

CLASS COMPLAINTS PROCEDURE

1. OVERVIEW OF THE CLASS COMPLAINTS PROCEDURE

- What is a complaint?
- Who can make a complaint?
- How can I make a complaint?
- How long does it take to hear the outcome of a complaint?
- What are the possible outcomes of a formal complaint?

2. THE PROCEDURE

- Level 1a: Informal Resolution with individuals involved
- Level 1b: Informal Resolution with CLASS Management
- Level 2: Formal Complaint – University of Westminster Students
- Level 2: Formal Complaint – Students of other Higher Education Providers

3. ADDITIONAL NOTES

- Relationship to other policies and procedures
- Confidentiality and disclosure
- Conduct of your complaint
- Vexatious or malicious complaints

OVERVIEW OF THE CLASS COMPLAINTS PROCEDURE

Your experience at the Central London Assessment Services (CLASS), within the University of Westminster, is of paramount importance to us and we are committed to providing a high quality of service at all times and in all areas and activities. However, if you ever feel that the quality of service delivery falls short of what may reasonably be expected, the Student Complaints Procedure details how best to raise and resolve issues.

Any complaints or concerns you raise will be treated sensitively and, wherever possible, we will try to deal with complaints informally and quickly between the parties concerned. We are committed to ensuring equality of opportunity for disabled students, so if you have a disability, we will take this into account when applying these policies and procedures and will make reasonable adjustments to them as appropriate.

When raising a formal complaint, there are different procedures for those customers registered as students at the University of Westminster and those who are registered at other Higher Education Providers (HEPs).

It is important to note that CLASS distinguishes between complaints and recommendation disputes, and there are separate procedures attached to each.

WHAT IS A COMPLAINT?

A complaint is any expression of dissatisfaction with the standard of services provided by the CLASS or its agents, or with the actions or lack of actions by CLASS, its agents, staff or students. Any complaint against a named individual will be addressed as a complaint against the University of Westminster.

Grounds for complaint might include:

- Dissatisfaction with the standard of service provision (e.g. assessment arrangements, failure to meet stated response times)
- Issues of inappropriate conduct by students or staff

Note: The complaints procedure may not be used to address issues related to needs assessment recommendations. Please refer to the CLASS Needs Assessment Recommendation Policy, at the end of this document, for further information.

WHO CAN MAKE A COMPLAINT?

The CLASS Student Complaints Procedure applies to all students using the DSA Needs Assessment Service, regardless of whether the Needs Assessment took place on University premises, at another University or in the student's home.

If you have booked or have undertaken a needs assessment and wish to make a complaint through this procedure, you must do so **within thirty days** of the issue or problem arising.

In all cases you must submit the complaint yourself. If you require an advocate to act on your behalf, written and signed evidence of their authority to act should be provided.

Anonymous complaints will not be investigated under this complaints procedure.

HOW CAN I MAKE A COMPLAINT?

There are a number of ways to make your concerns heard and most problems can be resolved early on and informally with the relevant parties. Bear in mind that whatever your concern or complaint, it is important that you raise it with us promptly, so that it can be addressed and an appropriate solution found as soon as possible.

If you have a particular complaint we recommend that, in the first instance, you raise this informally with an appropriate member of staff (Level 1a of the complaints procedure, outlined below). If this does not resolve your issues, you should proceed to raise it informally with the Manager, Assistant Manager or their nominee (Level 1b of the complaints procedure).

If the issue or problem cannot be resolved informally in this way, you will need to move to the next, formal stage of the complaints procedure summarised below.

At each level of the process, we will provide or confirm our response to you in writing (which may include emails). An informal resolution can be agreed at any point and if you wish to withdraw your complaint or withdraw from the process, you may also do so at any time.

Level 1a: Informal Resolution with parties concerned.

Level 1b: Informal Resolution with the Manager, Assistant Manager, or their nominee.

Level 2: Registered University of Westminster Students – Use the University of Westminster [Formal Complaints](#) procedure.

Level 2: Students attending other institutions – Formal Complaint to the Associate Director of Commercial Services, for investigation and decision.

At the end of the process a Completion of Procedures Letter will be issued which summarises the outcome of your complaint.

HOW LONG DOES IT TAKE TO HEAR THE OUTCOME OF A COMPLAINT?

The duration of the process depends on the level to which the complaint is escalated. A complaint that involves a full-scale investigation should normally be dealt with within four months, with each level having its own timescale, as detailed in the following section, 'The procedure'.

Important: To ensure that you receive all complaints-related correspondence sent to you, it is vital that the postal and email addresses you provide on the Formal Complaints Form are up-to-date. We will assume that correspondence sent to the addresses provided has been received by you. While dealing with your case we will contact you at the email address you have given, unless otherwise requested.

