

**LIBF Code of Practice for Quality Assurance
(Higher Education)**

Chapter 10: Student Complaints and Appeals

10.1 Introduction

- 10.1.1. This chapter has been developed in the light of the Quality Assurance Agency (QAA) and the [Office of the Independent Adjudicator \(OIA\)](#) guidelines and applies to registered, enrolled and former The London Institute of Banking & Finance (LIBF) students.
- 10.1.2. We subscribe fully to the broad principles laid down by the QAA and the OIA and strive to ensure that policies and procedures in terms of student complaints and appeals are consistent with both our vision and, strategic and academic aims.
- 10.1.3. There are two distinct processes for student complaints and student appeals. Students should review the policies set out below and seek guidance from their Programme Team to confirm the correct procedure to follow. In certain circumstances, it may be agreed that a complaint and an appeal may be considered together.
- 10.1.4. Should a complaint be received that falls into both the complaint and the appeals procedure the case will be directed to a designated Complaints Officer who will advise students which areas will be addressed under which procedure and the implications, if any, of following two procedures at once.
- 10.1.5. These procedures may be varied in the case of programmes which form part of an award delivered collaboratively with a partner institution. Where such collaboration involves the provision of student tuition only, complaints concerning the service provided should be addressed to the provider in the first instance. Only when the tuition provider's complaints process has been exhausted may the student refer the matter to LIBF. The collaborative provider should report all complaints and the outcomes to LIBF so that monitoring of the collaborative partners performance on complaints handling can take place. All appeals should be addressed to LIBF in the first instance, however, depending on the nature of the appeal it may be referred to the partner institution.

10.2 General Principles

- 10.2.1. Through the complaints and appeals policies and procedures, LIBF ensures that: ¹
- i. complaints and appeals are treated fairly, consistently, transparently, and in a timely manner;
 - ii. matters of concern can be raised without risk of disadvantage;
 - iii. we take appropriate actions with regard to the complainant and other learners where complaints or appeals reveal any failure on our part;
 - iv. we review aspects of our service in the light of any complaints or appeals; and

¹ With reference to complaints procedures of Ofqual's *General Conditions of Recognition*, conditions D3.2, D4, D4.2 and I2.

- v. we maintain duties of confidentiality to third parties, or other legal duties, in responding to complaints and appeals.
- 10.2.2. If, as a result of the complaints or appeals processes, we learn of a failure in our assessment process we will take reasonable steps to:
- i. identify other students who have been affected by this failure;
 - ii. correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure; and
 - iii. make sure that the failure does not occur again.
- 10.2.3. Complaints or appeals with respect to an application to study will be handled via the steps detailed within this chapter but are ineligible to be escalated to external review by the OIA² following completion of internal processes.
- 10.2.4. At any stage a student and LIBF are each entitled to seek independent advice, as appropriate, in respect of a complaint or appeal, however, a student cannot have legal representation during the complaints or appeals process.
- 10.2.5. Students will be notified of the proposed date of their complaint / appeal being heard. They may ask to be present, or to have a non-legal representative present, at the hearing. They may have a supporter accompany them to the hearing which may or may not be a member of LIBF staff. Students must confirm with us the name of any supporter no later than five working days before the date of the hearing.
- 10.2.6. We reserve the right to exclude or remove a student from a programme of learning if they make frivolous or vexatious complaints or appeals.
- 10.2.7. We reference the OIA definition of frivolous or vexatious complaints or appeals as exemplified within the OIA's [Good Practice Framework](#) and defined within the [OIA Policy on Frivolous or Vexatious Complaints](#).
- 10.2.8. A student will receive a formal written warning before any action is taken if their complaint or appeal is at risk of becoming considered frivolous or vexatious.
- 10.2.9. Should a student who has been issued with a formal written warning continue to lodge frivolous or vexatious complaints or appeals the matter will be dealt with formally under the Disciplinary Policy.

