

Complaints Procedure July 2020

Complaints Procedure

1. Scope

- 1.1 These procedures deal with complaints from registered students including partner institutions where applicable, police student officers (see 1.8, 2.2 and 2.5 below), apprentices and their employers and donors to the Inspiring Futures programme regarding one of the following:
- a) a fellow student, police student officer or apprentice;
 - b) a member of Leeds Trinity staff or a member of an external training provider;
 - c) the standard of academic provision, including library and learning resources and training provided by external institutions contracted by Leeds Trinity;
 - d) a Leeds Trinity service;
 - e) the buildings and equipment of Leeds Trinity, including matters covered by the residential accommodation agreement.
- 1.2 Recently withdrawn or recently graduated students of Leeds Trinity University may also make a complaint provided the complaint is initiated within three months of withdrawal or graduation.
- 1.3 The procedures which deal with complaints regarding other matters are:
- a) Applications (please see Applicant Feedback and Complaints Procedure);
 - b) Results of Leeds Trinity examinations or assessments (these complaints are known as appeals and have procedures defined within the Academic Regulations);
 - c) Equal opportunities (see Policy for the Protection of Dignity at Work and Study);
 - d) Sexual and racial harassment (see Policy for the Protection of Dignity at Work and Study and the supplementary guidance on sexual misconduct allegations in the Student Conduct and Discipline Code);
 - e) Students' Union officers, procedures or events (see Code of Practice between the Governors of Leeds Trinity and the Students' Union);
- 1.4 To comply with the current data protection legislation, the University cannot deal with complaints made on behalf of registered students or apprentices by relatives or others.
- 1.5 If a complaint arises in the course of a student's employment by the University, the student should contact the Human Resources department.
- 1.6 The University cannot investigate complaints about an apprentice's employer or other employees as employees, except in relation to the learning contract.
- 1.7 Variations to the personnel and lower stage procedures which apply in partner institutions are necessarily complex and are set out in respective Schedule of Liaison Arrangements and communicated to students by their partner institution.
- 1.8 When a complaint is lodged about a student police officer, accepting that complainants will not necessarily know that the University will advise all parties about

necessary procedures which are set out in 2.2 and 2.5 below.

2. Principles and Guidance

2.1 All students as described in 1.1 above, have a right to complain if they feel that the quality of a Leeds Trinity University service or resource is inadequate, or the conduct of a fellow student, apprentice or member of staff is unsatisfactory.

2.2 For all complaints about a student, the University must determine immediately whether the student is a student police officer and, if such is the case, follow the procedures set out in 2.5 below.

2.3 Complaints Principles

The procedures below are based on the following principles:

- a) complaints will not be made for frivolous or mischievous reasons;
- b) complaints will not be made in an offensive or abusive manner;
- c) complainants will be registered students, including police student officers, of Leeds Trinity University, apprentices or their employers, donors to the Inspiring Futures programme, recently graduated or recently withdrawn students (please see paragraph 1.2 above);
- d) complainants will follow the procedures outlined below;
- e) Leeds Trinity will deal with every complaint individually, fairly, expeditiously, discreetly and without recrimination;
- f) Leeds Trinity will seek to reduce procedural duplication when it is in the best interest of the student, police student officer apprentice and their employer or a donor to the Inspiring Futures programme;
- g) the complainant will be entitled to be accompanied to meetings at all stages of the complaint process by a peer of their choosing.

2.4 Guidance

2.4.1 Students may seek guidance on the applicability and operation of the procedures set out below from the Student Support Adviser or Student Support Administrator in the first instance.

2.4.2 Complaints by employers of apprentices should proceed directly to the formal stage.

2.4.3 Complaints by donors to the Inspiring Futures programme should proceed directly to the formal stage.

2.5 Police Student Officers

2.5.1 Student police officers are subject to their own legal and professional standards and procedures. A complaint about a student police officer will be handled initially under Police Reform Act Schedule 3 regulations which legally entitle members of the public to make complaints about the police and individual officers. It is not legally possible for the University to make a complaint on behalf of a student nor for complaints to be anonymous.

2.5.2 It is not expected that a complainant will realise the professional status of the student

they are complaining about. Accordingly, it is the University's responsibility to determine, in every case of complaint about a student, whether a complaint is about a police student officer or not. Any member of staff responding to an inquiry about making a complaint must check whether this is the case and if so, advise the complainant as below and direct them to the Director of Student Academic Services (DSAS).