WHAT ARE THE POSSIBLE OUTCOMES OF A FORMAL COMPLAINT?

The University may find that your complaint is not justified and that no further action is required.

Your complaint may be either wholly or partially upheld, in which case the possible outcomes include:

- A formal apology
- Remedial action to be taken by the relevant individual(s) or area(s)
- Generic and specific training and development needs identified for University staff
- A policy review.

THE PROCEDURE

LEVEL 1: INFORMAL RESOLUTION

Level 1a: The easiest way to resolve an issue or problem is to approach those who are directly involved, straight away. You may, for example, need to speak to one of the following:

- Your Needs Assessor
- CLASS Management
- The Disability Advisor at your University
- The Students' Union

Level 1b: If you are unable to resolve the problem by speaking with these people, you should make a written statement to the CLASS Manager and Assistant Manager.

An email (or letter) should be sent to, or marked for the attention of, both the Manager and the Assistant Manager. See [contact details](#). A complaint about the Assistant Manager should be referred to the Manager only, and vice versa. The Assistant Manager will liaise with the Associate Director of Commercial Services regarding any complaint about the Manager.

The complaint should contain (where appropriate):

- The reason for your complaint, with sufficient detail to allow investigation.
- Names of people involved, where known.
- The outcome that would satisfy you.
- Your full contact details or those of your appointed representative and your preferred method of written contact, if different to the method you've used to contact us.

Your complaint will be acknowledged within 1 working day of receipt.

We will issue a full response within 10 working days of receipt of your complaint and all accompanying information. This response will indicate if your complaint was upheld and the reason for the decision. If we require further time to fully investigate your case we will issue an interim communication within this period and will let you know when you can expect a full response.

If no further correspondence is received within 15 working days of our response, the matter will be considered resolved.

LEVEL 2: FORMAL COMPLAINT –University of Westminster Students

Please refer to the procedure on the main University website:

<https://www.westminster.ac.uk/current-students/guides-and-policies/student-matters/student-complaints>

LEVEL 2: FORMAL COMPLAINT – Non-University of Westminster Students

If you cannot resolve your concerns informally (Level 1a and b), you will need to submit a formal complaint to the Associate Director – Commercial Services, who will acknowledge receipt of the form, in writing, within seven working days. Your communication should confirm that you have exhausted the Level 1 process and that you are escalating to Level 2 – Formal Complaint. It should contain sufficient relevant information to allow the case to be investigated.

The complaint will be investigated by the Associate Director - Commercial Services, who will seek to provide a written response to your complaint within 20 working days, keeping you informed of any reason this deadline cannot be met. If the complaint concerns the Associate Director of Commercial Services, the investigation will normally be handled by his/her line manager and should be sent to the Director of Estates, Planning and Development.

If your complaint refers to a named individual, he/she has the right to be informed and represented, and to respond before any conclusions are reached. The individual in question will be invited to submit a written statement and may be invited for an interview to discuss the complaint. You will have access to the statement provided by the individual in question and he/she will have access to your statements.

When the investigation is concluded, you will be informed in writing of the outcome of your complaint. This will include a summary of the facts relating, the decision on the complaint and any recommendations.

Note: Complex cases may take longer to investigate and timescales may also have to be extended during the vacation periods. You will be informed in writing and as soon as possible of the revised timeframe and the reasons that this is necessary. All reasonable steps will be taken to resolve cases with the minimum delay.

COMPLETION OF PROCEDURES LETTER

You will receive a Completion of Procedures communication where the University has made its substantive decision and there is no further avenue of appeal. The letter will be issued by the Associate Director – Commercial Services, and will provide the reasons for the decision on the complaint.

ADDITIONAL NOTES - RELATIONSHIP TO OTHER PROCEDURES

Issues covered by other specific University policies and procedures cannot be dealt with under the CLASS Complaints Procedure. It cannot be used to appeal against any decisions made under other University or CLASS policies. For example, some issues may be more appropriately pursued under the University's policies on Racial and Sexual Harassment or Equal Opportunities.

CONFIDENTIALITY AND DISCLOSURE

The information you provide in your complaint will be disclosed to others, so that the complaint can be properly considered. If necessary, the University will disclose information you provide to other individuals concerned, so that they might respond to any allegation. From the point at which you submit your complaint, it is assumed that you give your consent for this disclosure.