10.3 Complaint Policy Principles

- 10.3.1. A complaint can broadly be defined as an expression of dissatisfaction with a product or service delivered by LIBF; we expand this by subscribing to the QAA³ definition of a complaint as being;
- 'The expression of a specific concern about matters that affect the quality of a student's learning opportunities'.*
- 10.3.2. A complaint may be raised by a registered student, including those who have recently left their programme of study⁴, or a third party with explicit written authority to act on the student's behalf.

² <http://oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>

³QAA ,UK Quality Code for Higher Education Chapter B9: Academic Appeals and Student Complaints

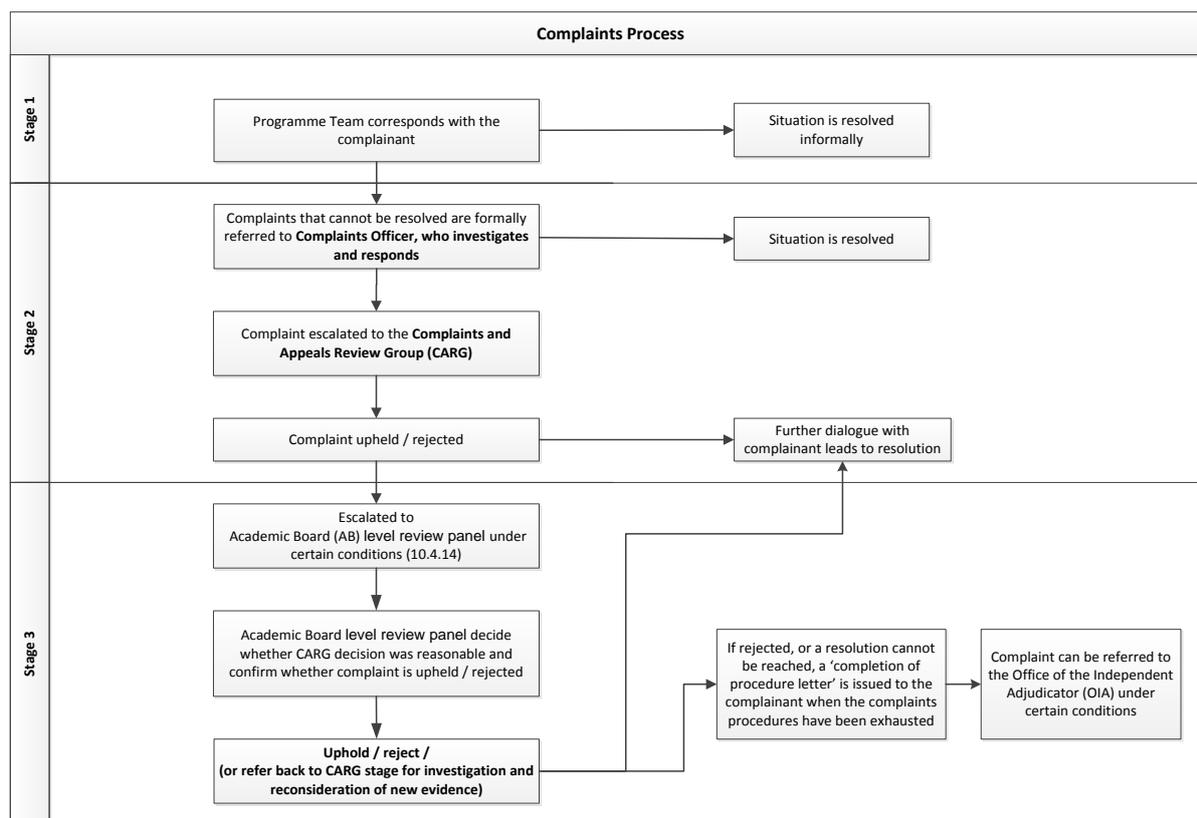
- 10.3.3. We will accept a complaint raised by a group of students. Students will be responded to individually, however in some circumstances a group representative may be appointed in order to manage the progression of the complaint.
- 10.3.4. Students cannot make a complaint against a decision on malpractice, reasonable adjustments or special considerations but should instead raise an appeal and follow the appeals policy.
- 10.3.5. Complaints will not be upheld where the complaint is about something that has been made clear in the regulations. Therefore, students are advised to familiarise themselves with all of the course and / or assessment regulations, deadlines or other requirements before making a complaint.
- 10.3.6. All complaints will be treated appropriately, through dialogue and mutual understanding, with regard to applicable law, and in line with LIBF's Equality and Diversity Policy. We will provide sufficient opportunity for any complaint to be fully discussed and resolved and such issues will be treated in confidence and with impartiality. We comply fully with the provisions of the relevant data protection legislation. Advice on the process and regulations for making a complaint may be obtained from your Programme Team.
- 10.3.7. We expect students making complaints or enquiries via any medium to act with respect, courtesy and in a professional manner towards the staff facilitating their complaint. We provide safeguards as far as practicably possible to protect the interests and well-being of our staff dealing with complaints, if a complainant is abusive or vexatious to our staff, we will warn the complainant of their behaviour and reserve the right to discontinue their current form of communication.
- 10.3.8. At each stage of the complaints process one of the following outcomes will apply:
- i. A complaint is upheld (in part or in full). Where appropriate, some form of action is taken.
 - ii. A complaint is not upheld. Reasons for this decision will be given clearly to the complainant.
- 10.3.9. Students may accept the outcome or they may choose to progress their complaint to the next relevant stage, if they have the grounds to do so.
- 10.3.10. We will offer remedial action appropriate to the nature of a complaint at any stage a complaint is accepted. Regardless of the outcome of the complaint, the complainant is expected to cover their own costs.

