

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

Chapter 10: Student Complaints and Appeals

10.1 Introduction

10.1.1. This policy applies to registered, enrolled and recent former students of the London Institute of Banking & Finance. The below policy will also apply to Apprentices where their complaint needs to be dealt with directly by us, rather than by their employer or training provider. Those applying to study Higher Education qualifications with us may follow the complaints processes detailed within this policy, however, they will not have access to escalate their complaint, externally, to the Office of the Independent Adjudicator (OIA) as they are not registered students.

10.1.2. We have drawn on guidance from the following sources when developing our Student Complaints and Appeals policy:

- Quality Assurance Agency's (QAA) UK Quality Code, with particular consideration to the Advice and Guidance section on Concerns, Complaints and Appeals;
- Office of the Independent Adjudicator (OIA);
- Competition and Marketing Authority (CMA); and
- Equality Act 2010 guidelines.

10.1.3. There are two distinct processes for student complaints and student appeals. You should review the policies set out below and seek guidance from your 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. If we receive a complaint that falls into both the complaint and the appeals procedure, the case will be directed to a designated Complaints Officer who will let you know 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 the collaborative arrangement involves the provision of student tuition only, complaints concerning the service provided should be addressed to the provider in the first instance. When the tuition provider's complaints process has been exhausted you may refer the matter to us. The collaborative provider should report all complaints and the outcomes to us so that monitoring of the collaborative partners performance on complaints handling can take place. All appeals

should be addressed to us in the first instance and we will determine if the partner institution needs to be involved.

10.2 General Principles

- 10.2.1. Through our complaints and appeals policies and procedures, we ensure 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 and any matter raised that may be considered in line with the principles of Whistleblowing will receive the same protections available to Whistle Blowers;
 - 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
 - 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 processes 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;
 - iii. make sure that the failure does not occur again; and
 - iv. consider claims for Refund or Compensation via the processes detailed in the Refund & Compensation policy.
- 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 either party are entitled to seek independent advice and support, as appropriate, in respect of a complaint or appeal, however, you cannot have legal representation during the complaints or appeals process.
- 10.2.5. You will be notified of the proposed date of your complaint / appeal being heard. You may be asked to be present, in person, or via video or tele-conference, or to have a non-legal representative present, at the hearing of your case. You may have a supporter accompany you to the hearing which may or may not be a member of our staff. You must confirm with us the name of any supporter no later than five working days before the date of the hearing.
- 10.2.6. All students are encouraged to discuss their concerns or to raise a complaint if they are dissatisfied with our provision, however, we reserve the right to exclude or remove a student from a programme of learning if they make frivolous or vexatious complaints or appeals.

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

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

- 10.2.7. We use the OIA's definition of frivolous or vexatious complaints or appeals as detailed in the OIA's Good Practice Framework and defined within the OIA Policy on Frivolous or Vexatious Complaints.
- 10.2.8. If we are concerned that your complaint or appeal is becoming frivolous or vexatious (as defined above) we will warn you of this and we will also send you a formal written warning about this before any action is taken.
- 10.2.9. If you receive a written warning but continue to lodge frivolous or vexatious complaints or appeals the matter will be dealt with formally under our Disciplinary Policy.

10.3 Complaint Policy Principles

- 10.3.1. We define a complaint as *'The expression of a specific concern about a product or service delivered by us that may affect the quality of a student's learning opportunities and experience'*.
- 10.3.2. A complaint may be raised by a registered student, or someone who has recently left their programme of study³, or a representative who has explicit written authority to act on your behalf.
- 10.3.3. We will accept a complaint raised by a group of students. In these cases, you will be responded to individually, however in some circumstances you may need to appoint a group representative and all agree for that person to act as the key representative for your group.
- 10.3.4. You cannot make a complaint against a decision on malpractice, reasonable adjustments or special considerations because these matters are dealt with under 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 so you should familiarise yourself with all of the course and / or assessment regulations, deadlines or other requirements before making a complaint.
- 10.3.6. We consider all complaints with reference to applicable laws, and in line with our Equality and Diversity Policy. You will have the opportunity to discuss and resolved your complaint with us in confidence and with impartiality. We comply fully with the provisions of the relevant data protection legislation.
- 10.3.7. We expect students making complaints or enquiries via any medium to act with respect, courtesy and in a professional manner towards our staff. We provide safeguards as far as practicably possible to protect the interests and well-being of our staff dealing with complaints, if you are abusive or vexatious to our staff, we will warn you of your behaviour and reserve the right to discontinue the 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. You will be given clear reasons for this decision.

³QAA, *UK Quality Code for Higher Education*, Ibid.

