Fairfield School of Business

Student Complaints Policy and Procedures

Version:	**5.1 (September 2022)**
Category:	Policies – Student Support (HE)
Owner(s):	Academic Board: Head of Registry
Approved by:	The Board of Governors
Access:	**Public** – Anyone can view this document
Scope:	This policy applies to all taught Higher Education programmes at Fairfield School of Business (FSB)

Quick Guide: which procedure to use…

A complaint is a grievance relating to a specific issue regarding the delivery of teaching or other services provided by the FSB. This could be about, for example:

- the quality of teaching or learning resources on your course
- the condition or accessibility of our facilities
- incorrect, misleading or untimely information given to you by FSB
- the behaviour of our staff or contractors
- a failure by the School to provide a safe and respectful environment

Our complaints procedure has three stages:

- Stage One: Local informal resolution
- Stage Two: Formal Complaint
- Stage Three: Review

This policy explains each stage of our complaints process in detail. If you need to make a complaint you can speak to your Personal Academic Tutor, the Student Support Services, or the Student Union, who can guide you on the process.

We always try to resolve complaints informally (Stage One) in the first instance as this is often the quickest and most effective way of dealing with a problem.

If the matter cannot be dealt with informally, you can submit a formal (Stage Two) complaint, which will be handled by the Registry or the awarding body for your course, depending on what course you are studying.

If you are unhappy with the way we, or the awarding body have dealt with your complaint, you can request a review of procedures (Stage Three).

In addition to the above stages, students on programmes leading to higher education awards may have recourse to have their case reviewed by the Office of the Independent Adjudicator).

These procedures may be used by individuals or groups of students affected by the same issue.

For clarification, these procedures do not deal with complaints about:

- admissions decisions - (*please refer to our Student Recruitment and Admissions Policy*)
- assessment outcomes - (*please refer to the Appeals Policy Procedures*)
- matters already considered by a court or tribunal, unless formally stayed (paused)
- academic judgement.

1. Complaints Policy

1.1. FSB ensures that its students and learners have clear, timely and effective means of making a complaint if their expectations about the services we provide have not been met. The School will investigate all genuine complaints with the aim of resolving the matter to the satisfaction of students, as far as possible.

1.2. FSB delivers learning opportunities in conjunction with external awarding bodies. The way in which matters are escalated may therefore vary depending on the requirements of the awarding body. In any case, where possible, FSB will always try to resolve the matter informally before invoking the relevant formal complaints procedure.

General Principles

1.3. FSB's complaints procedures are based on the principles of natural justice:

- that the procedures for investigating and resolving issues must be fair and impartial to all parties,
- that there is usually more than one side to every dispute,
- that all parties involved in a grievance should have the opportunity to present their case,
- that no person should be treated less favourably by FSB for having raised a genuine complaint, regardless of whether or not the complaints process determines that there is a case to answer,
- that FSB has a duty of care to protect the individuals who may be the subject of a complaint whilst investigations are ongoing and to preserve confidentiality,
- that complainants (i.e. those making a complaint) and respondents (those against whom a complaint is made) have access to support throughout the process and can be accompanied by a companion if they wish,
- that there is no undue delay in investigating complaints or completing remedial actions resulting from them.

1.4. To uphold these principles FSB requires both complainants and respondents to act in good faith and provide information which is true, complete and not misleading, and that full disclosures of any allegations or evidence are made.

1.5. To preserve the impartiality of those considering the substance of complaints, FSB will ensure that those reviewing a case have not had any direct involvement at a previous stage, so far as is possible.

1.6. If a complaint has been linked to a particular request (e.g. a change of class) the request will not be processed until the complaint has been investigated and closed.

1.7. Where any individual brings a legal case against the School either before availing this (or the awarding body's) complaints procedures or whilst they are in progress, this procedure will be suspended pending the outcome of any court action. In such circumstances, it will be reported that the School's complaints procedures where not completed.

1.8. The School will use information arising from students' complaints to reflect on the quality of the services it provides and to drive continual enhancement of its facilities and learning opportunities. This may include the modification of processes to ensure the issue prompting the complaint does not arise again.

1.9. Where a complaint investigation of a complaint should give rise to a potential disciplinary issue, this will be investigated separately using the appropriate procedure.

