

## Walbrook Code of Practice for Quality Assurance (Higher Education)

### Chapter 10: student complaints and appeals

#### 10.1 Introduction

This policy applies to registered, enrolled and recent former students<sup>1</sup> of Walbrook. Apprentices should refer to the [Complaints Policy and procedure for Apprentices and their Employers](#) in the first instance. Those applying to study higher education qualifications with us may follow the complaints processes detailed within this policy, however, they won't have access to escalate their complaint, externally, to the Office of the Independent Adjudicator (OIA) as they're not registered students. Those who are on a programme of learning with Walbrook, but are not undertaking a qualification, may follow the processes detailed within this policy, however, they won't have access to escalate their case, externally, to the OIA.

10.1.1. We've drawn on guidance from the following sources when developing our Student Complaints and Appeals policy:

- Quality Assurance Agency's (QAA) UK Quality Code, with particular consideration to the [Advice and Guidance section on Concerns, Complaints and Appeals](#).
- [Office of the Independent Adjudicator \(OIA\)](#);
- [Competition and Marketing Authority \(CMA\)](#);
- [Equality Act 2010 guidelines](#)

10.1.2. There are two distinct processes for student complaints and student appeals. You should review the policies set out below and seek guidance from us to confirm the correct procedure to follow. In certain circumstances, it may be agreed that a complaint and an appeal may be considered together.

10.1.3. If we receive a complaint that falls into both the complaint and the appeals procedure, the case will be directed to a Designated Complaints Officer who'll let you know which areas will be addressed under which procedure and the implications, if any, of following two procedures at once.

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<sup>1</sup> This policy does not apply to Walbrook professional education students, who should refer to either the Complaints Policy and Procedure for Corporate and Professional qualifications or Appeals Policy and Procedures for Financial Capability & Corporate & Professional Qualifications.

10.1.4. These procedures may be varied in the case of programmes that form part of an award delivered collaboratively with a partner institution. Where the collaborative arrangement involves the provision of student tuition only, complaints concerning the service provided should be addressed to the provider in the first instance. When the tuition provider's complaints process has been exhausted, you may refer the matter to us. The collaborative provider should report all complaints and the outcomes to us, so that monitoring of the collaborative partners performance on complaints handling can take place. All appeals should be addressed to us in the first instance, and we'll determine if the partner institution needs to be involved.

## 10.2 General principles

- 10.2.1. Through our complaints and appeals policies and procedures, we ensure that <sup>2</sup>
- i. complaints and appeals are treated fairly, consistently, transparently, and in a timely manner
  - ii. matters of concern can be raised without risk of disadvantage, and any matter raised that may be considered in line with the principles of whistleblowing will receive the same protections available to whistleblowers
  - iii. we take appropriate actions with regard to the complainant and other learners where complaints or appeals reveal any failure on our part
  - iv. we learn from the outcomes of concerns, complaints or appeals to improve the student experience
  - v. we review aspects of our service in the light of any complaints or appeals, and
  - vi. we maintain duties of confidentiality to third parties, or other legal duties, in responding to complaints and appeals.
- 10.2.2. If, as a result of the complaints or appeals processes, we learn of a failure in our processes, we'll take reasonable steps to
- i. identify other students who have been affected by this failure
  - ii. correct or, where it can't be corrected, mitigate as far as possible the effect of the failure
  - iii. share the outcome of any reviews with the Student Representative body (whilst keeping in mind the requirements of appropriate data protection legislation)
  - iv. make sure that the failure does not occur again, and
  - v. consider claims for Refund or Compensation via the processes detailed in the Refund & Compensation policy.

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<sup>2</sup> With reference to complaints procedures of Ofqual's *General Conditions of Recognition*, conditions D3.2, D4, D4.2 and I2.

