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Global Banking School

Complaints Policy and Procedure¹

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¹ This Global Banking School Complaints Policy and Procedure applies to any services offered by the School. If a complaint concerns services offered by Buckinghamshire New University or the University of Bedfordshire the complaints policy and procedure of the relevant university should be used. These are available from each of the university's website. If in doubt about where to make your complaint, ask Global Banking School's Head of Programme Management.

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Contents

- 1. Purpose**
 - 2. QAA Code of Practice: Chapter B9 Complaints and appeals**
 - 3. Scope of the complaints policy and procedure**
 - 4. Procedure**
 - 4.1 Overview
 - 4.2 Stage 1 Conciliation
 - 4.3 Stage 2 Formal complaint
 - 4.4 Stage 3 Appeal to the Executive Dean
 - 5. Procedural rules for the Complaints Review Panel**
 - 6. Stage 4: Independent review by the Officer of the Independent Adjudicator**
 - 7. Reporting of formal complaints to Academic Board and Executive Management Board**
 - 8. General principles underlying the Complaints Policy and Procedure**
- Other documents:**
- Student Guide
 - Flow Chart of Complaints Procedure
 - Formal Complaints Stage 2 Form

1. Purpose

1.1 Global Banking School's complaints policy and procedure is designed to ensure that anyone who is entitled to and wishes to make a complaint about any service or lack of service offered by the School is dealt with in a fair, effective and timely manner.

1.2 The complaints policy and procedure has been developed to ensure that it fully meets the Expectation of the Quality Assurance Agency Code of Practice for Higher Education, Part B Ensuring and enhancing quality; *Chapter B9 Complaints and appeals*.

Note: This policy and set of procedures is for complaints only. Global Banking School has a separate policy and procedure for academic appeals.

2. QAA Code of Practice Chapter B9 Complaints and appeals

2.1 The Quality Assurance Agency Code of Practice Part B Ensuring and enhancing quality: *Chapter B9 Complaints and appeals* sets out the following Expectation which all higher education institutions are required to meet:

Expectation

Higher education institutions have fair, effective and timely procedures for handling students' complaints and academic appeals

2.2 The QAA define a complaint as *the expression of a specific concern about the provision of a course, or a programme of study, or a related academic service*. By contrast an academic appeal is defined as *a request for the review of a decision of an academic body charged with decisions on student progression, assessment and award*.

2.3 Chapter B9 of the QAA Quality Code then goes on to detail ten *Indicators* of sound practice which provide guidance on how the Expectation can be met. These are as follows:

Indicator 1 Institutions have fair, effective and timely procedures for handling students' complaints and academic appeals

Indicator 2 Institutions' complaints and appeals are overseen at the highest level

Indicator 3 Institutions ensure that those studying at all levels have the opportunity to raise matters of concern without disadvantage

Indicator 4 Institutions make publicly available easily comprehensible information on their complaints and appeals procedures

Indicator 5 Clear design of institutions' complaints and appeals procedures enables them to be conducted in a timely, fair and reasonable manner, and having regard to any applicable law

Indicator 6 Institutions ensure that appropriate action is taken following a complaint or appeal

Indicator 7 Institutions satisfy themselves that appropriate guidance and support is available for persons making a complaint or an appeal, including those taking advantage of learning opportunities provided away from institutions and/or through flexible learning

Indicator 8 Institutions make provision in their procedures for those making a complaint or appeal to be accompanied at any stage, including formal hearings

Indicator 9 Institutions have effective arrangements to monitor, evaluate and improve the effectiveness of their complaints and appeals procedures and to reflect on their outcomes for enhancement purposes

Indicator 10 Institutions ensure that suitable briefing and support is provided for staff and students in handling or supporting complaints and appeals

2.4 The complaints policy and procedures detailed in this document is designed to meet the QAA Expectation and the ten Indicators of sound practice.

3. Scope of the complaints policy and procedure

3.1 Global Banking School defines a complaint as an expression of dissatisfaction with any service or lack of service provided by the School. Global Banking School believes it is important that its students feel able to express dissatisfaction to which a response should reasonably be expected. Global Banking School's Complaints Policy and Procedure aims to provide a fair, accessible and straightforward approach, enabling students and entitled others to raise concerns which will be dealt with effectively, and in a timely and appropriate manner. The Complaints Procedure is not restricted to students of Global Banking School. A complaint may also be made by, for example, a prospective student (such as a complaint about the admissions process) or a member of the public. A complaint may also be submitted by a group of students, in which case a spokesperson should be nominated who will be the channel of communication for the group. *A complaint may not be lodged by a third party on behalf of a complainant.*

3.2 Students and others considering making a formal complaint are advised to consider whether there are more suitable ways for them to express their concerns. For example, this may be done through discussion with a lecturer or member of the School's management staff or through other feedback mechanisms, such as student surveys. Anyone thinking about making a complaint is urged to seek to resolve their complaint informally. This can be done either before embarking on the formal complaints procedure or at any stage during the formal procedure. In general, outcomes from an informal resolution of a complaint are usually better and more satisfactory for all concerned.

