

## Student Complaints Procedure

<b>Responsibility for Policy:</b>	Registrar & Chief Operating Officer
<b>Relevant to:</b>	LJMU staff and all students and apprentices studying at LJMU (excluding Policing apprentices and any other apprentices studying at an academic partner)
<b>Approved by:</b>	SMT 22 November 2016
<b>Responsibility for Document Review:</b>	Student Governance
<b>Date introduced:</b>	September 2009
<b>Date(s) modified:</b>	June 2013, July 2013, October 2014, July 2015, July 2016, June 2017, September 2020, July 2021, September 2021, September 2022, October 2022, March 2023
<b>Next Review Date:</b>	September 2023

### RELEVANT DOCUMENTS

- Quality Assurance Agency (2018) *UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals*
- The OIA (2022) *Good Practice Framework - Handling Complaints and Academic Appeals*

### RELATED POLICIES & DOCUMENTS

- Student Complaints Procedure for Academic Partnerships

## 1. General principles and information

- 1.1. Liverpool John Moores University is committed to providing an environment that is conducive to study and provides academic and support services to facilitate the achievement of a student's target award. However, we recognise that students may wish to raise issues regarding the academic, administrative, support or other services provided by the university.
- 1.2. The university operates a 3 stage Student Complaints Procedure:  
  
Stage 1 – local resolution.  
Stage 2 – formal complaint.  
Stage 3 – final internal review.
- 1.3. LJMU is committed to managing student complaints in a way that:
  - Is timely and efficient, to facilitate a speedy resolution.
  - Is fair and transparent to all parties.
  - Promotes informal conciliation such as mediation, where appropriate.
  - Promotes feedback and best practice to support service teams and faculties to enhance the student experience.
- 1.4. The complaints procedure operates on the principles of natural justice:
  - There are two sides to every dispute.
  - All parties are given the opportunity to provide evidence to substantiate their version of the issue / incident.
  - Full disclosure of any allegations or evidence will be made to those parties involved in the complaint.
  - All students involved in a complaint have the right to be accompanied by a friend at each stage of the procedure. A *Definition of a Friend or Representative in the Student Complaints Procedures* is available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/student-complaints>
  - All staff have the right to be accompanied by a Trade Union representative at each stage of the procedure.
- 1.5. Students are expected to have met their obligations and responsibilities as members of the university with regard to:
  - Meeting their academic commitments.
  - Acting in accordance with university regulations.
  - Behaving with consideration for other students and staff.
- 1.6. All complaints are taken seriously, and students are not penalised for making a genuine complaint. [Section 3](#) outlines the support services available for students who wish to pursue a complaint. Students should contact Student Governance if they have any specific concerns about making a formal complaint.
- 1.7. The university expects that students will not submit false statements, falsified evidence or frivolous or vexatious complaints. Examples of such complaints include:

- Complaints which contain false allegations or falsified evidence.
  - Complaints which are obsessive, harassing, or repetitive.
  - Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes.
  - Insistence on pursuing complaints in an unreasonable manner.
  - Complaints which are designed to cause disruption or annoyance.
  - Demands for redress which lack any serious purpose or value.
- 1.8. The university reserves the right to end consideration of a complaint if it is deemed frivolous, vexatious, or as defined in 1.7 above. The decision to end consideration of a complaint will be taken by the Academic Registrar (or nominee). Students who do submit such complaints may be subject to Student Disciplinary proceedings.
- 1.9. The burden of proof is normally on the complainant and the university will normally decide the case on the civil standard of proof and on the balance of probability.
- 1.10. The Student Complaints Procedure is approved and endorsed by LJMU Academic Board and conforms to the Quality Assurance Agency (QAA) Advice and Guidance (Concerns, Complaints and Appeals) and the Office of the Independent Adjudicator's (OIA) Good Practice Framework for Handling Complaints and Academic Appeals.
- 1.11. The procedure is managed by Student Governance and is independent from LJMU faculties, schools and other professional service teams.
- 1.12. The student complaint form is available at <https://myservices.ljmu.ac.uk/> Complainants who are unable to access this link should contact Student Governance.

## 2. Confidentiality and Personal Data

- 2.1. Information on confidentiality and data protection in the Student Complaints Procedures is available the Student Governance Privacy Notice at <https://www.ljmu.ac.uk/legal/privacy-and-cookies/external-stakeholders-privacy-policy/student-governance-privacy-notice>

### **3. Advice and Support**

- 3.1. Students can obtain advice relating to the complaints procedure from Student Governance at [StudentGovernance@ljmu.ac.uk](mailto:StudentGovernance@ljmu.ac.uk)
- 3.2. Students who need specific assistance or reasonable adjustments made in order to access the Student Complaints Procedure should contact Student Governance at [StudentGovernance@ljmu.ac.uk](mailto:StudentGovernance@ljmu.ac.uk)

Further information on reasonable adjustments in Student Governance procedures is available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>