- 10.2.3. Complaints or appeals with respect to an application to study will be handled via the steps detailed within this chapter, but are ineligible to be escalated to external review by the OIA<sup>3</sup> following completion of internal processes.
- 10.2.4. At any stage, either party are entitled to seek independent advice and support, as appropriate, in respect of a complaint or appeal, however, you can't have legal representation during the complaints or appeals process.
- 10.2.5. You'll be notified of the proposed date of your complaint / appeal being heard. You may be asked to be present, in person, or via video or tele-conference, or to have a non-legal representative present, at the hearing of your case. You may have a supporter accompany you to the hearing, which may or may not be a member of our staff. You must confirm with us the name of any supporter no later than five working days before the date of the hearing. If you require any additional help or reasonable adjustments in place for the Complaints and Appeals Panel (CAP) meeting, you must inform us no later than five working days before the date of the meeting.
- 10.2.6. All students are encouraged to discuss their concerns or to raise a complaint if they're dissatisfied with our provision, however, we reserve the right to exclude or remove a student from a programme of learning if they make frivolous or vexatious complaints or appeals.
- 10.2.7. We use the OIA's definition of frivolous or vexatious complaints or appeals as detailed in the OIA's Good Practice Framework and defined within the OIA Policy on Frivolous or Vexatious Complaints.
- 10.2.8. If we're concerned that your complaint or appeal is becoming frivolous or vexatious (as defined above) we'll warn you of this and we'll also send you a formal written warning about this before any action is taken.
- 10.2.9. If you receive a written warning but continue to lodge frivolous or vexatious complaints or appeals, the matter will be dealt with formally under our disciplinary policy.
- 10.2.10 Walbrook has in place a Freedom of Speech Code of Practice designed to promote academic freedom, freedom of expression and inclusion and to create an environment in which knowledge can be advanced and debate and challenge can be widened, not restricted. Nothing within this document should be read as undermining or conflicting with the Freedom of Speech Code of Practice; and that in case of any conflict the Freedom of Speech Code of Practice will take precedence. To access the Freedom of Speech Code of Practice, please click [here](#).

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<sup>3</sup> <http://oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>

## 10.3 Complaint policy principles

- 10.3.1. We define a complaint as *‘The expression of a specific concern about a product or service delivered by us that may affect the quality of a student’s learning opportunities and experience.’*
- 10.3.2. A complaint may be raised by a registered student, or someone who’s recently left their programme of study<sup>4</sup>, or a representative who has explicit written authority to act on your behalf.
- 10.3.3. We’ll accept a complaint raised by a group of students. In these cases, you’ll be responded to individually. However, in some circumstances, you may need to appoint a group representative, and all agree for that person to act as the key representative for your group.
- 10.3.4. You can’t make a complaint against a decision on malpractice, reasonable adjustments or special considerations because these matters are dealt with under the appeals policy.
- 10.3.5. Complaints won’t be upheld where the complaint is about something that’s been made clear in the regulations, so you should familiarise yourself with all the course and / or assessment regulations, deadlines or other requirements before making a complaint.
- 10.3.6. We consider all complaints with reference to applicable laws, and in line with our [Equality and Diversity Policy](#). You’ll have the opportunity to discuss and resolve your complaint with us in confidence and with impartiality. We comply fully with the provisions of the relevant data protection legislation.
- 10.3.7. We expect students making complaints or enquiries via any medium to act with respect, courtesy, and in a professional manner towards our staff. We provide safeguards as far as practicably possible to protect the interests and wellbeing of our staff dealing with complaints. If you’re abusive or vexatious to our staff, we’ll warn you of your behaviour, and reserve the right to discontinue the current form of communication.
- 10.3.8. At each stage of the complaints process, one of the following outcomes will apply
- i. a complaint is upheld (in part or in full). Where appropriate, some form of action is taken
  - ii. a complaint is not upheld. You’ll be given clear reasons for this decision.
- 10.3.9. You may accept the outcome, or you may consider that your complaint hasn’t been resolved and progress your complaint to the next relevant stage, if you have the grounds to do so.

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<sup>4</sup> QAA, UK Quality Code for Higher Education, Ibid.

