

## COMPLAINTS AND APPEALS POLICY AND PROCEDURE

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## 1. Introduction

- 1.1. This document explains what complaints and appeals are and the procedures to be followed for their submission and consideration. The Complaints and Appeals Policy draws on guidance from the *Good Practice Framework: Handling complaints and academic appeals* as published by the Office for the Independent Adjudicator and other sources.
- 1.2. The Complaints and Appeals Policy is designed to recognise that, while we strive to provide an outstanding student experience, sometimes things will go wrong and LMA and its staff will make mistakes. We are committed to learning from our mistakes and conducting complaints and appeals in good faith, putting things right in a timely manner.
- 1.3. The Policy applies as follows:
  - 1.3.1. Both the Complaints and appeals aspects of the policy apply to applicants for, and students on, courses leading to a Regent's University London degree;
  - 1.3.2. Students registered on a course leading to a University of Northampton (UoN) degree may use the complaints aspect of the policy and the appeals process where this relates to the implementation of LMA policies (e.g. student conduct). Other, academic related, appeals are conducted in accordance with the [UoN process](#). Students on UoN awards also have access to the University's [harassment reporting tool](#).
  - 1.3.3. BTEC Students may use the complaints aspect of the policy and the appeals process where this relates to the implementation of LMA policies (e.g. student conduct).

## 2. Definitions

**“We”/“Our”/“Us”/“LMA”** means the Liverpool Media Academy Ltd and **“you” / “your”** means you means an applicant, offer holder or enrolled student of LMA.

**Appeal** is a formal request by a student for the reconsideration of a decision made by a member of staff, Board, Committee or Panel of LMA in relation to your status, progression or achievement as a student (including where permitted under the Admissions Policy, Academic Integrity Policy and Student Code of Conduct and Suspension Policy).

**Complaint** expresses dissatisfaction with an aspect of service or treatment that you have received from LMA. You may also complain about the conduct of another LMA student.

### 3. Principles

3.1. Our procedures for complaints and appeals are based on the following principles:

- i. You will not be academically disadvantaged or otherwise treated differently for submitting a complaint or appeal in good faith: appeals and complaints are recognised as feedback and provide us with the opportunity to enhance the quality of the student experience;
- ii. Complaints and appeals cannot be made against academic judgement (e.g. in relation to the mark you received);
- iii. The complaints and appeals processes are private and confidential.
- iv. You must bring a complaint or an appeal on your own behalf unless there is a legitimate and compelling requirement for you to need someone to act on your behalf. Students under 18 years old may ask, or give permission to, a parent or guardian to raise a complaint on their behalf.
- v. Anonymous complaints are not permitted, and we are unable to preserve the anonymity of the person making the complaint as part of any investigation;
- vi. Staff tasked to investigate appeals and complaints shall act impartially and objectively;
- vii. Where a complaint or appeal is upheld, the remedy will be implemented effectively and efficiently;
- viii. Where we reasonably believe the matter to be, or likely to be, subject to criminal or civil legal proceedings before the outcome of our consideration of the matter, we will pause our investigation proceedings until they are completed so as not to prejudice legal proceedings;
- ix. A successful appeal or complaint cannot result in a change to the assessment or module mark(s) of a student unless that mark was originally miscalculated or entered incorrectly.

3.2. You must conduct yourself professionally when making a complaint or making an appeal. If you make a complaint or appeal that can objectively be considered malicious, dishonest and/or vexatious, it will not be considered. Examples include, but are not limited to:

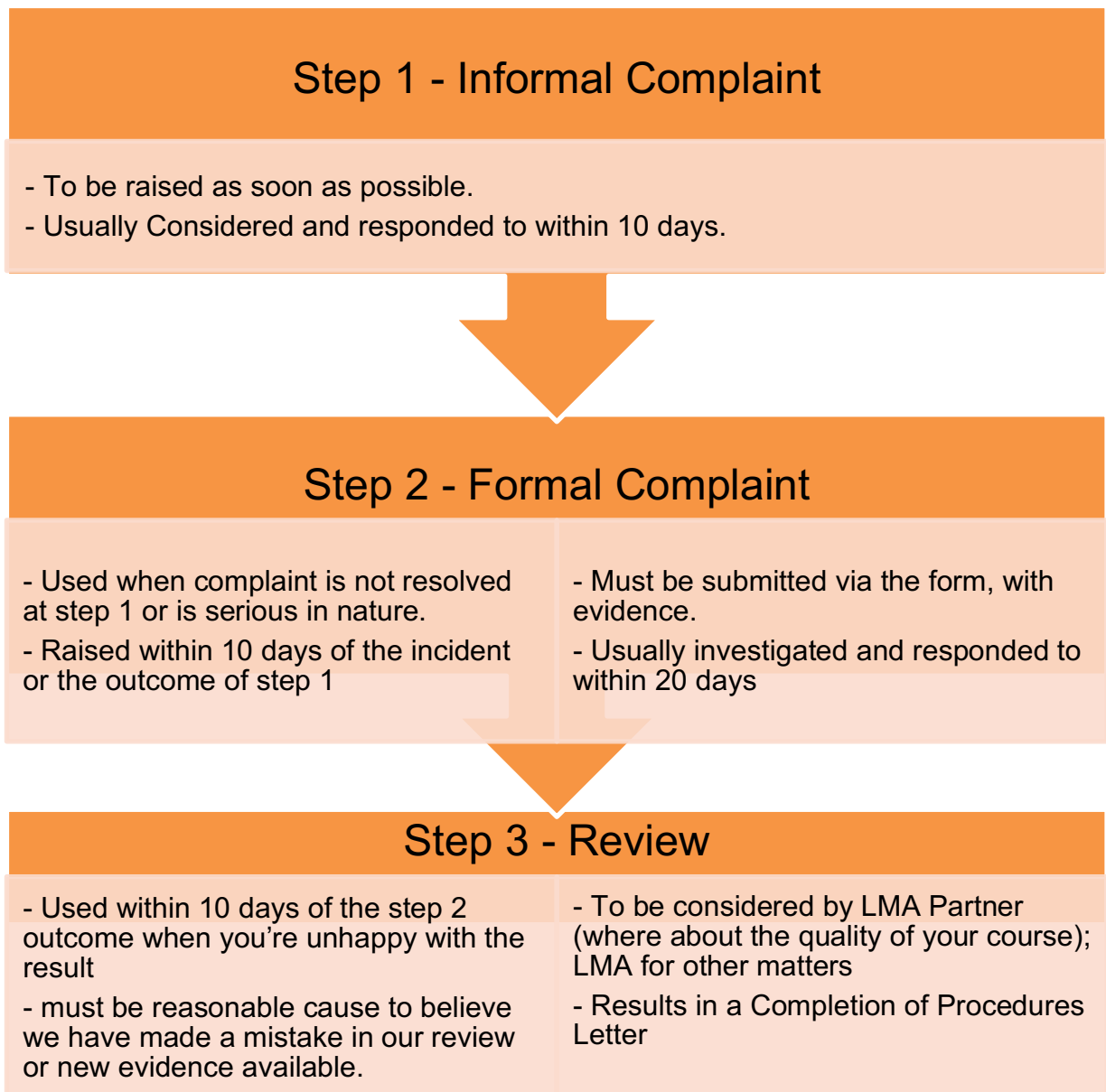
- i. appeals and complaints which are obsessive, abusive, harassing, or repetitive;
- ii. insistence on pursuing non-meritorious complaints/appeals and/or unrealistic, unreasonable outcomes.
- iii. insistence on pursuing what may be valid appeals in an unreasonable manner (e.g. using abusive language or harassing in manner)
- iv. appeals/complaints which are designed to cause distress, disruption or annoyance
- v. demands for outcomes which lack serious purpose or value.

3.3. If your appeal/complaint is deemed to fall into this category, we will issue a Completion of Procedures letter. Depending on the circumstances you may also be referred under the Student Conduct Policy

## 4. Complaints

- 4.1. A complaint may be made where you have been adversely affected by:
- i. An act or of omission concerning the administration or operation of a regulatory procedure of service provide by us;
  - ii. The delivery and administration of your course (e.g. how we timetable the course);
  - iii. The conduct of a member of our staff or another student;
  - iv. Any other matter which adversely affects you and is under our control;
  - v. The complaints policy does not apply to matters which:
    - a Are the subject of court or tribunal proceedings where these have not concluded or been stayed;
    - b Relate to student employment (e.g. if you as a student have a separate employment contract with us)