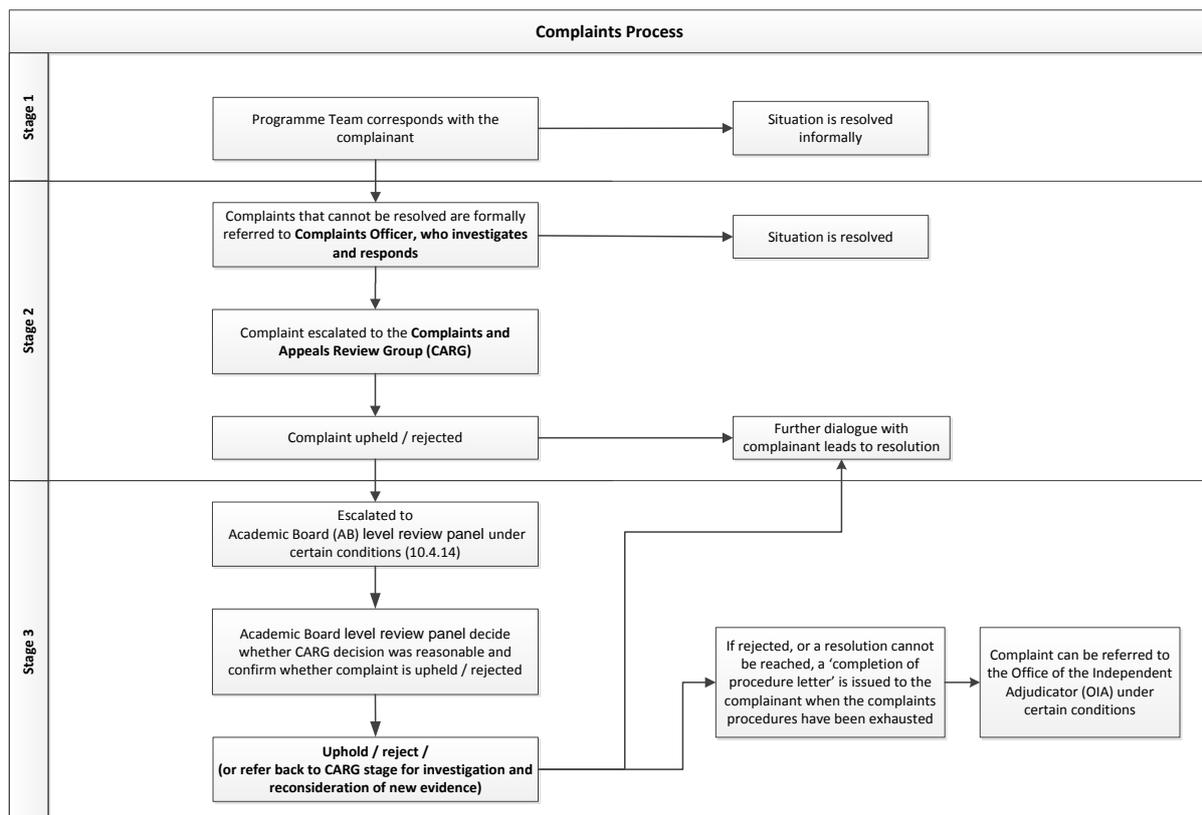
- 10.3.9. You may accept the outcome or you may consider that your complaint has not been resolved and progress your complaint to the next relevant stage, if you have the grounds to do so.
- 10.3.10. We will offer remedial action appropriate to the nature of a complaint at any stage a complaint is accepted.
- 10.3.11. There are no fees or charges for raising a complaint, however, regardless of the outcome of the complaint you are expected to cover any of your own costs. If you feel you are hindered in raising a complaint for any reason, you should discuss this with your Programme Manager.

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. We reserve 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 you 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:

Figure 1: The complaints handling process



Stage One - Informal resolution

10.4.3. We always attempt to resolve a complaint with you informally in the first instance by investigating your concern and attempting to reach a solution that satisfies both parties.

- 10.4.4. All correspondence will be responded to clearly, concisely, and in a timely manner. You should supply your LIBF number and any other applicable information and evidence along with the details of your complaint.
- 10.4.5. There may be times where it is not appropriate to resolve a complaint informally. When a complaint is very complex or serious you may be advised to lodge a formal complaint from the beginning. In this situation you will be advised how your complaint will need to be progressed.