- 3.3. Students can obtain professional and independent advice from a qualified adviser at Liverpool John Moores Students' Union Advice Centre, telephone number 0151 231 4900 or email [JMSUadvice@ljmu.ac.uk](mailto:JMSUadvice@ljmu.ac.uk)

Further information is available on the Liverpool John Moores Students' Union webpages at <https://www.jmsu.co.uk/advice>

- 3.4. Student Advice and Wellbeing provides advice and support particularly in the areas of financial issues, disability, study support, accommodation, health, wellbeing and counselling <https://www.ljmu.ac.uk/discover/student-support>
- 3.5. Students can obtain advice on equality and diversity issues from the LJMU Equality and Diversity Officer (Telephone 0151 231 8141, Email [M.M.Akinsanya@ljmu.ac.uk](mailto:M.M.Akinsanya@ljmu.ac.uk))
- 3.6. Students can obtain advice on data protection issues from the university Data Protection Officer at [DPO@ljmu.ac.uk](mailto:DPO@ljmu.ac.uk)

### **4. Who can complain?**

- 4.1. This complaints procedure is open to all registered or former registered students of Liverpool John Moores University undertaking a validated programme of study.
- 4.2. There is a separate complaint procedure for LJMU students studying on an LJMU validated programme at collaborative partner institutions and this can be requested from Student Governance at [StudentGovernance@ljmu.ac.uk](mailto:StudentGovernance@ljmu.ac.uk)
- 4.3. Where a concern or issue of complaint has affected a number of students, those students can submit a complaint as a group complaint. In such circumstances, all complainants are required to put their name, signature and student number on the statement of complaint to confirm that they agree to the details of the complaint. In order to manage the progression of the complaint, LJMU will normally request that one student is nominated as the group representative. Students submitting a group complaint should contact Student Governance for advice and for a complaints form.

- 4.4. Anonymous complaints will not normally be accepted; complaints that are not made openly cannot be investigated in keeping with the principles of natural justice outlined in section [1.4](#). Exceptions to this may be made where the complaint raises serious issues of concern for the health and safety of students, staff and the general public.
- 4.5. Third party complaints are not accepted, unless the third party is acting as the complainant student's representative and the student and University have authorised such representation in writing. Representatives can only act on behalf of a student where it can be demonstrated that there is a compelling reason for them to do so e.g. where the student has a disability that prevents them from engaging with the complaint process, or where the student has a lack of capacity due to exceptional circumstances such as hospitalisation.

## 5. What is a complaint?

- 5.1. LJMU recognises that students may wish to raise issues regarding the academic, administrative, support or other services provided by the university.

Examples of complaints include:

- Failure by the university to meet its obligations as specified in the Programme Guide,
  - Misleading or incorrect information in documentation provided by the university.
  - Concerns about the delivery of a programme, associated teaching or administration.
  - The quality of facilities, learning resources or other services provided directly by LJMU.
  - The behaviour of a member of staff.
  - The behaviour of another LJMU student.
- 5.2 Some issues may be more appropriately considered under alternative processes rather than the Student Complaints Procedure. For example, the following issues are **not** considered under the Student Complaints Procedure:

- Dissatisfaction with a **decision made by an academic body** (i.e. the Board of Examiners) regarding student progression, academic assessment and awards. These issues are considered under the **Academic Appeals Procedure** <https://www.ljmu.ac.uk/forms/appeals>
- Dissatisfaction with the outcome of an **academic misconduct process**. These issues are considered under the **Academic Misconduct Appeals Procedure** <https://www.ljmu.ac.uk/forms/appeals>
- Dissatisfaction with the outcome of other university processes, which have an appropriate avenue of appeal such as **Student Code of Behaviour and Student Disciplinary Procedures, Fitness to Practise Policy, Criminal Convictions procedures, Attendance Policy etc.** Student Regulations and Procedures are available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>

- Complaints from **applicants** to the university or complaints regarding the admissions process are considered under a separate **Applicant Complaints Procedure** <https://www.ljmu.ac.uk/forms/appeals>
- Complaints or concerns relating to a data breach are managed by the university Data Protection Officer [DPO@ljmu.ac.uk](mailto:DPO@ljmu.ac.uk)
- Complaints relating to **accommodation** issues in private halls of residence or other private accommodation should be directed to the Manager of the relevant Hall or the Landlord.
- Complaints about Liverpool John Moores University Students' Union (JMSU) are managed by the JMSU internal complaints procedure <https://www.jmsu.co.uk/legal>
- Concerns from students about misconduct, malpractice, bribery, fraud or corruption that are of public interest should be submitted and considered under the Whistleblowing Policy <https://policies.ljmu.ac.uk/UserHome/Policies/PolicyDisplay.aspx?&id=215&l=1>
- Matters relating to **external companies**, such as the Student Finance England, which have their own complaints procedures.

5.3 Student Governance and JMSU can provide advice and guidance if students are unclear on which process they should access.