### Complaint Process overview and timelines



## 5. Complaint Guidelines

- 5.1. Complaints against other people should not be raised or discussed in a public forum.
- 5.2. Where someone's conduct is, or maybe, subject to criminal investigation by the Police, our processes will be paused until the Police confirm that investigations under this policy will not prejudice the outcome of any criminal due process.
- 5.3. Where other people are the subject of a complaint, the Complaints Policy and Procedure may be used in conjunction with other policies where appropriate to do so (e.g. Academic Integrity Policy, Student Code of Conduct and Suspension Policy, Health Wellbeing and Fitness to Study Policy).
- 5.4. Complaints may be sufficiently serious to warrant making a formal, step 2, complaint without first making an informal complaint. We may escalate informal complaints to step two or deescalate step two complaints that have been made without recourse to step 1 first.
- 5.5. In the case of several students making the same complaint, we vary the process, as appropriate and proportionate in order to support an efficient process and timely outcome for the students involved. The principles of the process described in this policy will be maintained.

## 6. Step 1: Informal complaint

- 6.1. In the first instance, complaints should be raised informally, as soon as practical, with the person concerned, e.g. where the complaint relates to a tutor's teaching methods the matter might be most effectively resolved by discussion with that tutor. Informal complaints can be raised in person or via email (or equivalent).
- 6.2. If discussion with the person concerned is not possible or not appropriate, then an informal complaint may also be raised with:
  - i. The Admissions Manager (for applicant complaints)
  - ii. the Head of Department; or
  - iii. the Head of Student Experience (London or Liverpool)
  - iv. the Principal (London or Liverpool); or
  - v. the Director of Registry.
- 6.3. On receipt of an informal complaint, and with your consent, the member of staff consulted may refer the complaint to a more appropriate member of staff to address it.

## Responding to the Informal Complaint

- 6.4. The person receiving the complaint will consider the matter and respond as soon as possible, normally within 10 working days of the complaint being made. In seeking to resolve the matter they may liaise with other members of staff.
- 6.5. Where the complaint is against another person, this matter will be brought up with them and they will, as a matter of natural justice, be told of the complaint against them, including your name, and given the opportunity to respond to it.
- 6.6. Exceptionally, in serious cases, such as where disciplinary action may be foreseeable, an informal complaint may be immediately escalated to a formal complaint and the complaints process paused to allow disciplinary processes to take place (e.g. under the Student Code of Conduct and Suspension Policy or any relevant staffing policy).
- 6.7. If you are not satisfied that the matter has been resolved by the informal processes, you may make a formal complaint (step 2).

## 7. Step 2: Formal complaint

- 7.1. Formal complaints may be made where:
  - i. You are not satisfied that the matter has been resolved by the informal process;
  - ii. You are asked to lodge a formal complaint because of the possibility of disciplinary action being taken against a member of staff or student(s);
  - iii. because of the serious nature of the complaint, you elect to make a formal complaint without first making an informal complaint.
- 7.2. You must make a formal complaint in writing on the [Complaint Form](#) **within 10 working days** of either:
  - i. A response to the informal complaint; or
  - ii. the occurrence of the event or issues that are the subject of the complaint.
- 7.3. Because of the importance of timely investigation, complaints will not normally be accepted after this unless there is good reason (e.g. the step 1 process was delayed), supported by appropriate evidence, for extending the timescale. In the case of complaints outside of this timescale, the Director of Registry (or nominee) will consider the reasons given for why the form is late and will decide whether to accept the formal complaint for review.
- 7.4. The formal complaint should:
  - i. Provide as much detail about the event leading to the complaint and any informal steps taken to resolve it;
  - ii. Be accompanied by any available evidence (e.g. emails, screenshots, contemporaneous notes, links to session recordings etc). **Note:** Evidence not submitted at the time of the complaint but subsequently provided as part of a

- request for a review of the outcome will only be accepted where there is a reasonable explanation for it not being available originally;
- iii. Request the outcome that you would like in order to satisfactorily resolve the complaint.