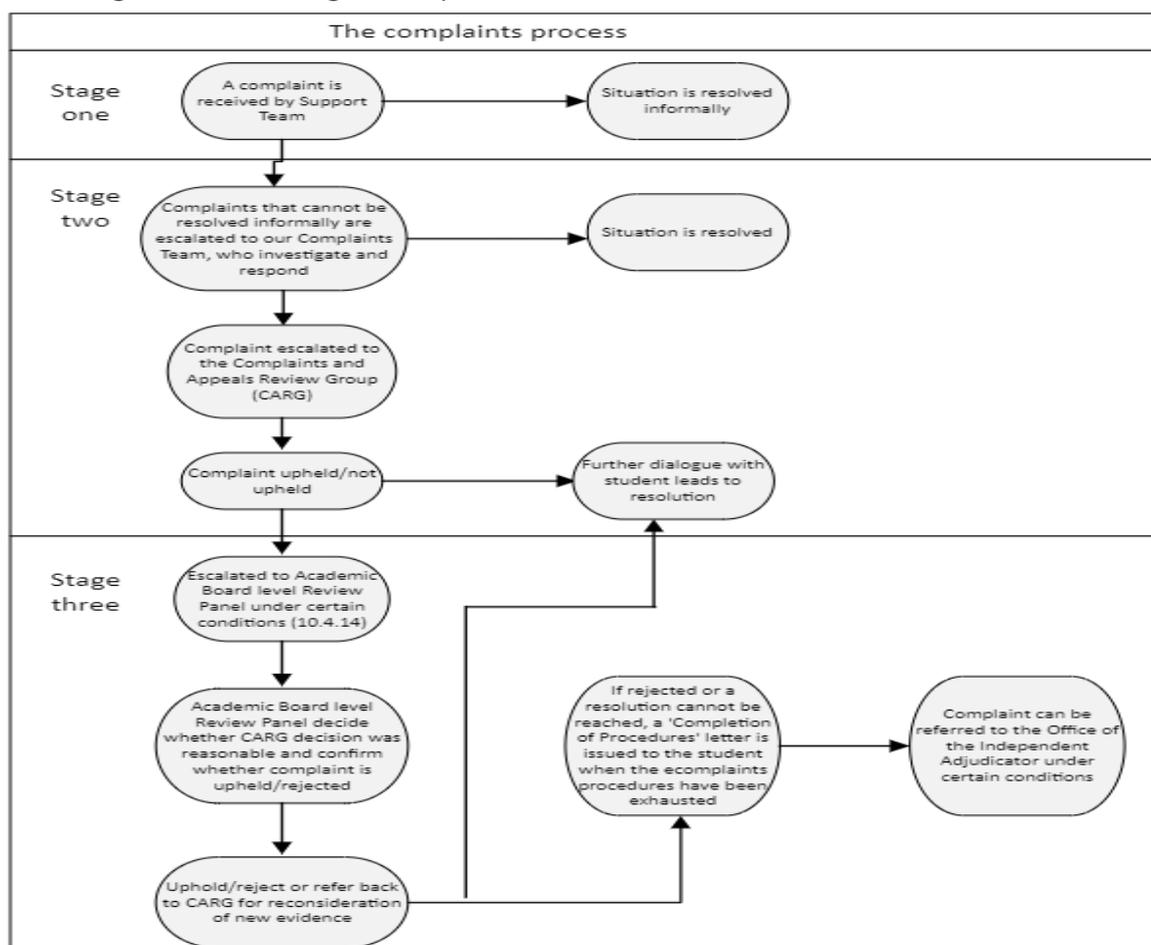
10.3.10. We'll offer remedial action appropriate to the nature of a complaint at any stage a complaint is accepted.

10.3.11. There are no fees or charges for raising a complaint. However, regardless of the outcome of the complaint, you're expected to cover any of your own costs. If you feel you're hindered in raising a complaint for any reason, you should discuss this with your Programme Manager.

## 10.4 The complaints handling process

10.4.1. A complaint should be made as soon as possible, ideally within ten working days from the date of the incident occurring. We reserve the right to dismiss a complaint made more than three months after the incident occurred or that should, within reason, have been highlighted at an earlier point. We'll deal with all complaints as promptly as possible and within clearly defined timescales. Where it's not possible to meet these timescales, you'll be informed of the progress of your complaint.

10.4.2. The stages for handling a complaint are as set out below



## Stage one - informal resolution

- 10.4.3. We always attempt to resolve a complaint with you informally in the first instance by investigating your concern and attempting to reach a solution that satisfies both parties.
- 10.4.4. All correspondence will be responded to clearly, concisely, and in a timely manner. You should supply your Walbrook number and any other applicable information and evidence along with the details of your complaint. For relevant contact details, please see the table below:

### Contact details

Undergraduate on campus programmes	hesupport@walbrook.ac.uk
Postgraduate MENA programmes and Global MSc Banking & Finance online programmes	pgonline@walbrook.ac.uk
All other online programmes	service@walbrook.ac.uk

- 10.4.5. There may be times where it's not appropriate to resolve a complaint informally. When a complaint is very complex or serious, you may be advised to lodge a formal complaint from the beginning. In this situation, you'll be advised how your complaint will need to be progressed.