5.4 Where a student raises issues that do not fall neatly into the category of a single process, Student Governance will advise the student which specific issues will be considered under which specific procedure. Alternatively, and dependent upon the circumstances, Student Governance may, with the agreement of the student, decide to consider matters together and conduct a collaborative investigation.

5.5 Where a student submits an academic appeal and a formal complaint at the same time (and where the substance of the academic appeal and the formal complaint refer to the same issues), the university will normally suspend consideration of the academic appeal until the complaint has been investigated. This is because the outcome of the complaint investigation may inform consideration of the academic appeal.

5.6 The university recognises that student complaints made about LJMU staff may refer to various issues, including complaints relating to assessment, feedback and academic related matters. Complaints may also refer to allegations about staff behaviour including bullying, harassment or discrimination. Further information on Student Complaints against LJMU staff is available in [Appendix 1](#).

## 6 Time limits

- 6.1 There are strict time limits for submitting student complaints and progressing to each stage of the process. This is to ensure that matters can be investigated when the circumstances are still fresh in people's minds and evidence is available to support a timely and appropriate resolution. The submission deadlines for each stage of the process are specified below.
- 6.2 Discretion for late submissions can be given where there are **exceptional reasons** supported by relevant evidence. This includes where a student makes an allegation of harassment or sexual misconduct.
- 6.3 The university reserves the right not to progress complaints that are submitted outside of the specified time limits.
- 6.4 The university endeavours to complete the processing of a formal complaint and any associated review (Stage 2 and Stage 3) **within 90 calendar days**. This timeframe requires students to meet any university deadlines for the submission of material.
- 6.5 If, for good reason, such as the availability of essential witnesses, the university needs to extend the timeframe, the student will be notified and kept regularly informed of the progress of the complaint.

## 7 Stage 1 – local resolution

- 7.1 In order to resolve concerns as quickly as possible, students are expected to try and resolve complaints locally with the relevant faculty, school or professional service team, in the first instance.
- 7.2 First point of contact may include one of the following people, an Assistant Academic Registrar, Faculty Operations Manager, Programme Leader, school office or Director of School. **Students should state they wish their complaint to be considered as a Stage 1 student complaint.**
- 7.3 If students are unsure of who to contact regarding their complaint, then JMSU or Student Governance can advise.
- 7.4 All stage 1 complaints should be submitted **within 30 calendar days of the event complained about**. University staff (see 7.2) can be contacted in writing by email and should respond in writing to the complainant **within 30 calendar days**. Where this is not possible for valid reasons, the staff member should advise the student of the anticipated timescale.
- 7.5 Students should keep a record of any action they take to resolve the complaint and keep copies of all relevant correspondence.
- 7.6 Stage 1 student complaint responses may include the following:
  - Providing information, advice and explanations
  - Suggesting solutions
  - Apologies and resolution

- Referral to Student Governance for mediation and/or conciliation
- Referral to other appropriate support services
- Referral to the Formal Student Complaints procedure (Stage 2) or other university procedures.

7.7 If it is not possible to resolve the complaint locally at stage 1 or if the student is dissatisfied with the outcome of their stage 1 complaint and believes that the matter has not been properly addressed, then students can submit a formal complaint under stage 2 of the Student Complaints Procedure. (see [Section 8](#) below)

7.8 The university recognises that there can be exceptional circumstances where it may not be appropriate to raise the matters locally (for example if the complaint involves complex, multiple issues or where the complaint relates to the conduct of staff or other students). In such cases, students should submit a formal complaint under Stage 2 of the Procedures, **within 3 calendar months of the date of the event or when the issue of complaint occurred.**

## 8 Stage 2 – formal complaint

8.1 Where the complaint has not been resolved or satisfactorily dealt with locally or where it is not appropriate to be considered locally then a student can submit a formal complaint. Students will be expected to provide details of their efforts to resolve the matter locally at Stage 1 and attach any relevant correspondence or provide reasons why it was not appropriate for their complaint to be considered locally.

All Stage 2 formal complaints should be made to Student Governance using the online student complaint form <https://myservices.ljmu.ac.uk/>

8.2 Formal complaints should be made within 3 calendar months of the date of the event or when the issue of complaint occurred, not from the date the matter was first raised or responded to. Discretion may be given where a student makes an allegation of harassment or sexual misconduct.

8.3 If a complaint is submitted outside the advertised deadlines, then the complaint will be deemed out of time and the university reserves the right not to progress the complaint any further. If a student is able to demonstrate that they have complained informally, discretion may be given for complaints submitted outside of the timeframe specified above.

8.4 Students should complete all sections of the complaint form **clearly and concisely**, describing their concerns and summarising the key events with relevant dates.

Unless discretion has been given for a complaint submitted outside of the timeframe specified above, incidents and events that occurred outside of the 3-month deadline will be deemed out of time and will not be investigated.

Failure to complete all sections of the form clearly and concisely may lead to a delay in responding to the complaint, or the complaint not being progressed.