10.4 The Complaints handling process

- 10.4.1. A complaint should be made as soon as possible, ideally within ten working days from the date of the incident occurring. LIBF reserves the right to dismiss a complaint made more than three months after the incident occurred or that should, within reason, have been highlighted at an earlier point. We will deal with all complaints as promptly as possible and within clearly defined timescales. Where it is not possible to meet these timescales students will be informed of the progress of your complaint.
- 10.4.2. The stages for handling a complaint are as set out in **Figure 1** below:

⁴QAA, *UK Quality Code for Higher Education*, Ibid.

Figure 1: The complaints handling process



Stage One - Informal resolution

10.4.3. LIBF always attempts to resolve a complaint informally in the first instance. In doing so the complaint will be investigated and there will be an attempt to reach a solution that satisfies both parties.

10.4.4. All correspondence will be responded to clearly, concisely, and in a timely manner. Students should supply their LIBF number and any other applicable information and evidence with their complaint.

10.4.5. There may be occasions where it is not appropriate to resolve a complaint informally. Depending on the nature of the complaint, students may be advised to lodge a formal complaint from the outset. In such a situation they will be advised of how their complaint will need to be progressed.

Stage Two - Complaints Officer and Complaints and Appeals Review Group

10.4.6. If LIBF is unable to resolve a complaint informally students should escalate their complaint formally, in writing, to the **Complaints Officer** at HEcomplaints@libf.ac.uk or to: **Complaints Officer**, Administrative Centre, 4–9 Burgate Lane, Canterbury, Kent, CT1 2XJ, United Kingdom.

10.4.7. The formal complaint must clearly explain to the Complaints Officer the reason(s) for the complaint and clearly identify what resolution the student is seeking.

10.4.8. The Complaints Officer will confirm receipt of a written complaint within five working days and notify students of the process that will be undertaken. The Complaints Officer will now

be the main point of contact and will keep students informed of the timescales, progress and outcome(s) of their complaint.

- 10.4.9. The Complaints Officer may be able to resolve the complaint at this stage and will inform students of the timescale within which they expect the outcome of their investigation of the complaint to be communicated in.
- 10.4.10. If the Complaints Officer is unable to resolve the complaint they will inform students that the complaint will be reviewed by the Complaints and Appeals Review Group (CARG), or, if the student is not satisfied with the decision that has been made with respect to their complaint, they are entitled to escalate their complaint to the CARG.
- 10.4.11. The CARG will normally consider a complaint within 20 working days of the case being referred to it by the Complaints Officer.
- 10.4.12. The standard of proof required at any consideration by the CARG shall be the balance of probabilities.
- 10.4.13. Depending on the nature of the complaint the CARG may not be able to propose a solution to a complaint it has accepted, in this situation it will inform the department best placed to address the complaint and request that a resolution is provided. Students will receive written confirmation from the Complaints Officer of the CARG decision and any action(s) to be taken including timescales, within ten working days of the case being heard.

