

## TBLS COMPLAINTS PROCEDURE

### **10.1 General Principles General Principles**

The Truman Bodden Law School (“TBLS”) is committed to ensuring that students enjoy a high quality educational experience, supported by appropriate academic and administrative facilities. TBLS recognises, however, that there may be occasions when students will feel that they have cause for complaint. In this context, a complaint is defined as an expression of dissatisfaction either about the courses, facilities or services provided by the Truman Bodden Law School or about actions or lack of actions by the law school or its staff. Complaints may be made by individuals or by groups of students. This Complaints Procedure sets out how students may seek to have complaints addressed. It should be recognised that the vast majority of student complaints can be handled fairly, amicably and to the satisfaction of all concerned on an informal basis. Only when informal means have been exhausted should a formal complaint be pursued. This procedure does not cover the following matters for which separate procedures exist:

- Appeals against academic assessment and progress decisions;
- Student disciplinary issues.

Information about academic appeals and student disciplinary issues may be sought from the Director of Legal Studies.

The Truman Bodden Law School will seek to ensure that all complaints from students are treated seriously, positively and constructively. It will also seek to ensure that complaints are dealt with promptly and with fairness and consistency. If a complaint is found to be justified, TBLS will take such action or provide such remedy as may be appropriate and will do so promptly. If a complaint is not upheld, the reasons for the decision will be communicated to the complainant.

Complainants will not suffer any disadvantage or recrimination as the result of making a complaint in good faith. However, if a complaint is judged to have been made frivolously, vexatiously or with malice, disciplinary action may be taken against the complainant.

Complainants and any individual against whom complaints might be made may expect complaints to be dealt with confidentially and that their privacy will be respected. However, it may be necessary to disclose information to others in order to deal with the complaint and in these circumstances the parties concerned will be informed of such disclosure. Whenever, in the course of a complaint being dealt with, a complainant or any person against whom a complaint is made is invited to discuss the complaint orally or to attend a hearing, they shall be entitled to be accompanied by a friend or colleague, who may be a TBLS member of staff, who may speak on their behalf.

Anonymous or third party complaints will not be dealt with under this procedure. If a member of staff receives an anonymous complaint, s/he will be expected to seek advice from their line manager as to how the complaint should be dealt with.

The Truman Bodden Law School believes that complaints should be resolved as near to their source as possible. For this reason, this Complaints Procedure provides for there to be a number of stages, both informal and formal, in the handling of a complaint. Complaints will not be rejected solely on the grounds of minor procedural deficiencies on the part of the complainant. At

each stage of the process, the person to whom a complaint has been referred shall, if it is upheld, apply such appropriate remedies as are within their powers. If they consider that the remedy is outside their powers they shall refer the matter to the appropriate authority.

The Director of Legal Studies will monitor, on an annual basis, complaints which have been referred to him and will be responsible for implementing, or recommending to the appropriate authority, changes to systems or procedures suggested by the nature and pattern of the complaints received. The outcome of such monitoring may be used to also inform other processes or activities. The Attorney General shall receive on an annual basis a report on the outcome of the monitoring processes and from time to time shall consider in the light of such report whether changes to the Truman Bodden Law School's systems and to the Complaints Procedure itself would be appropriate.

Advice about the Complaints Procedure may be obtained from any member of academic staff.

This Complaints Procedure forms part of the Truman Bodden Law School's overall quality assurance framework. It will be circulated to all new students and staff.

## **10.2. INFORMAL RESOLUTION OF COMPLAINTS**

The majority of complaints can be resolved satisfactorily on an informal basis. If the complaint is against an individual the complainant should, if possible, first raise their complaint either orally or in writing with that individual, stating the remedy they are seeking. If the complaint is about courses, facilities or services provided by the Truman Bodden Law School the complainant should raise the complaint with the Director of Legal Studies, again stating the remedy being sought. The complaint must normally be made within one month of the actions (or lack of actions), which prompted the complaint. The person to whom the complaint has been made shall respond to the complainant within a reasonable time. If making or responding to the complaint involves face to face contact between the complainant and a person against whom the complaint has been made, both shall be entitled to be accompanied by a friend or colleague or member of the Truman Bodden Law School staff. If the person to whom a complaint has been made rejects the complaint, they must provide written reasons to the Director of Legal Studies or Solicitor General for doing so.