8.5 Students need to provide **appropriate and relevant** evidence to support any allegations they make (evidence may include signed witness statements, letters, emails and any other relevant information). The university cannot guarantee the return of original documents. Students should retain copies of the complaints form and any documentary evidence they submit.

[Appendix 2](#) refers to guidance on witnesses and character references in the Student Complaints Procedure.

8.6 All evidence submitted to support the complaint must be clearly referenced and the relevance of each document should be clearly stated. Failure to do so may result in delays in the process or the rejection of the information. Students should not provide irrelevant personal information about themselves or a third party. Student Governance reserves the right to reject irrelevant evidence.

8.7 Covert recordings (i.e., where the person or persons being recorded were not aware of and/or did not consent to the recording) are not normally allowed to be submitted as evidence. The university will seek legal advice should a student wish to submit such evidence and a decision will be made on a case-by-case basis.

8.8 Where a student fails to provide reasonable evidence to substantiate their allegations, the university reserves the right not to progress the complaint further.

8.9 Where a student fails to engage in the process the university reserves the right not to progress the complaint.

8.10 Student Complaints procedures may be deferred or suspended at any time during the process on health grounds or where there is good reason to do so.

8.11 Students are also required to specify the remedy they seek and/or the desired outcome to their complaint. [Appendix 3](#) refers.

8.12 Students will receive a formal acknowledgement **within 5 working days** of submitting a complaint form to Student Governance.

8.13 On receipt of a formal student complaint, Student Governance will undertake an **initial assessment** and consider whether:

- The complainant has submitted the form within the specified deadline.
- The complainant has set out clearly and concisely what the complaint is about, providing information relating to the key events and key dates.
- The issues of concern may be more appropriately considered under alternative processes rather than the Student Complaints Procedure.
- The complainant has provided reasonable evidence to substantiate their complaint.
- Further information is required (in relation to the eligibility of the complaint) from the complainant or relevant department.
- Immediate interim actions are required to provide security, advice and support to individuals and to preserve academic integrity. Examples of interim actions may include, but are not limited to referral to support services, reasonable adjustments to procedures, deferral of formal

processes, security notification, suspension of studies, as well as alternative attendance, assessment, marking and supervisory arrangements.

- 8.14 Based on the **initial assessment**, Student Governance will determine whether the complaint will be rejected or accepted and progressed.
- 8.15 If the complaint is rejected, for example if the complaint was submitted late or was submitted without reasonable evidence, the complainant will be notified in writing of the reasons for the decision. Students will be provided with a Completion of Procedures (COP) letter should they wish to proceed to the Office of the Independent Adjudicator ([Section 10](#)).
- 8.16 If the complaint is accepted, there are a number of ways in which the complaint may be progressed at this stage, dependent upon the nature and complexity of the complaint. Students will be notified in writing of how their complaint will be progressed. Such action may include:
- Offer an early resolution.
  - A request for further information or clarification.
  - A meeting with a Student Governance Adviser to clarify matters of procedure and issues of complaint.
  - Investigation by a Student Governance Adviser who will provide a written response to the complaint.
  - Referral of the complaint to a named person in the relevant faculty, school or professional service team who will investigate the matter locally and provide a written response to the complaint
  - Mediation facilitated by Student Governance.
  - Nominating an Investigating Officer to investigate the circumstances of the complaint. (see also Appendix 1 complaints against LJMU staff and Appendix 4 Investigating Officer Protocol)

Note: Where a student complaint raises allegations relating to the conduct of LJMU staff, Student Governance and a HR Adviser will determine whether the complaint will be investigated by a nominated Investigating Officer (IO). The IO will have no direct association with the staff member's Faculty or Professional Service Team ([Appendix 1](#)).

- 8.17 Dependent on the circumstances of the case Student Governance may with the agreement of all parties offer an early resolution to the complaint without proceeding through the formal procedures. [Appendix 3](#) refers to potential outcomes.
- 8.18 The Investigation Protocol at Appendix 4 provides further information and guidance on the ways the university will consider and investigate a Student Complaint.
- 8.19 Wherever possible the university will seek to facilitate an early resolution of the complaint. The university aims to provide a response **within 30 calendar days** of submission of the complaint. Should this not be the case, then students will be

kept informed of any likely delay and the reasons for the delay, at the earliest opportunity.

- 8.20 Students will receive written notification of the outcome of their complaint from Student Governance. This will include whether the complaint is upheld or not, the rationale for the decision and any further action to be taken.

## **9 Stage 3 – Final Internal Review**

- 9.1 Students have the right to request a review of their formal complaint by the Vice-Chancellor (or nominee) under stage 3 of the Student Complaint Procedure where they believe and can substantiate that:

- the formal (stage 2) Student Complaint Procedure has not been followed correctly and/or
- the formal complaint has not been appropriately addressed and/or
- the decision regarding the outcome of their formal complaint is unreasonable in all the circumstances.