Stage Two - Complaints Officer and Complaints and Appeals Review Group

- 10.4.6. If together, we are unable to resolve your complaint informally you should escalate your 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. If you are unable to submit a complaint in writing due to a reasonable adjustment, please contact your Programme Team and they will be able to help you submit your complaint.
- 10.4.7. The formal complaint must clearly explain to the Complaints Officer the reason(s) for your complaint and what resolution you are seeking.
- 10.4.8. The Complaints Officer will confirm receipt of a written complaint within five working days and notify you of the process that will be undertaken. The Complaints Officer will now be your main point of contact and will keep you informed of the timescales, progress and outcome(s) of your complaint.
- 10.4.9. The Complaints Officer may be able to resolve the complaint at this stage and will let you know how long it will take them to review your case and if they have been able to offer a solution.
- 10.4.10. If the Complaints Officer is also unable to resolve your complaint informally you are entitled to escalate your complaint to the Complaints and Appeals Review Group (CARG). This part of the process is considered to be the “formal” hearing of your complaint.
- 10.4.11. CARG will normally consider a complaint within 20 working days of the case being referred to it by the Complaints Officer. If CARG is unable to hear your complaint within this timeframe, we will let you know why and discuss a new timeframe.
- 10.4.12. The standard of proof required at any consideration by CARG is the balance of probabilities.
- 10.4.13. Depending on the nature of your complaint CARG may not be able to propose a solution to your complaint even if CARG has accepted it, in this situation CARG contacts the department best placed to address your complaint and request that they provide a suitable resolution. You will receive written confirmation from CARG about their 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 you are dissatisfied with the outcome given by CARG, you have ten working days from receiving notification of the outcome to request escalation to the Academic Board review panel. You can only request a review by the Academic Board review panel 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 CARG; or
 - iii. new evidence, that could not have been provided to CARG, has become available.
- 10.4.15. We reserve 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 you are simply restating the same concerns.
- 10.4.17. If a review proceeds, the Complaints Officer will let you know the timescales for review panel process. The review panel, chaired by an individual who has no direct involvement with the complaint, will undertake formal consideration of your complaint. Neither you nor your representative may be present at the review panel meeting.
- 10.4.18. You must present to the review panel a case in writing outlining the grounds you believe you have for escalation of your complaint. If, due to a reasonable adjustment, you are unable to put your escalated complaint into writing, you may ask the Complaints Officer to arrange help with this. The review panel may ask for additional information if they consider it is necessary to progress the investigation of your complaint. If the review panel agrees that you have sufficient grounds for escalation, it will review the complaint. In this situation, the review panel has the power to overturn the outcome determined by CARG.
- 10.4.19. If the complaint is accepted on the grounds that new evidence has become available since CARG heard your case, the review panel will be able to direct CARG to reconsider its original outcome, taking into consideration the new evidence. Your rights to escalate your complaint to a review panel also apply to the reconsideration by CARG.
- 10.4.20. If your request for a review is rejected and all internal complaints and / or review procedures are exhausted, we will issue you with a completion of procedures letter stating this.

10.5 External Referral

- 10.5.1. In certain circumstances, and where our 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. Our 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 you should make yourself 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 or an application for Accreditation of Prior Learning (APL). In these circumstances an appeal would only be considered if it relates to new and relevant information becoming available as per point ii) below.

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

- i. The policy or procedure for the decision reached was not followed correctly or applied fairly by us.
- ii. New and relevant information or evidence that was not known by us, 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;