3.3 If, after initial investigation, it becomes apparent that a complaint may be more appropriately dealt with under the staff disciplinary procedure, the case will be passed to the Head of Human Resources for the duration of the investigation. The Head of Human Resources will use the appropriate procedure for dealing with the matter.

3.4 Students are recommended to read the Guidance Notes for Students so that the Complaints Policy and Procedure is fully understood. The flow chart provides a useful visual summary of the complaints procedure.

3.5 Members of staff at Global Banking School are recommended to read this policy and procedure carefully to ensure it is understood and are able to advise a student or other person of the complaints procedure.

4. Global Banking School's Complaints Procedure

4.1 Overview

4.1.1 There are four stages to the Complaints procedure:

- Stage 1: Conciliation
- Stage 2: Formal Complaint
- Stage 3: Appeal to the Principal
- Stage 4: Independent Review (external)

4.1.2 In the case of a complaint about a member of the senior management team, Stage 2 will be as follows:

- A complaint about the Executive Dean, Managing Director, Associate Dean or Director of Quality Enhancement will be heard by the Chief Executive Officer.

- A complaint against the Chief Executive Officer will be heard by an independent external person.

4.2 Stage 1: Conciliation

4.2.1 Complainants are strongly advised to make every reasonable effort to resolve their complaint informally by meeting with the member of staff most directly concerned with the matter before proceeding to Stage 2 and submitting a formal complaint. If necessary a conciliation meeting involving a more senior member of staff and the member of staff concerned may be held. Global Banking School acknowledges that methods other than a meeting may be more suitable when attempting to resolve the complaint at Stage 1. The School urges students to attempt to resolve complaints at Stage 1 and expects that the majority of complaints will be resolved satisfactorily at this stage.

4.2.2 The complaint should be raised as soon as possible and normally no more than ten working days after the failure in the service or the matter giving rise to the complaint. The member of staff approached should try to resolve the complaint through meeting with the complainant within ten working days of receipt of the complaint.

4.2.3 Where it is not clear to the complainant which member of Global Banking School's staff is directly concerned, or the complainant is unclear on the correct complaints procedure to follow, the complainant will be advised by the Head of Programme Management.

4.2.4 Where the procedure outlined above does not produce a satisfactory resolution of the matter giving rise to the concern, the complaint may be formalised and dealt with as a Stage 2 Formal Complaint, detailed in below. While every reasonable effort should be made to resolve complaints at Stage 1, the complainant has the right to proceed to Stage 2 at any time provided that it is within two calendar months of the matter giving rise to dissatisfaction.

4.3. Stage 2: Formal Complaint

4.3.1 If a complainant is dissatisfied with the outcome of Stage 1 or wishes to proceed directly to Stage 2, he/she should make a written complaint using the Complaints Form. By proceeding direct to Stage 2 the complainant should be aware of the lost opportunity to resolve the matter by informal means. Any complainant who has not attempted to resolve their complaint through conciliation (Stage 1) will be asked to explain on the Complaints Form why they have not completed Stage 1 of the Complaints Procedure or why the informal process has not resolved matters to their satisfaction.

4.3.2 The completed Complaints Form should be lodged with the Head of Programme Management within ten working days of the unsatisfactory outcome of Stage 1 or within two calendar months of the complainant becoming aware of the matter with which he/she is dissatisfied. An extension of these time limits will only be possible in exceptional circumstances, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a circumstances, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the Complaint Form the reason for the complaint being lodged outside of the time limits.

All Stage 2 complaints made using the Complaints Form will be processed by the Executive Dean.

4.3.3 The Head of Programme Management will pass the complaint to the Executive Dean. If the person cited in the Stage 2 complaint is the Executive Dean the complaint will be dealt with by the Chief Executive Officer (see 4.1.2 above).

4.3.4 If the complaint is more appropriately investigated through the Academic Appeals Procedure then the complaint will cease to be handled as a complaint at this point and will instead be processed as an Academic Appeal.

4.3.5 If the complaint concerns a member of staff and/or concerns harassment matters the Head of Programme Management should consult with the Head of Human Resources regarding the appropriate procedure to adopt before conducting an investigation.

4.3.6 **Investigation of a complaint:** The member of staff responsible for dealing with the complaint (the investigator) shall:

- (a) make such investigations as he/she deems appropriate;
- (b) ask any person being the subject of a complaint for a written statement on the alleged failure/deficiency;
- (c) keep the complainant, the and other relevant people involved informed on the progress of the investigation.