Timeliness

1.10. Complaints should be raised as soon as possible, but no later than three months after the incident prompting the complaint. Complaints received beyond three months may be considered 'out of time' if no suitable reason for the delay is given.

1.11. To ensure the timely progression of cases, the Registry team will track the status of pending complaints cases until they are resolved, or internal complaints procedures have concluded.

1.12. FSB will make all reasonable effort to adhere to the timescales outlined in this policy, however where information required to investigate the substance of a complaint is not provided in a timely fashion, complainants should be aware that the process may not be able to progress.

1.13. Where information necessary to investigating the complaint is not provided by the complainant after multiple requests, the Head of Registry may, at their discretion terminate the complaints process, and the matter will be deemed closed.

2. Procedures for Handling Complaints

Informal Complaints (Stage 1)

2.1. Students with a grievance should try to resolve this with those directly involved if possible, before resorting to making a formal complaint. The School may seek to aid this by having a neutral party mediate or moderate a discussion between the affected parties. If the student wishes, they can speak to their Personal Academic Tutor, the Student Support Services, or the Student Union, who assist in resolving the issue.

2.2. If attempts at informal resolution have been exhausted, students may submit a formal complaint. If the Registry receives a formal complaint request without any evidence that informal resolution was attempted, or compelling reasons it could not be, the complaint will be referred to this stage.

2.3. Further 2.2, where Registry determines that the issue should be dealt with under a different procedure (as given on page 1), the matter may be duly referred; the complainant will be informed of the rationale for this.

2.4. In the event the complaint comes to the attention of a senior officer of the School (such as the Principal or Chair of the Governing Body) before it has progressed though the appropriate stages, the matter will be referred to the Registry to align with the correct level of escalation.

Submitting a Formal Complaint (Stage 2)

2.5. Formal complaints should be submitted to registry@fairfield.ac using the correct complaints form, which can be downloaded from Fairfield Connect or requested from the Registry. Some awarding bodies may use a specific form, in which case a link to this form will be provided. If unsure, complainants can request the correct form from the Registry.

2.6. The following details should be included:

- name and ID number;
- a full statement of the substance and circumstances of the complaint and all persons involved (if known),
- brief details of the steps already taken to resolve the complaint and why these were unsuccessful,
- the desired outcome,
- copies of any documentary evidence the student wishes to submit (original copies should not be provided)

2.7. Anonymous complaints are discouraged as School cannot guarantee a satisfactory outcome for the complainant. However, any anonymous complaints received will be considered and may be investigated where they should give rise to concerns.

2.8. Any number of students may collectively lodge a complaint where they have all been affected by the same issue; in such cases it would be acceptable for a member (or members) of this group to be nominated to represent their colleagues, or for a Student Union representative to speak for the group. The School will treat such action as one complaint or review for the purpose of these procedures and communicate directly with the nominee representative.

2.9. Where represented by another, as described above, students should be aware that they may still need to actively participate in the complaints or review process.

Upon receiving a formal complaint

2.10. The Registry will review formal complaints and determine in the first instance whether:

i. they fall within the remit of the complaints policy,
ii. informal resolution has been attempted (or there is good reason it could not have been).

2.11. If both of the above conditions are met, the Registry either initiate an investigation or refer the matter to the awarding body to investigate, depending on the awarding body's rules; the Registry will explain the applicable process to the complainant in its response.

2.12. Complainants will receive a written acknowledgment within 5 working days explaining the process and timescales involved. FSB will seek to conclude the matter within 20 working days where possible; where this is not possible a reasonable estimate will be given.

2.13. A complainant may use the review stage herein if they feel a complaint has been wrongfully dismissed at this stage.

2.14. **Where the awarding body is responsible for resolving the complaint:**

2.14.1. Information in the Programme Handbook will explain the formal complaints process and timeframes applicable to your programme.

2.14.2. The awarding body will investigate the matter in accordance with its rules; FSB will comply with any requests for information and will pass on contact details for parties involved.

2.14.3. FSB will liaise with the awarding body at the conclusion of the investigation to agree appropriate remedial action. The complainant will receive a formal notification of outcome.

2.15. **Where FSB is responsible for resolving the complaint internally:**

2.15.1. The investigation of formal complaints will be overseen by the Head of Registry or their nominee, or where they concern the Registry, an Associate Dean (provided they have not been involved in the informal stage, in which case the Dean of Teaching and Learning may stand in).