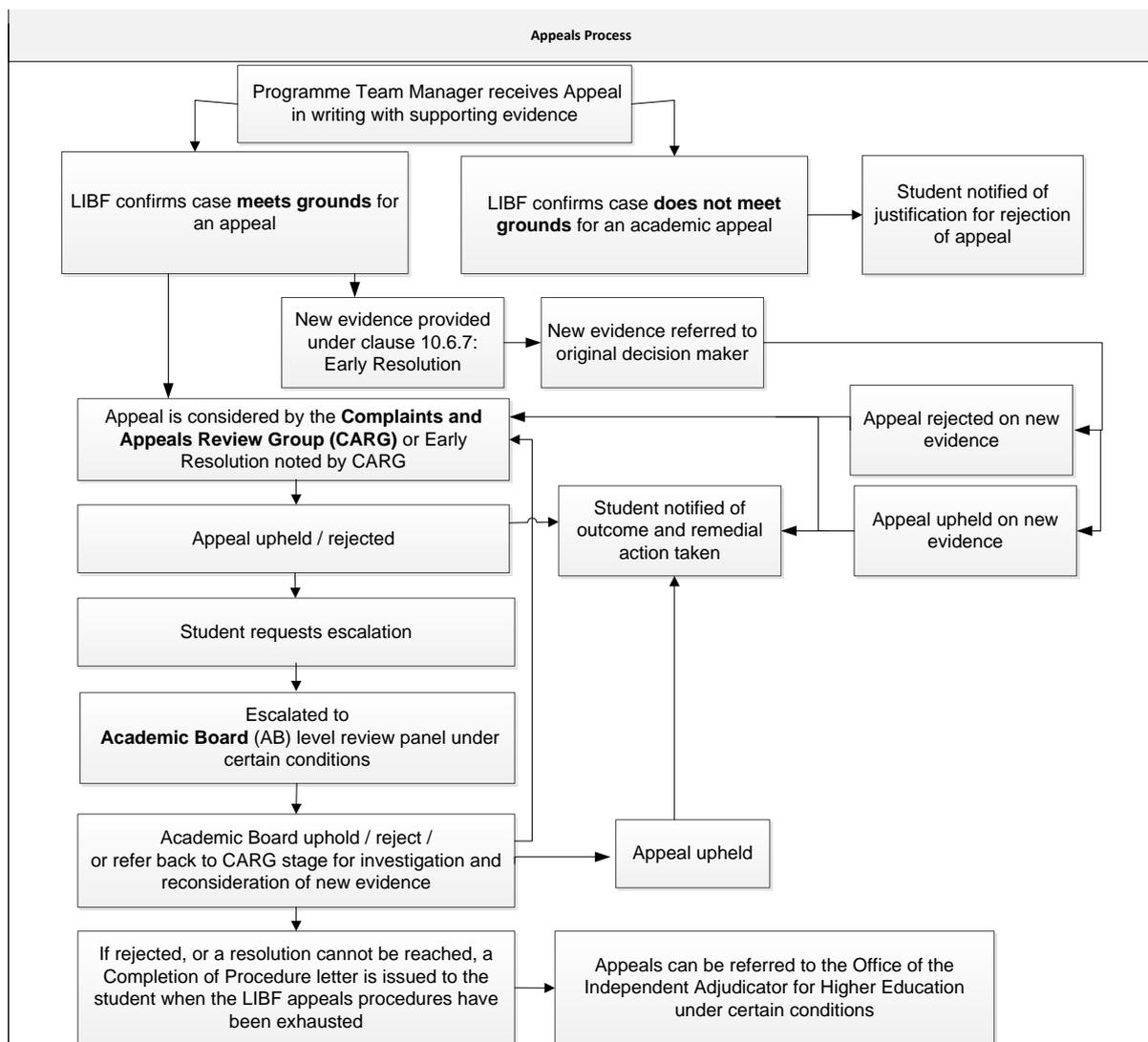
- ii. correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure; and,
- iii. make sure that the failure does not occur again.

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, due to a reasonable adjustment, you are unable to put your appeal in writing, you may ask your Programme Team to arrange help with this. If an appeal is received after the deadline, we reserve 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 out beyond that supplied by you.
- 10.7.5. When we receive your appeal and evidence, 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 you 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 CARG and you will be informed of the time period within which it will be considered. If we request further information / evidence from you the timescale will only begin once we have received all the requested information.

Complaints and Appeals Review Group

- 10.7.8. CARG will investigate the appeal, including the policy and procedures followed in reaching the original decision being appealed, and the information that was used to make the original decision.
- 10.7.9. You will receive a written response outlining the issues that have been considered, the findings and the outcome of CARG within ten working days of CARG's investigation. If we require additional time to investigate an appeal, we will keep you informed of this.
- 10.7.10. All the information submitted to us during the appeals process is treated as confidential.

Escalation to Academic Board (review panel)

- 10.7.11. If you are dissatisfied with the outcome given by CARG, you have ten working days from receiving notification of the outcome to request escalation to the Academic Board review group. You must clearly explain how our appeals process has failed to address your concerns.
- 10.7.12. The review panel, chaired by an individual who has no direct involvement with the appeal, will undertake formal consideration of your appeal. Neither you nor your 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 CARG. If the appeal is accepted on the grounds that new evidence is available, the review panel will be able to direct the case back to CARG to consider the new evidence and its earlier outcome.
- 10.7.14. There are no fees or charges for raising an appeal, however, regardless of the outcome of the appeal you are expected to cover any of your own costs. If you feel you are hindered in raising an appeal for any reason, you should discuss this with your Programme Manager.
- 10.7.15. If a request for a review is rejected and all internal appeals and / or review procedures are exhausted, we will issue you with a completion of procedures letter stating this.
- 10.7.16. If an appeal is accepted, or partly accepted, and you remain dissatisfied with the outcome you can request a completion of procedures letter from us. The letter will confirm that all our internal procedures have been exhausted and advise you how you can seek independent review, should you wish to do so, by the OIA.

10.8 External Referral

10.8.1. If you are dissatisfied with the outcome of your appeal and our processes have been exhausted, you may be eligible to refer your 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.

Updated April 2019