriate to be considered locally then a student can submit a formal

complaint. Students will be expected to provide details of their efforts to resolve the matter locally at Stage 1 and attach any relevant correspondence or provide reasons why it was not appropriate for their complaint to be considered locally and the department name using the Student Complaint escalation process. Formal complaints should be made **within 3 calendar months of the date of the event or when the issue of complaint occurred. Not from the date the matter was first raised or responded to.**

- 7.1.1 Escalation of the complaint to the stage 2 can be done from the online student portal where cases are logged and visible to the student.
 - 7.1.2 The formal complaints handling officer may escalate a stage 1 complaint to stage 2 after assessment of a stage 1 complaint or during the stage 1 process, if deemed appropriate.
- 7.2 If a complaint is submitted outside the advertised deadlines, then the complaint will be deemed out of time and the OUC reserves the right not to progress the complaint any further.
- 7.3 Students should complete all sections of the complaint form, clearly and concisely, describing their concerns and summarising the key events with relevant dates. Failure to complete all sections of the form clearly and legibly may lead to a delay in responding to the complaint, or the complaint not being progressed.
- 7.4 Students need to provide **appropriate and relevant** evidence to support any allegations they make (evidence may include signed witness statements, letters, emails and any other relevant information). OUC cannot guarantee the return of original documents. Students should retain copies of the complaints form and any documentary evidence they submit.
- 7.5 Where a student fails to provide reasonable evidence to substantiate their allegations, OUC reserves the right not to progress the complaint further.
- 7.6 Students are also required to specify the remedy they seek and/or the desired outcome to their complaint.
- 7.7 If the complaint is rejected, for example if the complaint was submitted late or was submitted without reasonable evidence, the complainant will be notified in writing of the reasons for the decision. Students will be directed to Stage 3 of the LJMU Student Complaints procedure.
- 7.8 If the complaint is accepted, there are a number of ways in which the complaint may be progressed at this stage, dependent upon the nature and complexity of the complaint. Students will be notified in writing of how their complaint will be progressed. Such action may include:
 - A request for further information or clarification.
 - Referral of the complaint to a named person in the relevant Faculty, School or Service Team who will investigate the matter locally and provide a written response to the complaint
 - Nominating an Investigating Officer to investigate the circumstances of the complaint. (see also Appendix 1 Complaints against LJMU staff)
 - Arranging a Formal Hearing of the complaint.

- 7.9 Wherever possible OUC will seek to facilitate an early resolution of the complaint. OUC aims to provide a response **within 30 calendar days** of submission of the complaint. Should this not be the case, then students will be kept informed of any likely delay and the reasons for the delay, at the earliest opportunity.
- 7.10 If the student is not satisfied with the resolution provided in the stage 2, they may request a formal review by the college President (or nominee) or chose to activate stage 3.
- 7.11 Students will receive written notification of the outcome of their complaint from OUC / designated respondent) This will include whether the complaint is upheld or not, the rationale for the decision and any further action to be taken.

8 Stage 3 – Final Review

If students remain dissatisfied with the outcome of their complaint, they have the option to refer the matter to Liverpool John Moores Student Complaints Procedure. The student can contact: studentgovernance@ljmu.ac.uk.

- 8.1 Students have the right to request a review of their formal complaint by the Vice-Chancellor (or nominee) under Stage 3 of the Student Complaint procedure, where they believe and can substantiate that:
- the formal (Stage 2) Student Complaint procedure has not been followed correctly and/or
 - the formal complaint has not been appropriately addressed and/or
 - the decision regarding the outcome of their formal complaint is unreasonable in all the circumstances.
- 8.2 The grounds for the appeal should be clearly stated in writing and sent with full supporting evidence, **within 15 calendar days** of the date of the Stage 2 outcome letter to the Head of Student Governance by email at StudentGovernance@ljmu.ac.uk or by post to Exchange Station, Tithebarn Street, Liverpool, L2 2QP. Students using the postal service should use the Recorded Delivery Service.
- 8.3 An acknowledgement of the Stage 3 complaint will be sent to the student **within 5 working days**.
- 8.4 Stage 3 of the Procedure is not a re-opening of the complaint and will not consider the issues afresh or involve a further investigation. A complaint must have been considered at Stage 2 before it can be escalated to Stage 3.
- 8.5 New evidence will not be considered, unless the student can demonstrate valid reasons why they were unable to provide this evidence earlier in the process.
- 8.6 If necessary the Reviewer may contact the student and/or relevant departments to clarify any issues and/or matters of procedure.
- 8.7 The student will be formally notified in writing of the decision of the Reviewer, normally **within 45 calendar days**. The Reviewer will determine whether the Stage 3 Complaint should be Upheld, Upheld in Part or Not Upheld and provide the reasons for this decision and specify if any appropriate action or remedy is required.

- 8.8 The decision of the Reviewer is final and this represents the completion of internal LJMU procedures. The University will provide the student with a Completion of Procedures letter.
- 8.9 Students who are dissatisfied with the outcome of the Stage 3 internal review and believe that the University has failed to follow this procedure correctly, may take their case to the Office of the Independent Adjudicator for Higher Education <http://www.oiahe.org.uk>.

[End]