Stage Three - Escalation to Academic Board (review panel)

- 10.4.14. If students are dissatisfied with the outcome given by the CARG, they have ten working days from receiving notification of the outcome to request escalation to the Academic Board review panel. Such a review may only be requested on one or more of the following grounds:
 - i. that the procedure adopted by the CARG was defective; or
 - ii. that the action taken or solution provided was unreasonable in light of the outcome determined by the CARG; or
 - iii. that new evidence, that could not have been provided to the CARG, is available.
- 10.4.15. LIBF reserves the right to reject any review against a CARG decision that does not fall within the grounds stated in 10.4.14 or fails to provide appropriate grounds for escalation.
- 10.4.16. The reasons for requesting a review must relate to the way the complaint has been investigated or dealt with and will not be considered if the complaint is merely restated.
- 10.4.17. If a review proceeds, the Complaints Officer will advise students of all timescales related to the review panel process. The review panel, chaired by an individual who has no direct involvement with the complaint, will undertake formal consideration of the complaint. Neither students nor their representative may be present at the review panel meeting.
- 10.4.18. Students must present to the review panel a case in writing outlining the grounds they believe they have for escalation of their complaint. The review panel may request any further information it deems necessary to progress the investigation of the complaint. If the review panel agrees that a student has sufficient grounds for escalation, it will review the complaint. In such a situation, the review panel has the power to overturn the outcome determined by the CARG.

- 10.4.19. If the complaint is accepted on the grounds that new evidence has become available since the CARG heard the case, the review panel will have the power to direct the CARG to reconsider its original outcome, taking into consideration the new evidence. The rights of the complainant to escalate the complaint to a review panel also apply to the reconsideration by the CARG.
- 10.4.20. If a request for a review is rejected and all internal complaints and / or review procedures are exhausted, we will issue the student with a completion of procedures letter stating this.

10.5 External Referral

- 10.5.1. In certain circumstances, and where LIBF complaints processes have been exhausted, a complaint may be eligible to be made to the OIA within the terms of its [complaints policy](#). We will comply with the complaints process established by OIA and will give due regard to the outcome of any complaints process in relation to a qualification which we deliver.

10.6 Appeals Policy Principles

- 10.6.1. LIBF's Appeals Policy applies to Academic and Other Appeals. An academic appeal is defined in line with the QAA and OIA as '*A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards*'.

- 10.6.2. 'Other' appeals are defined as '*A request for a review of a decision on malpractice, reasonable adjustment and special considerations*'.

- 10.6.3. Before submitting an academic or other appeal students should make themselves familiar with the specific criteria and grounds for each as outlined in 10.6.4 and 10.6.6 below.

10.6.4. Academic Appeals

An academic appeal cannot be made against provisional results and may only be made against decisions of Module or Programme Assessment Boards in line with the following grounds:

- i. That there was an administrative error or other irregularity in the conduct of an assessment or processing of marks, grades or classification of an award; or
- ii. That there were extenuating circumstances potentially affecting a student which were not known to, and could not have been brought to the attention of, the Assessment Board when it made the decision concerned.

- 10.6.5. An appeal which is based simply on a challenge to the academic judgment of the examiner(s) will not be accepted.

10.6.6. Other Appeals

An other appeal can be made in line with the following categories:

- i. A reasonable adjustment outcome with respect to an individual assessment component or module within a programme, not to the programme itself.
- ii. A special consideration outcome in relation to an individual assessment component or module within a programme, not to the programme itself.

- iii. A malpractice outcome associated with an individual assessment component or module within a programme, or the award of the overall programme.
- iv. A decision regarding an application to study.