- 9.2 The grounds for the appeal should be clearly stated in writing and sent with full supporting evidence, **within 15 calendar days** of the date of the Stage 2 outcome letter to the Assistant Academic Registrar (Student Governance) by email at [StudentGovernance@ljmu.ac.uk](mailto:StudentGovernance@ljmu.ac.uk)

- 9.3 An acknowledgement of the stage 3 complaint will be sent to the student **within 5 working days**.

- 9.4 Stage 3 of the procedure is not a re-opening of the complaint and will not consider the issues afresh or involve a further investigation. A complaint must have been considered at stage 2 before it can be escalated to Stage 3.

- 9.5 New evidence will not be considered unless the student can demonstrate valid reasons why they were unable to provide this evidence earlier in the process.

- 9.6 If necessary the Reviewer may contact the student and/or relevant departments to clarify any issues and/or matters of procedure.

- 9.7 The student will be formally notified in writing of the decision of the reviewer, normally **within 45 calendar days**. The reviewer will determine whether the Stage 3 Complaint should be Upheld, Upheld in Part or Not Upheld and provide the reasons for this decision and specify if any appropriate action or remedy is required. [Appendix 3](#) refers.

- 9.8 The decision of the Reviewer is final, and this represents the completion of internal LJMU procedures. The university will provide the student with a Completion of Procedures letter.

- 9.9 Students who are dissatisfied with the outcome of the Stage 3 internal review and believe that the university has failed to follow this procedure correctly, may

take their case to the Office of the Independent Adjudicator for Higher Education <http://www.oiahe.org.uk>.

- 9.10 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. Liverpool John Moores University is a member of this scheme. If a student is unhappy with the outcome they may be able to ask the OIA to review their complaint. Students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong at <https://www.oiahe.org.uk/students>.

A student normally needs to have completed the Complaint procedure before they can complain to the OIA. Liverpool John Moores University will send a student a letter called a "Completion of Procedures Letter" when they have reached the end of university processes and there are no further steps the student can take internally. If the student's complaint is not upheld, Liverpool John Moores University will issue the student with a Completion of Procedures Letter automatically. If the complaint is upheld or partly upheld the student can ask for a Completion of Procedures Letter if they want one. Students can find more information about Completion of Procedures Letters and when they should expect to receive one at <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

## **Appendix 1: Student complaints about LJMU staff**

The underlying principles all apply to student complaints about LJMU staff. However, the investigation will normally be undertaken by an Independent Investigating Officer (IO). Please also refer to Appendix 4 – Investigating Officer Protocol. The IO will have no direct association with the student or the staff member's school, faculty or professional service team.

Student Governance will liaise with HR when considering a student complaint about LJMU staff.

### **Investigating the complaint**

Where there is prima facie evidence to support an investigation into the allegations, Student Governance will arrange a meeting with the complainant and the Investigating Officer. The purpose of the meeting is to clarify the circumstances of the complaint and whether the complaint:

- primarily refers to academic matters (assessment, marking, feedback or delivery of teaching for example).
- primarily refers to the behaviour or conduct of a member of staff (unreasonable behaviour, bullying or discrimination for example).

Dependent upon the circumstances, Student Governance may recommend interim actions to preserve the academic integrity of both parties (the complainant and the respondent) during the investigation process. Each case will be considered individually and will take into account factors such as the timing of the academic calendar, the proximity to formal assessment, the nature of the academic relationship between the complainant and the respondent and the role of the respondent in marking the complainant's work. Examples of interim actions may include, but are not limited to:

- That where it is not possible to ensure anonymity, summative assessments undertaken by the complainant, are not first marked by the respondent.
- That where the respondent is also the Personal Tutor of the complainant, they should stand down from this role pending the outcome of the investigation. Alternative arrangements will be made for the complainant.
- That where the respondent is part of the complainant's supervisory team, they should stand down from this role pending the outcome of the investigation. Alternative arrangements will be made for the complainant.

### **Process**

- The complainant(s) will be notified in writing that the complaint will be investigated by a named Investigating Officer.
- The staff member who is the subject of the complaint will be notified in writing that they are the subject of a complaint and that this will be investigated by a named Investigating Officer. This letter will also be copied to their Director of School / professional service team and Human Resources Adviser.

- The staff member will be given a copy of the complaint and any evidence submitted by the complainant. Where more than one individual is named in a complaint and following due consideration of the circumstances of the complaint, normally, those individuals will be party only to the matter(s) of complaint and outcome(s) that are directly specific to them.
- The Investigating Officer will make arrangements to interview separately, the complainant(s), the member of staff and any relevant witnesses. Appendix 2 provides further information on witnesses.
- Normally, the complainant(s) will be interviewed first, however in exceptional circumstances this may not be possible and the university reserves the right to make interview arrangements in order to expedite the investigation.
- These investigatory interviews are not disciplinary in nature, they are intended to investigate and clarify the facts of the complaint. The role of the Investigating Officer is to determine whether the complaint is upheld, upheld in part or not upheld. The IO may also make a recommendation that the matter is referred to HR for consideration under the Staff Code of Conduct.
- Where applicable a HR Adviser will be present during the IO interviews with staff. Their role is to provide impartial advice to the IO and the respondent on employment related issues.
- The Investigating Officer may need to interview the parties to a complaint on more than one occasion if further clarification is needed.