### **Responding to the formal complaint**

- 7.5. We will appoint an Investigating Officer to investigate your formal complaint. They will have no material interest in the outcome of the complaint. They will decide the most appropriate procedure to investigate the complaint.
- 7.6. You will receive an acknowledgement of the receipt of the complaint within five working days. The written outcome of the investigation into the formal complaint will usually follow within 20 working days of receipt of the complaint.
- 7.7. Where the complaint is against another person, this matter will be brought up with them and they will, as a matter of natural justice, be told of the complaint against them, including your name, and given the opportunity to respond to it.
- 7.8. Complex complaints (e.g. those that might involve disciplinary matters) and those that require investigation involving multiple parties may take longer to respond to. We will keep you updated if we think it will take longer than 20 working days to provide the response.
- 7.9. To effectively investigate your complaint, we may contact you for further information or clarification. Where requests for additional information are required, this may also delay the timeline for the response.
- 7.10. The test for whether a complaint is upheld or not is based on the balance of probabilities as reasonably perceived by the investigating officer. They will be informed of findings reached under other policies/procedures as applicable in reaching the decision.
- 7.11. We will set out our findings and proposed resolutions (if appropriate) to the complainant. The outcomes of a complaint may include the complaint being:
  - i. **upheld in whole** with a statement as to the remedy;
  - ii. **upheld in part** with a statement as to the remedy and an explanation regarding those parts dismissed;
  - iii. **not upheld** with a statement as to the reasons.

- 7.12. In proposing remedies when we uphold (or uphold in part) a complaint, we will take account of, but not be bound by, your requested resolution. While there may be circumstances where financial redress is appropriate, it is not our preferred approach. Resolutions we may offer, include, but are not limited to one or more of the following:
- i. Providing a full and frank apology
  - ii. Repeating, or providing additional, teaching;
  - iii. Providing access to additional learning resources/facilities
  - iv. Financial redress where it is the most appropriate outcome.
- 7.13. If you are satisfied with the written response the complaint is deemed to be resolved upon implementation of any necessary resolution.
- 7.14. If you are not satisfied with the step 2 outcome you may be eligible to request a review under step 3.
- 7.15. The Director of Registry (or nominee) will be responsible for ensuring that any recommendations or agreed actions arising from complaints are communicated to the relevant LMA staff and for recording and confirming the action taken.

## 8. Step 3: Review

- 8.1. Step 3 reviews are conducted by either:
- i. Our Partner (e.g. Regent's University London or University of Northampton), if you are registered on a course leading to degree **and** the complaint relates to academic matters (e.g. how we teach your course); or
  - ii. A member of the LMA senior leadership team for all other matters. The person conducting the review will not have been involved in the Step 2 of the process. This may mean it is conducted by a member of staff based at a different campus to you.
- 8.2. To be eligible to request a review under step 3 you must reasonably be able to:
- i. Identify the possibility that procedural irregularities occurred in the investigation of the formal complaint; and/or
  - ii. Demonstrate that new evidence that has become available that was not considered in the original investigation **and** provide a reasonable explanation for why it was not available at the time.
- 8.3. The request for the review must be sent to the Director of Registry ([registry@lma.ac.uk](mailto:registry@lma.ac.uk)) within **10 working days** of the notification of the outcome of the formal complaint. It will only be considered outside this timeframe if there are reasonable reasons, supported by appropriate evidence, for the late submission.



- 8.4. Where applicable, we will forward your request for review to our partner on your behalf where it concerns academic matters. They may contact you for further information. Where the Partner accepts the request for review, this will be conducted under their own review process.
- 8.5. Requests for review may be rejected if there is insufficient information within the request for a review to establish that there is a possibility that the original outcome was flawed. Where the request does not reasonably satisfy at least one of the grounds and is rejected, we will issue a Completion of Procedures Letter upon request.
- 8.6. A review of an investigation is not a re-investigation. The Reviewer will review the conduct of the investigation to ensure that it has been conducted appropriately and the outcome is reasonable, proportionate, and consistent with relevant policies and procedures.
- 8.7. We may contact you for further information or clarification. Where requests for additional information are required, this may delay the timeline for the response.
- 8.8. The review may:
- i. **confirm the outcome** of the formal complaint; or
  - ii. **uphold the review request** and substitute a new decision for that of the original investigator.
- 8.9. You will be notified of the outcome of the review in writing by the reviewer within 20 working days of receipt of the request for a review. We will let you know if, for any reason, there is likely to be a delay in the process.
- 8.10. Following completion of the review, our internal complaints procedure shall be deemed to have been completed, and a Completion of Procedures Letter may be issued, usually as part of the response.