An other appeal must be made in line with the following grounds:

- iv. The policy or procedure for the decision reached was not followed correctly or applied fairly by LIBF.
- v. New and relevant information or evidence that was not known by LIBF, or could not have been brought to our attention at the time the decision was made, has become available.

10.6.7. All appeals must state and demonstrate clearly on which of the appropriate grounds it is based, and must be supported by all relevant evidence. Where new information is provided as part of an appeal, it may initially be referred back to the original decision maker to allow an opportunity for early resolution.

10.6.8. We reserve the right to reject any appeal that does not meet the grounds set out in this policy.

10.6.9. Students can seek advice on the process for making an academic or other appeal from their Programme Team who may be able to resolve the issue by clarifying the conditions under which appeals can be progressed.

10.6.10. If, as a result of an appeals process, we learn of a failure in our assessment process, we will take reasonable steps to:

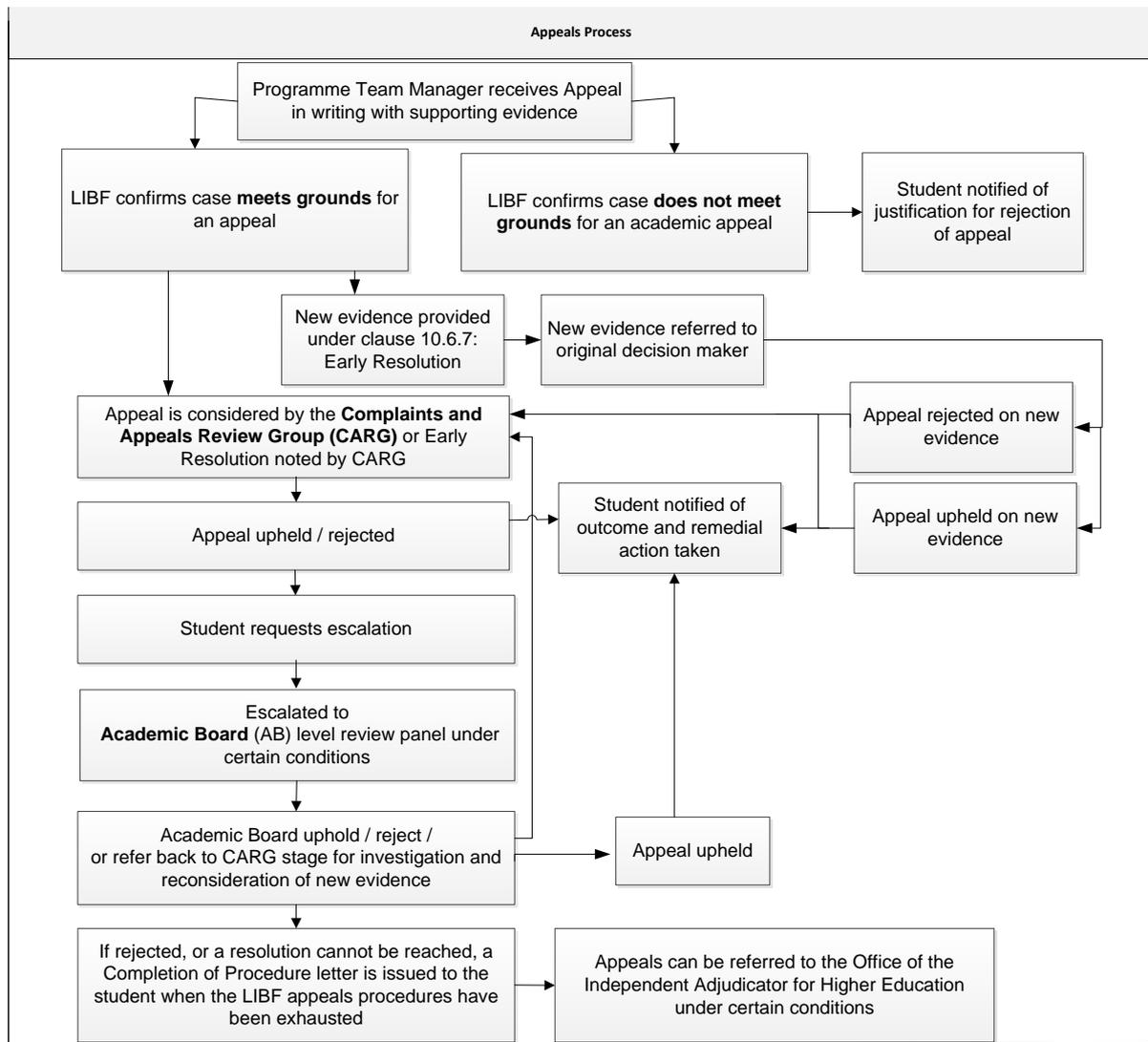
- i. identify other students who have been affected by this failure;
- ii. correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure; and,
- iii. make sure that the failure does not occur again.