### **The investigation report**

- A copy of the investigation report will be provided to the complainant, the respondent, the Director of School / professional service team and HR Adviser. Where appropriate the outcome of a Student Complaint investigation includes recommendations for consideration under Staff Management processes, the outcome of these processes will not normally be disclosed to the complainant.
- The Investigation report will confirm whether the complaint is upheld, upheld in part or not upheld, the rationale for the decision and any further action to be taken. Where the complaint is upheld or upheld in part, recommendations for further action in respect to the student may include:
  - Supportive academic remedies.
  - Financial and/ or fee remedies
  - Such other remedy as deemed appropriate in the circumstances.

Appendix 3 provides further information in relation to complaint outcomes.

Where the complaint is upheld or upheld in part, recommendations for further action in respect to the member of staff may include:

- Supportive academic training

- Supportive counselling and guidance
- Referral for consideration by the Line Manager under an appropriate HR procedure. Note: any subsequent procedure would not usually re-open or re-investigate the original complaint. The IO will usually act as the Presenting Officer if the matter proceeds to a formal Hearing.

Student Governance will co-ordinate any recommended action as appropriate with regard to the student(s), for example co-ordinating any related action with the student's faculty or the relevant professional service team

The investigation report will be circulated to the Director of School / professional service team to consider the findings and implement any recommendations.

## **Appendix 2: witnesses and character references**

### **Witnesses**

Within student governance procedures, the university considers a witness to be a person who has witnessed the actual events or incidents under consideration, not character witnesses or character referees. Character witnesses or character referees will only be accepted as written statements and will not be party to meetings or hearings.

### **Investigation**

As part of the process those staff investigating the matter and/or making a finding on the matter will assess the relevance and weighting of any witness statements.

Students, staff and witnesses are advised that the matters are confidential to the parties of the process.

It is a serious disciplinary offence for any person to attempt in any way to influence a witness in relation to their evidence, or to request any other person to do so.

Students or staff who provide false information in their witness statements may be subject to disciplinary procedures.

Witnesses may be asked by Student Governance to attend a meeting with Student Governance and/or the Investigation Officer. Meeting notes will be taken, and the witness will be required to confirm and comment on the notes.

The university will normally only interview witnesses who are employed by LJMU or who are students at LJMU and with their agreement.

Witnesses may be asked by Student Governance to submit signed witness statements and to respond to any queries in relation to their statement.

Staff and students may also submit a signed written statement from external witnesses.

### **Personal and medical circumstances, character references**

Students can submit evidence of extenuating circumstances, personal circumstances and other mitigating factors that they wish the university to consider in relation to the case.

Evidence can include medical letters, character references and testimonials etc.



### **Appendix 3: Complaint outcomes**

The university has developed this statement to align with the OIA's approach to remedies and redress and to provide information to students about possible outcomes to their complaints. The OIA's "Putting Things Right" is available at <https://www.oiahe.org.uk/about-us/reviewing-complaints/what-happens-when-a-student-complains-to-us/putting-things-right/>

Where a complaint is found to be Upheld or Upheld in Part, recommendations may be made. This can include recommendations aimed at providing redress for the student complainant as well as recommendations to improve procedures, regulations, practices and training. When making recommendations, consideration will be given to the complainant's desired outcome and will take into account steps taken to resolve the student's concerns. All parties should note that the actual recommendations made may differ from the complainant's desired outcome.

Students, staff, faculties and professional service teams are required to comply with the recommendations within the specified period of time. Non-compliance may result in further proceedings.

Recommendations can be made to refer the findings to other procedures such as the student or staff disciplinary procedures.

Complaint recommendations cannot normally interfere with the academic judgement of a member of staff or Board of Examiners (for example change assessment marks or change an award classification), but recommendations can be made to re-mark work or to re-consider decisions in light of the findings of the complaint.

#### **Examples of practical remedies**

- Reconsideration of decisions required (by Board of Examiners, Personal Circumstances Panels etc).
- Further assessment opportunities.
- Opportunity to return to the programme.
- Amendments to procedures and policies.
- Improvement in communications and Information.
- Additional academic and pastoral support.
- Refer the matter for consideration under other procedures e.g. student or staff disciplinary procedures.
- Staff training.
- Mediation, undertakings and/or action plans.
- Apology and explanations.
- Graduation enhancements.
- At the final review stage, the reviewer may recommend that the matter is reinvestigated.

