



Learner Complaints Policy and Procedures (Awarding Body – City and Guilds)

Version 2.0

Approved by the Board of Governors

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This document sets out the School's policy and procedures for responding to learners' concerns and complaints about the standard of service provided by the School.

It has been reviewed and developed in line with *England's Regulatory Framework for Higher Education* and takes on board the Code's accompanying guidance with regard to Complaints, Concerns and Appeals; due regard is also given to:

- i. *The Competition and Market Authority's UK higher education providers – advice on consumer protection law;*
- ii. *The Office of the Independent Adjudicator (OIA)'s Good Practice Framework*

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1. Principles for Handling Learner's Complaints

- 1.1. The London School of Science and Technology (LSST) strives to provide a high-quality academic experience and encourages learners to raise concerns with the School where they feel the standard of any aspect of their learning experience is below their expectations.
- 1.2. The School will consider learners' concerns and complaints at three stages:
 - i. Stage 1: Informal, local resolution
 - ii. Stage 2: Formal complaints procedure
 - iii. Stage 3: Review of formal complaint outcome

The full complaints procedure is given in Section 3

- 1.3. The School will seek to resolve all complaints and concerns promptly in the first instance through informal dialogue between those directly involved, as this is often the quickest and most effective means of address. Where informal conciliation is not possible, learners should make a formal complaint.
- 1.4. The School will ensure that procedures for dealing with formal complaints are fair and transparent to all parties, and that complaints are resolved in a timely fashion; where possible the School will seek to resolve all formal complaints fully (including any review under Stage 3) within 90 calendar days of the receipt of a formal complaint.
- 1.5. Learners will be kept informed of the progress and outcome of the School's investigation of their formal complaints. Where a complaint takes longer than 90 calendar days to resolve, the complainant will receive an explanation for this and be given an indication of how long the issue is likely to take to fully resolve.
- 1.6. All complaints will be taken seriously and investigated in the spirit of natural justice; no learner will be at a disadvantage for having made a genuine complaint, even where the complaint is found to be without merit, provided it has been made in good faith. Any person about whom a complaint is made shall be supplied with a copy of the complaint and given the opportunity to make their representations.
- 1.7. The School will ensure that advice and guidance on making a formal complaint is clearly accessible to all learners and prospective learners. Where requested, Learner Support staff will guide learners through the process of making a formal complaint.
- 1.8. Anonymized information about the quantity and substance of learners' complaints will be used by the School to reflect on its performance in the delivery of learning opportunities and to drive continuous enhancement of the services it provides.

- 1.9. The School shall maintain a record of all complaints made by learners relating to the course and the outcome of each complaint.
- 1.10. Where a complaint is made concerning delivery of a course, the school will notify the awarding body.
- 1.11. The School will issue the completion of Procedures Letter at the end of the relevant procedure allowing the learner to complain to the OIA if they wish to do so.

2. Scope of LSST's Complaints Policy

Important:

- 2.1. LSST delivers learning opportunities under validation and franchise agreements with external awarding bodies, with whom it works to resolve learners' formal complaints. The procedures for submitting formal complaints vary depending on the course a learner is enrolled on.
 - i. Learners on courses leading to awards from City and Guilds should use LSST's procedures in Section 4; where they remain dissatisfied with the outcome of their complaint, they may invoke the awarding body's formal complaints procedures.
- 2.2. Regardless of where responsibility lies for receiving and processing a formal complaint, LSST will work with the awarding body to ensure that all complaints are dealt with in accordance with standards as set out in the *Office of the Independent Adjudicator (OIA)'s Good Practice Framework and the Qualification Handbook and qualification assessment documentation*
- 2.3. Where a learner is in doubt about how to submit a formal complaint, they should consult a member of the Learner Support team, who will guide them through the correct process.

3. Definition of a Complaint

- 3.1. For the purpose of this policy, a complaint is defined as:
- 3.2. 'An expression of dissatisfaction by one or more learners about a provider's action or lack of action, or about the standard of service provided by the School'.
- 3.3. This procedure is designed to deal with complaints arising from:
 - provision of academic services described in the School's publications including teaching, content of courses and support for learning;
 - incorrect or misleading information about services provided by the School;

- provision of other services described in literature published by the School;
- problems with the provision, condition or accessibility of School facilities or learning resources,
- the conduct of our staff or of any contractors we employ,
- any perceived inequitable treatment of individuals or unlawful discrimination*

**Serious instances of discrimination, bullying, harassment or victimisation may warrant separate investigation under the School's Anti-bullying and Harassment procedures.*

3.4. The learner complaints procedure does not cover the following:

- i. Complaints about admissions procedures prior to enrolment as a learner of the School, which are dealt with separately under the School's *Admissions Policy*;
- ii. Any matters relating to examination and assessment procedures or academic appeals, which are dealt with through the *Appeals Policy*;

3.5. Complaints received about the behaviour of other learners will normally be considered under the School's Code of Conduct and Disciplinary Procedures, except where they are indicative of a failure by the School to provide a safe and respectful study environment in accordance with its own policies. The Registrar will use discretion in determining the most appropriate procedure under which to consider such complaints.