## Stage two - Complaints Officer and Complaints and Appeals Panel (CAP)

- 10.4.6. If together, we're unable to resolve your complaint informally, you should escalate your complaint formally, in writing, to the relevant contact email address (please see table below for further information). If you're unable to submit a complaint in writing due to a reasonable adjustment, please contact us and we'll be able to help you submit your complaint.

### Contact details

Undergraduate and postgraduate students	complaints@walbrook.ac.uk
Apprenticeships	apprenticeships@walbrook.ac.uk

- 10.4.7. The formal complaint must clearly explain the reason(s) for your complaint and what resolution you're seeking.

- 10.4.8. We'll confirm receipt of a written complaint within five working days and notify you of the process that'll be undertaken. We'll keep you informed of the timescales, progress and outcome(s) of your complaint.
- 10.4.9. We may be able to resolve the complaint at this stage and will let you know how long it'll take to review your case and if we've been able to offer a solution.
- 10.4.10. If we're unable to resolve your complaint informally, you're entitled to escalate your complaint to CAP. This part of the process is considered to be the "formal" hearing of your complaint.
- 10.4.11. CAP will normally consider a complaint within 20 working days of the case being referred to it. If CAP is unable to hear your complaint within this timeframe, we'll let you know why and discuss a new timeframe.
- 10.4.12. The standard of proof required at any consideration by CAP is the balance of probabilities.
- 10.4.13. Depending on the nature of your complaint, CAP may not be able to propose a solution even if your complaint has been upheld / partially upheld. In this situation, CAP contacts the department best placed to address your complaint and request that they provide a suitable resolution. You'll receive written confirmation from CAP about their decision and any action(s) to be taken including timescales, within ten working days of the case being heard.

### Stage three - escalation to Academic Board (review panel)

- 10.4.14. If you are dissatisfied with the outcome given by CAP, you have ten working days from receiving notification of the outcome to request escalation to the Academic Board review panel. You can only request a review by the Academic Board review panel on one or more of the following grounds:
- i. that the procedure adopted by the CAP was defective, or
  - ii. that the action taken or solution provided was unreasonable in light of the outcome determined by CAP, or
  - iii. new evidence, which couldn't have been provided to CAP, has become available.
- 10.4.15. We reserve the right to reject any review against a CAP decision that doesn't fall within the grounds stated in 10.4.14 or fails to provide appropriate grounds for escalation.
- 10.4.16. The reasons for requesting a review must relate to the way the complaint has been investigated or dealt with, and won't be considered if you're simply restating the same concerns.

- 10.4.17. If a review proceeds, the Designated Complaints Officer will let you know the timescales for the review panel process. The review panel, chaired by an individual who has no direct involvement with the complaint, will undertake formal consideration of your complaint. Neither you nor your representative may be present at the review panel meeting.
- 10.4.18. You must present to the review panel a case in writing outlining the grounds you believe you have for escalation of your complaint. If, due to a reasonable adjustment, you're unable to put your escalated complaint into writing, you may ask the Designated Complaints Officer to arrange help with this. The review panel may ask for additional information if they consider it's necessary to progress the investigation of your complaint. If the review panel agrees that you have sufficient grounds for escalation, it will review the complaint. In this situation, the review panel has the power to overturn the outcome determined by CAP.
- 10.4.19. If the complaint is accepted on the grounds that new evidence has become available since CAP heard your case, the review panel will be able to direct CAP to reconsider its original outcome, taking into consideration the new evidence. Your rights to escalate your complaint to a review panel also apply to the reconsideration by CAP.
- 10.4.20. If your request for a review is rejected and all internal complaints and / or review procedures are exhausted, we'll issue you with a completion of procedures letter stating this.

## 10.5 External referral

- 10.5.1 Students have a maximum of 12 months from the date of their completion of procedures letter to escalate their complaint to the OIA. We'll comply with the complaints process established by OIA and will give due regard to the outcome of any complaints process in relation to a qualification we deliver.<sup>5</sup> For further information on escalating your complaint to the OIA, please see appendix A.

## 10.6 Appeals policy principles

- 10.6.1. Our appeals policy applies to 'academic' and 'other appeals.' An academic appeal is defined in line with the QAA and OIA as '*A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards.*'
- 10.6.2. 'Other appeals' are defined as '*A request for a review of a decision on malpractice, reasonable adjustment and special considerations.*'

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<sup>5</sup> Walbrook professional education students should refer to the Complaints Policy and Procedure for Corporate and Professional Education Students as those qualifications are regulated by Ofqual and complaints are escalated externally to Ofqual.