#### **Financial remedies**

Financial remedies are normally only made when other remedies are unavailable, inappropriate or do not sufficiently compensate the student. Financial remedies can include, fee refunds, fee waivers, financial payments.

When considering whether financial compensation is appropriate each case is considered on its own merits.

Where a refund of fees is recommended the university would normally return the money to the source it came from e.g. the Student Loans Company or Student Sponsor.

### **Compensation for distress and inconvenience**

The university can also recommend a payment for distress and inconvenience. Such a payment may be recommended in addition to or instead of other practical or financial remedies.

Each case is considered on its own individual facts.

The university generally refers to the OIA's indicative compensation bands when considering compensation for distress and inconvenience.

## **Appendix 4: Investigating Officer Protocol**

### **Introduction**

This investigation protocol is applicable to all formal student-related investigations. For example, where a student complaint is particularly complex and/or contains serious allegations against other students or members of staff (Appendix 1 of the Student Complaints Procedure refers) an independent, impartial Investigating Officer (IO) may be appointed to investigate the circumstances of the matter. The decision to appoint an Investigating Officer is taken by Student Governance.

The IO will be a senior member of university staff with no direct involvement with the relevant university department or any of the parties involved in the investigation and will be supported by a Student Governance Adviser.

These guidance notes are to support the IO to:

- Better understand the process of investigation.
- Reach a conclusion based on the evidence.
- To support a finding that:
  - The student complaint is upheld, upheld in part or not upheld.
  - The allegation(s) are proven, proven in part or not proven.
  - The matter should be referred to another university procedure e.g The Student Disciplinary Procedure.

‘Parties to the complaint’ is a term commonly used to refer to the complainant, (the person who makes the complaint), the respondent (the individual(s) who is the subject of the complaint) and witnesses (individuals who are providing evidence to corroborate statements provided by either the complainant or the respondent).

### **Student investigation protocol**

University procedures follows the principles of natural justice and procedural fairness:

- There are two sides to every dispute.
- All parties are given the opportunity to provide evidence to substantiate their version of the matter.
- All parties are entitled to have their case considered by an independent, impartial and unbiased decision maker.

- Full disclosure of allegations or evidence will be made to those parties involved in the complaint prior to any formal interview or hearing.
- There should be no unreasonable delay in investigating the matter.
- All students involved in a complaint have the right to be accompanied by a friend at each stage of the process. See the *Definition of a Friend and Representative in Student Governance* guidance. All members of staff have the right to be accompanied by a Trade Union representative.

The investigation process must be fair and transparent. This entails allowing the parties (complainant and respondent) to present their evidence, usually in separate interviews with the IO, to know who else will be interviewed and to see all of the available evidence. Evidence will not normally be disclosed to witnesses.

Where more than one individual is named in a complaint, those individuals will be party only to the matter(s) of complaint and outcome(s) that are directly specific to them.

Failure to observe the basic requirements of fairness will allow any decision to be challenged.

Complaints should be investigated and brought to a conclusion with the minimum of delay. If a case is unreasonably delayed, there is the potential for challenge on the basis that the student has been compromised; by witnesses being unavailable, by evidence being more difficult to investigate and witness memories waning. Delay also enables an argument that, irrespective of the outcome of the investigation, the individuals involved have been under stress due to the length of time taken to consider the matter.

Where there may be delay due to the availability of parties to the complaint (during the vacation periods for example), the IO should consider the potential implications of the delay. Where delay is unavoidable but essential to ensure a fair investigation, then this should be made clear to the relevant parties. In exceptional circumstances, the Investigating Officer may request signed statements to be provided in lieu of interview. Interviews may be conducted online where appropriate.

The IO will have access to all documents relating to the case but may request further information or documents as appropriate.

All information provided regarding the investigation is normally confidential for use within the investigation process and subject to the requirements of data protection legislation. Normally, only staff directly involved with the complaint will have access to confidential information. However, confidentiality cannot be guaranteed; for example, where the matter may be escalated by the student to the Office of the Independent Adjudicator or the courts. Exceptionally, where there are issues of safeguarding, risks of harm to students or others, or criminal activity, information may be provided to a third party without an individual's consent.

### **Interviewing the parties**

Following an initial review of the documents and where applicable, consultation with Human Resources (HR), the Student Governance Adviser will arrange

interviews with the complainant, witnesses and other relevant parties to the complaint.

The complainant will normally be interviewed first; parties to a complaint may be interviewed or contacted on more than one occasion if further clarification is needed.

The order of interviews is subject to the discretion of the IO and the availability of the parties. Normally, witnesses for the complainant are interviewed before the respondent to the complaint is interviewed.

Respondents will be provided with a copy of the complaint submission and any evidence provided by the complainant, prior to meeting with the IO.

Interview meetings are not recorded. Non-verbatim notes will be made of the interview and a copy provided to the interviewee (usually within 7 working days), who will be asked to confirm or amend factual details, following the interview.

### **Conducting an Investigation Interview**

At the start of the interview, the IO / Student Governance Adviser must ensure that:

All parties present at the interview are introduced and their roles explained.