4.3.8 If the Head of Programme Management and/or investigating person considers that there is a prima facie case to proceed under the staff disciplinary procedure, the case will cease to be handled through the complaints procedure and dealt with henceforth by the Head of Human Resources in consultation with the Chief Executive Officer.

4.3.9 The investigator may make one of the following decisions within the procedures laid down by Global Banking School and under the rules of natural justice:

- (a) to dismiss the complaint;
- (b) to suggest an amicable settlement to the complainant (and member of staff, where appropriate). If this is not mutually accepted within five working days, then the investigator shall make a decision under (a) or (c) of this section. If the settlement is accepted, the procedure terminates at this stage;
- (c) to find the complaint justified and make an offer of redress to the complainant, for example, an apology and/or appropriate recommendations to the Executive Dean and/or Chief Executive Officer/Director of Studies.

4.3.10 The investigator shall, within 15 working days of receipt of the Complaints Form, produce a written report responding to all complaint points and making clear the grounds on which a decision or settlement has been reached. This report will be given to the Head of Programme Management. A letter to the complainant, based on the investigator's report, will be sent to the complainant. The letter will deal with each point of complaint and include actions, as appropriate.

4.4 Stage 3: Appeal to the Executive Dean

4.4.1 If the complainant is still not satisfied with the response, he/she should give written notice to the Head of Programme Management within 10 working days of receipt of the response, explaining why he/she is not satisfied with the outcome. The complainant should indicate the matters that he/she considers to be outstanding.

4.4.2 Within 10 working days of receipt of the complaint, the Executive Dean or nominee will decide whether there is a prima facie case to refer the matter to the Complaints Review Panel, provided that:

- (a) there is, at the time, still a complaint which comes under the scope of this procedure;
- (b) the student's desired outcome to the complaint is achievable;
- (c) the complaint was lodged within the set time limit.

4.4.3 If there is no prima facie case for proceeding to a Complaints Review Panel the complainant shall receive a written statement explaining the reasons for this. If the complainant is not satisfied with the response he/she shall be given the option of proceeding direct to an Independent Review at Stage 4.

4.4.4 If there is a prima facie case for proceeding, the Executive Dean may consider the possibility of convening a mediation meeting with the parties involved at Stage 1 of the procedure. If the meeting is successful, the complainant and other party will be informed of the outcome in writing within 10 working days. When an attempt to achieve a resolution through mediation is unsuccessful or would appear to be inappropriate, the Executive Dean will arrange for a Complaints Review Panel to be convened.

4.4.5 The Executive Dean will arrange for a Complaints Review Panel to be convened within 30 working days of the notification to consider and adjudicate on the complaint.

4.4.6 The Complaints Review Panel shall normally consist of the following members:

- (a) a Chair, who shall normally be a member of the Executive Management Board who has not been involved in the case
- (b) two members of staff not directly involved with the student(s).

4.4.7 Where possible, Global Banking School shall seek to ensure that the composition of the Complaints Review Panel reflects the character of the School.

4.4.8 The Head of Programme Management shall make available to the Complaints Review Panel the completed Stage 2 Complaints Form, previous correspondence relating to the complaint and any other relevant documentation.

4.4.9 The outcome and the reasons for the decisions of the Complaints Review Panel will be communicated by the Executive Dean to the complainant within 10 working days of the meeting of the Complaints Review Panel. The Complaints Review Panel will, at the same time, send a report summarising the complaint, the action taken to resolve it, and the Panel's conclusions and recommendations to the Chief Executive Officer/Director of Studies. The decision of the Review Panel will be final and binding.

4.4.10 If the complaint is upheld, the Executive Dean will inform the Chief Executive Officer/Director of Studies and the Chair of the Complaints Review Panel within 15 working days of receipt of the report, stating what action has been taken or is proposed

in the light of the Panel's recommendations. The Complainant will also be notified of actions taken or actions proposed in response to the Panel's recommendations.

4.4.12 The procedure of the Complaints Review Panel hearing shall be as specified in paragraph 6 below.

4.4.13 As far as is practicable, confidentiality shall be preserved in the investigation of the complaint. However, information provided by the complainant may be used when a complaint is investigated.

4.4.14 Once the Stage 3 procedure has been completed, Global Banking School will issue the complainant with a 'Completion of Procedures' letter. This letter will be issued by the Executive Dean. The letter will notify the complainant of the outcome of their complaint and any changes or adjustments that may have been made as a result of the complaint.

5. Procedural rules for the Complaints Review Panel

5.1 The hearing shall take place in private on the premises of Global Banking School on a date fixed by the Chair in consultation with the other member of the Panel.