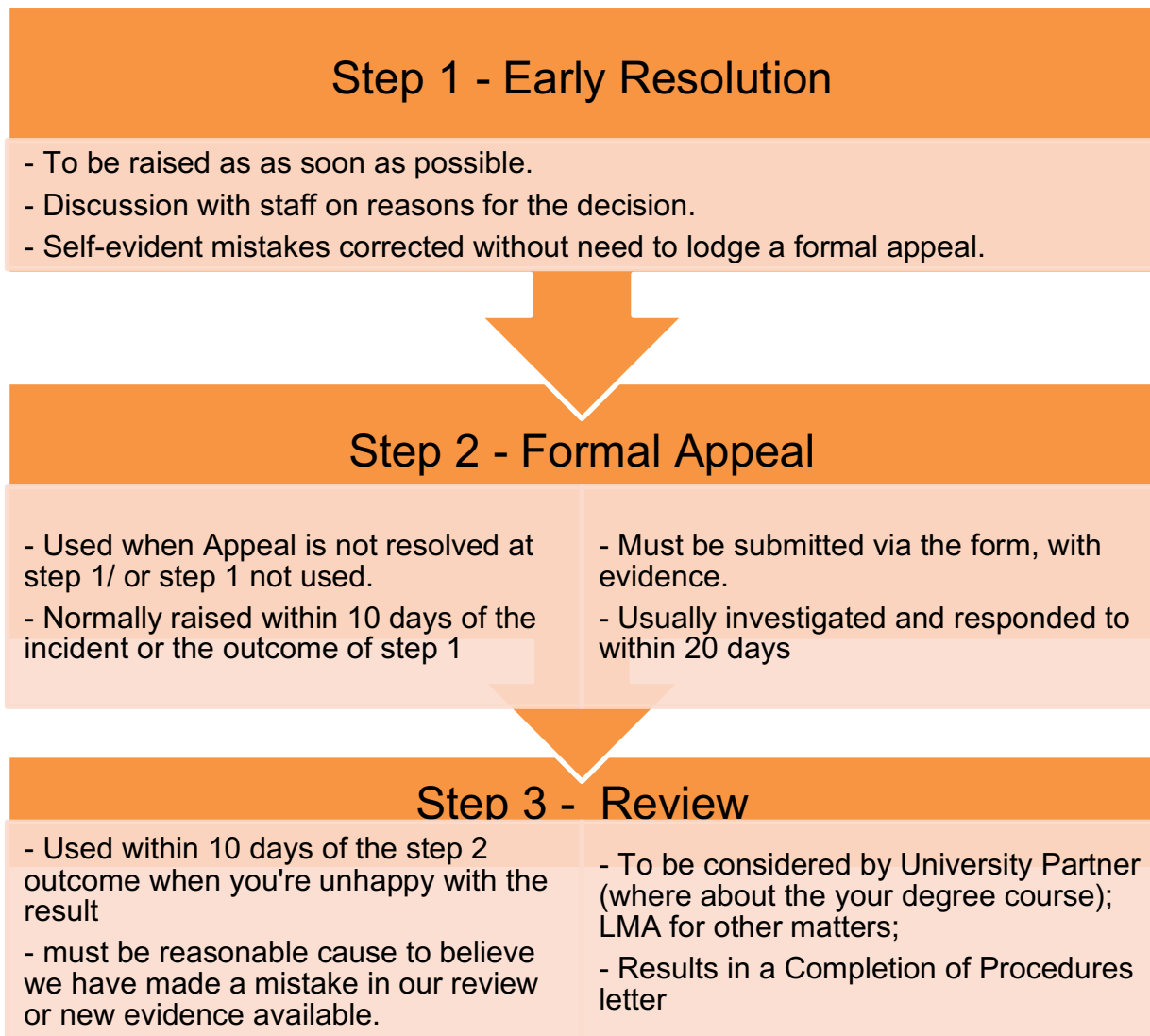
## 9. Appeals

- 9.1. An appeal is a request for a review of a decision about you reached through the application of a LMA policy, procedure or regulation. Examples of decisions you can appeal against include, but are not limited to:
- i. The results agreed at an Assessment Board, which includes the results of an Extenuating Circumstances application
  - ii. A decision reached by an Academic Misconduct Panel
  - iii. A decision reached as part of another process (e.g. Health Wellbeing and Support for Study or Student Code of Conduct and Suspension Policy)