3.6. **Note: 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.**

4. The Complaints Procedure

Stage 1: Early (Informal) Resolution

Reminder: Learners enrolled on LSST courses, whether making an informal or formal complaint, should refer to this policy and its procedures. The learner may seek a review of LSST's decision under complaints procedure. Where the complaint concerns academic appeals, academic misconduct and complaints of an academic nature, the learner will need to consult with LSST Appeals

4.1. Where a learner wishes to discuss a concern before making a formal complaint, they should consult their Personal Tutor, a Learner Representative, or a member of the Learner Support Team. Learners will be given sufficient information regarding the complaint process and their entitlement to a review of the handling of the complaint in accordance with LSST complaints procedures or referring the matter to the Office

of Independent Adjudicator (OIA) where the complaint is not upheld.

- 4.2. The concern may be raised orally, in writing or by email, and should be given within 10 working days of the incident or action from which the complaint arises, or as soon as possible.
- 4.3. School staff will work with a complainant to resolve concerns promptly and decisively without resorting to the formal complaints process. Where a formal complaint is received and it is not apparent that informal resolution has been attempted, or there is no clear indication that informal resolution is inappropriate, the complaint will usually be referred back to this stage.
- 4.4. The member of staff receiving an informal complaint will attempt to resolve the matter there and then or refer the matter on to someone who can help and aim to resolve the informal complaint within 5 working days.
- 4.5. If resolution of a concern cannot be reached informally between the affected parties, the learner should submit a formal complaint.

Stage 2: Formal Complaints Procedure

- 4.6. Formal complaints should be directed to the Registrar and Assistant Registrar, in writing (letter or email), normally within 20 working days of the incident or action from which the complaint arises, or the outcome of the informal resolution. Complaints received after the advised time may be considered 'out of time' and will be investigated only where good reason can be shown that the complaint could not have been raised at the time; decisions whether to investigate 'out of time' complaints will be at the discretion of the Head of Registry.
- 4.7. It is preferred that learners use the Learner Complaint E-Form available on the VLE or from Learner Support. If providing the School with a physical copy of the complaint, the following address should be used:

*F.A.O. Head of Registry,
The London School of Science and Technology,
First Floor, Memo House,
Kendal Avenue, Park Royal, W3 0XA*

Or the complaint can be submitted electronically to: registry@lsst.ac

- 4.8. The following details must be provided when making a formal complaint:
 - the learner's 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;
- reasons for the learner's dissatisfaction with the attempts to resolve the complaint informally;
- the desired outcome of the complaint (*i.e.*, what the learner would like to be done);
- copies of any documentary evidence the learner wishes to submit (original copies should not be provided);
- a preferred means of contacting learners on the issue.

**Note: Learners are discouraged from making anonymous complaints as this may impede proper investigation and the School cannot guarantee a satisfactory outcome for the learner, however, any anonymous complaints received will be considered and may be investigated where they should give rise to concerns.*

- 4.9. The Registrar and Assistant Registrar will determine whether all the necessary information has been provided and may contact the learner requesting additional details and evidence. In all cases the Registrar and Assistant Registrar will acknowledge receipt of the complaint by letter/email.
- 4.10. The Registrar and Assistant Registrar will forward the complaint to the appropriate person or department within the School, who will investigate the matter using the information provided by the complainant in their written submission. A response will be sent to the complainant in writing within 20 working days of the formal complaint being received by the School, with any outstanding actions to be completed within the 90-day period. Responses sent to the complainant must be copied to the Registrar and Assistant Registrar and all relevant parties.
- 4.11. In instances where it has not been possible to resolve the complaint within the School's 20-day target, the person/s investigating the complaint shall promptly write to the learner and inform them of:
 - The name of the person/s investigating their complaint,
 - The reason for the delay,
 - The date by which the learner will be notified of the outcome.
- 4.12. The letter sent to the learner will be copied to the Registrar and Assistant Registrar and all relevant parties. Where it is felt that the complaint is unfounded, the complainant will receive an explanation as to why this is the case. In certain circumstances where a complaint is partially upheld, the Registrar may take a discretionary approach in making conciliatory or goodwill gestures.
- 4.13. If the substance of the complaint concerns the Registrar, then the formal complaint should be directed to the Principal, who will manage the response to the complaint or delegate this duty to an appropriate person. In the absence of the Principal, the complaint shall be reviewed by Senior Academic Management.
- 4.14. The Learner will receive a formal letter or email at the conclusion of the formal complaints procedure, clearly explaining the outcome and the actions the School has taken or will