The interviewee, if unaccompanied, was informed of their right to be accompanied prior to the interview. Where the interviewee is accompanied, then the name of the friend or trade union representative is included in the interview notes.

The interviewee is aware of the procedure that is being followed, relevant timescales and (if known at this stage) any potential delays.

The involvement of the interviewee in the matter / incident is clear (for example whether they are the complainant, a respondent or witness) and that all relevant details are within their knowledge. Wherever possible, second-hand (hearsay) evidence should be avoided.

The interviewee is aware that full disclosure of the allegations and evidence will be made to the relevant parties to the complaint.

The **complainant** confirms the substance of the complaint and the issues to be investigated. The IO will confirm the scope and remit of the investigation. This must be noted and agreed at the initial interview.

The **complainant** confirms the remedy they are seeking i.e., what they see as the desired outcome to their complaint. This must be noted and agreed at the initial interview.

The **complainant** has provided all documentary evidence and information (any outstanding evidence must be provided by a specified date). This must be noted and agreed at the initial interview. After this date no new information or evidence will be considered unless the complainant is able to demonstrate that they were

unable to, or prevented from, submitting the information at the correct time.

The IO will confirm to the **complainant** who they deem relevant to interview. (The respondent and IO may also identify other staff/students to be interviewed).

Prior to meeting the IO, respondents to the complaint will be provided with a copy of the complaint submission and evidence submitted relevant to the issue of complaint they are responding to. The respondent is given the opportunity to respond to the issues of complaint, provide documentary evidence where applicable and/or arrange to provide relevant documents by a scheduled date.

The interviewee is advised that the investigation report will be circulated to the complainant, the respondent and the director of the faculty/service for consideration and appropriate action in accordance with the recommendations.

During the Interview the IO will ask the witness to respond to the issues raised, provide documentary evidence if applicable and / or arranges to provide relevant documents by a scheduled date.

### **Interview Notes**

Summary (not verbatim) notes of the interview will be taken.

Interview notes will be sent to the interviewee normally within 7 working days of the interview requesting that the notes are agreed or amendments proposed, signed and returned within 7 days.

The interview notes should:

- Note the procedure that is being followed.
- Clearly record the matter of complaint.
- Record the response to the complaint.
- Refer to any relevant documents that support the accounts of the complainant, respondents and witnesses
- Record any further information required and agreed deadlines for providing such information.
- Not include irrelevant or prejudicial material.
- Be written in such a way that it can be read by someone with no knowledge of the case, so that they would be able to understand the circumstances of the complaint and the relevance of the evidence of the witness.

Interviewees should note that a copy of the original notes and their amendments will be retained for consideration by the IO, via Student Governance during the investigation and when determining his/her findings

### **Investigating Officer's report**

Once the investigation has been completed, the Investigating Officer will submit their findings in the form of a written report.

The report should follow the format outlined below.

The report will state if the complaint is upheld, upheld in part or not upheld and

include any recommendations for further action.

## **Distribution of the report**

All parties will receive a copy of the final investigation report and will be advised of any appropriate actions to be taken and the next stage of the procedure.

Where more than one individual is named in a complaint normally those individuals will be party only to the matter(s) of complaint and outcome(s) that are directly specific to them.

Where the outcome of a student complaint investigation includes recommendations for consideration under student disciplinary procedures or staff management processes, the outcome of these processes will not normally be disclosed to the complainant.

Dependent on the nature of the complaint and the findings, the investigation report may also (if applicable) be circulated to the director of faculty/service and Human Resources (HR) to consider the findings and any recommendations. The director of faculty/service (and where applicable HR) will determine further action in light of the findings.

## **Investigation Report Format**

### **1. Complaint**

This section should clearly specify the issues of complaint as agreed with the complainant and note the remedy sought by the complainant.

### **2. Summary of investigation process**

This section should summarise the scope of the investigation including who was interviewed and why as well as referencing the evidence considered.

### **3. Outcome of the Investigation**

This section should state the findings of the investigation addressing each aspect of the complaint as summarised in section 1.

If the complainant has not provided evidence to substantiate all or part of the complaint or if the Investigating Officer is unable to reach a conclusion on all or part of the complaint due to conflicting evidence, then the report should note this.

This section should state whether each issue of the complaint is Upheld, Upheld in Part or Not Upheld.

### **4. Recommendations**

Where the complaint is upheld or upheld in part, then the report should refer to a remedy. If this is not the remedy sought by the complainant, then the report should indicate why.

Additionally, the report should note any recommendations for further action if appropriate, for example the recommendations for good practice, feedback on procedures etc.

The Report should note that the Investigation Report will be circulated to the Director of Faculty/Professional Service Team and where appropriate HR, to consider the findings any recommendations and that the Director may take further action in response to the findings of the report.

## **5. Appendices**

This section should list the copies of evidence referred to in the report as appendices.