If a complaint is of a general rather than specific nature, it may be more appropriate to ask the relevant student representative to raise it with the Director of Legal Studies or to have it raised at a Staff/Student Meeting.

If the complainant is dissatisfied with the response they receive from the person to whom a complaint has been made, or if they feel unable to approach directly the person against whom they have a complaint, they should submit a written complaint to the Director of Legal Studies. If the Director of Legal Studies is the subject of the complaint, then the written complaint should be made to the Solicitor General. If the complainant is unsure whom to approach at this stage, they may seek advice from the Director of Legal Studies or the Solicitor General. The written complaint should set out briefly: the nature of the complaint and the remedy sought; the informal steps already taken (if any); details of any response received; a statement as to why the complainant remains dissatisfied; and, without prejudice to any formal remedy which might be determined, the remedy they are seeking. The Director of Legal Studies or Solicitor General shall investigate the complaint and shall submit a written response to the complainant within a reasonable time. If the investigation involves a face-to-face meeting between the Director of Legal Studies or the Solicitor General and the complainant and/or person against whom a

complaint has been made, the latter two shall both be entitled to be accompanied by a friend or colleague. If the complaint is not upheld, the reasons for this decision must be stated in writing to the complainant and to any person against whom a complaint has been made.

### **10.3 THE FORMAL COMPLAINTS PROCESS**

The process described in paragraphs 10.1 – 10.2 represents the informal stage in seeking to resolve complaints. If, having pursued the matter informally, the complainant remains dissatisfied with the written response, they should, within 10 working days of receipt of such written response, refer the matter formally in writing to the Law School Complaints Appeal Panel (“LSCAP”) and should enclose copies of the correspondence exchanged during the informal procedure and any other relevant papers.

The LSCAP shall acknowledge receipt of a formal complaint in writing within a reasonable time. Subject to the Panel being satisfied that the complainant has taken all reasonable steps to resolve the matter informally using the procedures detailed in paragraphs 10.1-10.2 above, the Panel shall appoint a person or persons, having no material interest in the complaint, to carry out an investigation. The investigator(s) may seek to resolve the issue on the basis of documentation, after having sought further information from the members of staff involved in the informal investigation of the complaint, or may at the investigator(s) discretion call a hearing at which the complainant and any other persons involved may submit their respective cases. A friend or colleague, who may speak on their behalf, if appropriate, may accompany both the complainant and any person who is the subject of a complaint at any such hearing. In the event of the unavoidable absence of any of the parties, the hearing may be postponed, but the voluntary absence of one or more of the parties shall not prevent the hearing proceeding.

In normal circumstances any hearing, which a complainant is invited to attend in connection with the investigation of a complaint, will be held during term time. If, in exceptional circumstances, the investigation of a complaint requires a complainant’s attendance at the law school outside of term time, TBLS will reimburse reasonable travel and subsistence expenses incurred by the complainant in attending the law school.

After investigation of the complaint the investigator(s) shall decide whether the complaint is justified or not and shall submit a report in writing to LSCAP, containing such recommendations as may be appropriate. The LSCAP shall determine what action, if any, shall be taken and shall communicate this in writing to the complainant and all other relevant parties within a reasonable time.

Following formal investigation of a student complaint, there shall be no further right of appeal and the decision of the LSCAP shall be final (subject to what follows below).

This represents the law school’s internal procedure for the handling of student complaints.

Under the Higher Education Act 2004 the University of Liverpool subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome of the internal procedures you may be able to apply for a review of your appeal to the Office of the Independent Adjudicator for Higher Education (OIA) in the UK providing that the complaint that

you take to the OIA is eligible under its rules. Should you decide to make a complaint to the OIA, your OIA complaint form must be received by the OIA within three months of the date of your letter from LSCAP advising you of the outcome of your appeal to that body.

The OIA's leaflet, *an introduction to the OIA for students* can be downloaded from <http://www.oiahe.org.uk/media/34396/oiaintroleaflet.pdf>; a link to the OIA complaint form is provided at page 8. Guidance on submitting a complaint to the OIA can be found on the OIA's website: [www.oiahe.org.uk/making-a-complaint-to-the-OIA.aspx](http://www.oiahe.org.uk/making-a-complaint-to-the-OIA.aspx).

Note that the OIA will normally only review issues that have been dealt with through the Law School/University's internal procedures.