10.6.3. Before submitting an academic or other appeal, you should make yourself familiar with the specific criteria and grounds for each as outlined in 10.6.4 and 10.6.6 below.

#### 10.6.4. Academic appeals

An academic appeal can't be made against provisional results and may only be made against decisions of module or programme assessment boards in line with the following grounds

- i. that there was an administrative error or other irregularity in the conduct of an assessment or processing of marks, grades or classification of an award, or
- ii. that there were extenuating circumstances potentially affecting a student which weren't known to, and couldn't have been brought to the attention of, the Assessment Board when it made the decision concerned.

10.6.5. An appeal which is based simply on a challenge to the academic judgement of the examiner(s) won't be accepted.

#### 10.6.6. Other Appeals

Others appeal can be made in line with the following categories

- i. a reasonable adjustment outcome with respect to an individual assessment component or module within a programme, not to the programme itself
- ii. a special consideration outcome in relation to an individual assessment component or module within a programme, not to the programme itself
- iii. a malpractice outcome associated with an individual assessment component or module within a programme, or the award of the overall programme
- iv. a decision regarding an application to study or an application for Accreditation of Prior Learning (APL). In these circumstances, an appeal would only be considered if it relates to new and relevant information becoming available as per point ii) below.

Other appeals must be made in line with the following grounds

- i. the policy or procedure for the decision reached was not followed correctly or applied fairly by us
- ii. new and relevant information or evidence that wasn't known by us, or couldn't have been brought to our attention at the time the decision was made, has become available.

10.6.7. All appeals must state and demonstrate clearly on which of the appropriate grounds it's based and must be supported by all relevant

evidence. Where new information is provided as part of an appeal, it may initially be referred back to the original decision maker to allow an opportunity for early resolution.

- 10.6.8. We reserve the right to reject any appeal that doesn't meet the grounds set out in this policy.
- 10.6.9. Students can seek advice on the process for making an academic or other appeal, as we may be able to resolve the issue by clarifying the conditions under which appeals can be progressed.
- 10.6.10. If, as a result of an appeals process, we learn of a failure in our assessment process, we will take reasonable steps to
  - i. identify other students who've been affected by this failure
  - ii. share the outcome of any reviews with the student representative body (whilst keeping in mind the requirements of appropriate data protection legislation)
  - iii. correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
  - iv. make sure that the failure does not occur again.