### Grounds for Appeal

- 9.2. You may only appeal our decisions on the following grounds:
- i. there has been an administrative or procedural error of that has affected the outcome of the decision (including where there is new evidence available, which for good reason was not previously able to be considered); or
  - ii. Where your performance in assessment was adversely affected by extenuating circumstances which you were unable, or for valid reasons, unwilling to declare before the assessment board made its decision.
- 9.3. You may not appeal the decision of an Assessment Board (or other decision-making body) on the grounds of alleged defective judgement or non-competence of a properly convened and constituted meeting. In the case of an Assessment Board this would constitute a challenge to academic judgement. Academic judgement is a judgement that is made about a matter where only the opinion of an academic expert is sufficient. Academic judgement may relate to, but is not limited to:
- i. Assessment marks;
  - ii. Assessment feedback;
  - iii. Degree classifications;
  - iv. Academic misconduct;
  - v. Research methodology;
  - vi. Course content and/or learning outcomes

## Appeals process overview and timelines



### 10. Step 1: Appeals: Early Resolution

- 10.1. Before submitting a formal appeal (step two) you should discuss your concern with a relevant member of staff. For example the person who marked your work, or communicated a decision to you is a good place to start and if they can't help, they can signpost you to the most appropriate person - your year tutor or Head of Department may also be a good starting point for academic matters. A discussion in this way can help you to understand why we made the decision you are unhappy with.
- 10.2. If as part of your conversation with us at this stage we think we have made a mistake, we will do our best to put it right without you having to fill out any forms.

10.3. The Director of Registry has delegated authority from Academic Board to rectify matters where we have made a mistake. Any new decisions will be made within the context of the regulations, policies and procedures in force at the time.

## 11. Step 2: Formal Appeal

11.1. If you are unsatisfied with the response at, or elect not to use, step 1 (early resolution) you may submit a formal appeal.

11.2. The appeal must be on the [required form](#) and be submitted within 10 working days of when we communicated our decision to you (e.g. we published confirmed marks or wrote to you with a decision). You should:

- i. Provide as much detail about the decision you are appealing, why and any informal steps taken to resolve it;
- ii. Be accompanied by any available evidence (e.g. emails, screenshots, contemporaneous notes, links to session recordings etc). **Note:** Evidence not submitted at the time of the appeal but subsequently provided as part of a request for a review of the outcome will only be accepted where there is a reasonable explanation for it not being available originally;

11.3. If you are appealing against a decision that prevents you from continuing your studies into the next level, at our discretion you may be permitted to provisionally continue with your studies while your appeal is under consideration on the clear understanding that this is without prejudice to the outcome of the appeal. We are unlikely to allow you to continue your studies during an appeal if we do not believe it is in your best academic interests to do so, or if your continuation may pose a risk to your own wellbeing and safety or that of other members of our community.

11.4. You will receive an acknowledgement of the receipt of your appeal within five working days. The written outcome of the investigation into the formal appeal will usually follow within 20 working days of receipt of the appeal. You will be informed if, for any reason, there is likely to be a delay in the process.

11.5. Your Step 2 appeal will be reviewed by the Director of Registry (or nominee). They may determine in the first instance that your appeal does not warrant a full investigation, according to the following criteria:

- i. **Early resolution:** your appeal is based on an administrative error (or similar) that can be rectified with immediate effect. In such cases, the appeal is considered as being referred to Step 1 – Early resolution: the issue will be corrected, and your appeal will be closed.
- ii. **Ineligible:** your request does not fall under the Appeals Procedure. You may be directed to the appropriate alternative policy/procedure through which to

pursue your request (e.g. Complaints Policy). Where an appeal is found to be ineligible, you may request a step 3 review.

- 11.6. All eligible appeals will be investigated by the Director of Registry (or nominee) to determine whether there is sufficient evidence to prove your grounds for appeal. The outcome of your Step 2 appeal will be either:
- i. **Upheld:** Your appeal demonstrates valid grounds, and the original decision will be reviewed in light of your successful appeal; or
  - ii. **Not upheld:** Your appeal does not demonstrate valid grounds, and the original decision will stand.