- 2.5.3 When it has been determined that the complaint is about a student police officer, the DSAS will consult the student and advise them that:
- it will be necessary for the complaint, including the contact details of the complainant, to be forwarded to the West Yorkshire Police Apprenticeship and PEQF Lead;
 - the police will make inquiries as required with the complainant and keep the complainant informed thereafter; however, the complainant still has the option to not formally progress the complaint with the police;
 - the outcome of the complaint inquiry, including specific action taken, will be communicated directly and transparently by the police to the complainant as per Schedule 3.
- 2.5.4 The DSAS will advise the student about whether a stage one personal resolution may still be advisable. If not agreed, the complainant should submit a stage two formal complaint making it clear in writing that stage one is not advised. The DSAS will remain the adviser to the student. However, the student complained about will also be entitled to support and advice in relation to the University as appropriate.
- 2.5.5 Once a formal stage two complaint has been lodged, the DSAS will inform West Yorkshire Police Apprenticeship and PEQF Lead that a complaint has been made and forward the details. Although complaints cannot be managed on behalf of a student, the DSAS will advise the police whether there might be a case of misconduct to be investigated subsequent to the police inquiry into the complaint.
- 2.5.6 The DSAS will track the process thereafter as far as possible given the police will handle the inquiry directly with the complainant. Schedule 3 sets out timescales to be adhered to.
- 2.5.7 When the police inquiry is complete and depending on the nature of the complaint and its outcome, the DSAS will determine, in consultation with the police and the Pro-Vice Chancellor (Education and Experience), whether a university conduct investigation should proceed. This is a significant moment in balancing the rights and obligations of the University to uphold standards with the (double) jeopardy of termination of programme resulting in disbarring a student from entering the police.
- 2.5.8 The complainant may have right of appeal to the police under Schedule 3. The University cannot appeal on the student's behalf. If the complainant remains dissatisfied, the DSAS will determine whether a stage 3 University appeal has merit or whether the University should issue a Completion of Procedures letter entitling the complainant to go to the OIA.

Complaint Procedure

3 Personal Resolution: Stage One

- 3.1 It is generally more effective to try and achieve a personal resolution at the time when the problem arises and with the person(s) involved. This may include a tutor, or a manager of a university service, or externally contracted staff, such as school-based training mentors. A request for a conversation away from other people should be followed by a discreet, courteous but frank discussion of the complaint and possible consequences, and a proposed outcome to resolve the matter.
- 3.2 If contacted for guidance, Student Support staff will encourage personal resolution to a complaint in the first instance.
- 3.3 The Director of Student Support and Engagement or a nominated member of their staff may also be able to provide support in resolving matters. Please email: studentsupport@leedstrinity.ac.uk. For similar resolution of apprenticeship issues, please contact the Director of Centre for Apprenticeships, Work Based Learning and Skills at: apprenticeships@leedstrinity.ac.uk.
- 3.4 In the event that the complaint relates to Student Support then support for a personal resolution will be provided by the Students' Union.
- 3.5 If, after trying to achieve a Personal Resolution, the complainant still feels she/he has not received a satisfactory outcome then she/he should follow the Formal Complaint procedure below.
- 3.6 A Formal Complaint must be raised no later than one calendar month from the conclusion of the Personal Resolution discussions relating to it.

4 Formal Complaint: Stage Two

- 4.1 The formal complaint procedure should normally only be used after the Personal Resolution procedure has resulted in an unsatisfactory outcome.
- 4.2 The Formal Complaint Form must be used to set out the complaint and be submitted to: complaints@leedstrinity.ac.uk. The formal complaint must be submitted within one calendar month of the conclusion of the Personal Resolution discussions relating to it. The Formal Complaint Form is available on the Leeds Trinity University external website.
- 4.3 To help with the investigation and resolution, all parts of the Formal Complaint Form must be completed and should include:
- (a) The issue and subject of the complaint (see paragraph 1.1).
 - (b) Relevant dates and identification of persons.
 - (c) References to dated emails, correspondence, oral statements, published information.
 - (d) A summary of the outcome of the Personal Resolution.
 - (e) A clear indication of the outcome sought, such as apology, restitution of fault or omission, change of situation or decision, refund, etc.
- 4.4 Complaints about external training provision are necessarily more difficult to investigate, particularly where school holidays render members of staff out of contact and unable to attend meetings. All formal complaints about such provision shall be handled within reasonable timescales as determined and monitored by the Pro-Vice Chancellor (Education and Experience) and shall not be subject to the deadlines as set out below for internal complaints.
- 4.5 Timescales