CONDUCT OF YOUR COMPLAINT

We expect you to use the established procedures and channels of communication to bring and resolve formal complaints. You can expect University staff involved in your complaint to assist in its resolution in an impartial, fair and polite manner. Whilst the University recognises that bringing a complaint can be a stressful experience for students, we ask that correspondence and other contact be in line with acceptable behaviour toward staff. What we consider unacceptable behaviour is outlined on the Student Code of Conduct webpage, at <https://universityofwestminster.sharepoint.com/sites/00262/SitePages/Student%20Code%20of%20Conduct.aspx>

MALICIOUS OR VEXATIOUS COMPLAINTS

If you make a complaint without foundation and without the aim to resolve a genuine grievance then this may be considered to be a malicious complaint.

If you persist unreasonably with a complaint, your complaint may be deemed to be vexatious. A vexatious complaint may involve making serial complaints about different matters, or raising the same or similar issues repeatedly.

If your complaint is deemed to be malicious or vexatious you will receive a letter from the University informing you that all correspondence has been concluded.

Complaints that are deemed to be malicious or vexatious may be subject to investigation under the University's student disciplinary procedures.

December 2012 [revised 12/05/15 & 13/04/18; URLs updated 05/11/20]

CLASS Needs Assessment Recommendation Policy

This policy is intended to deal with instances where the needs assessor and student cannot reach agreement regarding recommendations or where the funding body does not accept recommendations agreed between the student and the assessor.

The role of the Needs Assessor

The Needs Assessor acts as a conduit between the student and the funding body. They will recommend support strategies and will provide a thorough justification for the funding of these strategies.

To this end the assessor will:

- possess thorough knowledge, experience and understanding of support strategies;
- be aware of the DfE (Department for Education) DSA Guidance;
- adhere to the DfE Guidance as interpreted by CLASS management;
- keep up to date with and implement funding body policy;
- submit the report and any subsequent recommendations for Quality Assurance via CLASS, to gain approval for submission to the funding body;
- and demonstrate an awareness of precedent.

The funding body have the option of adopting the recommendations and funding the support or they will give a reason why they feel funding isn't justified. Funding decisions are entirely the responsibility of the funding body.

Student and Needs Assessor cannot agree strategies during the Needs Assessment or before submission of the final report

If the assessor feels they cannot make appropriate or legitimate justification for strategies proposed by the student, without compromising the factors bullet pointed above, the student will have the option of halting the Needs Assessment process.

The report will not be written, or no further modifications will be made to a draft report, and no invoice will be submitted for the work performed to this point. The student will be free to approach another centre for a new Needs Assessment and CLASS will inform the funding body of this decision.

The funding body has ultimate responsibility for funding decisions and students will need to follow the funding body's Appeals or Complaints Procedure (as appropriate) if they wish to take it further.

Student and Needs Assessor cannot agree additional strategies subsequent to the Needs Assessment

If the assessor feels they cannot make appropriate or legitimate justification for strategies proposed by the student, without compromising the factors bullet pointed above, they will provide a detailed explanation to the student.

The student will then have the option to write their own justification for the support they're requesting, for submission directly to the funding body. This justification will indicate that the reason for the direct approach to the funding body is because the assessor feels unable to endorse the request.

The funding body has ultimate responsibility for funding decisions and students will need to follow the funding body's Appeals or Complaints Procedure (as appropriate) if they wish to take it further.

Funding body refuses recommendations made in a Needs Assessment or subsequent recommendations

Where strategies have been agreed by the assessor and student, justified by the Needs Assessor and subsequently refused by the funding body, the Assessor will pursue the issue as far as is possible through the use of the escalation process and new or clarified arguments. Where there cease to be any new lines of approach, the student will be invited to make a direct approach to the funding body, in the form of an appeal.

The funding body has ultimate responsibility for funding decisions and students will need to follow the funding body's Appeals or Complaints Procedure (as appropriate) if they wish to take it further.

Appeal, Complaint or neither?

Student Finance England (SFE) define an appeal as: A formal request to review a decision on eligibility or entitlement that SFE has made based on interpretation of the law.

Appeals Leaflet: https://media.slc.co.uk/sfe/nysf/sfe_appeals_leaflet_d.pdf

Appeals Form: https://media.slc.co.uk/sfe/nysf/sfe_appeals_form_d.pdf

SFE define a complaint as: An expression of dissatisfaction regarding the level of service received.

Complaints Form: https://media.slc.co.uk/sfe/nysf/SLC_How_To_Make_A_Complaint.pdf

Further, there may be a situation where a student is content with the service they have received and accepts an assessment decision but believes the Regulations, as they apply to them, are unfair, unjust or legally flawed. In these circumstances, any challenge regarding the intention of the Regulations should be raised (often via their MP in the first instance) with the Department for Education.