## 12. Step 3: Review of Appeal Outcome

- 12.1. If you are dissatisfied with the outcome at Step 2, including a decision that the appeal is ineligible, you may request a review of the procedure undertaken at Step 2, on the following grounds:
- i. a material error or irregularity in the conduct of Step 2 of the Appeals Procedure; and/or
  - ii. you have material new evidence that has become available since the commencement of Step 2 that you were unable, for valid reasons, to provide by the original Step 2 appeals deadline
- 12.2. You must request for a Step 3 Review by emailing [registry@LMA.ac.uk](mailto:registry@LMA.ac.uk) **within 10 working days** of the completion of Step 2, or the decision that your appeal is ineligible for step 2 consideration. The request must fully detail the grounds the review is being requested and provide any new evidence, along with a clear and reasonable rationale as to why the evidence was not available as part of step 2.
- 12.3. You will receive an acknowledgement of the receipt of the step 3 review request within 5 working days.
- 12.4. If your appeal concerns how the Regents' University Assessment and Course Regulations have applied (e.g. where a mark has been capped, or in relation to a progression decision) we will forward your request for review to Regents University London on your behalf. They may contact you for further information. Where Regents University London accepts the request for review, this will be conducted under their own review process. For more information on the Regent's University Academic and Course Regulations, and Academic Appeals see <https://www.regents.ac.uk/policies>.
- 12.5. For non-academic appeal reviews, including but not limited to decisions relating to academic integrity and student conduct we may ask you for more information, or determine that it is ineligible for review, for example because your request is based on a difference of opinion

rather than a potential irregularity within the process. In this case the original decision will stand, and you will be issued a Completion of Procedures letter (see section 13 below).

- 12.6. Step 3 Review requests received by the deadline will be considered by a member of the LMA senior leadership team. The person conducting the review will not have been involved in Step 2 of the process. This may mean it is conducted by a member of staff based at a different campus.
- 12.7. If you submit your request outside of the specified deadline, you should provide a comprehensive explanation and independent evidence explaining why you were unable to meet the normal deadline. If you cannot provide a valid reason for the delay, your Step 3 Review request will be considered out of time, and you will be issued with a Completion of Procedures letter.
- 12.8. The reviewer will evaluate the decision made at Step 2 and make a decision which will be either:
  - i. **Upheld:** Your review request demonstrates valid grounds, and the Step 2 decision and/or the original decision being appealed against will be further reviewed in light of those grounds; or
  - ii. **Not upheld:** your review request does not demonstrate valid grounds, and the Step 2 decision and the original decision being appealed against will stand and you will be issued a Completion of Procedures letter (see below).
- 12.9. You will be notified of the Step 3 Review outcome with reasons for the decision within ten working days of the meeting.
- 12.10. If your review request is upheld, the further review (under 12.8ii) will be conducted by someone who has not previously been involved in the case, usually this will be a member of the senior leadership team. If you are unhappy with the outcome of that further referral you may request a completion of procedures letter.

### 13. Completion of procedures Letters for Complaints and Appeals

- 13.1. The completion of Step 3 for either complaints or appeals marks the conclusion of our internal processes and will detail any further options available to you.
- 13.2. A Completion of Procedures letter will be issued in the following circumstances:
  - i. Where your complaint or appeal was submitted outside of the specified and relevant deadline (e.g. step 2 or step 3 of either the complaints or appeals processes and procedures) and you were unable to evidence a valid reason for missing the deadline;

- ii. Where we or you decide that you do not have grounds to proceed with a Step 3 Review of your complaint or appeal and you request a Completion of Procedures;
- iii. Where step three of the complaints or appeals procedure has been completed, marking our final decision on the matter;
- iv. Where your appeal has been deemed to be malicious, dishonest and/or vexatious in accordance with section 3.2. In this case the letter will confirm that our procedures have not been completed.

#### **14. Taking issues to The Office of the Independent Adjudicator for Higher Education (OIA)**

- 14.1. We subscribe to an independent scheme for the review of student complaints and appeals provided by the Office of the Independent Adjudicator (OIA). The OIA only accepts cases from higher education students (and former students): applicants will not normally be eligible to take a case to the OIA.
- 14.2. Should you decide to raise your case with the OIA, you must do so within 12 months of receipt of your Completion of Procedures letter and using the OIA's complaint form. The OIA will normally only consider cases which have been through our own procedures first.
- 14.3. Further details can be found on the OIA website at [www.oiahe.org.uk](http://www.oiahe.org.uk)

#### **15. Monitoring, Evaluation and Review**

- 15.1. The Director of Registry shall provide an annual report to Academic Board on the use and outcomes of the Complaints and Appeals Policy and Procedure. The report shall thematically summarise matters considered under the policy and provide commentary on the effectiveness or otherwise of the procedures and any recommendations for enhancement.