## 10.7 The appeals handling process

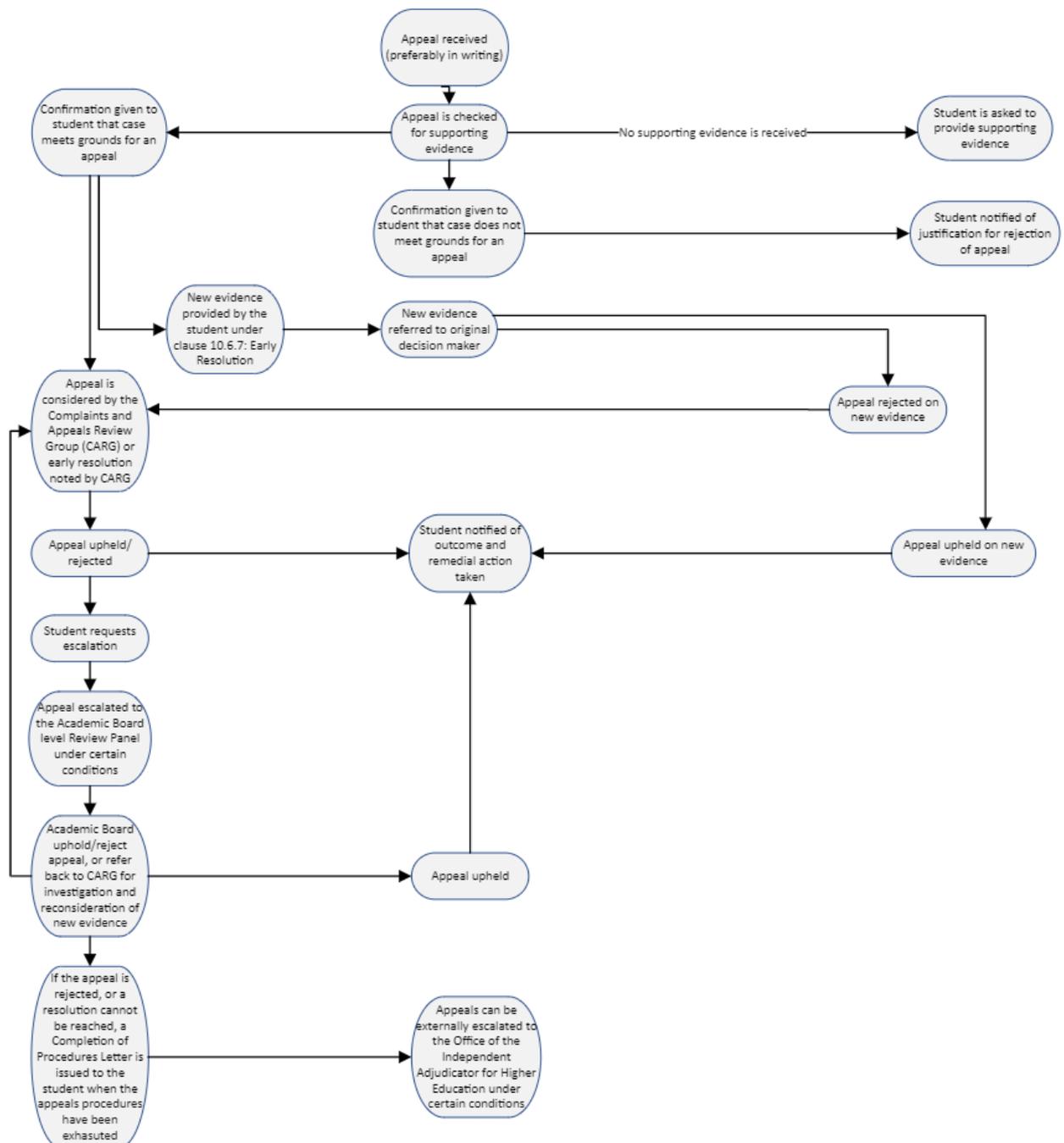
- 10.7.1. Students should make an academic or other appeal in writing to the relevant support team (please see table below for further information) as soon as possible and within 15 working days of the result being communicated to them. If, due to a reasonable adjustment, you're unable to put your appeal in writing, you may ask for help with this. If an appeal is received after the deadline, we reserve the right to refuse the application and only in exceptional circumstances will a request be considered after this time. We'll acknowledge receipt of an appeal within five working days.

### Contact details

Undergraduate on campus programmes	hesupport@walbrook.ac.uk
Postgraduate MENA programmes and Global MSc Banking & Finance online programmes	pgonline@walbrook.ac.uk
All other online programmes	service@walbrook.ac.uk

- 10.7.2. The stages for handling an appeal are as set out in **Figure 2** below:

Figure 2: The appeals handling process



10.7.3. An academic or other appeal must be submitted to the relevant support team via email.

10.7.4. All supporting evidence must be supplied with the appeal or, if it isn't available at the time of the application, as soon as it becomes available. We won't take responsibility to seek evidence out beyond that supplied by you.

10.7.5. When we receive your appeal and evidence, we'll determine whether the appeal meets the grounds outlined in section 10.6.4 for an academic appeal or 10.6.6 for other appeals.

10.7.6. If the appeal doesn't meet the grounds, you'll be notified and given the reason for the rejection of the appeal.

If the appeal meets the grounds, it'll be reviewed by CAP and you'll be informed of the time period within which it'll be considered. If we request further information / evidence from you, the timescale will only begin once we've received all the requested information.

## Complaints and Appeals Panel

10.7.7. CAP will investigate the appeal, including the policy and procedures followed in reaching the original decision being appealed, and the information that was used to make the original decision.

10.7.8. You'll receive a written response outlining the issues that have been considered, the findings, and the outcome of CAP within ten working days of CAP's investigation. If we require additional time to investigate an appeal, we'll keep you informed of this.

10.7.9. All the information submitted to us during the appeals process is treated as confidential.

## Escalation to Academic Board (review panel)

10.7.10. If you're dissatisfied with the outcome given by CAP, you have ten working days from receiving notification of the outcome to request escalation to the Academic Board review group. You must clearly explain how our appeals process has failed to address your concerns.

10.7.11. The review panel, chaired by an individual who has no direct involvement with the appeal, will undertake formal consideration of your appeal. Neither you nor your representative may be present at this hearing.