take in resolving the issue. The letter will provide instructions on how to request a review of the decision (Stage 3) should the learner have concerns about how their complaint was handled.

Stage 3: Review of Formal Complaints Outcomes

- 4.15. If a learner has reason to believe that their complaint has not been handled fairly, objectively or in accordance with the procedures described above, they should write to the Principal within 20 working days of the date of the formal stage outcome letter, to request a review of the decision.
- 4.16. A review of a formal complaint decision will be considered only where there is evidence that:
 - i. The procedures during the formal stage were not followed properly,
 - ii. The outcome was not reasonable given the circumstances presented,
 - iii. The outcome was not consistent with the outcome of any other similar complaints,
 - iv. New information has come to light which, for valid reasons, could not have been considered earlier in the process and which would have had a significant ('material') effect on the decision.
- 4.17. Dissatisfaction with the outcome of a complaint will not of itself constitute grounds for a review of a formal complaint decision.
- 4.18. Where the appointed/ designated person from the academic senior management is satisfied that there is a case to answer, they will appoint an investigating officer, who will not have been involved in any previous stage in the handling of the complaint. The investigating officer will consider the integrity of the original decision in respect of the request for review and any supporting evidence submitted; their findings will be presented in a report to the Principal within 10 working days of being instructed to investigate.
- 4.19. On receipt of the investigating officer's report, the Principal will convene a Complaints Panel meeting to consider the integrity of the original complaint outcome in light of the report's findings; the membership of the panel will vary to ensure that no person involved in the original decision under review has any influence over the outcome of the Panel's deliberations.
- 4.20. The Complaints Panel will move to uphold, partly uphold or rescind the earlier decision in the light of the investigating officer's report, specifying any remedial actions and the timeframes in which these must be carried out.
- 4.21. Following the panel meeting, the outcome of the panel's deliberations, and the rationale for its decisions will be conveyed by letter/email to the learner and, where appropriate, other parties. This Complaint Outcome letter will advise the learner of any further recourse for review that may be available to them.

5. **Review of Complaint Outcome: Awarding Body Appeals and Referrals to the Office of the Independent Adjudicator (OIA)**

5.1. Where a learner remains dissatisfied with the outcome after the School's internal complaints procedures, they have two options to refer the case to City and Guilds or the Office of the Independent Adjudicator (OIA). Appeals to the awarding body can only be raised for complaints related to quality of teaching, assessment, grading or fees paid. All other complaints should be directed to OIA.

5.2. **Review by City & Guilds:**

5.3. Learners may only send Requests of Complaint Review to C & G for complaints related to the quality of teaching, assessment grading or fees paid. Learners must remember to send copies of all correspondence between them and LSST, relating to the complaint. Learners should also ensure to provide their enrolment number (if known), their date of birth and the details of your Centre (if known).

Contact details

E: feedbackandcomplaints@cityandguilds.com

T: 020 7294 8444

Feedback and Complaints team

City & Guilds

1 Giltspur Street

London

EC1A 9DD

5.4. **W:** www.cityandguilds.com/feedbackandcomplaints

5.5. The Learner Support staff will assist the learner in the correct procedures for escalating a complaint to the awarding body for additional review; the awarding body will investigate the matter in accordance with its policies and procedures.

5.6. Any further actions arising from the awarding body's consideration of the complaint will be agreed between the School and the awarding body, and will be promptly notified to the learner in a Completion of Procedures letter, which will set out in detail all steps taken in considering the complaint, any action taken to resolve it and the rationale for the School and the awarding body's final decisions.

5.7. **The Completion of Procedures letter will mark the conclusion of the internal complaints and appeals process.**

5.8. The School subscribes to the scheme for the independent review of complaints and appeals by the Office of the Independent Adjudicator (OIA). Learners 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 policies and procedures.