- a) The Pro-Vice Chancellor (Education and Experience) shall normally acknowledge receipt of the formal complaint by email, within five working days of receipt.
- b) The Pro-Vice Chancellor (Education and Experience) shall decide the appropriate person to take responsibility for investigation of the complaint (**Investigating Officer**) and who has had no previous involvement in the matter. The Investigating Officer shall be charged with interviewing the complainant(s) within ten days of receipt (subject to availability of complainant(s)).
- c) If the Pro-Vice Chancellor (Education and Experience) has previously been involved in the matter, then responsibility for handling the formal complaint will fall to the Deputy Vice-Chancellor.
- d) The Investigating Officer shall interview others and gather any further evidence as necessary and, if appropriate, arrange a meeting with the complainant(s) and the subject to attempt reconciliation.
- e) The Investigating Officer shall ensure that interview notes taken with the complainant(s) and others are confirmed in writing as being a true record and reflect the substance of any conversation(s).
- f) The Investigating Officer shall report to the Pro-Vice Chancellor (Education and Experience) who shall decide whether the complaint is to be upheld and inform relevant parties in writing, normally within 25 working days of receipt of the written complaint, of:
 - any action to be taken.
 - a date on which progress will be reviewed.
 - right of appeal (see section 5).
- g) On the review date, or as soon thereafter as possible, the Pro-Vice Chancellor (Education and Experience) shall ascertain from the complainant and the subject of the complaint whether the required action has been taken.
- h) If the required action has been taken, then the matter shall be formally closed and taken no further and the Pro-Vice Chancellor (Education and Experience) shall write to both parties to confirm this.
- i) If the required action has not been taken the Pro-Vice Chancellor (Education and Experience) shall invoke relevant procedures as necessary.

5 Appeal against the Outcome / Handling of Complaints (Stage 3)

- 5.1 If a complainant is dissatisfied with either the outcome of their complaint or the way in which the complaint was handled, they may ask for a review of a formal complaint outcome by completing the Complaint Review Form and emailing it to the Vice-Chancellor's PA at vc@leedstrinity.ac.uk within ten working days of the letter informing the complainant of the outcome of the formal complaint. A form is provided for this purpose by the University and is available on the Leeds Trinity University external website.
- 5.2 The Vice-Chancellor may delegate an appropriate senior manager to investigate the case.
- 5.3 The Vice-Chancellor or delegate will investigate the case fully and will respond in writing to the complainant(s), normally within 28 working days, stating the outcome of the review, copied to the Pro-Vice Chancellor (Education and Experience) for information.
- 5.4 Reviews will only be allowed on the following grounds:

- Faulty or irregular procedure in the initial complaint handling.
- Emergence of relevant information not available previously.
- Evidence that the initial decision was inequitable, unreasonable or perverse.

6 Case Closure

If a review of a Formal Complaint Outcome has been submitted by the deadline in 5.1 above, Leeds Trinity University will issue a "Completion of Procedures" letter at the same time as it informs the complainant(s) of the outcome of the review.

7 Independent External Review

7.1 If, on exhaustion of Leeds Trinity procedures detailed above, a complainant wishes to seek an independent external review, then they should apply to the Office of the Independent Adjudicator [OIA] within twelve months of the date of the "Completion of Procedures" letter. The "Completion of Procedures" letter will contain information on the services provided by the OIA and how to submit an application. The OIA website is www.oiahe.org.uk.

7.2 A complainant is also entitled to seek an independent external review from the Financial Ombudsman Service [FOS] where the complaint involves an area of the University's activities which is regulated by the Financial Conduct Authority (providing credit by allowing payments in instalments and providing money and debt advice services). The 'Completion of Procedures' letter will contain information on the services provided by the FOS and how to submit an application. The FOS website is www.financial-ombudsman.org.uk.