10.7 The Appeals handling process

10.7.1. Students should make an academic or other appeal in writing to their Programme Team as soon as possible and within 15 working days of the result being communicated to them. If an appeal is received after the deadline, LIBF reserves the right to refuse the application and only in exceptional circumstances will a request be considered after this time. We will acknowledge receipt of an appeal within five working days.

10.7.2. The stages for handling an appeal are as set out in **Figure 2** below:

Figure 2: The appeals handling process



- 10.7.3. An academic or other appeal must be submitted to the relevant Programme Team via email.
- 10.7.4. All supporting evidence must be supplied with the appeal or, if it is not available at the time of the application, as soon as it becomes available. We will not take responsibility to seek evidence beyond that supplied by the student making the appeal.
- 10.7.5. Upon receipt, we will determine whether the appeal meets the grounds outlined in section 10.6.4 for an academic appeal or 10.6.6 for other appeals.
- 10.7.6. If the appeal does not meet the grounds the student will be notified and given the reason for the rejection of the appeal.
- 10.7.7. If the appeal meets the grounds it will be reviewed by the CARG and the student will be informed of the time period within which it will be considered. If we request further information / evidence from the student the timescale will only begin once we have received all the requested information.

Complaints and Appeals Review Group

- 10.7.8. The CARG will investigate the appeal, including the policy and procedures followed in reaching the original decision being appealed, and the facts upon which the decision was based.
- 10.7.9. A written response will be provided to the student outlining the issues that have been considered, the findings and the outcome of the CARG within ten working days of the CARG's investigation. If we require additional time to investigate an appeal, we will keep the student fully informed of this.
- 10.7.10. All the information submitted to LIBF during the appeals process is treated as confidential.

Escalation to Academic Board (review panel)

- 10.7.11. If students are dissatisfied with the outcome given by the CARG, they have ten working days from receiving notification of the outcome to request escalation to the Academic board review group. Such a request must clearly explain how LIBF's appeals process has failed to address their concerns.
- 10.7.12. The review panel, chaired by an individual who has no direct involvement with the appeal, will undertake formal consideration of the appeal. Neither students nor their representative may be present at this hearing.
- 10.7.13. The review panel will review the appeal procedure and if the appeal is accepted has the power to overturn the outcome determined by the CARG. If the appeal is accepted on the grounds that new evidence is available, the review panel will have the power to direct the case back to the CARG to consider the new evidence and its earlier outcome.
- 10.7.14. If an appeal is successful, we will take appropriate remedial action. Regardless of the outcome of the appeal, students are expected to cover their own costs.
- 10.7.15. If a request for a review is rejected and all internal appeals and / or review procedures are exhausted, we will issue the student with a completion of procedures letter stating this.
- 10.7.16. If an appeal is accepted, or partly accepted, and the student remains dissatisfied with the outcome they can request a completion of procedures letter from us. The letter will confirm that all our internal procedures have been exhausted and advise how the student can seek independent review, should they wish to do so, by the OIA.

10.8 External Referral

- 10.8.1. If students are dissatisfied with the outcome of their appeal and LIBF processes have been exhausted, they may be eligible to refer the case to the OIA for consideration. We will comply with the process established by OIA and will give due regard to the outcome of any process in relation to a qualification which we deliver.

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