2.15.2. **If the issue can be resolved with a simple intervention** (for example, a procedural correction or purchase of equipment), the Head of Registry or nominee will make a recommendation for such action to the relevant managers, notifying the Principal and the awarding body. Relevant managers will inform the Head of Registry or nominee of steps taken to resolve the matter and these will be reported to the complainant.

2.15.3. **If the issue is complex or involves a complaint about a staff member's conduct**, the Head of Registry, nominee or Dean will convene a Complaints Panel

to review the issue, in accordance with the terms of reference set out in Appendix A.

2.16. The outcome of the formal complaints process, and the rationale for any decisions taken (whether conducted by FSB or the awarding body) will be recorded by the Registry Team, who will prepare a report on such cases and action taken for the School's Academic Board.

2.17. Where a complaint is upheld or partially upheld, the Head of Registry, their nominee or the Associate Dean will liaise the relevant managers to oversee the implementation of the recommended remedial action and report back to the Complainant. If the relevant managers refuse to comply with recommendations arising from the formal complaints process, the Chair can appeal to Principal, who will act decisively.

2.18. If, during the process of investigating the complaint, a staff member is suspected of being in breach of Employee Codes of Conduct, this will be referred directly to the HR department.

Requesting a Review of a Formal Complaint Outcome (Stage 3)

2.19. A complainant may request a review of the outcome of the Formal Complaints Process, in the event of the following:

i. that there is new evidence that could not have been, or for good reason was not, made available at the time of the investigation at the formal stage and that sufficient evidence remains that the complaint warrants further consideration,

ii. There is evidence the formal complaints process has not been followed correctly, or that the recommendation arising from that process have not been implemented.

Further ii. Complainants may also challenge a decision to dismiss the complaint or refer a complaint to another procedure.

iii. Evidence that the outcome of the formal procedure was manifestly unfair (for example because of bias of discrimination, or evidence that a similar case was treated differently).

2.20. Students requesting a review of a formal complaint outcome should contact the Registry in the first instance, who will advise them on whether the review would be conducted by FSB or the awarding body.

2.21. **Where the review is conducted by the awarding body**

2.21.1. Guidance will be given in the Programme Handbook on how to request a review of a formal complaint outcome by the awarding body.

2.21.2. The awarding body will investigate the matter in accordance with its rules; FSB will comply with any requests for information and will pass on contact details for parties involved, along with a full report of how the formal stage was conducted, to the awarding body's appointed investigator.

2.21.3. FSB will liaise with the awarding body at the conclusion of the review to agree appropriate remedial action. The complainant will receive a formal notification of outcome.

2.21.4. The complainant will receive a Completion of Procedures letter from the awarding body confirming that internal procedures for reviewing the matter have been exhausted, this will include any recourse for an independent external review that may be available.

2.22. **Where FSB conducts the review internally:**

2.22.1. An application for review must be requested in writing (together with a copy of the original complaint, the outcome letter and any investigation report, and received by the Principal within 10 working days from the date of written notification of the formal procedure outcome. The grounds (as above) for review must be clearly stated as part of the application.

2.22.2. The complainant can do this by sending an email to their Campus Dean or Student Support Team, with the title *"Request for Review of a Formal Complaint F.A.O the Principal of FSB".*

2.22.3. The Principal or their nominee (who must not have been involved in any previous stage of the process) will determine whether any of the condition in 3.19 have been met, along with any other discretionary (including compassionate) factors. If there is potentially a case to answer, the Principal or their nominee will convene a Review Panel in accordance with the Terms of Reference in Appendix B.

2.22.4. The Panel may choose to either uphold the outcome of the original complaints process or overturn it and instate its own decision.

2.22.5. The outcome of the Review Panel, and the rationale for any decisions it makes in relation to the original handling of the complaint will be recorded by the Registry Team, who will include details in their report to the Academic Board.

2.22.6. The outcome will be notified to the complainant within 2 working days of the review taking place.

2.22.7. The Principal shall either personally oversee the implementation of any new remedial actions or delegate this authority accordingly.

2.22.8. Once the review has concluded, FSB will issue a Completion of Procedures letter confirming that internal procedures for reviewing the matter have been exhausted.

The CoP Letter will include details about any further recourse the complainant may have to an external review if they remain dissatisfied.