10.7.12. The review panel will review the appeal procedure and, if the appeal is accepted, has the power to overturn the outcome determined by CAP. If the appeal is accepted on the grounds that new evidence is available, the review panel will be able to direct the case back to CAP to consider the new evidence and its earlier outcome.

10.7.13. There are no fees or charges for raising an appeal, however, regardless of the outcome of the appeal, you're expected to cover any of your own costs. If you feel you're hindered in raising an appeal for any reason, you should discuss this with your Programme Manager.

- 10.7.14. If a request for a review is rejected and all internal appeals and / or review procedures are exhausted, we'll issue you with a completion of procedures letter stating this.
- 10.7.15. If an appeal is accepted, or partly accepted, and you remain dissatisfied with the outcome, you can request a completion of procedures letter from us. The letter will confirm that all our internal procedures have been exhausted and advise you how you can seek independent review, should you wish to do so, by the OIA.

## 10.8 External referral

- 10.8.1 Students have a maximum of 12 months from the date of their completion of procedures letter to escalate their appeal to the OIA. We'll comply with the process established by OIA and will give due regard to the outcome of any process in relation to a qualification which we deliver.<sup>6</sup> For further information on escalating your appeal to the OIA, please see appendix A.

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## Appendix A: external referral

You may be eligible to escalate your complaint or appeal to an external body if you believe that our internal processes have not been followed properly.

The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its [website](#).

At Walbrook, we offer a wide range of programmes and qualifications, so the steps you'll need to follow will depend on the programme of study that you're undertaking. Below is a list of the different routes that are available, but please check with us if you're unsure what you need to do, and we'll confirm which route is appropriate for you.

## Learners studying a higher education qualification

If you're unhappy with the outcome of a decision we've made, you may be able to ask the OIA to review your case. The OIA runs an independent

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<sup>6</sup> Walbrook professional education students should refer to the Appeals Policy and Procedures for Financial Capability & Corporate & Professional Qualifications as those qualifications are regulated by Ofqual and appeals are escalated externally to Ofqual.

scheme to review the internal processes of its member providers, and we're a member of this scheme. You 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 here:

<https://www.oiahe.org.uk/students>. You'll have a maximum of 12 months to escalate your case to the OIA.

You normally need to have completed our internal procedures, confirmed in our [Code of Practice chapter 10: student complaints and appeals](#), before you escalate your case to the OIA. We'll send you a letter called a "completion of procedures letter" when you've reached the end of our processes and there are no further steps you can take internally. If your case isn't upheld, we'll issue you with a completion of procedures letter automatically. If your case is upheld or partly upheld, you can ask for a completion of procedures letter if you want one. You can find more information about completion of procedures letters and when you should expect to receive one [here](#).

Those applying to study higher education qualifications with us may follow our internal processes. However, they won't have access to escalate their case, externally, to the OIA as they're not registered students.

## Learners studying a higher education programme of learning

Those who are on a programme of learning with us but **aren't** undertaking a higher education qualification may follow our internal processes. However, they won't have access to escalate their case, externally, to the OIA. This includes executive or continuing professional development programmes.

## Apprentices

If you remain dissatisfied with the outcome of your complaint or appeal following our internal complaints and appeal process, you may request that you're supplied with a completion of procedures letter, which you can use to support escalation of your case to the OIA (please see above), or to the [ESFA Complaints Team](#). If you're unsure on who to escalate your case to, please speak to the Head of Apprenticeships. You will have a maximum of 12 months from the date of your completion of procedures letter to escalate your case to either the OIA or EFSA.

## Professional Education and Financial Capability learners

If all our internal complaints and / or review procedures are exhausted, we'll issue you with a close of procedure letter stating that our complaints / review process has been exhausted. The case may then be eligible for consideration by the regulators ([Ofqual](#), [Qualifications Wales](#) or [CCEA](#))

within the terms of their complaints policy (in some instances, the external body may choose to look at a case before our final decision, for example, if the matter appears to be urgent or in the public interest). We'll comply with the process established by the regulators and will give due regard to the outcome of any process in relation to a qualification we deliver. Please check with the relevant external body regarding the time period you have to raise your case with them.

## Learners studying a professional education programme of learning

Those who are on a programme of learning with us but **aren't** undertaking a professional education qualification may follow our internal processes. However, they won't have access to escalate their case, externally, to Ofqual. This includes executive or continuing professional development programmes.