5.2 The complainant may be accompanied at the hearing by one friend but not a paid legal representative. Where several students are bringing the same complaint, they shall appoint two of their number (each accompanied by one friend who cannot be one of the complainants) to attend the hearing. Both the complainant and their friend will have the opportunity to address the panel and ask questions

5.3 After the date of the hearing has been fixed the Executive Dean shall, at least seven days before the hearing, write to the complainant(s):

- (a) notifying the date of the hearing;
- (a) requesting three copies of any written submissions from the complainant, to be submitted at least two full working days before the hearing date;
- (b) requesting the complainant(s) to provide the name(s) of any friend(s) who will accompany them at the hearing and the name(s) of any witness(es) they would like to call (It is the responsibility of the complainant(s) to notify such friend(s) or witness(es) of the hearing;
- (c) requesting the complainant(s) to provide details of any reasonable adjustments that may need to be made for the hearing in order to accommodate the complainant if they have a declared disability.

5.4 At all times following the lodging of a complaint under the formal complaints procedure, a member of Global Banking School staff who is concerned or named in the complaint or whose conduct is by implication called into question by the complaint has the right to be represented by a friend, who shall normally be another member of staff of Global Banking School.

5.5 The Executive Dean will circulate all the information received to the Panel and to the parties involved at least two working days before the date of the hearing.

5.6 Written information not received in advance shall not be considered by the Panel unless the Panel decides, in exceptional circumstances, to receive such evidence.

5.7 If the complainant does not appear at the date and time scheduled for the hearing, the Complaints Review Panel shall consider whether any reasons advanced for non-attendance are valid, and:

- (a) if members so judge, adjourn proceedings to a later meeting;
- (b) if no reasons are advanced, or if they are judged invalid, proceed in the complainant's absence.

5.8 The Panel will decide whether or not any particular witness should be called.

5.9 A Secretary shall be appointed by the Chair to service the Panel and for producing the report on behalf of the Panel.

5.10 The Chair has the power to regulate the procedure of the hearing within the spirit of these rules, having regard to the need to maintain informality and reasonable progress of the proceedings.

5.11 Time limits may be departed from only at the discretion of the Chair. If a complaint lapses as a result of failure to keep to a time limit, the complaint cannot be recommenced. Time is calculated on working days throughout the year.

5.12 In exceptional circumstances the Panel may consider documents or hear evidence in the absence of the parties.

6. Stage 4: Independent Review by the office of the Independent Adjudicator

6.1 If the complainant has exhausted the internal procedures of Global Banking School at Stage 3, and those of the awarding body, where appropriate, and is not satisfied with the outcome he/she may request that the case to be reviewed by the Office of the Independent Adjudicator for Higher Education (see www.oiahe.org.uk for information on how to request for the case to be reviewed). The Office of the Independent Adjudicator is a body independent of Global Banking School, Universities and other institutions of higher education.

6.2 The Office of the Independent Adjudicator must receive a completed Scheme Application Form within two years of the date of the Completion of Procedures Letter (see above).

6.2 The grounds and eligibility for review shall be determined by the Office of the Independent Adjudicator.

6.3 The findings of any case considered by the Office of the Independent Adjudicator shall be considered directly by the Chief Executive Officer/Director of Studies of Global Banking School. The Chief Executive Officer/Director of Studies shall take the recommendations of the Office of the Independent Adjudicator into account in reaching a final decision about any action that should be taken in response to the complaint.

6.4 The decision of the Chief Executive Officer/Director of Studies is final and there shall be no further appeal against this decision

7. Reporting of Formal Complaints to Academic Board

7.1. The Head of Programme Management shall keep a record of all formal complaints that are made. This will include formal complaints that are progressed through the Complaints Procedure and those which are resolved informally at some stage in the Complaints Procedure. The Head of Programme Management shall keep a record of the types of complaints, those making complaints and how each complaint was resolved.

7.2 The Head of Programme Management shall make an annual report, as detailed in 8.3 below, in the July of each year for consideration by the Autumn meeting of Academic Board. The annual report will also be considered at the next appropriate meeting of the Executive Management Board.

7.3 The Head of Programme Management shall report annually to Academic Board on formal complaints (Stage 2 and Stage 3) received. The report will include:

- the number of formal complaints lodged and the number satisfactorily addressed at Stage 2;
- the number of complaints that proceed to Stage 3;
- the number of complaints that proceed to a Complaints Review Panel; and number proceeding to independent review.

Data concerning equal opportunities monitoring shall also be provided. Any overall recommendation(s) arising from the reviews will be drawn to the attention of Academic Board.

9. General principles underlying the complaints Policy and Procedure

9.1 Global Banking School's Complaints Policy and Procedure recognises the importance of the protection of the rights of those wrongly accused. Malicious or frivolous accusations will be viewed as a serious matter by Global Banking School and could lead to disciplinary action, or legal proceedings.