3. Complainants' Conduct

3.1. Whilst FSB understands that someone with cause to make a complaint may be experiencing anxiety because of the circumstances, they are nonetheless expected to conduct themselves in a reasonable manner and in accordance with the Student Code of Conduct.

3.2. Complainants must refrain from lodging complaints which are of a frivolous or vexatious nature or make unreasonable demands of the persons dealing with their case. Examples of frivolous or vexatious appeals include but are not limited to:

- complaints which are obsessive, harassing or repetitive,
- insistence on pursuing non-meritorious appeals and/or unrealistic outcomes,
- insistence on pursuing what may be a meritorious appeal in an unreasonable manner *(such as requesting responses within an unreasonable timeframe; insisting on seeing or speaking to a specific member of staff; continual phone calls, emails or letters; repeatedly changing the substance of the complaint, or raising unrelated concerns)*

3.3. Where the student is considered to be acting unreasonably, they will be told why this unacceptable and given the opportunity to modify their behaviour. If the unreasonable behaviour continues, the School will take the appropriate measures, including referring students to the disciplinary procedures and terminating consideration of the appeal or review.

4. Office of the Independent Higher Education Adjudicator (OIA) Review (For Students on Courses Leading to Higher Education Awards)

4.1. Fairfield School of business subscribes to the scheme for the independent review of complaints and appeals by Office of the Independent Adjudicator (OIA).

4.2. Higher education students who believe their complaint has not been properly or fairly handled by the School or the awarding body can request for an independent review to be conducted by the OIA; where such requests are eligible for review, the OIA will investigate in accordance with its rules.

4.3. Referral to the OIA must be made within 12 months of the date of the Completion of Procedures Letter, and should be submitted using the OIA's complaints form, which can be found here:

http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx

Further information on the OIA' procedures and eligibility for review of a complaint can be found on the OIA's website; www.oiahe.org.uk, or alternatively students can contact the OIA directly at enquiries@oiahe.org

5. Data protection, Confidentiality, and Record Keeping

5.1. Complainants should be aware that FSB must share information it receives about complaints, both internally and with its awarding body partners to properly investigate the matter. This may include personal and sensitive information about the complainant and the circumstances surrounding a complaint.

5.2. The School will treat all material and correspondence as part of a complaints case in the strictest confidence and such information will only be shared on a need-to-know basis.

5.3. More information about how the School shares information can be found in our Data Protection Policy, which can be read here: https://fsb.ac.uk/policy-hub

Appendix A: Terms of Reference for the Complaints Panel

Where FSB is responsible for investigating formal complaints internally, the following terms of reference shall be used by the Complaints Panel.

I. The purpose of the Complaints Panel shall be to review the substance of formal complaints that require discretionary consideration, or which are directed towards a member of staff. It may review any number of open formal complaints in one sitting, provided the Panel's members have not been involved in the informal stage.

II. The Panel will have the authority to recommend remedial action to be implemented,

III. The membership of the Panel shall consist of the Head of Registry, nominee or Dean as the Chair. The Chair shall appoint no less that a quorum of three members of the management team, excluding the Principal. No member of the panel should have been directly involved with case or any previous attempts to resolve it informally.

IV. A member of the Registry shall act as secretary and record the rational for the Panel's decisions.

V. Prior to the Panel, the Chair shall ensure the following:

- Any person(s) named in the complaint (the respondents) will be notified if the allegation against their conduct and invited to give their account(s) in writing before the Panel meets.

- A date for the panel will be set and the complainant and respondents will be invited to attend. Both have a right under this policy to attend and the Chair must therefore accommodate, within reason, any request to change the date. Both may be accompanied by a friend or colleague but must represent themselves at the Panel (students may bring a member of the Student Union). If either or both decline to attend, the Panel will determine an outcome in their absence.

- the Head of Registry, nominee or Dean may elect to appoint an Investigating Officer (IO) to compile a report on the issue before the Review Panel takes place. The IO must be as independent from the events of the case as possible; their report will be an impartial statement of fact and not give any recommendation to the Panel on how to judge the case. The IO's report will be circulated to the Panel members no less than 24 hours before the panel is due to take place.

Considering the Complaint

VI. The Panel will examine the substance of complaints to ascertain whether there is a case to answer and return a decision of **upheld**, **partially upheld** or **not upheld**.