- 5.9. 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>
- 5.10. Further information on the OIA's procedures and eligibility for review of a complaint can be found on the OIA's website; www.oiahe.org.uk, or alternatively learners can contact the OIA directly on
 - i. Tel: 0118 959 9813
 - ii. Email: enquiries@oiahe.org

6. Complainants' Conduct

- 6.1. Whilst it is understood that a complainant may be experiencing anxiety as the result of the circumstances surrounding their complaint, they are expected nonetheless to conduct themselves in a reasonable manner and in accordance with the Learner Code of Conduct.
- 6.2. Learners are expected to refrain from making frivolous, vexatious, petty or harassing complaints or make unreasonable demands of those dealing with their complaint. Examples of unreasonable demands on the part of the complainant may include: 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.
- 6.3. Where the complainant is considered to be acting unreasonably, they will be told why this is unacceptable and given the opportunity to modify their behavior. If the unreasonable behavior continues, the School will take the appropriate measures, including referring learners to the disciplinary procedures and terminating consideration of the complaint.

7. Formal Investigations

- 7.1. During Stages 2 and 3 of the complaints procedure, the School may open a formal investigation into the issue.
- 7.2. The member of staff handling the investigation of a complaint may request the complainant to attend an interview as part of the investigative procedure. The member of staff will agree a date, time and location with the complainant and confirm this in

writing. The complainant has the right to be accompanied by a friend or learner representative as an observer.

- 7.3. Any person about whom a complaint is made (the 'respondent') shall be provided with a copy of the complaint with sufficient time for them to prepare their representations ahead of any formal meeting concerning the complaint; the respondent shall have the same right of representation as the complainant.
- 7.4. Where either the complainant or respondent are accompanied in a formal meeting, details of their companion must be provided to the investigating officer in advance of the meeting; the School does not permit representation by an external organisation or professional legal representation during such investigations.

8. Complaints about Staff Members or Other Learners

- 8.1. Should a learner raise a complaint which appears to show that staff or learners have acted in breach of School regulations, the matter will be investigated through the appropriate investigatory procedure, which may be the School's:

- Learner or Staff Disciplinary Procedures
- Assessments Regulations and Procedures
- Academic Misconduct Regulations

This includes, but is not limited to, abusive or threatening behaviour, victimisation, bullying or harassing behaviour, actions likely to cause injury or threaten safety and unauthorised disclosure of confidential information.

Note: Where the issue is referred to be dealt with under a different School policy, then the 90-day timeframe given for resolving complaints may no longer apply.

- 8.2. If a complaint results in a hearing under another procedure or policy, the complainant may be asked to give evidence at a hearing. In instances where the complainant is not willing to give evidence, the School may not be able to proceed with the case.
- 8.3. Where the complaint results in a hearing under another procedure or policy, the School will comply with the provisions of the *Data Protection Act*. This means that the School may not be able to disclose full details of this procedure and any outcomes to the complainant. Legally, there is a recognised expectation that internal disciplinary matters of an individual will be private. If the School is unable to disclose the details of the outcome to the learner, the learner will be informed of the reasons for any such non-disclosure.

9. Record Keeping and Confidentiality

- 9.1. A record of complaints received from learners and the means of resolution will be kept by the Registrar and reported to the Academic Board as part of the School's monitoring and quality assurance processes.
- 9.2. School staff dealing with complaints matters may at times be in receipt of potentially sensitive information regarding learners' personal circumstances; all such information disclosed by the learner when making a complaint will be held securely within the Registry Office and shared only with those who need to be aware of it in order to carry out these procedures.
- 9.3. It is expected that those in receipt of concerns and complaints will respect confidentiality and retain anonymity for learners raising concerns where this is appropriate. However, complainants should never be promised confidentiality as there may be instances where information disclosed must be passed on to fulfil a public function (such as reporting a crime).
- 9.4. Anyone dealing with a concern or complaint who is unsure whether information is confidential should clarify with the source of the information and speak to the School's Data Protection Officer:

it@lsst.ac

10. Training and Awareness of the Complaints Policy and Procedures

- 10.1. The School will periodically organise activities to raise awareness of the Complaints Procedure, and how it is to be used; learners will have access to information about this policy and the correct process of making a complaint in their Learner Handbooks and during Induction.
- 10.2. The School will additionally provide ongoing support and guidance for LSST Staff in handling complaints on how to best resolve them informally and how to respond to formal complaints.

11. Review and Update

- 11.1. This policy and procedure will be reviewed and updated annually by the Head of Registry and the School's Quality Office; changes to it will be reviewed by the Executive Committee and ratified by the School's Board of Governors.



Version History

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