VII. Where the quorum is deadlocked, the Chair shall have a casting vote.

VIII. Additionally, the Panel may determine that it has insufficient information to make a decision, in which case it will set a deferred committee date and request outstanding information from the relevant parties. The Chair shall ensure notifications are duly sent.

IX. The Panel may not delegate authority for making a decision to Senior Executive.

X. Where complaints have been Upheld or Partly Upheld, the Panel will specify its recommendations to resolve the matter. Examples of recommendations could include, but are not limited to, a written apology from the School, or a list of actions the department or service will make as a result of the complaint.

XI. A notification of outcome will be sent to the complainant within 2 working days, with the Principal copied.

XII. The Chair will liaise the relevant managers to oversee the implementation of the panel's recommendations and report back to the Complainant. If the relevant managers refuse to comply with the Panel's recommendation, the Chair can appeal to Principal, who will act decisively.

XIII. The Registry will keep minutes of the Complaints Panel within its archives in accordance with the School's data retention schedules.

Appendix B: Terms of Reference for a Complaints Review Panel

Where FSB is responsible for conducting a review of a formal complaint outcome internally, the following terms of reference shall be used by the Review Panel.

Note this review procedure is specifically for considering the outcomes of the complaints process and is separate to other review procedures for considering academic appeals, academic misconduct and decisions not to award mitigating circumstances.

I. Upon receipt of a request for a review of a complaint outcome, the Principal or their nominee shall first consider if any of the criteria defined in the Student Complaints Policy and Procedures has been met, i.e.:

i. that there is new evidence that could not have been, or for good reason was not, made available at the time of the investigation at the formal stage and that sufficient evidence remains that the complaint warrants further consideration;

ii. there is evidence the formal complaints process has not been followed correctly, and/or that the recommendation arising from that process have not been implemented;

iii. there is evidence that the outcome of the formal procedure was manifestly unfair (for example because of bias of discrimination, or evidence that a similar case was treated differently).

II. If the Principal or their nominee determines that the criteria is not met, they will instruct the Registry that the matter is closed and a Completion of Procedures letter will be sent to the complainant.

III. If the Principal or their nominee determines that there is a potential case to answer, then they will convene a Complaints Review Panel in accordance with the following terms to review the original outcome and make recommendations or proposals for additional actions.

IV. The Principal will nominate two senior staff members to the Review Panel, one of whom will serve as Chair, and the Student Union President. No staff member that was previously involved in the case or a person who has been personally involved in the matter shall be a member of the Review Panel.

XIV. A member of the Registry shall act as secretary and record the rational for the Panel's decisions.

V. Prior to the Panel, the Head of Registry will provide the minutes and rationale of the original Complaints Panel, as well as any evidence that was considered. The Complaints Review Panel will consider the reliability of the original decision, based on the evidence available to it and decide to:

- uphold the original decision
- amend the original decision
- disregard the original decision and substitute its own

VI. The decision of the Panel, and its rationale will be presented to the Principal and notified to the awarding body immediately after the Panel is held.

VII. An Outcome Letter advising the complainant of the Panel's conclusion and any further recourse for review will be delivered to the complainant within 2 working days of the Panel being held. This will be accompanied by a Completion of Procedures letter.

XV. The Chair will liaise the relevant managers to oversee the implementation of the panel's recommendations and report back to the Complainant. If the relevant managers refuse to comply with the Panel's recommendation, the Chair can appeal to Principal, who will act decisively.

XVI. The Registry will keep minutes of the Complaints Review Panel within its archives in accordance with the School's data retention schedules.

Version Tracking:

Version	Author / revisions by	Changes summary	Approved by	Date
1.0 – 3.6	Head of Registry Principal	Original version and subsequent updates	Executive Committee	Sep 2015 Sep 2016 Sep 2017
4.0 – 4.5	Quality Audit Manager Head of Registry	Revisions to general structure of document and references to other School policies added with information on when to use these; section on expected complainant conduct added.	Board of Governors	Aug 2020
5.0 - 5.1	Snr. Quality Officer Quality Manager Head of Registry	Substantial re-write to all sections; alignment to franchise mode requirements and addition of 'quick guidance' section and procedural disambiguation. Terms of reference in appendixes updated	Board of Governors	Sep 2022

Date of next review: September 2023